



## Electoral Commission of Namibia

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### MEDIA STATEMENT

*(for immediate release)*

**21<sup>st</sup> September 2021**

#### **RECOUNT OF THE REGIONAL COUNCIL ELECTION FOR THE NDONGA LINENA CONSTITUENCY**

The Electoral Commission of Namibia (ECN) wishes to state its position with regard to the Court order made recently by the Electoral Court in relation to the Regional Council elections held for the Ndonga Linena Constituency on 25<sup>th</sup> November 2020.

The ECN herewith wishes to inform the Namibian public that it has taken note of the Electoral Court ruling handed down on 13<sup>th</sup> September 2021 in the matter between *All People's Party v Electoral Commission (EC 2/2021) [2021] NAHCMD 414*.

The Electoral Court on 13<sup>th</sup> September 2021 ruled that:

1. The announcement of the results of the Electoral Regional Council Elections for the Ndonga Linena Constituency by the Electoral Commission of Namibia on 27<sup>th</sup> November 2020 is declared null and void;
2. The swearing in of Kampota Michael Shiwana as a member of the Kavango East Regional Council representing the Ndonga Linena Constituency is declared null and void.

In terms of the same court order, the Electoral Commission of Namibia is ordered to:

3. Cause the recount of the votes cast in the Regional Council Elections for the Ndonga Linena Constituency in accordance with the provisions of the Electoral Act 5 of 2014, at a secure and convenient place determined by it in Windhoek;

4. Cause such recount to commence not later than 10 calendar days from the date of this order to be concluded as soon as reasonable hereafter but not later than 20 calendar days from the date of this order;
5. Allow the applicant and other respondents to exercise their rights in regard to such recounting as provided for in the Electoral Act;
6. Cause the results of the election determined in such recount to be announced in terms of Section 111 of the Electoral Act.

In light of the above, the ECN herewith confirms its commitment to comply and execute the ruling by the Electoral Court for the recount of the votes for the Ndonga Linena Constituency. To this end, the Commission has finalized preparations for the recount exercise to take place at the **ECN Head Office at 10h00, on Thursday, 23<sup>rd</sup> September 2021** in Windhoek.

The recount exercise will be conducted as provided for in terms of Section 105 of the Electoral Act, Act 5 of 2014. Stakeholders and affected political parties have been informed accordingly.

The ECN has further taken note of a press release issued by SWAPO Party Political Bureau of its Central Committee regarding the Ndonga Linena Constituency ballot recount process on 20<sup>th</sup> September 2021.

The ECN would like to respond to the said Press Release in the following manner:

- Reference is made in the said press release to media statements purported to have been made by the former ECN Chairperson, Adv. Notemba Tjipueja. As far as those statements are concerned, the former Chairperson has clarified that the comments attributed to her were quoted out of context as carried in the Namibian Broadcasting Corporation (NBC) 8pm news bulletin of 20<sup>th</sup> September 2021. The ECN has no further comment on this.
- Secondly, the ECN wishes to state that the Electoral Court order handed down on 22<sup>nd</sup> June 2021, specifically ordered the ECN to make available and allow the APP to make copies of the 57 ballots that were rejected in the Regional Council election of the Ndonga Linena Constituency for the Regional Council election held on 25<sup>th</sup> November 2020, by no later than 14<sup>th</sup> July 2021.
- With regard to this matter, the ECN has complied by making available the relevant materials as ordered by the Court. Although the ECN was not obligated through the Court order to invite the other respondents in this matter to observe this particular process, the ECN in hindsight, acknowledges that it should have invited the other respondents to observe such proceedings as good practice in the context of stakeholder relations management.



- The ECN would also like to point out that the making available of the relevant material as per the said Court order related specifically to the 57 rejected ballot papers which were to be found in 11 ballot boxes as per our records. For such reason, only the affected 11 ballot boxes out of the 25 boxes were opened for that purpose in line with the Court order.
- The ECN wishes to state that the exercise of making available these materials was observed by officials from the Namibian Police. Furthermore, at no point was this process compromised and all materials and equipment relating to the Ndonga Linena Constituency Regional Councils election remain in safe custody, at the ECN logistics stores.
- The ECN has extended an invitation to all respondents in the matter regarding the ballot recount process in a communication dated 17<sup>th</sup> September 2021. We encourage all those invited to attend the proceedings as per said invitation.

Therefore, the ECN wishes to state that against such background, it will proceed with the recount exercise as planned, as per the court order.

Finally, the ECN will ensure that all security mechanisms will be deployed during the recount process to ensure that the process is fully transparent so as to ensure integrity of the outcome.



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