Namibia Today
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With only a week to go before Namibians celebrate their 20th Independence Anniversary, the will of the people is still being dragged into court corridors by those who do not want to accept that they have been defeated freely and fairly.

Nine opposition parties, whose election challenge on the National Assembly and Presidential Elections held last year was struck from the High Court roll on technical grounds a week ago, have now appealed to the Supreme Court to have their case “reconsidered on merit.”

It is their right to do so, but at stake is Namibia’s image which they seek to tarnish for a wider and larger political objective—to have Namibia blacklisted as a country whose electoral processes could not be trusted. That is the criteria used by the western countries to effect the "regime change" strategy.

The question here is that the judiciary and the executive have "connived" to drop the case. It is the prime reason the opposition parties have approached the Supreme Court—a clear indication that they have no confidence in the High Court. Either they win or the elections are not “free and fair.”

This assertion should be rejected with the contempt it deserves. The nine opposition parties should blame their lawyers for the clumsy manner in which they have conducted themselves, which was why the High Court had no choice but to strike the case from the Court’s roll.

The case was not properly and procedurally filed before the High Court, I assume that was deliberate. Having realized that they had no concrete evidence to prove beyond reasonable doubt that the elections were “rigged,” they had no option but to fall back on technical failures which they themselves have deliberately indulged to create a new argument—that their case should be considered on “merit,” not on technical grounds.

Reinhard Totemeyer is a ‘learned’ senior counsel representing the nine opposition parties in this case. I assume that he understands the law. The Electoral Act was passed by Parliament and sanctioned by the Executive. Should Parliament have the right to change the law for the benefit of the opposition?

The pertinent question that the two judges faced was whether there was an election application properly and procedurally filed before the High Court. There was none. That is the verdict the two judges unanimously arrived at. The 30-day time limit as prescribed by the Electoral Act was not observed. The application challenge was baseless. The outcome of the National Assembly and Presidential elections being file before the High Court.

The applicants’ application was filed 90 minutes after the deadline had lapsed and it was illegally accepted. The two judges had no option but to strike the case off the roll. And rightly so. They are not to blame. The blame squarely lies with the applicants’ legal team. It is messed up deliberately, so too must it bear the wrath of its clients, not the High Court.

In Judge Parker’s words, there was no application properly filed before the Court and there could not, in law and in logic, be any amplified application, which sought to amplify that which did not exist and which the Court could take cognizance of.

That being the case, there is more to this election challenge than what meets the eye. The arguments advanced by the Opposition are not just far from the mark; they have never been intended to win the case. What RDP and SWAPO got was far too short to create a plausible argument that the West could exploit.

Before last year’s elections, RDP’s Hidipo Hamutunya really thought he would be neck to neck with SWAPO Party so that he could become Namibia’s Morgan Tsvangirai, (Zimbabwe Prime Minister who is being used by the West to effect "regime change" in that country). What Hidipo and RDP got was far too short to create a plausible argument that the west could exploit.

The technical failures were deliberately allowed to advance this argument. RDP’s lawyers knew that the case would be thrown out if filed past deadline. But they went ahead, for obvious reasons. That is why voices like those of Dr Abiai Sheyavali are being brought in for “credence and political expediency.” The West needs "credible voices" to speak against SWAPO Party and to predict “doom” for Namibia. In Dr Sheyavali, RDP found a willing tool, thinly veiled behind a church pulpit.

Anyone who has read Dr Sheyavali’s piece last week (see pages 5 & 9 in this edition) would not miss that connection. He is being wheeled on for “balance” to amplify that which does not exist. But like RDP’s lawyers, he came 90 minutes late. Namibians are awake. The “doom” he predicted for Namibia only exists in his mind. Ironically, Dr Sheyavali can barely lift his hand and perceive to be Namibia’s “problems.” Well and good. Any fool can do that. We admit that there are problems. What we need are solutions. Dr Sheyavali has offered none.

Dr Sheyavali has not also said anything about the N$100 million that went missing at the Ministry of Trade and Industry a few years ago. He is also stone silent about the manner in which the Development Bank of Namibia has been deprived of billions of dollars.

The reasons are obvious – those conducting the orchestra behind him are the ones to blame.

It is not unusual for clergy men to be used in such political popcorn. History is littered with disgraced revolutionaries who have advanced dubious agendas behind the pulpit, only to be named and shamed later. But if Dr Sheyavali wants to mutate into the Abel Muzorewa of Zimbabwe, for him to argue, no matter how tangentially, should result in his being lured into this political farce by the Rally for Democracy and Progress, RDP, knowingly or unknowingly.

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