

**PRESS STATEMENT ISSUED BY THE SOCIETY OF ADVOCATES
OF NAMIBIA ON THE ATTACK ON THE INDEPENDENCE OF THE
JUDICIARY**

The Deputy Judge-President of the High Court, Mr Justice Angula, handed down a recent judgment interdicting the implementation of various rulings of the Valuation Court relating to the payment of land tax.

It has come to the attention of the Society of Advocates that the Deputy Valuer-General made a statement on national television to the effect that Judge Angula, in so making this ruling was biased, should have recused himself from the matter and ought not to have presided as judge in the matter. Whilst fair criticism of a judgment is permissible, an unjustified attack on the integrity of a judge is not. As far as the Society is able to ascertain, there has to date been no public repudiation of this statement by the Minister of Land Reform or any other Government official.

Article **78(2)** of the Namibian Constitution provides that *"the Courts shall be independent and subject only to this Constitution and the law"*. Article **78(3)** protects this independence by providing that *"no member of the Cabinet or the Legislature or any other person shall interfere with Judges or judicial officers in the exercise of their judicial functions, and all organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness, subject to the terms of this Constitution or any other law"*.

In his address at the opening of the legal year earlier this month, his Excellency Dr Hage Geingob commented that *"as the judiciary, you are tasked with the responsibility of being guardians and servants of the law of*

Namibia, and this is a task you are expected to carry out with patriotism, dedication and integrity". The Head of State further remarked that "we pride ourselves on the independence of our judiciary".

The Society views the scandalous attack by the Deputy Valuer-General on the integrity of the Deputy-Judge President in a very serious light. It is not only a violation of the constitutionally guaranteed independence of the judiciary but an attempt by a senior Government official to undermine the independence of the judiciary, rendered more egregious by the fact that the official involved was a party to the Court proceedings.

The Society calls on His Excellency the President, or the responsible Minister, to uphold Article 78 of the Namibian Constitution by publicly distancing government from Mr Thomas's remarks, and confirming that the views expressed violate the constitutional value of the independence of the judiciary enshrined therein.



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