
M E M O R A N D U M

TO : ALL REGISTRARS
:
ALL PROVINCIAL MAGISTRATES-IN-CHARGE
:
ALL DISTRICT MAGISTRATES-IN-CHARGE
:
ALL MAGISTRATES
:
THE CHIEF LOCAL COURTS OFFICER
:
ALL PROVINCIAL LOCAL COURTS OFFICERS
:
ALL LOCAL COURTS OFFICERS
:
ALL SENIOR CLERKS OF COURT
:
ALL CLERKS OF COURT
:
ALL REGISTRY CLERKS

CC : THE HON. CHIEF JUSTICE
:
THE HON. DEPUTY CHIEF JUSTICE
:
THE HON. CHAIRPERSON OF THE ADVISORY
COMMITTEE ON COURT OPERATIONS
:
THE CHIEF ADMINISTRATOR
:
THE CHIEF SECURITY OFFICER

FROM : THE CHIEF REGISTRAR OF THE JUDICIARY

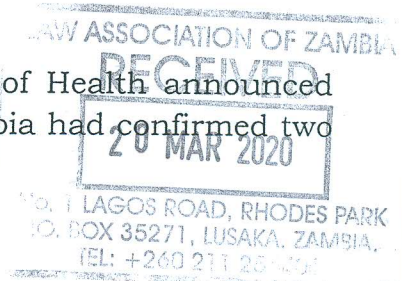
DATE : 19TH MARCH, 2020

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SUBJECT : CORONA VIRUS (COVID-19) - SUBORDINATE COURTS
AND LOCAL COURTS PRECAUTIONS

Reference is made to the above subject.

As the addressees are aware, the **Zambian Minister of Health** announced during a press briefing on 18th March, 2020 that Zambia had confirmed two cases of COVID-19.



Following this development, the Hon. Chief Justice has directed that it has become necessary that precautionary measures be put in place to mitigate the potential spread of COVID-19 through courts.

The addressees are hereby directed to take note of the following precautionary measures in both Subordinate Courts and Local Courts as applicable:

1) Civil cases

- a) The hearing of civil cases in Subordinate Courts and Local Courts should be suspended until further notice, except urgent matters such as maybe determined by the Magistrate-in-Charge and authorized officers under the Local Courts, i.e appointment of administrators etc.
- b) Only parties, Advocates representing the parties if any and witnesses to the particular matter being heard shall be allowed in the court room.
- c) No chamber matters shall be attended to unless urgent. Such urgent chamber matters shall only be heard in open court.

2) Criminal cases

- a) The mentioning of cases for accused persons in remand custody should be suspended until further notice. Accordingly, matters regarding accused persons in custody shall be mentioned in absentia during the period of suspension.
- b) The mentioning of cases for accused persons on bail or police bond shall be done in their absence.
- c) The committals of accused persons to the High Court shall be done in their absence.
- d) Criminal trials shall continue with the following precautions:

- i) In courts with holding cells, only one accused person shall be brought into the court room at a time, unless the accused persons jointly charged. Where there are no holding cells, accused persons shall be held in court rooms. However, Magistrates should practice proper diary management so that the number of accused persons appearing on any given day is controlled in order to avoid overcrowding.
- ii) No criminal matters shall be heard in chambers.
- iii) Only accused persons, Advocates representing the accused persons if any and witnesses in a particular matter shall be allowed in the court room. Therefore, no interested parties, i.e relatives or friends shall be allowed in court during trials. However, in juvenile matters as prescribed by law, guardians shall be permitted in court.
- iv) Witnesses who have testified should leave the court room and court premises immediately.
- v) Magistrates shall through the Communication, Coordination and Cooperation Initiative (CCCI) for liaison with the National Prosecutions Authority (NPA) and Correctional Facilities not to avail any accused persons showing symptoms of COVID-19 before court. Correctional Officers should bring such cases to the attention of Magistrates before whom the accused persons should have appeared.
- vi) Magistrates shall through the CCCI for liaison with the NPA and Police to ensure that accused persons coming from police cells are not mixed with accused persons from Correctional Facilities.
- vii) Magistrates are to be vigilant with regard to accused persons on bail showing COVID-19 symptoms. These are to be given a benefit of doubt and allowed to stay away from court until fully recovered.
- viii) Magistrates should take note that Correctional Facilities country wide have requested that all accused persons be at the correctional facilities at 16:00 hours for screening purposes. Therefore, all trials should be concluded within

reasonable time to enable the accused persons be at the Correctional Facilities at 16:00 hours.

3) General guidelines

- a) Special precautions are to be taken with regard to the taking of oaths with books of religion. There shall be a visible process of sanitization with an alcohol-based sanitizer before and after the taking of oath with books of religion. However, affirmations instead of oaths involving the holding of books of religion are highly encouraged. This fact should be explained to the parties.
- b) Special precautions are to be taken with regard to the handling of exhibits. There shall be sanitization of all exhibits before and after receipt. Where sanitization materials are lacking, matters shall be adjourned until materials are made available.
- c) Under the prevailing circumstances, as a precautionary measure to mitigate the potential spread of COVID-19 to Correctional Facilities, Magistrates are encouraged to grant bail with reasonable conditions in bailable offences.
- d) Magistrates are encouraged to impose non – custodial sentences to help reduce congestion in prisons following the COVID-19 outbreak, i.e suspended sentences, community service orders and fines in appropriate cases.
- e) All Magistrates should practice proper diary management, to ensure that the number of accused persons appearing before Court on any given day are controlled to avoid overcrowding in holding cells and court rooms.
- f) Magistrates-in-Charge shall ensure the highest standards of hygiene as guided by the Ministry of Health at all Subordinate Courts and Local Courts under their respective jurisdiction, i.e, proper ventilation in offices and court rooms, clean surroundings and sanitation facilities, provision of water and handwash/ alcohol based hand sanitizers.

- g) Magistrates and support staff are encouraged to take special precautions during their course of duty, i.e masks, alcohol based hand sanitizers, gloves etc.
- h) Notices to the public in English and commonly spoken languages informing parties to strictly comply with hygiene standards whilst on court premises should be placed in conspicuous places around the court premises.
- i) Inspections of the Arrest, Prisoners and Property Books (APPB) shall be suspended until further notice. Magistrates are to liaise with relevant CCCI stake holders with regard to the suspension of inspections of APPB's. Magistrates shall further, liaise with relevant stakeholders with regard to limiting the number of officers coming to court for the signing of urgent documents, i.e postmortem, exhumations, search warrants etc.
- j) Magistrates-in-Charge should ensure that no precooked food is given to accused persons in remand and in the courts holding cells.
- k) Magistrates who wish to visit correctional facilities as Visiting Justices should comply with all health precautionary measures put in place by Correctional Facilities.
- l) Magistrates-in-Charge at both Subordinate Courts and Local Courts should ensure that only parties/interested persons shall be granted access to court premises. Security monitoring shall thus be enhanced.

4) Special Guidelines for Court Registries

The filing of pleadings shall continue with the following special precautions:

- a) The number of persons entering registries shall be restricted to the number of Registry Clerks or counters per Registry.
- b) Those awaiting to be served outside the Registries should be reminded to observe the prescribed social distance of one meter.
- c) Alcohol based hand sanitizers, masks and gloves shall be provided in all Registries and other offices with direct interface with the public.

d) Notices to the public in English and commonly spoken languages informing parties of the restriction of numbers of persons allowed in Registries and also directing them to strictly comply with hygiene standards before entering Registries should be placed on Registry doors.


Charles Kafunda