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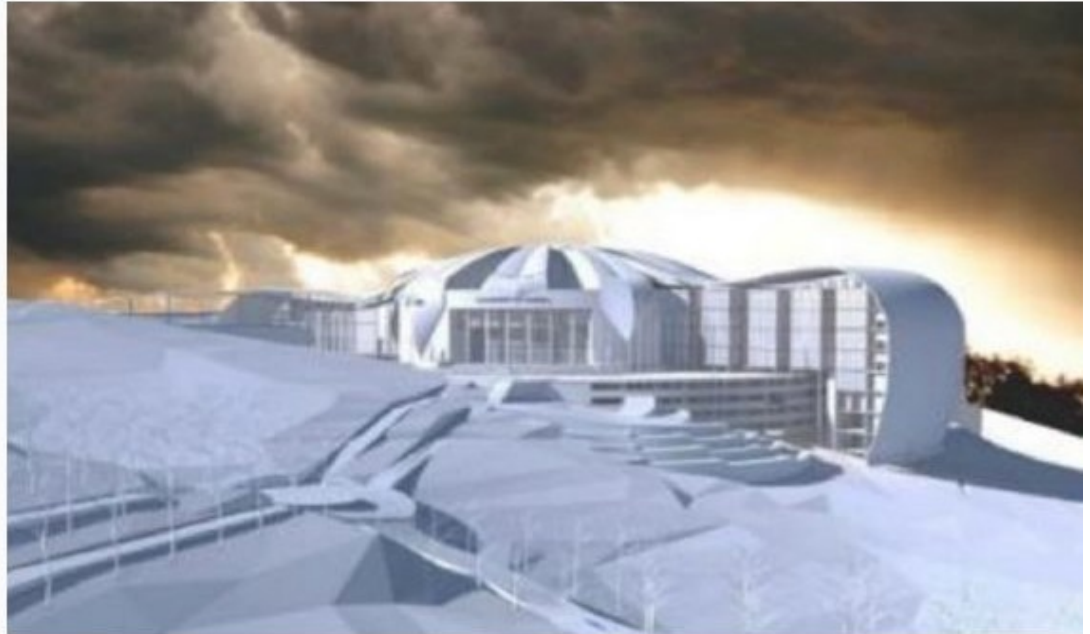
# DIE WERKER



Namibia se werkers nuusblad

Uitgawe 5

July 2016



**Architectural presentation of new Parliament: The architect was not legally appointed. Why the gathering thunder clouds?**

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NB: the last edition of the Worker which will be free. Thereafter its price will be R5.00 in Namibia and R10.00 in South Africa

## DIE NASIONALE VERGADERING RAAK SLAGOFFER VAN KORRUPTTE GEBOUE EN ONBEVOEGDE SPREKER KATJAVIVI

Die Nasionale Vergadering (NV) is 'n stille toeskouer in die beplanning om 'n parlement van eers 2,2 toe 2,4 biljoen te bou. Dit was 'n stille toeskouer en toehoorder van vroeere geboue soos die Staathuis en andere. Met die nuwe beplande parlement het dit nou duidelik geword dat die Kabinet, die Spreker en die President die besluite neem oor hierdie items wat in die Nasionale Begroting behoort.

Maar dit is slegs die NV as die Wetgewende Gesag wat mag besin en besluit oor die Begroting. Die Kabinet is deel van die Uitvoerende Gesag. Die Spreker is die Voorsitter van die NV.

Die Werker het professionele engineers konsultante versoek vir 'n opinie oor die nou N\$2,4 biljoen parlement wat deur die Spreker laat bou sal word. Parlementslede is baie nie ten gunste daarvan nie. Dit was ook nie 'n parlementsbesluit nie. Die besluit is ooglopend deur Katjavivi deurgevoer sonder parlementere bespreking en besluit. Hy het bespreking in die Nasionale Vergadering onderdruk. Sels SWAPO lede is teen die bou van Parlement wat in eerste

plek nie nodig is nie en in die tweede plek die belaglike prys van N\$2,4 biljoen bedra. 'n Engineer het die volgende opinie gegee: ***“The Parliament Building Project estimated at N\$ 2.2 Billion is a scam of the most upper levels and an insult to our intelligence. The persons who came up with the estimates must provide us with a breakdown on why the building is so expensive.***

***Recently the First national Bank of Namibia constructed their headquarters building in the center of Windhoek business district on prime land for approximately N\$ 425 million it was reported. This building was built to accommodate their approximately 180 employees. The building is equipped with sophisticated security, air conditioning, data & telephone network, building management systems etc.***

***Another example is the Grove Mall, a 54 000m<sup>2</sup> building with a total cost of about N\$ 1.1 billion. Therefore we as Namibians cannot just allow costs to be***

**Van bladsy 1**

**determined without reasons and whoever is responsible must explain why the parliament will be so expensive. “**

Natuurlik is dit nie Katjavivi se eie besluit nie. Daar is duidelik regeringslui en die President wat agter hom sit.

Katjavivi himself het 'n konstruksie maatskappy en dit het nou op die lappe gekom dat die President homself ook 'n konstruksie maatskappy het.

Die hele kwessie van die parlement het uiteindelik 'n proses blootgele waardeur honderde en nou duisende miljoene rande gesteel word deur onnodige oor beprysde geboue.

Die biljoen eerste-ministers gebou is 'n voortsetting.

Die geboue se mark koste is 'n breukdeel van die beplande koste.

In die geval van die parlement blyk dit dat honderde miljoene alreeds verloor is deur betalings aan 'konsultante' wat onwettig aangestel was.

Hierdie is nie die einde nie.

Om die ongelooflike diefstal te bekamp is 'n georganiseerde politieke stryd vir politieke mag nodig van die werkersklas. Daar is geen ander uitweg.



**Petrus Unengu a judge of the Labour Court abused the Bench to favour fish companies**

## **FISHERMEN FACE CORRUPT COURT**

**By United Fishermen edited by Die Werker**

Over many years problems for fishermen have become very bad in the fishing industry. The fishing companies did not give pay rises for many years. Fishermen were living in increasingly worsening conditions. The companies were not keeping proper health and safety standards on board fishing vessels leading to loss of limb and life over the years.

Fishermen complained to the President and the Government about the illegal activities of the fishing companies but they did nothing.

The fishermen tried to negotiate with fishing companies to bring their labour conditions in line with the labour laws but they refused to do so.

On 27 October 2015, more than 4000 fishermen went on strike in Walvisbay and Luderitz. The companies continuously refused to negotiate and on the 5<sup>th</sup> of December 2015 they took the striking fishermen to court on charges of harassment, intimidation and assault. The following companies together made the case: **HANGANA SEA FOOD (PTY LTD); OVERBERG FISHING (PTY LTD); RAINBOW TRAWLING (PTY LTD); EKIKI-KIMBO TRAWLING (PTY LTD); EMBWINDA FISHING (PTY LTD); TUNACOR FISHERIES (PTY LTD); CORVIMA FISHING (PTY LTD); BELUGA FISHING (PTY LTD); SEA FLOWER WHITEFISH CORPORATION (PTY LTD); NOVANAM (PTY LTD); SEACOPE FREEZER FISHING (PTY LTD); BENGUELLA SEA PRODUCTS (PTY LTD).**

The Namibia National Labour Organisation (NANLO) and the Metal, Mining, Maritime and Construction Union (MMMC) assisted the workers to oppose the fishing companies' application. The court hearing was postponed to the 10<sup>th</sup> of February 2016 and again to the 7<sup>th</sup> of April 2016. The reasons for postponement was to get the affidavits from workers who were at sea for 57 days to confirm that the Unions were representing them. The work-

ers submitted sworn statements (affidavits) to their lawyer, Mr Coetzee. All affidavits were certified by the Walvis Bay Police and were handed over to the lawyer before the court case started both in Walvis Bay and Luderitz.

### **A corrupt court case.**

The case made by the companies was bad in law for at least two reasons: The charges against the workers were criminal charges which had to be heard in a criminal court not the Labour Court. A group of separate companies cannot make a lawful case against their workers as each company has a separate and independent individual employment contract with their workers. For any one company to get an order of court against a person who does not work for you is absurd.

This did not hold the judge back.

Judge Unengu decided to proceed with the case knowing that this is not a Labour case but a criminal case. While he did not have the legal power to do so, he decided to order all workers to stay at least 100 metres from the company premises. The workers asked the Attorney General to intervene in this issue to enable them to have a fair trial as this judge was abusing his powers.

An unacceptable incident happened during the case. The workers' legal representative did not hand in the affidavits of the workers to court. He left it at his office and made no effort to have it delivered to court.

Later on the 7<sup>th</sup> of April the court ruled that there were no affidavits of the workers before him which gave the unions and Kaaronda and Immanuel mandate to represent them, so he further decided that they had to pay the companies' legal costs. He also made the order permanent that the workers shall not come within 100 metres from the companies' premises.

The corruption of the fishing companies is made possible by corrupt judges in the Labour Court of Namibia.

Fishermen must fight for an accountable judiciary and courts which will serve justice. At present this is a court system which destroys the Rule of Law.

# FISHERMEN CANNOT GET GOVERNMENT TO UPHOLD LAW

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Fishermen started their campaign against bad and dangerous safety conditions on boats at sea and extremely bad labour conditions overall on 3<sup>rd</sup> October 2014 at the Ministry of Labour where they handed over a petition and to the chairman of Hake association, Mr Matti Amukwa. A second petition was handed over on the 26<sup>th</sup> of October 2015 at the Ministry of Labour. The third petition was handed over on the 6<sup>th</sup> of April 2016 at the Ministry of Labour.

## COMPANIES VIOLATE LABOUR ACT

The fishermen were demanding that the Labour Act 11 of 2007 be implemented as fishermen were forced to work longer than 9 hours per day. The Labour Act prohibited companies to force their workers to work longer than 9 hours per day. In special circumstances if they require workers to work longer hours, they must apply to the Minister of Labour for permission with the agreement of the workers. But it does not allow continuous work for more than 12 hours under any circumstances. The fishing companies required fishermen to work 21 hours a day. The companies also violated the Labour Act by not paying overtime as provided for in the Act.

They did not answer our petition. The fourth petition was handed in on the 24<sup>th</sup> of May 2016 at the Ministry of Labour, Directorate of Maritime Affairs (DMA) and the Ministry of fisheries.

At the DMA the fishermen demanded them to control all basic safety and security measures because unqualified safety personnel were appointed. The fishermen laid a complaint with the police that persons appointed as safety officers forged their qualifications. One suspect was arrested. He was out on bail for N\$5000.00.

The DMA did not respond to the petitions. The Ministry of Fisheries simply ignored the fishermen's demand that no fishing quotas shall be given to those companies which do not comply with the law.

At DMA the fishermen again demanded the law to be implemented but received no response to the petition.

## PRESS PLAY DIRTY ROLE IN STRUGGLE

The Namibian press played a very dirty role in the struggle of the fishermen. They kept on referring to illegal strikes while the strike was never illegal. The fishing companies were breaking the law and the employment contracts of the fishermen by maintaining illegal safety and employment conditions. The fishermen therefore had the right to immediately withhold their services (work) until the companies complied with the law.

## UNION LIE ABOUT CONDITIONS

The President of NASAWU indicated in his press release during our demonstration 26 October 2015 that "as we are speaking today about 90% of the fishermen are permanent workers with benefits such as medical

aid, pension fund, housing allowance, our monthly guarantee payment average between N\$ 4000 to N\$8900 per month." This was a contemptible lie! No fisherman gets that much basic salary in our industry. The amount they get depends on how hard they work per trip, which results in 21 working hours per day on average!

He also lied about the guarantee payment, whether you are on sea or on shore for offloading.

The workers of Novanam are not permanently employed since 2007 until now. They still have no basic, medical aid, pension fund and the Union, NASAWU, represents them. He also stated that: "Sundays and



Public Holidays are paid double and more, as payment per ton of fish landed and sometimes the crew get payment as share of the total fish.

It is important to note that everywhere in the world fishermen are paid overtime except for work done on Sundays and public holidays. "Changing the current system may result in employees being paid less than what they are earning now which would be less favourable than the current provision of the Labour Act 11 of 2007." This is also not true. The fishermen would get a lot more if their overtime was paid in full. The fishermen who have a guarantee when a vessel breaks down or a number of quotas will only be paid 50% of their salaries. On this statement he indicated that fishermen are not paid overtime anywhere in the world.

Utoni Nujoma, Minister of Lands & Resettlement, is a director of Blue Sea Fishing. The company registration number is Reg no. 90/571.

The Minister of Fisheries, Bernard Esau, and his comrades such as Nangolo Mbumba, the Attorney-General, Sackie Shangala and many others are either shareholders in fishing companies, hold fishing quotas or they are linked to fishing companies in many other ways.





**Die Graf van Anna Amakali—een van die tragiese slagoffers van SWAPO se Sole and Authentic Status**

## UITTREKSEL UIT DIE SOLDAAT, DIE KOERANT VAN VORIGE SOLDATE

In 1977 het die koloniale regering begin om ander rasse te keur om by die weermag aan te sluit. Die testydse regering het die aansoeke om identiteits Documente gebruik om 'n data basis op te bou van alle kwalifiserende "nie blankes" en hulle dan te forseer om by die weermag aan te sluit.

Gedurende die periode het Swapo begin om in die noorde aanvalle te loods teen die gewone burgers en om infra-structure soos brue en kragpale op te blaas asook kinders te ontvoer. Hierdie nuwe rekrute was dan opgelei om hierdie optrede van Swapo te bekamp. Swapo het sy optrede verskerp en baie mense het op 'n daaglikse basis gesterf. Die blaam vir meeste van hierdie sterftes was dan geplaas op die koloniale weermag.

'n Voorbeeld van die sinnelose moorde is die waar Charles Namoloh sy eie kameraad in PLAN se moeder Anna Amakali tereggestel het op 14 Februarie 1978 op valse beskuldigings dat sy 'n verhouding sou he met 'n SWATF soldaat.

Die het daartoe gelei dat die koloniale weermag hulle optrede ook verskerp het, soos geïllustreer deur die Kasinga Aanval op 4 May 1978. Die leier van SWAPO, Sam Nujoma, het die nodige inligting aan die weermag verskaf, wat die aanval moontlik gemaak het. Ander dade van terreur soos die dood van die kerkleier, Pastoor Njoba en die bomme op Oshakati en Walvisbaai het gevolg waarin familie lede van Biskop Dumeni, 'n SWAPO ondersteuner gedood was. SWAPO het eers gespog oor die moordaanslagte maar toe dit landswyd en internasionaal veroordeel word toe gee hulle die SWATF en KOEVOET skuld.

Die bom ontploffing van Baclays Bank was deur Leonard Sheehama veroorsaak op 19 Februarie 1988. 27 mense was gedood en 50 was beseer. Die Atlanta Meat Mark, en die Poskantoor is in Augustus 1986 deur Sheehama opgeblaas. In Desember 1986 het hy die Okambebe skool in Omungwelume opgeblaas. Sheehama het hierdie dade gedoen in opdrag van SWAPO. Dit was lafhartige dade wat op hoofsaaklik onskuldige swart mense gemik was. Dit was sakte teikens.

Op 1 April 1989 is 'n klomp jong kinders na hulle dood gelei deur Sam Nujoma, wat hulle ingelig het dat die Suid Afrikaanse Weermag aan die retireer was end dat the UNTAG in Ovamboland oorgeneem het. Die klomp jongelinge is deur KOEVOET en UNTAG verras en honderde

van hulle het omgekóm in die gevolglike gevegte, waarop hulle nie voorbereid was nie. Baie van hulle het nog sit en eet toe hulle niksvermoedend doodgeskiet was. Dit was op dieselfde dag wat die Britse Premier, Margaret Thatcher in die land aangekom het om Resolusie 435 te implimenteer.

Maar Sam Nujoma wat die sogenaamde opperbevelvoerder van die PLAN was het nie eens verskoning gevra vir sy verraad. Enige ander bevelvoerder sou onmiddelik moes bedank.

Sedert 1984 het ouers en familieledede geveg om hul kinders en familie te red wat SWAPO in honderde vermoor het en sommige in gate in Lubango gegooi het sedert 1978. SWAPO Kerkleiers het in 1987 Angola besoek om kamstig ondersoek te doen na die vele kinders en vlugteling wat in kampe aangehou was in die land. Onder hulle was pastore Zephanya Kameeta en Hendrik Witbooi. Op hulle terugkeer het hierdie groep kerkleiers egter geswyg oor die haglike toestande in die kampe asook die aanhouding en dood van vlugteling in die gate van Lubango en in Zambia, aan die hande van Swapo. Die ironie van die saak is dat voormalige DTA en Koevoet offisiere nou Kabinet poste het en aanvaar word as oorlogs veterane terwyl die voetsoldate uitgesluit is. Dit is alombekend dat Swapo sy eie mense vermoor het en tot op hede nog steeds weier om verantwoording te aanvaar vir hierdie dade. Die hele wereld weet dat Jesus Awala een van die grootste massa moordenaars was, maar nog steeds is daar stilsywe en hy is die hoof van die weermag. Die SWATF gebiedsmag was gebaseer uit lede wat geforseer was om by die mag aan te sluit. Vandag is daar 'n hele klomp mense wat hulle voordoen as die leiers van hierdie geforseerde Eks Soldate, terwyl nie een van hulle op 'n demokratiese wyse verkies is tot hierdie poste. Hulle lei hierdie eks soldate om die bos deur te eien dat hulle in gesprek is met onder andere die Verenigde nasies oor die lot van hierdie eks soldate. Alles infame leuns. Ons moet saamstaan en ons eie leiers kies. Dit is veral die manne wat deur Resolusie 435 gedemobiliseer is en wat geregtig is op die uitbetaling van die 36 Miljoen Rand pension wat beskikbaar gestel is deur die Suid Afrikaanse regering vir die doel. Ook die skeidings pakket, die verlof gelde, en aanstellings in permanente poste moes ons kry. Ons eis dit alles en die vergoeding deur die nie-betaling daarvan. Dit beloop biljoene.

Tot nou toe was die Workers Revolutionary Party die enigste politieke party wat bereid was om ons ten volle by te staan. Die party het ons ingesluit in hul Manifesto waarin ge-eis word dat die vorige PLAN en SWATF soldate van permanente werk en pensioen voosien word en hul geld uitbetaal word. Hierdie eise was saamgevoeg by andere van die werkers se eise.

SWAPO het die soldate se pensioen gesteel en nie die 1982 ooreenkomste nagekom om werk te verkaf en die voormalige soldate te akkomodeer. Hulle het die ooreenkomste geteken om oudsoldate te beloon en van werk te verkaf.

Nou weier hulle om die geld te betaal op die voorwendsel dat die SWATF en KOEVOET die mense van Namibia vermoor het.

Ons doen 'n beroep op alle voormalige soldate beide PLAN en SWATF om saam te kom om 'n program uit te werk om werk te verkry, wettige uitbetalings te kry en almal as oorlogsveterane te verklaar word met nodige pensioen en passende voordele.

## ‘Tony Blair lied on Iraq and will be exposed by Chilcot report’ – Corbyn

Published time: 18 May, 2016 10:15 Edited time: 6 Jul, 2016 11:34



**Britain's opposition Labour Party leader Jeremy Corbyn, Former British Prime Minister Tony Blair**

Hannah McKay, Lucy Nicholson / Reuters

Former Prime Minister Tony Blair's lies about weapons of mass destruction and his secret war pact with former US President George W Bush will be exposed by the Chilcot Inquiry, Labour Party leader Jeremy Corbyn has said.

Trends [Chilcot Inquiry](#)

Sir John Chilcot is due to finally release his long-delayed report on the legality of the 2003 Iraq invasion on July 6, seven years after the inquiry was commissioned.

Corbyn made the remarks on Tuesday in a speech at the London School of Economics to honour the late Ralph Miliband, a Marxist scholar and father of Corbyn's predecessor, Ed Miliband.

While Corbyn supported some of the domestic achievements of Blair's "New Labour," he argued it had stuck too closely to its neoliberal, Thatcherite ideological roots. Addressing Blair's Iraq legacy, Corbyn warned: "*The Chilcot report will come out in a few weeks' time and tell us what we need to know, what I think we already know: There were no weapons of mass destruction, there was no ability to attack within 45 minutes and a deal had been done with Bush in advance.*"

Corbyn took a leading role in opposing the 2003 invasion both inside and outside parliament.

Asked if Blair should be tried for war crimes, Corbyn said: "*If he's committed a war crime, yes. Everyone who's committed a war crime should be.*"

"*I think it was an illegal war, I'm confident about that, indeed [former UN Secretary General] Kofi Annan confirmed it was an illegal war, and therefore [Blair] has to explain to that.*"

"*Is he going to be tried for it, I don't know. Could he be tried for it? Possibly,*" Corbyn added.

Some MPs are trying to revive a campaign to have Blair prosecuted for his part in the war, either at an international tribunal or by a special parliamentary impeachment process.

Although rare, parliament can impeach a current or former official. It would involve a member of the Commons presenting evidence in the manner of a parliamentary motion, and if carried, it would then move to the House of Lords. If it was also passed by the Lords, the impeachment process would resemble a conventional trial.

The last time parliament attempted to impeach anyone, however, was in 1806, according to the BBC.

Scottish National Party (SNP) MP Alex Salmond said

Monday that, rather than parliamentary impeachment, he favored Blair being brought before the International Criminal Court (ICC) in The Hague.

However, the ICC has said it is not yet able to exercise jurisdiction over international "*crimes of aggression*" – the offense often connected with Blair's role in Iraq. The ICC will rule on whether to extend its powers to try suspects of aggression on January 1, 2017.

## CORBYN ON IRAQ WAR IN 2003

In 2003 [Jeremy Corbyn](#) gave a rousing speech to thousands of protesters at an anti-Iraq war rally in central London.

The then-backbencher lambasted the then-British Prime Minister [Tony Blair](#) for pursuing the [war in Iraq](#).

On Wednesday the Chilcot report into the Iraq war will finally be published, with Corbyn now at the helm of the Labour Party.

Sir John Chilcot's inquiry is expected to be critical of the way Blair took the country to the war.

Corbyn told the crowd in Hyde Park that Blair and other world leaders supporting the war "are isolated and alone and desperately searching for friends", adding: "Because there is no justice whatsoever in the planned war against Iraq."

He said: "As a member of the British parliament I am very angry that we have so far been denied a vote on the possibility of going to war.

"I find it deeply distasteful that the British Prime Minister can use the medieval powers of the royal prerogative to send young men and women to die, to kill civilians and for Iraqis to die."

Corbyn called for a vote in Parliament "not to legitimise war" but to give him the opportunity to vote against it. He asked why £3.5 billion was being spent on a war "that nobody wants" when there was an Aids pandemic in Africa and famine in the world.

The MP for Islington North added: "For those who say that this is a necessary and just conflict because it will bring about peace and security, September 11 was a dreadful event, 8,000 deaths in Afghanistan brought back none of those who died in the World Trade Centre.

"Thousands more deaths in Iraq will not make things right.

"It will set off a spiral of conflict, of hate, of misery, of desperation that will fuel the wars, the conflict, the terrorism, the depression and the misery of future generations."

He added: "You cannot humiliate the Palestinian people in the way that they have been humiliated and not expect some problem in the future."

He closed his speech with a message for the British Government: "Stop now or pay the political price."

The then-leader of the Liberal Democrats, Charles Kennedy, also addressed crowds at the rally, giving a famous speech now recognised as iconic.

Kennedy, who died last year, [spoke out against the British and US governments, questioning the legitimacy of their reasons for going to war](#).

Corbyn is facing increasing pressure within his party to step down.

The Labour leader has had to replace most of his Shadow Cabinet following a series of shock resignations in the past two weeks.





## FORMER PEOPLES LIBERATION ARMY (PLAN) AND TERRITORIAL FORCE (SWATF) SOLDIERS BETRAYED

By Hewat Beukes 11 June 2016 at UN PLAZA, Windhoek

### THE STRUGGLE FOR INDEPENDENCE

The struggle for what is today known as Namibia started in 1884 with the advent of German colonialism. At first it started with the southern peoples; the Nama, Baster, Damara, Herero and the Bushman where the Germans had immediately seized land. The groups initiating the struggle against the German were first the Nama followed by the Herero. The Baster later followed.

These struggles against the Germans culminated in the extermination wars against first the Nama and Herero in 1904-8 and thereafter the Baster in 1915.

In 1919 the League of Nations ceded the administration of the 'territory' including Ovambo and Kavango lands with the 'Caprivizipfel' to South Africa. Having been driven out of South Africa by ever expanding colonial annexation and land expropriation, the Khoisan, in specific the Rehoboth Basters, were the first to resist. Since 1919 they filed petitions to the League of Nations to object against South African colonialism. In 1922 the Bondelswarts at Warnbad were massacred in an uprising. In 1925 an uprising of the Herero and Baster was looming in Rehoboth, but the town was encircled by South African troops with machine guns and canons. The Baster and Herero were disarmed, the Herero banished from Rehoboth and more than 40 'ringleaders' of the Baster were to die by firing squad. A last minute intervention by the League of Nations staved off the execution.

By then the Herero had lost virtually all their land and the Baster lost two thirds of their land.

The resistance continued on the political level with frequent petitions to first the League of Nations and then its successor in 1945, the United Nations Organisation (UNO). Civil resistance was continued by the nationalities led informally by Hosea Kutako of the Herero. He would later commission Baster, Herero and Ovambo emissaries to the UN to argue the case for Namibia and present the demands for, in particular, the land and self-

determination of the nations of Namibia.

In the meanwhile, a new evil had arisen under South African colonialism. Contract labour. In 1943 as a measure to institutionalise slave labour from the populous northern areas of Ovambo and Kavango lands, the South West Africa Native Labour Association (SWANLA) was established by the South African Administration. It brought young men from the north under slave labour conditions tying them to specific employers (owners/hirers) in the south, in particular the mines but also to the farms. Farmers and even small businesses of all races and tribes in the south used the facilities of this slave system. Farms became killing fields for many of these young workers.

Together with skilled and semi-skilled labour from the south they built the Namibian infrastructure and untold profits and wealth for the mining bosses, commercial business and a fledgling industry including fishing. The toll on them was horrendous. Besides the horror on farms, fathers and youngsters were broken from their families in systematic humiliation and deprivation. It was the most complete system of dehumanisation.

By 1960, the following social-economic and political demands and expectations, expressly and implied, led to the national demand for self-determination:

An end to contract labour and proper wages and labour conditions;

An end to restriction of movement and pass laws;

A restoration of landed property of the Herero, Nama, Baster, Damara and Bushman;

The right to self-determination of all nationalities in the territory now known as Namibia, including the independence of the Caprivi.

In 1959 there was the Old Location Uprising. South West African National Union (SWANU) leaders such as Kaukwetu played distinctive roles in directing the masses led by Damara and Herero women.

The sixties saw South West African Peoples Organisation (SWAPO) initiating a token guerrilla war on the insistence of the Organisation of African Unity (OAU). This was not a serious attempt as illustrated by the fact that the Commander-in-Chief Sam Nujoma and his second-in-command Lukas Pohamba from Lusaka visited the South African Army and Intelligence at the international airport in Windhoek in March 1966 from where they went to Pretoria returning to Zambia on 21 March 1966.

### REPRESENTATION

By 1970 the nation was politically represented by tribal chiefs; SWAPO was an Ovambo tribal organisation, SWANU a nationalist organisation supported by workers and lower middle class elements. Workers were embroiled in labour struggles; the contract labourers in particular but by 1978, there was a fully-fledged national workers movement led by the Rössing miners articulating broad workers' demands.

In 1971/2 contract labour staged a national General Strike which ignited the whole of the Southern African sub-region and led to 4000 youth fleeing in its aftermath to Zambia following persecution and torture by northern tribal authorities.

In 1970, in an attempt at a United Front, the National Convention was convened on 13 November 1970 in Rehoboth by the tribal chiefs, the Volksparty, SWAPO and SWANU. In response thereto the UN declared SWAPO the Sole and Authentic Representative of the Namibian

Nation.

This was a clear renunciation of the Right to Self-Determination of the Namibian People.

Again, in 1975 after the declaration of the Namibia National Convention as the successor of the National convention the UN reiterated the status of SWAPO.

But, already a crucial incident had occurred earlier in 1974. Chief Clemens Kapuuo, commissioned by the NC, visited Europe and the United Nations to argue the case for independence for Namibia. While in Europe he sought the assistance of Peter Katjavivi, the West European Representative of the SWAPO. While hosting the Chief and his delegation, Katjavivi blocked his access to African, European and Caribbean Governments by slandering the Chief as a South African agent. The Chief met closed door upon closed door and was informed of SWAPO's Sole and Authentic Representation status. This broke up the National Convention. The Chief returned and joined the South African initiative to ostensibly lead Namibia to self-determination through what would become the Democratic Turnhalle Alliance in 1976. This opened the door to forced conscription of Namibians into the South West African Territorial Army. (SWATF)

There would have been no successful forced conscription if it was not for this particular event offset by SWAPO's Sole and Authentic Representative status.

The malice of this act by the UN and the imperialists is seen in the fact that at the time they conferred Sole Representative status on SWAPO, PLAN and SPYL were in political struggle on the following issues:

SWAPO was in alliance with UNITA and South Africa against MPLA.

The SWAPO leaders were selling provisions (clothes, food, medicines, weapons) donated for the guerrilla war stored in massive warehouses as wholesalers while PLAN fighters were dying in the camps of hunger, went barefoot and many were without weapons.

SWAPO had no political programme.

SWAPO was not the representative of the Namibian peoples.

The foreign missions and the United Nations in Zambia were aware of the full extent of the SWAPO leadership's inability to be the Government of Namibia.

### **SWATF and PLAN and the agreements for DEMOBILISATION AND REINTEGRATION**

It is within the above historical background which the question of the SWATF and PLAN must be viewed.

With the clear denial by the UN and the imperialists of the Namibian peoples' right to choose their own representatives, tribal chiefs saw their only way out of a prospect of dominance by a tribal force by accepting the prospect of at least limited self-rule by the colonial power.

A result was forced conscription which saw teenagers and young men forced into the army mostly against their will, some out of joblessness and a few out of choice.

They were from the working class and poor peasantry.

The war itself was a low intensity war. More SWAPO members were killed by the SWAPO leadership and the SWAPO leadership in collaboration with South Africa than died in the war. The war reached some degree of seriousness only because of the commitment of fighters who thought they were fighting a just cause. Those who excelled were killed because the war was not meant to be serious. (Cassinga in 1978 and 1 April 1990 alone caused an estimated 1500-2000 deaths.) Thousands more were

killed by the SWAPO leadership and thousands are still not accounted for.

Nevertheless, this 'war' is the stuff from which the SWAPO leadership manufacture enduring myths: the war (meaning they as freedomfighters) brought independence. SWAPO was not part of the negotiations; in any event, not a decisive participant: The terms of independence were determined by the 5-Western Powers and negotiated with the Soviet Union and South Africa. The period 1976-89 had seen a giant working class rise in South Africa in solidarity with the Namibian working class who were fighting pitched battles and brought the South African economy to its knees. By 1989, 4 million workers could down tools at any one time.

South Africa could no longer rule under Apartheid and it found in the SWAPO leadership the tool to continue its rule.

Thus, since 1982 they worked out the conditions under which Namibia would become independent. SWAPO as a condition to be allowed to rule Namibia, agreed to every condition guaranteeing the continued rule of the colonial ruling classes.

The issue of the SWATF and its demobilisation and reintegration were merely technical issues.

These modalities were contained in the 1982 and subsequent agreements and in terms of the Labour conventions of Namibia. Severance pay, pension and insurance had to be paid out. Jobs had to be created, preferably by integration into a Namibian Army.

SWAPO reneged on these terms immediately upon taking over government.

The reason why they did so and why they could do so were twofold:

The need to enrich themselves as quickly as possible and the lack of leadership amongst the demobilised soldiers. The lack of good faith from the side of the brokers of the agreements.

A black irony started to emerge. The issue of PLAN and SWATF were treated as a moral dichotomy: the one was a freedom-fighter and the other a murderer.

However, most PLAN fighters and former SPYL members were barred from benefits as they were being slandered as spies.

Today, both groups remain on the edge denied income and work.

The criteria for conciliation, benefits and the coveted War Hero status took contradictory forms: Aupa Indongo, a billionaire and known collaborator with South Africa has been anointed as War Hero with street names in Windhoek, police spies and former collaborators are SWAPO parliamentarians: Elton Hoff, a demobilised SWATF is Supreme Court Judge, etcetera, etcetera.

The problem which the soldiers and the PLAN face is that they have no clear programme to counteract the denial of the SWAPO leadership on the following: No effective counter-propaganda; No effective action plan; No clear set of demands.

Our position is clear as contained in our manifesto. We support the soldiers not only for compensation but as a section of the working class of this country which is being exploited and oppressed.

We will continue to propagate their position as part of our overall programme for the working class to take political power.



Thousands of working people on 4 October 2011 welcomed back from Germany the delegation to collect skulls and speak on the political issues around Genocide. Almost five years on and there is no real movement on the issue. Opportunist avoidance of the land question from the ranks of the Herero and Nama assist the German and Namibian Governments to shun the central issue. The money is not in Germany. It is here in the endless plains of Namibia. But, then the imperialists with their agent must be faced head-on. The 1982 agreements tied SWAPO to protect German property. The Nama and Herero working class backed by the rest of the Namibian working class in a revolutionary movement is the only force which can rationally conduct this struggle and block the cat-and-mouse game which is going on; to stop SWAPO's final dispossession as a precondition to disrupt and disarm the smouldering and pulsating land struggle. A new line is now being brewed by Germany on insistence from the SWAPO regime: Genocide only became a legal category in 1948. This is the basis on which Geingob rejected it in his State of the Nation Address on 16 April 2016. The Germans after they acknowledged genocide, now toe that line.

Besides the fact that this is a legal absurdity, the German-Namibia issue is not a legal question, it is socio-economic and political issue. The issue is that there are abandoned resources in this country and a desire by the Namibian Peoples to enter into a human relation with the German working People to develop this country and expel poverty and backwardness offset by German and South African colonialism which blocked development of the productive forces by sheer murder and policy. It is in the interests of both nations.

But, even legally it is a continuing crime evident in the refusal to surrender land and resources and repayment of the impounded movable property in particular livestock. These are identifiable and is not so far back as to be indeterminable. BUT, for the working class this is a POLITICAL question and NOT a legal one!

## WRP MPs DEFEND MOTION ON GENOCIDE

We, the two nominated members of Parliament by the Workers Revolutionary Party, direct this urgent communiqué to the German and Namibian Peoples in particular and the above parties for the following reason. The present actions of the German State with regard to both development aid and the reparations demands of the Nama and Herero peoples are clearly aimed to aggravate the ever intensifying tribalised conflict in this country. It is a dangerous situation unfolding in which the demand for reparations for genocide has turned into a serious threat of tribal conflagration rather than into its intended restitution of historical wrongs and fraternity and co-operation between the Namibian and German Peoples.

### TWO VERSIONS BY THE GERMANS

We attach copies of two articles: One from the "Frankfurter Allgemeine Zeitung" and one from "The Namibian" regarding the issue of War Reparations. The German article conveys to the German People infor-

mation and expectation that genocide had been acknowledged, that there will be apology, that thereafter there will be discussions with the Herero and Nama for the purposes of conciliation. The Namibian article conveys to the Namibian People that there will be no discussion with the Nama and Herero People, that the restitution will be through projects negotiated with the Namibian Government.

### DISREGARD FOR NATIONAL ASSEMBLY

In 2006 the National Assembly the legislative power of the Republic of Namibia unanimously passed a Motion to call for negotiations between Germany and the Herero and Nama Peoples for restitution for genocide. All organs of the State and the parliamentary parties were tied to this Motion. The Bilateral Partner of the Namibian Government, Germany, had to abide by it.

Both disregarded this Motion and by that token the National Assembly itself.



In his 16 April 2016 State of the Nation address President Hage Geingob made the unequivocal declaration as his Government's Policy: The Government denies that there was genocide. There were no mass killings.

The Government rejects reparations for the Herero and Nama. The Government does not support the demand for apology and War Reparations. The Government shall not be part of the campaign of the Herero and Nama. The Government blames Germany for acknowledgment of genocide which kept the issue alive.

The Ambassador and the German envoy in the first week of July 2016 reiterated that for undisclosed reasons they speak only to the Namibian State, they give money for projects only to the State and it is the prerogative of the Namibian State how they employ funds given to them.

#### **SPECIAL INITIATIVE & DEVELOPMENT AID**

The said declarations of the Special envoy and the Ambassador are merely a consummation of the *de facto* situation in Namibia with regard to the "Special Initiative" and "Development Aid". The "Special Initiative" was started in 2008 apparently in response to the said Motion. This "Initiative" was a "Bilateral Initiative" to assist the "affected" communities of German colonialism. The money was taken by Government officials – on a tribal basis with no financial reporting, the Southern Peoples Allegiance reported. Members of the Nama Technical Committee and the Southern Peoples Allegiance requested the Bundestag for audited financial reports. The Bundestag replied in writing that the Namibian National Commission had the said reports. The National Planning Commission denied that they had financial reports. The situation is continuing in which it is reported that German money for "affected communities" is taken by individuals of the Government without any formal procedure. The German Government has now learnt to meet any request for financial reporting and audits with the cynical response of the sole prerogative of the Namibian Government to expend money at own discretion no matter what it was given for. This is then meant to dispose of the demand for the normal practice of accounting and no audit may be expected.

"Development Aid" is managed by the Germans themselves. However, it is expended in Ovamboland on infrastructure and prestigious luxury buildings for the sole purpose of advancing and strengthening a corrupt commercial class against the poor and working class. It is not employed for production, creation of employment and as a contribution to improved living standards or improved infrastructure for social amenities. No minimum wage is allowed, taxes are not paid, and such abuses as paying casual workers with locally brewed drink are common. Thus German Development Aid is geared to put the still existing Ovambo contract labour in intensified bondage. At the same time it spawns increasing resentment nationally where it is unfortunately and worryingly seen as tribal favouritism as German "Development Aid" is not expended on the rest of the country.

The question of *bona fide* efforts at addressing the extreme national abuses of the German colonial era meets with no credibility. They are insincere and devious. It comes through as an underhand at least tacit understanding between the German and the Namibian States to turn the exercise into a farce. This is proven by the fact that the German State here in Namibia state that they have no business with the Herero and Nama, and the Namibian

regime states openly that it rejects the notion of genocide. This is a clear absurdity and a rebuff to the campaign against the genocide.

The question is put beyond doubt when consideration is given to the fact that the National Assembly with its Motion is disregarded and the issue of negotiations is taken to the Cabinet, which is the Executive.

#### **GERMANS DO NOT RECOGNISE NAMIBIAN SELF-DETERMINATION**

But, the heart of this matter is that Germany – as it did during the Resolution 435 era and before – does not recognise the Namibian Peoples' right of self-representation. It will not recognise that the victims of the Namibian Holocaust wish to represent themselves and foist upon the people their own conditions and choice of representation with catastrophic consequences.

#### **NAMIBIANS ARE NOT A SOVEREIGN PEOPLE**

The German regime in the past elections assisted and promoted national elections which were run by Indian Government technicians to the exclusion of Namibians.

Before the process of elections was finalised they declared the elections free and fair. The elections were done with Indian Electronic Voting Machines without any verification or means to verification. They declared the elections free and fair while there is an ongoing dispute.

This was an open pronouncement that the Namibian Nation is not a Sovereign People!

We are warning that Germany's insincere, malicious and dishonest actions are fueling the tribal conflict created by the Namibian State. Germany's dishonest and insincere pretensions to alleviate the harm caused to this Nation and to Africa by the near-extirmination of the Herero and the Nama Nations, is the poisoned chalice!

We are sliding to a catastrophic tribal conflict.

We must not allow it to happen.

#### **CONTINUING CRIMES AGAINST HUMANITY**

The misinformation of both the Namibian and German Peoples by the Namibian and German States is preempting any possibility of conciliation between the two Peoples.

We ask the German People to continue and strengthen their support for the reparations campaign of the Nama and Herero Peoples according to the Motion of the Namibian Parliament in 2006 which calls for discussions between the German Bundestag and the Herero and Nama Peoples in the same manner as was done in the Jewish case.

We remind the German State in particular that the Namibian State's leaders still refuse to account for thousands of Namibians who disappeared under their regime and thousands who were killed by them. The remains of the murdered Namibians have not yet been returned or identified to their Namibian families.

This is a continuing crime against Humanity.

This is an extremely reckless and irresponsible Namibian regime. We demand from the German Government to cease with its efforts to revisit a next catastrophe on the Namibian working people.

We note that the incredibly undemocratic and highhanded attitude of the Bundestag at present has moved us not a millimetre back from the attitude of Lothar Von Trotha and the Deutsche Kaiserreich.

Signed: Hewat SJ Beukes and John Amuthenu

# Letters

## A CLASSIST DEBATE

Afrikaans developed on the continent of Africa and in all fairness, all who speak it should be part of the language debate raging on in South Africa which currently, is not the case. In Lovelyn Nwadeyi's speech addressing the annual meeting of the Stellenbosch University Convocation on the 26th of January this year, and I quote "We must stop this thing of using coloured and black Afrikaans people who are currently dispossessed as our cleaners and our farmworkers as an excuse for exclusionary policies and practices. The very act of using them in such a way is exploitative in nature because we know that their children will never make it to Stellenbosch University as it is." Lovelyn says Afrikaans is many languages and many cultures referencing the different regions in which it is spoken.

This is incorrect. Afrikaans is only one language. What she is in fact referring to are different dialects and accents. She correctly points out that Afrikaans is not only the face of a white Afrikaner male but uses this same point covertly to undermine the use of the language as a primary means of instruction at the university because the poor Afrikaans speakers of colour will according to her, never make it there and if they do, they will face an Afrikaans language and culture defended in their name of which they have no part. With undemocratic and classist reasoning, she renders them voiceless and invisible.

The Afrikaans working class must reclaim their *lingua franca* and not have it subtly belittled as if it were a legal person in an academic exercise nor in a debate in which they have no part. Being the largest constituent of Afrikaans speakers, it is certainly this class of persons who should lead the debate; not be excluded from it and to add insult to injury, have the possible futures of their children flippantly decided upon by tomorrow's elite in a discussion about *their* mother tongue in the snobbish and exclusionary halls of today's academia; an echo of South African society today; a bourgeois democracy using all its power to silence and ignore the workers on whose shoulders it stands. Afrikaans has made huge strides as an academic language and *all* who speak it, own it, and have the right to receive academic instruction in it.

The fact that Stellenbosch University is using the argument of the poor and working class Afrikaans speakers of colour opportunistically does not eliminate it as a valid motivation for Afrikaans medium instruction. Why is the South African state and Afrikaans universities not making visible concerted efforts to include this massive proportion of the populace in their lecture halls? There are enough Afrikaans speakers from the Cape to Gauteng to justify the existence of these universities. Afrikaans speakers were amongst the many tireless freedom fighters throughout South Africa and Namibia's troubled histories who endured unspeakable suffering at the hands of Apartheid and paid the ultimate price in their struggle against injustice. This I add only as a point worth noting in the mire of ahistorical deceit seeking to suppress true history as tribalist revisionists in their quest to enforce a false narrative favouring black nationalism, deliberately and very selectively ignore the contributions of many brave men and women from different cultural backgrounds, languages and hues who sacrificed during the armed liberation struggles.

Must English become the exclusive medium of instruction in South Africa and all cognitive development be nurtured with it alone? What about all other languages in South Africa? When I attended a mission school, the racist English school board attempted to use English as a means of exclusion by trying to implement language proficiency tests as a requirement for entrance to Sub A. I am sure that apart from my personal experience in witnessing covert attempts by white supremacists to undermine black inclusion in education, there are many other

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such cases throughout history and countries where language was and is not the only means by which exclusion is orchestrated underpinning the fundamental premise of my argument which is that the question of white exclusivity in education must be addressed as a question of class and not race. The use of language as a tool whereby power is exercised over others can be true for any language as in the case of an adult slave who had to refer to the white boy as 'master' or the servant in the king's palace who has to refer to the little prince as 'your highness'. If one wants to follow the fallacious and flawed reasoning by which a language is assigned labels such as racist and oppressor then surely, given Great Britain's ruthless imperialist history, English must be the biggest racist and oppressor of them all. By assigning the label of 'language of the oppressor' to Afrikaans, an insidious attempt driven by middle class interests of the *nouveau riche* in particular, is made to drown out the voice of the Afrikaans speaking working class and their social and political heritage.

The very conception of Afrikaans dictates its nature; a vibrant, colourful spring from the mother city whereby imported slaves from different countries and locals forced into servitude by imperialism developed a common means of expression with each other and the imperial master in the dark abyss of class oppression. In short, the development of Afrikaans cannot be divorced from the soil on which it was birthed. It is the golden thread relaying the tale of a peoples' common history.

To let Afrikaans go is a choice of the working peoples of Southern Africa. If they wish to retain it then it must take its rightful place amongst the official languages.

## What is Hage's position on the Nama/ Herero Genocide and the Way forward?

The Nama/Herero Genocide is a Historical event that took place during 1904-1908 by an order of extermination against the two Nations. Let me not go into detail of the facts of the Genocide.

The recent pronouncement of President Hage Geingob on the struggle of the Herero and Nama Nations for reparations compel us to go into the question of Genocide. During his SONA the president responded to the question which was posted by the Official opposition leader. The arrogance of the president in his response on the question is uncalled for and can never be condoned. Why did the President say in his response to the question posed to him that there was no Nama/Herero genocide, and that Genocide only became a legal concept after WWII, yet the German Government has admitted and apologised for the cruel act against the Nama/Herero?

The statement by the President should remind the two Nations that it is not in the interest of the Swapo-led government. The President said that he will not be part of such negotiations, what the Swapo government fails to understand is this that, the two Nations did not ask the government to be party to the talks. It is therefore important that the Nama/Herero nations remain united in the fight for reparations.

The Workers Revolutionary Party in its political programme set out how this demands should be made. Workers Revolutionary Party established a committee to work closely with the two affected communities on their demands for reparations. Firstly, there should be a call for solidarity from the whole working people of Namibia for the two peoples just as we should all have solidarity towards the SWAPO members killed and the disappeared by the SWAPO. A nation consisting of

## *Beginnings of a discussion on land*

It is obvious that with the reparations demand we as a party will have to immediately get ourselves abreast with the land question.

The land above the "red line" running from east to west about 100km (97.3 km) north of Tsumeb has never been expropriated by the colonialists.

The land southward has been expropriated and the national groups' lands have been shrunk to enclaves in the commercial farming areas of farms of up to 40,000 hectares and more. Besides subsistence, the reserves serve the purpose of labour reserves for the commercial farms augmented by contract labour from the north.

The African peasant generally had no sense of private land ownership. Land is collectively owned, but privately utilised by permission of the community (chief) equivalent to free leasing. This form of land utility is continuing in the remaining snippets of land. Rehoboth had a dual land ownership. Non-alienable family farms were combined with collective ownership.

Since the 60's with the SA Odendaal Plan of 'development' of the reserves the family farms found themselves on the open market and privatised.

The 'lease' of collectively owned land was reversible on abuse. Private ownership put pressure on this form of land management. Rich peasants were seeking privatisation even during colonial times, even of these snippets of overgrazed reserve land vehemently opposed by the poorer peasants. The latest is the Namibian Government's attempts to privatise reserve land in 20 hectare (uneconomical) units. This is resisted fiercely by the peasants.

Above the 'red line' the chiefs still manage the lands as usual. The regime does not interfere except in the Caprivi where it has disowned the communities.

Down south the regime now claims ownership of all the reserves. It has a resettlement policy in which it resettles largely unemployed from the North on farms and in reserves without a financial and technical support creating slum upon slum to the increasing ire of an already landless peasantry. In the mid-1950's 54000 hectares of the Hoachanas community was expropriated by South Africa and the whole community arrested, bound and removed to Itsabises 400 km southward. As soon as the shackles were removed the community returned. There were a number of similar expropriations. This land now belongs to a dentist except the 4000 hectares on which the community 'live'.

We asked three representatives what do they expect from reparations or from land reform: The answers were all the same, they want restoration of adequate land with technical and financial assistance under their own control. They want private co-operative production. This means each farmer wants his own livestock and wants to farm separately while co-operating perhaps with implements, etcetera with other small farmers.

They agree that the commercial farms (except those adjacent to the reserves) would require a different approach and would fall outside the Reparations claim as the whole working class is involved and the farm workers will have to say how they see reform. Most of these farms have seen generations of families living there giving their full lives and all members to production with no benefits. Recently a practice of farm bosses started to dump whole families on the highways as the agricultural unions started to organise and raise demands.

The organised working class shall deal with the following crucial issues:

1. How to deal with tribalism fostered by the Namibian State and fuelled by the imperialists.
2. Their demands regarding land reform and their rights.
3. How to take their struggles forward started through their unions.

more than one ethnic or national group join their struggles by solidarity not by disregarding any group's own demands and struggles. This is the only way a nation can be united.

It is also now time that the Nama technical committee reorganise itself to and work closely with the working people .

Workers Revolutionary Party will stand with the two communities in giving its political support.

*Paul Thomas*

## **Mynwerkers se beroep op alle mynwerkers**

**28 JUNIE 2016 – WINDHOEK**

1. TCL Kommittee en mynwerkers versoek die numwe leierskap van MUN om sy verantwoordelikhede teenoor die mynwerkers n ate kom en saam met hulle te kom staan om:

- a. Tydelike kontrakte onwettig te laat verklaar
  - b. Die pensioenfonds van die TCL werkers terug te kry. Die pensioenfonds van die werkers van Tsumeb Korporasie was verduister deur die finansieele instellings en samewerking met die mynbase.
2. Die MUN is een van die skuldige persone en die vorige leiers wat betrokke was moet aan die pen ry oor die gestelde pensioenfonds van die werkers.
3. Alle werkers van die myn moet sien, wat het die Unie aan die werkers van TCL gemaak
- a. Die TCL werkers het hul pensioen verloor: deur MUN.
  - b. Die kontrakte wat werkers verneuk deur MUN-mynbase
  - c. Die huise van TCL word verneuk deur MUN en mynbase.
  - d. Ons het MUN onderhou met ledegelde sedert 1980.
4. Die werkersunie en ander werkers organisasies moet die lewenskoste wat gebaseer op die werklike behoeftes van die werkers en hulle families bepaal.
5. Die TCL werkers vra:
- a. Alle mynwerkers wat werk, moet nou vir ons te ondersteun
  - b. Ons vra nog alle werkers in Namibia by die verskeie maatskappye moet ook vir ons ondersteun. Dit is julle broers en sisters wat so onwettig gemors word.
6. ons vra ook die werkers van regering is ook ons broers en sisters, julle moet vir ons ook ondersteun,
7. Die MUN leierskap het die ooreenkoms geteken om ons pensioen deur TCL Management te laat steel.
8. Ons vra ook die youth, soos Kahiriri hulle om hierdie stryd te ondersteun.
9. Ons vra ook die opposisie partye in die Namibia hulle moet ook vir ondersteun in die cabinet.
10. President Hage Geingob moet verantwoording doen oor die pensioenfonds wat deur die regering weggeteken is.

**COMRADE ISSY MUKUVE**

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**Petrus Damaseb die Regter President van die Hoerhof  
Onder-Hoof van die Appelhof**



**August Maletzky bo se Damaseb  
is 'n dief, prostituut en boef.**

**KRISIS!: NAMIBIESE HOËR en APPEL HOWE SONDER MORELE GESAG  
PETRUS DAMASEB DIE REGTER PRESIDENT EN ONDER-HOOFREGTER VAN  
DIE APPELHOF HET SKYNBAAR 3-en-'n-half MILJOEN VAN FIFA GESTEEL  
Hy word ook beskuldig daarvan dat hy 'n prostituut is en as straatboef die Hof lei.**

Op 16 Junie het Regter Miller in die Hoerhof bevind dat August Maletzky die Regter President gevloek het en beskuldig het dat hy 3-en-'n-half miljoen gesteel het. Die WRP Sentrale Komitee op 29 Junie 'n brief aan Damaseb die Regter President van die Hoër Hof gerig waarin hulle hom aanspreek oor sy versuim om ernstige aantegings teen hom in die publieke media en briewe deur ene August Maletzky aan te spreek. Hulle skryf, Maletzky “accuses Damaseb JP of having defrauded and Stolen from FIFA and the NFA N\$3,5 million. Maletzky abused Damaseb JP on public media (Facebook) as follows: “FoKon Skelm!” and “Petrus Damaseb, jou matrieklose kont.” Maletzky refers to Damaseb JP as “a petty criminal” and a “prostitute” on public media. He asserted that the “judiciary is headed by a petty criminal, Petrus Damaseb. He states that he had “deposed to Judge Petrus Damaseb’s misconduct as a judge, in that among others, he met with some judges and concocted a scheme ...” The self-evident legal maxim in this regard reads, **“Admission by silence means the failure by a party, in whose presence, hearing, or observation of an act or declaration is made, to assert that such act or declaration is untrue. ... The Judge President is bound to protect the dignity and effectiveness of the Court.** Given that this is a Court pronouncement, it is fact before court that Maletzky had committed crimen injuria not only against the person of Petrus Damaseb, but clearly against the judiciary with the intention to diminish its stature, there is a clear obligation on the Judge President to take steps to arraign Mr. Maletzky for a criminal action and to resolve the issue of Mr Maletzky’s charges of theft and debauchery. This is unavoidable if he shall meet his legal and constitutional obligations to the Court. Failure to do so would pose an insoluble crisis for the Namibian High Court: It would

pose a two-fold dilemma: It would engender the reasonable suspicion that Mr. Maletzky has an unacceptable hold on the Judge President on the one hand. On the other hand, and even more menacing, the implication is that the Judge President feels he is not accountable to anyone, not to the Court, not to the people, not to litigating parties. ... it will leave a Namibian High Court without any Moral Authority and dignity. The threat looms large over this Court of the validity of the presumption that its leader, the Judge President, is a thief, a prostitute, a criminal and that its judges have no professional loyalty to both him and the Court. This is a serious CRISIS by any standards. ... WHEREFORE, we request that you take all necessary action to clarify and resolve the unresolved issue of Mr Maletzky’s crimen injuria not only against yourself, but against the High Court; and, that you resolve the issue of possible libel against yourself and the Court. In any event, it is not a matter the WRP may leave unresolved. Damaseb het nie op die brief ge-antwoord nie. Kobus Miller hou vol dat Damaseb self agter hom moet kyk. Die dinge waarvan Damaseb beskuldig het niks met die Hof uit te waai nie. Regslui wat die Werker in Namibia, Suid Afrika en Europa vir mening genader het oor die uitsprake van die Hof en sy versuim om op te tree en die Regter President se stilswye was geskok en stom geslaan. Europese regslui het daarop gewys dat Wes Europese lande honderde jare van “legalism” ondervind waarin dit ondenkbaar is dat the regsbank tot hierdie mate ge-kompromiseer kon word sonder streng optrede. Suid Afrikaanse en Namibiese regslui was dit eens dat hierdie insident ‘n ‘terminale krisis’ kan wees vir die regsbank indien daar geen regsstelling is nie. Hulle is dit eens dat Damaseb se stilswye in terme van die wet as erkenning van die aantygings gesien moet word, maar hulle stem saam dat dit ‘n ernstiger implikasie bevat, dat die regsbank geheel en al onaanspreeklik is, dat dit nie hoef te antwoord op kriminele klagtes nie van regters of hof amptenare en regsgeleerdes. Dit beteken dat die hof-stelsel geen morele gesag het om enige saak hetsy krimineels of siviels of andersyds te verhoor, want die hof self word regmatig beskou as ‘n kriminele gedrog.



**Regter Kobus Miller (regs) se dat Petrus Damaseb self vir Maletzky die hoof moet bied. Die Hof kan hom nie help nie.**