



**MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA**

**MEDIA RELEASE: Minister issues Directions for courts for lockdown period – 26 March
2020**

The Minister of Justice and Correctional Services, Mr Ronald Lamola, has issued Directions in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), read with the Disaster Management Regulations of 18 March 2020 and 25 March 2020.

The Directions have been published in Government Gazette No 43167

The Directions aim to prevent and combat the spread of COVID-19 in all courts, court precincts and justice service points in South Africa and will apply during the period of lockdown from midnight on Thursday 26 March 2020 until midnight on Thursday 16 April 2020, and may be varied as circumstances require.

“Our courts, court precincts and justice service points will be open, albeit with limited capacity, therefore the public can rest assured that the administration of justice will not be compromised during the lockdown period.

All users of the courts and justice service points must know that their safety is paramount and we are taking the necessary precautionary measures to prevent and minimize the spread of the virus,” said Minister Lamola.

In essence, the Directions restrict access to the court precinct and all justice service points.

The number of persons entering courts, court precincts or justice service points will be limited for purposes of enforcing acceptable social distancing and therefore entry into courts and court precincts will only be allowed in respect of urgent and essential matters.

Only persons with a **material interest** in a case - such as litigants, accused, witnesses, those who may be needed to provide support such as those accompanying children, victims of domestic violence or sexual abuse and persons with disabilities, family members, and members of the media - will be permitted to enter the court precinct, provided that the judicial officer concerned orders that the number of persons in a room be reduced to comply with safety measures and social distancing requirements.

Persons who have been in contact with or exposed to persons who are from high risk countries, as well as persons who have been in contact with or exposed to persons who have tested positive for COVID-19 will not be allowed to enter a court precinct or justice service point during the lockdown.

With regards to **criminal cases**, audio-visual remand centres in Correctional Centres linked to Magistrates' Courts will be used for purposes of the postponement of cases where accused persons are in custody.

Awaiting trial detainees held in Correctional Centres and police holding cells shall not be brought to any court or court precinct, unless for first appearance, bail applications and matters where special arrangements have been made with the judicial officers involved in the matters.

All criminal trials enrolled during the lockdown are to be postponed to dates after this period, except for trials where the interests of justice dictate otherwise or where special arrangements have been made with the judicial officers involved.

With regards to **civil cases**, cases that are not identified as urgent and essential shall not be placed on the court roll for the duration of the period of lockdown, provided that Heads of Court have the discretion to authorise the hearing of matters through teleconference or videoconference.

The service of process and execution of writs by **sheriffs** is limited to cases which are urgent and essential and all evictions and execution of attachment orders, both movable and immovable, including the removal of movable assets and sales in execution is suspended with immediate effect for the duration of the lockdown.

Continued services rendered by the **Offices of the Master** include payments to natural guardians, tutors and curators, or for and on behalf of minors and persons under curatorship as well as the processing of documentation required for the burial of a deceased person and the urgent appointment of curators.

Importantly, certain **safety measures** must be adhered to in addition to the safety measures that have been issued by the Minister of Health to minimise the spread of the virus.

These measures include, amongst others, the deep cleaning and sanitizing of public spaces and the prominent display of dispensers of alcohol-based hand sanitiser in public areas. Seating must also be arranged so as to ensure that attendees are seated at least one square meter apart.

All members of the public entering a court, court precinct or justice service point must report at the security station, have their hands sanitised and complete a form indicating whether they have travelled overseas within the last three weeks, displays any COVID-19 symptoms, have been in contact with any person diagnosed with COVID-19 and have been tested for COVID-19. If so, those people must be taken to a designated area, set apart for isolation and the Head of Office must be informed immediately and he or she must decide whether access should be granted or refused.

The Department will closely monitor compliance with the Directions so as to ensure the health and well-being of all who visit our courts and justice service points.

Issued by the Ministry of Justice and Correctional Services

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