THIS WEEK IN NAMIBIA
Week of September 17-24, 1989

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

1. General Comments With November 6 no less than six weeks away, all of the unresolved variables affecting the holding of free and fair elections in Namibia are leading to an atmosphere of anxious excitement, best captured in the contradictory feelings aroused by SWAPO deputy election director Anton Lubowski's assassination and SWAPO President Sam Nujoma's return. Time is running out to resolve security problems, pursue voter education, disseminate election information, and train electoral personnel. These various issues, among others, must now be addressed simultaneously and in short order.

The continued absence of a final election law exacerbates the mounting suspense. With little time left to campaign, no political party is equipped with basic information about procedures governing the elections. In addition, neither the law nor the determination regarding which parties are legally registered are likely to be available until around September 28. Practically speaking, this means that widespread voter education of a largely illiterate population almost entirely unfamiliar with popular elections will not start until mid-October, or just three weeks before voting begins. Representatives of the worldwide Anglican church visiting Namibia this week, who were joined for a day by Archbishop Desmond Tutu, urged on September 18 that the proclamation be made public "so that people could become familiar and comfortable with it." A draft version of the reworked election laws, which has been made available to the Lawyers' Committee, seems to indicate that many of the major flaws in the draft election laws have been eliminated, although problems still remain.

Despite persistent legislative, security, humanitarian and political problems, however, this week had some memorable moments in Namibia's history. On Thursday, Sam Nujoma met with the
 Administrator General, Louis Pienaar. The Special Representative held unprecedented joint meetings in the north with all the major political parties, affirming a mutual code of conduct. The South West African Broadcasting Corporation initiated an "election forum," allotting long-demanded air time to the major parties for publicizing their various platforms. The repatriation of 41,657 Namibian exiles concluded and the registration of over 695,902 voters came to a close.

2. Overall Security The "confinement to base" of Koevoet, the former counter-insurgency unit which was incorporated into the police force late last year, continues to prove problematic. Sources in the North report that the confinement apparently pertains only between 8:00 a.m. and 4:00 p.m. and that Casspirs, allegedly reduced and consigned to border patrol in the north, are still regularly cited in non-border areas. UNTAG reportedly is pursuing a phased approach to the problem, arguing first for full-time confinement of Koevoet in bases outside the north to be followed by complete disbandment, as mandated under 435. Little about the current status of the negotiations is publicly known.

In a separate but related development, seventeen former PLAN combatants walked away from a "Koevoet farm" near Tsumeb, where they had been working since their capture by the army in separate combat actions. The seventeen left the farm following September 8 reports in The Namibian revealing their presence there. Additional workers remained behind. General Hans Dreyer, former commander of Koevoet who now commands the South West African police in northern Namibia, was present at the government-owned farm when The Namibian arrived, and he contended that the ex-PLAN fighters were there "voluntarily." One farm worker said however that he was never officially told of his release and "feared to leave the farm without approval." The workers reportedly also feared going home because of possible negative reactions there. Following the publicity, they decided to leave the farm on Monday, September 18. Their resettlement will be handled by the churches' Repatriation, Resettlement and Reconstruction committee.

SWAPO's regional office in Windhoek was attacked twice this week by unidentified gunmen. At 1:30 a.m. Thursday, the office was fired on and hit seven times. A similar incident occurred last Sunday. In a September 21 press conference, SWAPO election director Hage Geingob also reported continued harassment of SWAPO supporters in Windhoek's so-called black township, including a planned DTA march this past Wednesday to the home of SWAPO President Sam Nujoma.

At the same press conference, Geingob reiterated the now familiar SWAPO theme of reconciliation, stressing that SWAPO returned to Namibia "ready for the democratic process." He said
the recent incidents of Katutura, however, coupled with the assassination of SWAPO deputy election director Anton Lubowski, were provoking SWAPO supporters and that he did not know how much longer the leadership would be able to restrain its followers. He further disclosed that SWAPO security guards are now licensed to bear arms and are doing so. He stressed that "they know how to shoot...[but] are being told not to shoot."

Little further news has been reported regarding the investigation into Anton Lubowski's murder. An article in the September 22 issue of The Weekly Mail notes that prospects of the sole suspect in custody actually being charged with the crime "appear to be receding." One police source is reported to have stated that "he's our man, but he is not cooperating." Speculation on all sides continues regarding responsibility for the assassination.

Three men have been arrested in connection with the August 10 attack on UNTAG barracks in Outjo, which left one Namibian security guard dead and the offices damaged by machine gun fire and grenade blasts. The suspects appeared in the magisterial court in Otjiwarongo on September 10 and are expected to appear again on September 29. All three men reside in South Africa and one is a citizen of West Germany.

3. **The Electoral Laws** As noted above, the final electoral laws are only expected at the end of this week, or possibly, the beginning of next week. Since the arrival of senior UN legal advisor Paul Szasz, the negotiations have taken a new turn, and, according to the office of the AG's Chief Election Officer, "major concessions" have been made and substantial changes agreed upon. Details of the negotiations are difficult to verify, but all reports point to the likely abandonment of the lengthy verification procedure and the widely criticized centralized counting process. In addition, the provision for marking voters' registration numbers on their ballot envelopes has reportedly been dropped. If these changes among others are made, it is estimated that the announcement of the results could occur within four days of the close of balloting. All of these provisions, however, are still under discussion and as such remain subject to change. A more detailed analysis of the law will be published by the Lawyers' Committee following promulgation of the official proclamation.

In a related development, A.G. Visser, whose appointment as Chief Registration Officer was contested by internal groups for his alleged involvement in the former interim government's National Security Council, was appointed Chief Election Officer last week. The controversy over Visser's first appointment erupted following reports in The Namibian that the NSC, on which he served, had discussed a strategy to defeat SWAPO in the coming elections. Visser was not present at the NSC meeting where this
strategy was discussed, but as a committee member it was suspected that he received the minutes. Following these revelations, SWAPO brought Mr. Visser before the O'Linn Commission on Intimidation and Election Malpractices. In a finding issued September 18, the Commission determined that Mr. Visser "was a qualified professional and competent occupant of the post of chief registration and chief electoral officer." No official protest has yet been lodged by any of the groups who objected to his original appointment.

4. SWAPO Detainees

The Parents' Committee, a politically conservative group which claims to represent SWAPO detainees, filed an urgent application on September 19 in the Windhoek Supreme Court against SWAPO President Sam Nujoma and six other respondents. The PC has asked that the court issue an order requiring the respondents a) to provide a list of names of persons taken into detention by SWAPO from 1980 to date, complete with information pertaining to their release; b) to deliver all registers of detainees kept by SWAPO at various camps and a number of other documents; c) to release a number of alleged detainees named in the application and d) to pay the cost of the proceedings.

The Parents' Committee's action is generally perceived by local observers as a publicity move designed to coincide with the return of the UNHCR/UNTAG mission to Angola and Zambia, which the PC has publicly dismissed as "white-washing the crimes of the SWAPO leadership." (The mission returned this week, but their findings will not be public until late this coming week. Unconfirmed reports indicate they found very little if anything.) Few legal analysts feel that the Parents' Committee and four other applicants have adequate standing to bring the case to court or enough information to sustain it. In addition, it is unclear whether the Supreme Court has the jurisdiction to give the relief sought, especially with regard to actions beyond Namibia's borders. Answering affidavits must be filed by October 6.

For the past two weeks The Times of Namibia, a Namibian daily recently purchased by the DTA, has printed detailed reports on the question of SWAPO detainees by Sigfried Groth, a West German pastor from the Vereinigte Evangelische Mission. Groth has worked with SWAPO refugees in exile since 1987 on behalf of two Lutheran churches in Namibia and has a long history of work in Namibia and with Namibians. Groth reports that since 1985 he was aware of detentions by SWAPO and of violations of human rights by the organization. He contends that Namibia's church leaders were also aware of these developments. He cites specific cases of a number of detainees with whom he is personally acquainted and of the mistreatment they suffered while in detention. He also alleges that additional detainees exist. No official response to these allegations from the churches or SWAPO
has been issued, though the Evangelical Lutheran Church (ELC) issued a statement on September 14 which "strongly condemns torture and other forms of ill treatment of Namibians by fellow Namibians in the liberation struggle, whether they were guilty or not."

5. **South West Breweries Boycott** A 17 day old boycott against South West Breweries and its holding company Olthaver and List Group continues as the company failed to reach agreement with 197 workers fired after a protest strike over the dismissal of one of their colleagues. At the time of the strike, three workers were arrested and nine injured when police forcibly disbursed workers waiting for pay following their dismissal, reportedly invoking the controversial public meetings proclamation, AG 23. Two additional SWB workers were detained earlier this week under this same proclamation. (On September 24, in his first public address in Namibia in over thirty years, before an estimated crowd of 50,000, SWAPO President Sam Nujoma called for the immediate repeal of AG 23.) The Namibia Food and Allied Workers Union (NAFAU) has called for the unconditional reinstatement of all dismissed workers which the company has thus far refused.

6. **Privatization Protest** The October 1 date for transfer of government employee pension funds into the hands of private South African insurance companies fast approaches. Both the Namibian Transport Workers Union and the Public Workers Union have strongly protested the action. Both unions, among others, have called for accurate figures on the size of the pension, which have not yet been released. Early estimates ranged as high as R1.3 billion, the privatization of which, if it results in the funds' movement out of the country, could substantially affect Namibia's already fragile economic base.

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