

High
lights

Student Fellowships Report

The Supreme Court of Namibia 2019

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Bonavero
Institute
of Human
Rights





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OVERVIEW

I had the pleasure and privilege of working as an intern at the Supreme Court of Namibia through the Oxford Bonavero Institute for Human Rights Fellowship program from September 2019 to March 2020. I am very grateful for the Bonavero Institute's support in allowing me to undertake this work for a full six months, which allowed me to become truly immersed in the work and Namibian culture. I sat in all court hearings with the Chief Justice, the Honourable Peter S. Shivute, and prepared case summaries and speeches for the Chief Justice and other Judges of the Court. I was also encouraged to and did attend cases presided over by the other Judges, which exposed me to a broad variety of complex civil, criminal, and constitutional matters being heard at the court.

INTERNING AT THE SUPREME COURT

The variety and depth of my workload was one of the most rewarding aspects of my experience. In my first week, I was tasked with drafting a speech for the Chief Justice to deliver at a UNODC Judicial Symposium on Trafficking in Persons (TIP). This immediately allowed me to research and apply my existing knowledge on TIP and international human rights standards, as well as to learn about Namibia's government structure in implementing those standards. I then accompanied the Chief Justice and a Senior Legal Officer from the Court to the symposium. I met and heard several other judges from the Southern African Development Community (SADC) speak on the topic, sharing strategies for prevention, accountability, and trauma-informed courtroom practices which would best respect survivors.

The Chief Justice and legal researchers at the court continued to trust me with increased responsibility, including in my most significant case at the court. I was fortunate enough to be involved with a highly consequential election challenge in January 2020, resulting from the November 2019 presidential election. An independent candidate had run for the first time in the country's history and challenged the election results, alleging that the election framework violated the separation of powers and was marred by procedural improprieties. This was an incredibly valuable experience for me, not only because I learned about the intricacies of judicial decision-making, but also because I was able to witness the unique way the right to vote is litigated in a post-colonial state. It was also insightful to contrast with my experience in US courts and at a barristers' chambers in London, as the oral arguments in Namibia were longer and more detailed than I have seen previously.

Due to its significance, the election case hearing was broadcast live all over the country. Above, a still from that broadcast. I sat on the lower bench with the judges' other researchers and legal officers of the Court.

I believe my contributions palpably assisted with the increasing workload faced by the Supreme Court of Namibia. Each year, two justices from the Constitutional Court of South Africa join the Namibian court to supplement the existing judges, requiring more research assistance. I am proud to have been able to step in and shoulder some of these tasks for the other researchers, who normally balance two judges each. Further, the court often seeks out international and comparative law standards in its decisions, for which it was particularly helpful to have a foreign researcher. I was familiar with and had access to both UK and US precedent and legal databases, being able to provide information on those legal systems where relevant.

My experience at the court has been an indispensable addition to my career in three main aspects. First, I have gained critical, in-depth research and writing skills. Second, I have learned how to apply international law in a particular domestic context. This placement is especially valuable because Namibia's legal system is so receptive to international law, and has a unique history regarding sources of law stemming from its colonial past with both Germany and South Africa. Third, I adapted to various judges' styles and preferences. I was initially assigned to and did primarily work with the Chief Justice. However, as time went on, other judges began to trust me with assignments as well, and I was able to receive a variety of feedback on my writing and oral presentation. This was a particular benefit for me as compared to clerkships in the United States - where I completed my LL.M after my B.A Jurisprudence - because those are only with one single judge and therefore differ in scope. I specifically appreciated the structure of my assignments: I had one long-term research assignment based on a hearing I attended in my second week, which allowed me to follow the case completely from hearing to judgment. Along the way, I had several smaller tasks which focused on one narrow issue in a case. Finally, the election case was a very rewarding condensed version of the process.

CONCLUSION

Finally, my placement also carried a deep personal benefit. Everyone at the court was warm and welcoming, allowing me to adjust both to Namibia and my new workplace. The Chief Justice encouraged me to learn as much about Namibia's history, culture, and daily life as possible, and the entire staff ensured I was fully integrated as a part of their small team. I highly recommend this position to future University of Oxford law students and alumni, and encourage the Bonavero Institute to continue supporting fellows in Namibia.

Shalaka Phadnis

