

5 August 2026

FOR IMMEDIATE RELEASE

WINDHOEK, SENDING A JUDGE IS NOT THE SAME THING AS SPEAKING

1. On **21 June 2026**, in our statement on President Nandi-Ndaitwah's state visit to Tanzania, we said that, *"a nation which knows what it is to need refuge, has no business going quiet when the people next door are being shot for asking the questions we once asked"*. We asked President Ndaitwah to raise the incarceration of Opposition leader **Tundu Lissu** with her counterpart, and to report to the National Assembly on her return. **Six weeks** later, the government's first visible response to that silence is the nomination of a judge.

2. Deputy Chief Justice Petrus Damaseb, who is also Judge President of the High Court and an ex officio member of the Supreme Court, has been nominated to a Tanzanian presidential commission of inquiry into the violence that followed the October 2025 general election.

3. Chief Justice Peter Shivute made the nomination after Tanzanian authorities requested a Namibian judge, and the Judicial Service Commission endorsed it (*The Namibian, 5 August 2026)*. This is being presented as engagement. It is not engagement, it is a secondment, and it settles nothing that we raised in June.

4. The detail that should trouble every lawyer in this country is the sequence. On the Judiciary's own account, members **will be sworn in on a date** the Tanzanian government decides, **after which** the terms of reference and programme of work will be communicated.

5. The mandate is written after the judge has agreed to serve. Namibia's second most senior judicial officer has been committed to an inquiry whose questions do not yet exist on paper. **No court in this country would accept a brief on those terms, and no advocate would advise a client to.**

6. Nor is this an inquiry with a record that speaks for itself. The commission chaired by former Chief Justice Mohamed Chande Othman handed its findings to President Hassan on 23 April 2026: **518 dead across 11 regions**, with the chairperson conceding the figure may not be conclusive. **Human Rights Watch** found that it never seriously examined whether the security forces broke the law, and said any further investigation would need international or regional expertise to carry credibility. **Amnesty International** had to campaign for the report to be published at all.

7. A second body appointed in May under Justice Shabani Ally Lila is staffed entirely by Tanzanian judges, and a coalition of fourteen civil society organisations said the approach appeared designed to avoid accountability rather than deliver it. One of its listed tasks is to locate missing corpses.

8. Justice Damaseb's **competence and integrity** are not in question, and nothing in this statement suggests otherwise. He is one of the **finest jurists** this country has produced, and that is precisely the difficulty. A commission borrows the standing of the judges who sit on it.

9. Human Rights Watch identified the absence of international expertise as the previous inquiry's credibility gap; **Namibia is now filling that gap, without having asked publicly whether this commission can compel the police and**

the army to testify, whether witnesses and their families will be protected, or whether the report will be published in full. We are supplying the credibility. We have not established that there is anything to lend it to.

10. **Tundu Lissu**, the man at the centre of it remains where he has been held in **Dar es Salaam since 9 April 2025**, on a treason charge that carries the death penalty and allows no bail. On 30 July the Court of Appeal threw out the prosecution's attempt to reopen its evidence as devoid of merit, after **139 days** in which his trial did not move at all. The United Nations Working Group on Arbitrary Detention found his detention **unlawful** in February. Not one word of any of this has been said aloud by our government.

11. We said in June that we honour the Tanzania which sheltered our freedom fighters by standing with the Tanzanians now fighting for theirs, and not by signing trade deals over their graves. That remains our position. **Lending a judge to an inquiry that has not yet been told what to ask is not standing with them. It is standing beside them in silence while the photograph is taken.**

Namibia is all we have

Namibia is not for sale

We must and can save it!

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