



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$0.80

WINDHOEK - 18 June 1996

No. 1334

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### General Notice

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No. 123

1996

#### NOTICE OF PUBLIC HEARINGS OF THE COMMISSION OF INQUIRY INTO LEGISLATION FOR THE MORE EFFECTIVE COMBATING OF CRIME IN NAMIBIA

Notice is hereby given in terms of section 6 of Proclamation 2 of 1996, that the Commission of Inquiry into Legislation for the more effective Combating of Crime will hold public hearings to hear evidence and/or representations relating to its terms of reference at the venues and on the dates specified hereunder.

All interested persons and/or organisations are invited to give evidence or make representations relating to the terms of reference of the Commission.

Parties intending to appear must indicate briefly in writing, at least fourteen (14) days before the hearing, the nature and ambit of the evidence and/or representations they intend to submit at the hearing in order to enable the Commission to prepare its programme. Should however a person have already submitted written representations or a written response to a questionnaire, reference can be made to such representations or response.

The general and underlying theme and aim of the Commission is to attempt to achieve a balance between the fundamental rights of the accused and convicted persons on the one hand and on the other hand the law-abiding members of society and in particular the victims and potential victims of crime.

The more specific terms of reference are the following:

- "1. To enquire into, make recommendations and where deemed by the Commission to be necessary or appropriate, to draft concept legislation on an urgent basis relating to:
  - 1.1 The granting of bail and the conditions of bail, if any.
  - 1.2 The procedure to be followed when considering applications for bail.
  - 1.3 The matters to be considered by presiding judicial officers when considering applications for bail.
  - 1.4 The right of the State to appeal on an urgent basis against decisions granting bail.
  - 1.5 Prescribed minimum sentences for certain defined serious crimes.
  - 1.6 The extension *mutatis mutandis* of the requirements of openness and discovery applicable to the prosecution in criminal cases, also to the defence at least at the plea stage.
2. To enquire into, make recommendations and where deemed by the Commission to be necessary or appropriate, draft concept amendments to the Criminal Procedure Act, 1977 (Act 51 of 1977), or any other relevant enactment.
3. To enquire into, make recommendations and where deemed by the Commission to be necessary or appropriate, to draft concept legislation to amend the common law in regard to common law crimes and defences.
4. To enquire into and make recommendations on the need to retain certain forms of punishment now being imposed and the need to introduce new forms of punishment as well as the need to reintroduce punishment not competent at present and to make recommendations in this regard.
5. To enquire into the reasons for the long delays between the arraignment of accused persons and the final determination of cases in court and to make recommendations to obviate these delays as far as possible.
6. To enquire into, make recommendations and where deemed by the Commission to be necessary and appropriate, to draft amendments to the Pris-

ons Act, 1959 (Act 8 of 1959), its regulations or any other related legislation with a view to ensuring that sentences imposed by Courts of Law are effective."

The venues and times of the hearings are as follows:

<u>TOWN</u>	<u>DATE</u>	<u>VENUE</u>	<u>TIME</u>
Windhoek	29 July - 2 Aug.	New High Court Building	09:30 - 16:30
Keetmans- hoop	13 - 16 Aug.	Magistrate's Court	09:30 - 16:30
Swakopmund	20 - 23 Aug.	Swakopmund Town Hall	09:30 - 16:30
Oshakati	3 - 6 Sept.	Magistrate's Court	09:30 - 16:30
Rundu	17 - 20 Sept.	Magistrate's Court	09:30 - 16:30
Katima Mulilo	24 - 27 Sept.	Magistrate's Court	09:30 - 16:30

Any further enquiries must be directed to:

The Secretary:

Commission of Inquiry into Legislation for the more effective Combating of Crime  
Private Bag 13179  
WINDHOEK

or

Room 2, High Court Building  
Lüderitz Street, Windhoek

or

Tel.: 239880 Ext. 2331 or 2333  
Fax: 221686

I.V.K. NDJOZE  
SECRETARY: COMMISSION OF INQUIRY  
INTO LEGISLATION FOR THE MORE  
EFFECTIVE COMBATING OF CRIME

Windhoek, 10 June 1996