

What people say

From SWAPO website: www.swapoparty.org

◆ **Posted by Cde. Steven Axasman**

Dear Comrades, I have noted that Jesaya Nyamu has suddenly become quite after the defeat in November elections, Okahandja by-elections and the High Court ruling...The Nyamu notes has brought nothing but shame to them and now the clergy has been appointed as their official mouthpiece

◆ **Posted by Cde Kanamutenya, Whk**

I think the ruling of the High Court must be taken serious, and if there is any case, I think the opposition must pay what they due, because this is democracy, there is no mercy, let them pay first and make sure even during the submission of their appeal which I understood had been lodged in should pay as per legal law, there is no way that the issue should be compromise, how ever so much negative comments in the Namibian news papers, and I asked is this nod contempt of Court? It means oppositions are not respect the judiciary or what? When the decision was made on Labor issue many were vocals, and even commentators with contempt of court while now you have negative comments been published in the same news paper why? Where is the judiciary commission then?

◆ **Posted by Kamtutsi Ka Simon**

Truly as written in the scripture, a tree is known by its fruits. Dr. Sheyavali is now showing his true fruits. He is no longer Dr. Abisai Sheyavali we knew since 1978, but has become Dr. Sheyavali not knowing when to speak and what to say. He resembles the Biblical Saul, who was anointed first King of Israel, but as part of human nature, he wavered and God was not pleased with wavering. The God opted for David and one day when they were returning from the battle with the Philistines, they were met by Israeli women singing "Saul has killed his thousands and David his ten thousands". What happened after, Saul started throwing javelins at David. Should we assumed that the Rev. Dr. Sheyavali has Saul syndrome and what he is doing now is throwing javelins at SWAPO because the people of

Namibia are singing in praise of SWAPO and not the party supported by Dr. Sheyavali. In fact he appears to be the spokesperson of RDP. Jeremiah Nambinga take note your job is about to be taken over by the Pastor, perhaps your colleagues have lost faith in you and are now turning to the Pastor to appeal to the emotions by taking a leaf from Nyamu's text book of hate. Can a man of God refer to a fellow human created in the same image of God in derogatory phrases like "Omusati Clique"?

◆ **Posted by Kamtutsi Ka Simon**

I submitted something on Sheyavali why was it not posted? Okay I will submit another to see if you will post it.

◆ **Posted by Cde. Katusha ka Namibia**

Dr. Sheyavali is a tribalism and a religious leader from Ohangwena region. He should be suffering from Hidipco syndrome rather than concern about his country. As a religious leader he suppose to be unifier and continue to pray for unity rather than calling some people as Omusati Clique. Dr. Sheyavali should be rest assured that he will go to his grave with his tribalism, while SWAPO continue to govern this country. SWAPO is the people, People are SWAPO. Aluta Continua!

◆ **Posted by Cde Kanamutenya, Whk.**

If Dr. Sheyavali is christian I think he should read the letter of Saint Paul to Timothy both letters, I think he then realised and come to sense!

◆ **Posted by Cde. Steven Axasman**

It is time for the opposition to realise that their time is up with the court case and even appealing will not help them. they tried individually against the SWAPO Party and again as a unit it did not work...when will they realize that at every attempt they come and will always be second...?

◆ **Posted by Cde Imms Nashinge**

On Sheyavali: As a young citizen of this land who have so much respect for a man of his caliber. I read his opinion with

dismay and embarrassment. In an independent Namibia people like him should not have hidden political agendas or be cowards to face the reality. You want to justify your hatred and your love for RDP in the name of GOD for nothing Sir. If you want to do politics stand up and stop hiding don't mix politics with religion. Instead of praying for this nation you are inciting hatred and tribalism from right to left. Your politics is dirty and destroying. Remain patriotic as you were before independence if you were. The person who is using the tactics of divide- and rule is you and your RDP who are hibernating within SWAPO day and night hence you want to paint a bad picture on SWAPO party of Namibia. Your so called "Omusati Clique" is and offensive. Shame on you Dr Sheyavali you lost my respect till i die!

◆ **Posted by Katusha ka Namibia**

Dr. Sheyavali is worried about his country, while labelling some people that they are Omusati clique. Some of the people Dr. Sheyavali mentioned are not from Omusati region either, it seems the so called man of God think that all Kwaambis are from Omusati region. By the way why SWAPO was not rigging the votes when this man of God was a SWAPO member? All of sudden when this so called man of God left SWAPO to join RADOPA, now cry foul that SWAPO is rigging the votes. In SWAPO, we believe in mass mobilisation rather than so called rigging of votes. Even the attendance at the rallies SWAPO leaders addressed country wide speak for itself. SWAPO continue to attract many people through out the country as usual. This so called man of God should face the truth not to misuse the churches, by calling them to intervene by discuss the situation of the country. The churches were observers and perhaps this man of God was also an Observer. SWAPO won hands down. SWAPO will continue to win hands down. Aluta continua!

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Zoom In

By Asser Ntinda



With only a week to go before Namibians celebrate their country's 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 picture being created 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 this was deliberate. Having realized that they had no concrete evidence to prove beyond reasonable doubts that the elections were "rigged," they had no option but to fall back on technical failures which they themselves have deliberately midwived 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 ascended into law by the President of Namibia. However, for him to argue, on behalf of his clients, before the High Court that there was an "undisputed agreement between the parties to extend the 30 day period beyond January 4, 2010" is legal nonsense. Totemeyer should know better.

Laws are made by Parliament. It is only Parliament that can amend laws. High Court Judge Collins Parker rightly shot down Totemeyer's argument as a non-starter, saying that the "entire submission is a fallacy." It is only the Legislature (Parliament) which has got the Constitutional power to amend laws.

Not even the Executive or the Judiciary can extend the 30 day time limit as imposed by the Electoral Act. And this was the bedrock on which the two judgments were anchored. Laws are made to control behavior in society. In controlling behavior, laws must be complied with.

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 lapsed without any application challenging the outcome of the National Assembly and Presidential elections being filed 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. If it 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 being advanced by the opposition parties are not necessarily about the elections having been "rigged." It is, as I have said, more about discrediting Namibia internationally to create a fertile ground for the "regime change" strategy. And the eight opposition parties are being lured into this political farce by the Rally for Democracy and Progress, RDP, knowingly or unknowingly.

Before last year's elections, RDP's Hidipo Hamutenya really thought he would be neck to neck with SWAPO Party so that he could become Namibia's Morgan Tsvangirai, (Zimbabwean 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 buy into.

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. Abisai 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 predicts for Namibia only exists in his mind. Ironically, Dr. Sheyavali only chronicles what he perceives 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 also not 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 Brigade Corporation, DBC, collapsed. 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 poppycock. History is littered with disgraced reverends who have advanced divisive agendas behind the pulpits, only to be named and shamed later. But if Dr. Sheyavali wants to mutate into the Abel Muzorewa of Namibia, but so too must he live with the consequences of such mutation. The choice is his, and his alone.

This election court case has come to pass. Our electoral process is water proof. There could be administrative hiccups here and there, but Namibia has never saluted electoral fraud since independence. We have no intention to do so, neither now nor in the future. The High Court has spoken. As Judge Parker has said, no amount of judicial activism based on the inherent power of the Court can overrule the intention of the Legislature expressed so clearly in the wording of s. 110 (3) (of the Electoral Act) in such an important matter as the election of the Head of State and Government. We will hear from the Supreme Court soon.



Peter Amakali and a SWAPO Party member at the High Court welcoming the High Court's verdict. Photo by Levi Upula.