

Namibia

Namibian Constitution

Directive relating to visiting hours of inmates, delivery of food items to inmates and issuing of permits to offenders and persons accompanying offenders during period of lockdown

Government Notice 105 of 2020

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Directive relating to visiting hours of inmates, delivery of food items to inmates and issuing of permits to offenders and persons accompanying offenders during period of lockdown

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Namibian Constitution

Directive relating to visiting hours of inmates, delivery of food items to inmates and issuing of permits to offenders and persons accompanying offenders during period of lockdown

Government Notice 105 of 2020

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Under regulation 14(1) and (3) of the State of Emergency - Covid-19 Regulations, published under Proclamation No. 9 of 28 March 2020, with the authorisation of the President and the approval of the Attorney-General, I issue the directives set out in the Schedule.

F. Kapofi

Minister of Home Affairs, Immigration, Safety and Security

1. Definitions

In this directive a word or an expression to which a meaning has been assigned in the State of Emergency - Covid-19 Regulations has that meaning, and unless the context otherwise indicates -

"**correctional facility**" means a correctional facility as defined in [section 1](#) of the Correctional Service Act;

"**correctional officer**" means a correctional officer as defined in [section 1](#) of the Correctional Service Act;

"**Correctional Service Act**" means the Correctional Service Act, 2012 (Act No. 9 of 2012);

"**inmate**" means an inmate as defined in section I of the Correctional Service Act;

"**offender**" means an offender as defined in [section 1](#) of the Correctional Service Act;

"**permit**" means a permit referred to in regulation 6(6) of the Regulations;

"**prohibited article**" means a prohibited article as defined in [section 1](#) of the Correctional Service Act;

"**the Regulations**" means the State of Emergency - Covid-19 Regulations, published under Proclamation No. 9 of 28 March 2020; and

"zone" means a zone referred to in regulations 6(1) of the Regulations.

2. Visiting hours and delivery of food items to inmates during period of lockdown

- (1) The ordinary visiting hours for inmates at correctional facilities are suspended during period of lockdown.
- (2) A correctional officer or an officer of the Namibian Police Force must ensure that there is no direct physical contact between a visitor of an inmate and the inmate, and a correctional officer or an officer of the Namibian Police Force may allow for telephonic communication between a visitor and the inmate as may be reasonable and in accordance with applicable internal rules of the Correctional Service or Namibian Police Force.
- (3) A visitor of an inmate at a police cell or lock-up may provide the inmate with the necessary food items if the inmate is on a specialised diet or in cases of food items shortage at the police cell or lock-up.
- (4) The food items referred to in subparagraph (3) must be received by an officer of the Namibian Police Force on duty at the police cell or lock-up and the officer must hand over the food items to the inmate concerned.
- (5) The officer of the Namibian Police Force referred to in subparagraph (4) has the right to search the food items brought to the police cell or lock-up, in the presence of the person who brought the food items, for any prohibited article.
- (6) If any prohibited article is found in the food items searched in terms of subparagraph (5), the person who brought such food items commits an offence and on conviction is liable to a penalty specified in section 79 of the Correctional Service Act.

3. Issuing of permits to offenders travelling to or from zones and persons accompanying offenders

- (1) A correctional officer or an officer of the Namibian Police Force must ensure that an offender who is required to travel to or from a zone is issued with a permit to travel.
- (2) For the purpose of subparagraph (1), an authorised officer on duty at a correctional facility must issue the permit to an offender who is required to travel to or from a zone and the permit must -
 - (a) indicate the full names of the offender;
 - (b) specify the reason why the offender is to travel;
 - (c) indicate the zone where the offender is travelling from or travelling to;
 - (d) be signed by the authorised officer; and
 - (e) bear the official date stamp of the correctional facility from where the offender is released.
- (3) An authorised officer must also issue a permit to a correctional officer, an officer of the Namibian Police Force, a staff member of the Correctional Service or Namibian Police Force or any other person authorised, to accompany the offender required to travel to or from a zone and the permit must -
 - (a) indicate the full names of the officer, staff member or person;
 - (b) indicate the name of the institution, the officer, staff member or person is from;
 - (c) specify the purpose of the travel to or from a zone;
 - (d) be signed by the authorised officer; and
 - (e) bear the official date stamp of the institution of the authorised officer.