

# DITSHWANELO Press Statement on the Latest Developments on the Caprivians from Namibia.

DITSHWANELO – The Botswana Centre for Human Rights stands in solidarity with the Namibians from the Caprivi Strip (now Zambezi Region), and wishes to express its concern about how the Government of Botswana is dealing with the Caprivians, including their children.

The long-standing request by the Caprivians is that the Government of Botswana and the Southern Africa Development Community (SADC) support a peaceful resolution to their situation by facilitating constructive dialogue between them and the Government of Namibia. This request has to date not been acceded to.

The latest developments follow The Court of Appeal decision, considered after an affidavit filed before the High Court of Botswana on 23 December 2015, in support of an application brought by refugee Caprivians from Namibia, Tyson Mujela and 708 Others. It sought the court to order the Government to retain its recognition of the refugee status of the applicants in Botswana. The High Court decided in favour of the refugees. However, the Government of Botswana successfully appealed the High Court decision on 26 July 2019.

On 6 August 2019, officials from the Ministry of Defence, Justice and Security (MDJS), representatives from the United Nations High Commissioner for Refugees (UNHCR) and the Dukwi Commandant met the Caprivians at Dukwi to inform them of the Court of Appeal decision. They were given until 31 August 2019 to stay in Botswana, and afforded a chance to either register for voluntary repatriation to Namibia or face deportation after the said deadline. The latest developments are a result of their request for mediated constructive dialogue not having been met. The Caprivians have expressed disappointment over the Government's decision, but have however, accepted that it is the law of the land.

DITSHWANELO has on different dates, written letters to the Ministry of Defence, Justice and Security, pointing to multiple issues of concern which included: children's rights and their education; family relations between Caprivians and Botswana; and the use of excessive force in moving the Caprivians from Dukwi Refugee Camp to the Centre for Illegal Immigrants in Francistown. To date, DITSHWANELO has received no response to its letters. DITSHWANELO is also aware that the method of removal of students from Nata Secondary School reflect a disturbing violation of the access to education of students who risk being denied sitting for their end of year examination.

DITSHWANELO believes that the Caprivians should continue to be afforded the opportunity to engage and express their views openly and freely. The principles of BOTHO and Democracy, continue to be the basis which allows Botswana to thrive, despite trials and

changing times. We continue to call for the same to be afforded to the different nationals from across the world, who for a variety of reasons, reside in Botswana.

We once again point out the positive role which Botswana has played and continues to play in the forging of peace and of democratic space in the SADC region. We reiterate that failing to afford the Caprivians refugees the same would be a failure in the upholding of that historical key role. The fears of the Caprivians should not be taken lightly and their requests ignored, without further engagement.

DITSHWANELO once again implores the Government to further engage and facilitate meaningful dialogue with the Caprivians on the issue to better understand their position. Their concerns should be given the necessary attention for a sustainable solution which will be beneficial to all parties including to our southern Africa region.

12 September 2019  
Gaborone