



MEDIA RELEASE

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To: All members of the media

For Immediate Release

AIR NAMIBIA POSITION REGARDING AIRCRAFT IMPOUNDING IN ZIMBABWE

Air Namibia wishes to update the public regarding the legal matter that relates to the attachment of Air Namibia's aircraft in Zimbabwe.

Air Namibia has invested significantly in Zimbabwe by having flights into this country year in year out, even at time when their country's economy was in tartars, we continued flying there supporting their country.

To date, we remain one of the very few airlines promoting Zimbabwe as a tourist destination, as part of the SADC and in line with our mandate for development of the region. As an airline, we operate in compliance with international safety and other regulatory requirements. Hence the reason why Air Namibia is one of the few Africa carriers permitted to fly in the European space, and further to be granted rights to fly to the United States via our codeshare agreements.

The matter at hand is the case of Zimbabwean passengers, who were traveling as a family with Visas obtained from the Turkish Consulate in Harare. The Zimbabwean family failed the security test and were denied boarding to fly to Frankfurt, and subsequently sued Air Namibia.

The events of the case are as follows:

1. Five Applicants, Zimbabwean nationals, brought action against Air Namibia claiming an amount of USD 1 million, on 14 March 2018. The legal action is based on an application to court for the attachment of Air Namibia property in order to found, or confirm, the jurisdiction of the High court of Zimbabwe over Air Namibia in order to have the matter heard in court.

They were to travel to Turkey and Air Namibia denied them boarding for travelling through Germany on advice received from the German Border police.

2. On 21 March 2018, Air Namibia's lawyers filed a notice of opposition to the claim claiming as follows:
 - *the claimants did not meet satisfactory immigration requirements for them to proceed with their travel (note that the German immigration officials indicated they not be allowed, this in light of the fact that Air Namibia only travels to Frankfurt and not Turkey);*
 - *the claimants did not indicate in specific detail the individuals they interacted with. It was indicated that airline officials work hand in hand with immigration officials;*
 - *it was stated that their freedom of movement was not interfered with, the airline officials are not vested with the powers or jurisdiction to arrest anyone and that therefore once denied entry claimants were free to return to their country of origin;*
 - *once refused entry, the airline had no mandate to cater for their welfare;*
 - *the airline met the international standard norm of Airline's and Immigration Authorities' right to refuse passengers access to an aircraft in circumstances they suspect the passenger does not meet the requisite criteria since a ticket does not guarantee automatic passage;*
 - *there was no breach of contract on the part of the airline;*
3. After more than three months with the claimants not having filed any answering affidavits, Air Namibia lawyers, on 22 June 2018, filed an application to have their case dismissed, the family was served with the papers on 27 June 2018. They were supposed to respond to same within 10 days.
4. On 27 June 2018, the High Court, sitting in Chambers and without calling either of the parties, issued an order authorising the attachment of the airlines assets to found jurisdiction.
5. Air Namibia became aware of the court order through the media on 13 July 2018. Upon inquiry with legal representatives the airline was informed that the pleadings filed by the airline had been removed from the court file. The Plaintiffs in the matter never followed through with the case until they were presented with an application for dismissal of the case.
6. On 13 July 2018 Air Namibia lodged an appeal to the Supreme Court of Zimbabwe. The effect of the appeal is that, it automatically suspends the order to attach issued by the High Court until the appeal is determined.
7. Air Namibia lodged an urgent application for the stay of execution; however this application was dismissed by the judge who heard the matter.

8. On 5 October 2018, the airline was informed of the fact that the Sherriff of court had impounded the aircraft operated by Air Namibia which belongs to Westair. The airline entered into a lease arrangement with Westair Aviation to utilise Westair aircraft, to operate the Air Namibia schedule whilst the Air Namibia aircraft are undergoing maintenance.
9. Air Namibia proceeded to instructing the firm of Honey and Blanckenberg to represent the airline with respect to the matter
10. Efforts are currently underway by the newly appointed law firm to have the appeal to the Supreme Court reinstated by way of an application to have the appeal so reinstated.

With reference to the turn of events above, our position is that the family's claim is baseless as we have done everything within the ambits of industry practice, standards and norms. As an airline, we reserve our rights to right to refuse passengers on our flight if they fail to meet the immigration requirements of the countries we fly we, as that will be contravening the international immigration laws. If the Zimbabwean system allow and support such lawlessness, they are a risk to us, and we will be consulting our mandate holder on our future as far as flights in Zimbabwe are concerned.

As an interim measure, Air Namibia has cancelled flights to Harare pending the matter being addressed. The airline has thus resolved to divert the current flights between Hosea Kutako International Airport and Victoria Falls to Livingstone, Zambia, for the period 6 October 2018 to 27 October 2018.

We trust that Air Namibia can count on the continued support of its passengers and we continue to strive for the most professional and pleasant experience for our passengers.

ISSUED BY THE CORPORATE COMMUNICATIONS DEPARTMENT

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