

## SOCIETY OF ADVOCATES OF NAMIBIA

(Member of the International Bar Association)

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### **PRESS RELEASE BY THE SOCIETY OF ADVOCATES OF NAMIBIA ("THE SOCIETY")**

The Society of Advocates of Namibia ("the Society") has noted certain public criticisms of judgments and judges of the High Court of Namibia ("the Court"). This is an unfortunate trend, moreover where such criticism is neither accurate nor fair, and in circumstances where, as the Society has already stated in an earlier press-release, the judiciary cannot enter into public controversy and cannot reply to criticism levelled in this manner.

Two recent publications are of concern to the Society. The first publication relates to an interview published in the Namibian newspaper on 24 June 2011. Mr Hidipo Hamutenya was reported as stating of and concerning a judgement of the Court, and referring to the Judge President of the Court, that -

*We look at the judgment of Damaseb and we conclude it was a political outcome and not a legal one. We are not surprised. The connection between Damaseb and SWAPO is well known. He may try to be impartial but how impartial can you be when your own party is being challenged?*

#### **Bar Council:**

**R Heathcote, SC (President); R Töttemeyer, SC (Vice-President); D Obbes (Secretary-General); J Schickerling (Treasurer); CE van der Westhuizen (Vice Secretary-General); G Dicks; AW Corbett; E Schimming-Chase**  
**[www.namibianbar.org](http://www.namibianbar.org)**

The aforementioned statement is of a serious nature, crosses the bounds of reasonable criticism of a judgment and judge of the Court and is contemptuous.

The second publication of concern to the Society was made in the Namibian newspaper recently by a senior member of the legal fraternity, Mr Andreas Vaatz. Mr Vaatz is fully apprised of and able to initiate the appropriate mechanisms should he wish to legitimately challenge a Court judgment. A duty rests on all legal practitioners of the Court to assist in upholding the dignity of the Court. Mr Vaatz's aforementioned publication detracts from the dignity of the High Court and the legal profession at large, and is not to be encouraged.

ADV R HEATHCOTE, SC

PRESIDENT

8 August 2011