

Libel claim against *The Namibian* withdrawn

By [Werner Menges](#)

6 Mar 2013

A Windhoek business owner who was suing *The Namibian* for N\$500 000 for alleged defamation, on 4 March 2013, decided to withdraw his claim against the newspaper.

Judge Kato van Niekerk was due to continue hearing testimony on the defamation claim of business owner Petrus Gabriel and his close corporation, Okalindi Group CC, against *The Namibian* in the High Court in Windhoek on 4 March 2013. The hearing did not proceed after the judge was informed that Gabriel and Okalindi Group CC have decided not to continue with their legal action against the newspaper.

They have decided to withdraw their claim, and have offered to pay the newspaper's legal costs in the matter.

"We welcome Mr Gabriel's withdrawal of the lawsuit against *The Namibian*," the newspaper's editor, Tangeni Amupadhi commented.

"Lawsuits by their nature benefit neither party properly. They are costly and take a lot of time to prepare for and to conclude. Hundreds of thousands of dollars have been spent on this one over the past several years. Yet both parties will go away feeling they have lost rather than gained anything," he said.

"One valuable lesson is to use less costly and less time-consuming avenues such as the Media Ombudsman, whose arbitration process is fair towards any complainant and the media houses."

He said he was glad the matter could now be laid to rest.

Gabriel and Okalindi Group CC were suing the Free Press of Namibia, which is the company owning *The Namibian*, the former editor of the newspaper, Gwen Lister, and news reporter, Denver Kisting in connection with an article which was published in *The Namibian* on 20 May 2010.

In the article, written by Kisting, it was reported that the Namibian Police had confiscated beer, wooden pallets and empty beer bottles from the premises of one of the Okalindi businesses in Windhoek after they had made a breakthrough with an investigation into the suspected theft of beer from Namibia Breweries.

A senior police spokesperson, deputy commissioner Hophni Hamufungu, was quoted as the source of that information.

Another police spokesperson however reported at a later stage that the beer and other goods had in fact been confiscated

at the premises of another business, and not at an Okalindi outlet.

Gabriel and Okalindi Group CC were claiming that the article was defamatory, that it depicted them as criminals who were involved in the illegal trading of liquor, and that they had suffered damages of N\$500 000 as a result of the story.

The newspaper, Lister and Kisting defended the case. They denied that the article was published with the intention of defaming Gabriel or Okalindi Group, and claimed that the article was based on information provided by a senior police officer who was responsible for liaising with the media and for providing accurate information to the media regarding police operations, activities and crime reports.

Gabriel was due to continue to testify under cross-examination.

He testified at the start of the hearing in June last year that he was dismayed when he saw the article published in the newspaper on 20 May 2010. No beer was confiscated from his business premises, and his businesses had never stolen beer from Namibia Breweries, he said.

He never contacted the newspaper to point out the error, though, he also told the court.

According to Gabriel's testimony the annual turnover of Okalindi Group CC was about N\$12 million.

Gabriel and Okalindi Group were represented by Dirk Conradie.

Deon Obbes and Wilmili de Bruin represented the newspaper, Lister and Kisting.

Source: [allAfrica](#)

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