THIS WEEK IN NAMIBIA
Week of August 20 - 27, 1989

(A weekly report filed by the Lawyers' Committee for Civil Rights Southern Africa Project Staff in Namibia.)

1. **General Comments:** The major event affecting Namibia this week is occurring in southern Angola. Media report intensified fighting between Jonas Savimbi's UNITA rebels and the Angolan army, FAPLA, following Savimbi's termination of the cease-fire between the two forces and his August 24 announcement that the war had "restarted."

Savimbi attributed the war's resumption to FAPLA attacks on UNITA forces. The Angolan government claims that UNITA forces attacked both military and civilian targets in the nine weeks since the cease-fire agreement, killing 20 civilians and wounding 21 others in three village raids between August 16 and 19. UNITA forces reportedly executed six Cuban soldiers, prompting Fidel Castro to comment that UNITA's action could "unfavorably influence" the Cuban troop withdrawal from Angola. Savimbi has reportedly retracted his statement regarding the cease-fire and has promised to honor the agreement again.

Intensified conflict in Angola, if it affects the withdrawal of Cuban troops, could jeopardize the implementation of UN Resolution 435, which has been linked to withdrawal. Deterioration in the security situation in southern Angola could influence the shaky situation in northern Namibia. Rumors continue to circulate about PLAN fighters below the 16th parallel, though UNTAG has been unable to confirm these reports. Unconfirmed reports from the north indicate increased Casspir and ex-Koevoet patrols along the border. South African Defense Force activity has allegedly resumed in northeastern Ovamboland, although a SADF presence would violate Resolution 435, which confines all SADF troops in Namibia to bases under UN supervision.
2. **Overall Security Situation**

The security situation in the north is worsening as violence between political parties continues. As noted last week, the incidents appear to be instigated primarily by the DTA. The Human Rights Centre reports nine separate cases of DTA harassment of and violence against SWAPO supporters from August 19 - 24. In one of the most disturbing incidents, a 10 year old girl was shot in the face with an arrow, allegedly fired by a DTA supporter into a SWAPO march on August 20 in Oshakati. The girl is in critical condition. In several incidents, the victims were beaten with sjamboks or sticks, stabbed or shot. On August 16 a DTA convoy, reportedly armed with swords, pistols, and knives, drove through the Engela reception center firing shots. In Omungwolumo on August 24 a returnee was shot in the shoulders, and a school inspector investigating the shooting was hit in the face, reportedly in the presence of UN monitors. Earlier in the week, six teachers were admitted to Oshikuku Missionary Hospital with minor injuries after they reportedly were assaulted by DTA members armed with sjamboks. Some DTA members involved in the incident were reportedly members of the disbanded 101 Battalion.

Though many incidents of DTA violence against SWAPO reportedly involve former members of the security forces, no conclusive evidence that they are acting on instructions from their superiors has surfaced. Nonetheless, links between the command structures of the nominally disbanded territorial forces and the DTA are evident. The DTA's Ovamboland headquarters, for example, is directed by a former commander of SWATF's 101 Battalion, Captain De Waal. Sources in the disbanded unit report that in exchange for their biweekly pay, soldiers must report on SWAPO activities in their area. UNTAG Force Commander Prem Chand contends that such reporting is not possible as the pay exchanges are closely monitored by UNTAG military police.

Though concentrated in Ovamboland, political party violence also occurs in the Caprivi Strip and Kavango and has spread south, most recently surfacing in Windhoek's black township, Katutura. During the past week, four clashes between DTA and SWAPO supporters occurred in Katutura. UNTAG forces were on full alert over the weekend, but SWAPO's postponement of a Saturday Katutura rally to Sunday avoided potential conflict with a Saturday DTA rally.

3. **Political Prisoners**: In a effort to alleviate controversy concerning SWAPO detainees, SWAPO held a press conference on August 23. SWAPO Secretary for Information Hidipo Hamutenya reiterated the organization's assertion that people who had been detained on espionage charges have been released. SWAPO invited an independent international delegation composed of the International Committee of the Red Cross, Amnesty International and the United Nations High Commissioner for Refugees to travel
to Angola and Zambia, with the permission of those governments and accompanied by media representatives, to inspect the camps and satisfy themselves that they were empty. SWAPO also extended an invitation to join the delegation to representatives of those groups and individuals, such as the Parents' Committee and the Political Consultative Conference, who are charging that SWAPO is still detaining people.

When asked whether those SWAPO members responsible for the mistreatment and torture of detainees would be brought to justice, SWAPO Foreign Affairs Secretary, Theo-Ben Gurirab responded that SWAPO has never denied that people had been detained by the organization on espionage charges. Some were proven to be enemy agents involved in spying on the organization, some turned out to be innocent. With the return of the ex-detainees to Namibia, it became clear that some SWAPO officials who were charged with "gathering information from those people" had taken the law into their own hands and, exceeding their authority, had acted brutally toward prisoners. This was regrettable. When these individuals within the SWAPO structure are identified, they will be brought to justice.

SWAPO's announcement was generally welcomed as a long overdue step. The speakers emphasized the need to begin healing wounds of the long war. This view is shared by the churches who held private meetings with both SWAPO and a group of ex-detainees this week in an effort "to move towards reconciliation for achieving permanent peace." The Special Representative applauded SWAPO's action and is reportedly planning to travel to southern Angola himself.

4. **Leonard Sheehama:** The case of Leonard Sheehama, a Namibian on death row in South Africa, attracted attention again this week when SWAPO Secretary General Toivo ya Toivo alleged at an OAU meeting that the sentence passed on Sheehama was an "illegal act." Sheehama was convicted and sentenced to death on April 21, 1989 on five charges of murder. The Administrator General and the law firm of Lorenz and Bone, which represented Mr. Sheehama, rejected Toivo's comments and asserted that Sheehama did not qualify for release under the provision for political prisoners enacted in July. The South African Chief Justice is currently reviewing his request for appeal.

5. **Electoral Laws:** Negotiations on the draft electoral law reached a critical stage this week with the arrival of a special envoy, Mr. Paul Szasz, sent by the UN Secretary General to facilitate the negotiating process and improve communications between Windhoek and New York. On August 22, UNTAG electoral director Hisham Omayad announced that it was impossible to say when the laws would be finalized. The arrival of Mr. Szasz is reportedly designed "to help speed up the negotiations as far as New York is concerned."
There is much local speculation that the arrival of Mr. Szasz, who is a retired senior member of the legal office of the Secretary General, signals tension between the New York and Windhoek UN offices. Until now, UNTAG appeared willing to accept some of the most controversial aspects of the draft law, including the marking of registration numbers on ballot envelopes, the centralized counting of ballots, the time-consuming verification procedure and the minimum two-week delay before results are announced. The United Nations Africa Group's draft resolution before the Security Council this week urges the SR to ensure that the laws "conform with universally accepted norms for the conduct of free and fair elections." Local observers suspect that Mr. Szasz has been dispatched to Namibia to ensure that these views are reflected in the United Nations negotiating position here.

6. **Registration:** The AG reports that as of August 28, 621,955 people have registered to vote in the coming elections. According to his calculations, that figure represents 91.7% of all eligible voters in the territory. SWAPO continues to contest this figure and is calling for an extension of the registration deadline from September 15 to September 30. A fact-finding mission to the north from the SWAPO election directorate condemned the entire process there. Among other issues, they objected to the distance between registration points, to the routing and placement of the mobile registration teams (reportedly often located close to tribal offices, or police stations or ex-Koevoet bases), chronic communication problems regarding the specifics of registration and, finally, persistent inconsistencies in completed cards taken away by registrants. Thus far, neither UNTAG nor the Administrator General has officially responded to SWAPO's claims.

In addition to concerns raised by SWAPO, reports from the north continue to indicate that substantial numbers of UNITA members are being registered to vote along the country's northeastern border. In addition, *The Namibian* reports that the transport of South Africans to register to vote here is being underwritten by unknown sponsors inside South Africa, allegedly including "big business and private enterprise." Project Namibia, one of the companies involved in bringing South Africans to register to vote in Namibia, estimates that its service alone has transported approximately 4,000 people. Other companies are reported to have serviced an additional 4,000 registrants. Official UNTAG estimates, however, continue to range between 2,000 and 3,000 people.

7. **The Legal Assistant Centre:** The legal challenge initiated by the Administrator General and the Minister of Defense of South Africa Magnus Malan against the Legal Assistance Centre (LAC) was decided in favor of the LAC on August 28. The Centre, directed by human rights advocate David Smuts, is the
only public interest law firm representing indigent Namibians. There is effectively no government legal aid available.

In arguing the case for the LAC, senior South African Advocate Arthur Chaskalson pointed out that the AG and Malan were trying to close down the LAC by disqualifying its attorneys on a largely technical point, and protested before a packed courtroom that the cases of the AG and the Minister of Defense were "utterly untenable and preposterous." He argued that the legal precedents the AG and Malan cited applied only to commercial and not public interest law firms and demonstrated that practice of legal assistance by salaried attorneys to indigent people is widely accepted both in South Africa and internationally. An attempt to prevent such service would amount to "Namibia setting its back against the course of history." Chaskalson pointed out that neither the Law Society nor the Bar Council of Namibia, the statutory bodies charged with regulating the profession, were objecting to the operation of the Centre. Both had accepted and approved its operation. Instead it was the AG and Minister of Defense who were seeking to close the Center, both of whom are the subject of suits brought by the Center on behalf of hundreds of Namibians.

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