



## LEGAL ASSISTANCE CENTRE

Recipient of the UNICEF Maurice Pate Human Rights Award – 1997  
JP Karuaihe Human Rights Award – 2008 and 2010

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July 2011

Dear Donors, Stakeholders and Friends of the LAC

### RESPONSE TO REPORT OF THE WORKERS' ADVICE CENTRE

It has come to our attention that a report by the Workers' Advice Centre was posted on a Complaints Board website on 12 July 2011 at [www.complaintsboard.com/complaints](http://www.complaintsboard.com/complaints). This report contains a number of defamatory and outrageous statements regarding the Legal Assistance Centre as well as its previous director and members of the judiciary.

Whilst we do not know what has prompted this tirade against the Legal Assistance Centre we suspect it may have something to do with, in particular, two recent litigious matters in which the LAC has been the legal practitioner of record.

In the matter of the E Beukes v The Peace Trust LCA 41/2002, (Mrs Beukes is the author of the missive by the Workers' Advice Centre) in which the LAC acted for the latter, the Labour Court dismissed Mrs Beukes' application for leave to appeal an earlier judgment made in favour of the Peace Trust. Not even the Judge-President of Namibia was spared the wrath of Mrs Beukes as is evident from paragraph 10 of the Judgment which reads: "I have chosen not to make any comment on other allegations, both contemptuous and scandalous, against me."

In the matter of the Magistrates' Commission v The Minister of Justice & Another A223/2009 (currently on appeal before the Supreme Court on unrelated issues) a certain Mr Beukes and a Mr Maletzky brought applications to intervene which were subsequently dismissed by the High Court. Mr Beukes runs the Workers' Advice Centre and is the husband of Mrs E Beukes. Mr Maletzky runs the African Labour and Human Rights Centre which is closely affiliated with the Workers' Advice Centre. In these applications, too, the integrity of the LAC was attacked. The court noted on page 15 of its judgment: "In addition, not only are some of the challenged assertions scandalous, vexatious, irrelevant, argumentative and opinion evidence but there were also those that were based on unsubstantiated information gotten from other people and were not supported in any manner whatsoever."

Despite this admonition by the High Court of Namibia, the Workers' Advice Centre continues to make unsubstantiated, vexatious and completely incorrect statements about the LAC.

I now turn to some of the allegations in the "report" by the Workers' Advice Centre.

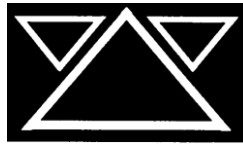
1. Although there appears to be an entity with the same name established in the United Kingdom, the Legal Assistance Trust in Namibia has no ties to this entity and the reference made to same is not understood since it is completely irrelevant.
2. We take grave issue with the statement that human rights violations are a "lucrative business" and find same to be extremely distasteful.

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#### Trustees of the Legal Assistance Trust:

Clement Daniels (Chairperson)    Elize Angula    Esi Schimming-Chase    Nico Kaiyamo    Bisey Uirab  
Tangeni Amupadhi    Norman Tjombe    Toni Hancox (ex officio)



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3. The Legal Assistance Trust is not formally registered with the Master of the High Court since this is not a requirement in Namibian law. We therefore strongly take exception to the allegation that the LAT is an “invalid”, “illegal” or “sham” trust.
4. The payment made to the LAT by the Peace Trust had nothing whatsoever to do with any litigation but related to a joint project run by the Legal Assistance Centre and the Peace Trust.
5. The trustees do not take part in the decisions relating to the type of cases litigated by the LAC or to which Counsel, if any, should be retained. This decision is made purely by the management within the LAC. The trustees consist of eminent personalities within Namibia and include legal practitioners, leaders in industry and an acting judge. The trustees derive no pecuniary benefit from acting on the Board with the exception of the costs of travelling to board meetings, in isolated circumstances.
6. Judge Smuts is no longer on the Board of Trustees of the LAC having resigned upon his appointment as a permanent judge of the High Court. Similarly, Adv. S Akweenda took no further part in the decisions of the Board of Trustees once he was called to the Bar and subsequently resigned from the Board. In particular, it should be noted that where Smuts, when he was an advocate in private practice, acted for the clients of the LAC, reduced rates were charged to the LAC and this is, indeed, the case of many Counsel who act for the clients of the LAC. This is indicative of the regard with which the LAC is held as a champion for human rights causes in Namibia.
7. The allegations made that Acting Judge Kobus Miller paid a sum to the Legal Assistance Centre to secure a favourable judgment are preposterous and rejected with the contempt they deserve. Is it suggested that the LAC has the power to sway judgments?
8. The legal team within the LAC deliberate on whether a matter has public interest or not. The Magistrates’ Commission case is of extreme importance since it deals with the separation of powers in a democratic society.
9. The award made to Kapurunje Uirab was paid over to the Guardian’s Fund at the Master of the High Court for the benefit of the minor. The Workers’ Advice Centre once again makes allegations that are untrue.
10. Whilst the courts continue to grant costs in favour of the Legal Assistance Centre, a policy decision was made not to recover those costs but rather to advocate for a change in the law defining “law centres” which would confirm that the LAC can reclaim disbursements paid out on behalf of clients from the other party should the client be successful. These are not fees. Reclaiming disbursements means that the LAC has added resources with which to assist its indigent clients.

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11. All employees of the LAC only receive a salary. The unsubstantiated and incorrect statements made by the Workers' Advice Centre leaves one mystified as to their true intentions.

We have only responded to some of the issues raised by the Workers' Advice Centre but would be more than willing to clarify further matters should this be required.

The LAC reserves all its rights in relation to the allegations made by the Workers' Advice Centre.

Yours faithfully

Obo The Trustees of  
Legal Assistance Trust

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