



FILE ON TORTURE

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Amnesty International has received persistent reports of widespread and systematic torture of uncharged political detainees in Namibia throughout the past 10 years. The victims have included church ministers, local community and political leaders, shopkeepers, teachers, peasant farmers and others. Common methods of torture include the application of electric shocks, beatings and prolonged isolation through solitary confinement.

Several uncharged political detainees are known to have died in custody. In two recent cases the courts held that such deaths had been due to unlawful assaults inflicted while the detainees were in custody — but in neither case were the alleged perpetrators of the assaults prosecuted. Indeed, those concerned are believed still to be on active service in the South African security forces in Namibia.

Even if criminal charges or civil claims had been laid against them, it appears likely that they would have escaped prosecution in view of a legal immunity conferred on all members of the South African security forces for acts committed "in good faith".

Most torture allegations relate to events in northern Namibia, particularly the Ovamboland, Kavango and Kaokoland areas, in which well over half of the population lives. Since the late 1960s, these areas, especially Ovamboland, have been the scene of protracted guerrilla warfare between nationalist guerrillas belonging to the South West Africa People's Organisation (SWAPO) and South African security forces.

The United Nations has declared SWAPO the sole, legitimate representative of the Namibian people and has called repeatedly for South African withdrawal from Namibia since revoking South Africa's mandate over the territory in 1966. However, South Africa continues to administer Namibia and to maintain substantial military forces there.

SWAPO is a legal organization within Namibia, though its leadership is based in exile and its military wing, the People's Liberation Army of Namibia (PLAN), is engaged in armed opposition to the South African administration.

The armed conflict in northern Namibia has provided the background for extensive human rights violations. Politically motivated killings of civilians have been carried out by both sides.

Authorities repeatedly told of torture

The use of torture and other forms of cruel, inhuman and degrading treatment in Namibia has been well-documented over several years and has repeatedly been brought to the attention of the South African Government by Amnesty International and others, particularly local church leaders. In its April 1977 *Briefing on Namibia*, Amnesty International reported that the use of torture by security police when interrogating political detainees was almost routine.

In a joint statement issued in May 1977, leaders of the Lutheran, Roman Catholic and Anglican churches in Namibia claimed that torture was being used by the South African authorities to terrorize the population of northern Namibia. They described torture as "standard practice" in the interrogation of detainees.

In January 1978, sworn statements signed by 10 people who alleged that they had been tortured while detained at Oshakati were published by Heinz Hunke, a Roman Catholic priest, and



Ndara Kapitango, aged 63, who has charged that he was hung up and "roasted" over a fire by two members of the South African security forces in Namibia. He was burned so seriously that his right arm had to be amputated and he required lengthy hospital treatment. In February 1984 it was disclosed by the military authorities that two soldiers responsible for torturing him had each been fined 50 Rand (about US \$20) as a "disciplinary measure".

Justin Ellis, a church worker. The statements had all been used previously in a court case but the Hunke and Ellis report was nevertheless banned by the South African authorities and both men were later expelled from the country. Amnesty International appealed in January 1978 for an independent inquiry into these torture allegations but they are not known to have been investigated.

In May 1982 the Southern African Catholic Bishops' Conference (SACBC), representing the Roman Catholic church throughout southern Africa, reported that a delegation it had sent to Namibia eight months before had found evidence of the use of electric shock torture, beatings, blindfolding and partial suffocation of detainees.

The SACBC alleged that South African military forces would "stop at nothing" to extract information about SWAPO guerrillas from the inhabitants of northern Namibia, and accused them of beatings, rape and killings of civilians.

The South African authorities reject most allegations of torture and have prosecuted few members of the security forces. In March 1982, after complaints by the local ethnic administration, the South African authorities established a special liaison committee in Ovambo-land to investigate cases of alleged abuse — but local church leaders refused to participate on the grounds that a committee including senior South African military and police officers would not be impartial. Other liaison offices, to which complaints against the security forces may be made, were established in Windhoek, the capital, and at Rundu, in the Kavango district. Individual complaints have also been investigated from time to time by a specially-established board of inquiry headed by a senior South African military officer.

Torture condoned

In spite of these measures, closer examination of the legal situation, of the continuing lack of crucial safeguards against torture and, not least, of a number of individual cases, indicates that the South African Government, has over a number of years effectively condoned the use of torture against its real or suspected political opponents in Namibia.

Proclamation gives wide powers to security forces

Proclamation AG.9 (see box), introduced in November 1977, gives wide powers of arrest without warrant and detention to all members of the security forces. In May 1979 the proclamation was amended to extend the permitted period of incommunicado detention without charge from four to 30 days; after this further detention without charge for an unlimited period may be authorized by the Administrator-General.

Many hundreds of people suspected of opposition to continued South African rule and of supporting or sympathizing with SWAPO are believed to have been detained without trial under Proclamation AG.9. Amnesty International knows of more than 200 individual cases but these would appear to be only a relatively small proportion of the total.

No official figures relating to detentions under AG.9 are issued by the South African authorities. In a 1983 court case security police witnesses said that members of the security forces responsible for carrying out detentions under this proclamation were not required to keep any records of those whom they detain. The security police witnesses testified also that no standing orders or other regulations had been issued by the Administrator-General or other senior authorities relating to the conditions and

treatment of detainees held under AG.9. This absence of any official regulations governing the treatment of AG.9 detainees is a most disturbing feature of detentions in Namibia.

In fact, AG.9 detainees have no rights at all under the terms of the proclamation. It specifically denies them any access to lawyers or relatives, and there is no provision for complaints or grievances to be aired. Detainees are denied access to the courts and no body exists to which they may apply to have their detention reviewed or terminated. They do not have to be notified of the reasons for their arrest; in most cases relatives are not informed.

Some detainees have "disappeared" in detention; other people whose detentions have not been acknowledged by the authorities but who are believed to have been detained have also not been seen again. There are grave fears as to their fate.

Considerable information about the torture and ill-treatment of political AG.9 detainees has been laid before the courts in recent years as evidence in legal actions. Many sworn statements have been produced to show that such detainees have commonly been subjected to blindfolding, prolonged solitary confinement, severe beatings and, in many cases, electric shock torture.

The existence of at least one secret interrogation centre where detainees have been systematically tortured has been revealed.

It has also been made clear that detainees have been held in conditions which, irrespective of their torture, amount to cruel, inhuman and degrading treatment. They have been held in insanitary, small corrugated iron cells which some have likened to kennels, and have been denied medical facilities, adequate exercise or reading material.

Former detainees have alleged that while held in such conditions they could hear other captives screaming, apparently while being tortured during interrogation.

The Kakuva case

The reported details of the case are as follows: Johannes Kakuva, 60, a farmer, was one of 25 people from the Kaoko-land region detained under AG.9 in August 1980. All were taken for interrogation to the security police base at Opuwo. Some were released after a few days but others were held for several months.

Johannes Kakuva's family never saw him again after his arrest. They could obtain no information from the security police. In early 1982 the family applied to the Windhoek Supreme Court to certify his death, submitting sworn statements from several former detainees in

Immunity for security forces acting 'in good faith' . . .

The South African authorities say all soldiers and police personnel deployed in the "operational areas" of Namibia are required to sign declarations confirming that they are aware that any form of assault or mistreatment of civilians is illegal and punishable by law.

Despite this requirement, however, all members of the South African security forces and those assisting them in their operations in northern Namibia have been granted legal immunity under two laws currently in force.

The South African Defence Act of 1957 prohibits the civil or criminal prosecution of all military personnel for any acts committed "in good faith" in connection with "the prevention or suppression of terrorism in any operational area". The act empowers the Minister of Defence to forestall court proceedings simply by issuing a certificate stating that an alleged offence was committed "in good faith".

It appears that this indemnity pro-

vision may have been used to prevent a number of prosecutions of members of the security forces alleged to have committed human rights violations.

A similar indemnity provision is contained in Proclamation AG.9 of 1977, an administrative decree issued by the South African Administrator-General, which is in force throughout most of northern Namibia. It provides all members of the security forces — including the police and the security police — with immunity against civil or criminal prosecution for any operational actions committed "in good faith". In any dispute, it is the person attempting to initiate legal proceedings against a member of the security forces who is required to prove that the alleged offence was not committed "in good faith".

This built-in legal immunity is the more disturbing, and indeed dangerous, as it is Proclamation AG.9 that provides the legal basis for most detentions in Namibia.

the case who alleged that they had been viciously tortured and that Johannes Kakuva had died under torture. The security police denied the allegations and claimed that he had been released after agreeing to become an informer, and had then apparently been abducted and killed by SWAPO guerrillas.

The case was heard in the Windhoek Supreme Court in early 1983. Seven former detainees testified to their own ill-treatment; some showed marks on their bodies which they said had been caused by torture by the security police more than two years earlier.

● The following account was given by Napeheri Nderura: He was arrested at the same time as Johannes Kakuva, blindfolded and interrogated the morning after his arrest. He was handcuffed and his ankles were chained together. He was made to lie down and was beaten severely on his back with a stick. Electrodes were attached to his head and behind his ears and he was given electric shocks until he passed out. On regaining consciousness he was beaten again. When this stopped, he heard Johannes Kakuva screaming under torture. At some point Johannes Kakuva appeared to have stopped breathing. His body was taken away and Napeheri Nderura never saw him again.

Napeheri Nderura's detention lasted some four months. He was kept blindfolded and confined in a toilet for a week. Thereafter, he spent more than two months in a tent with the remaining detainees, all tied together in pairs.

When examined by a doctor in February 1983, two years after his release, Napeheri Nderura still bore scars on his back which were consistent with his having been tortured.

Six other former detainees gave similar accounts of beatings and electric shock torture. One, Petrus Mbaumba, described how he had been kept for some time in a very confined space, later identified as a cupboard containing a gas cylinder whose only ventilation was provided by small holes in the door (see photograph).

In June 1983 the presiding judge in the case dismissed as fabrication the security police version of Johannes Kakuva's "disappearance" and ruled that he had died in August 1980 as a result of torture inflicted while he was detained at Opuwo. The judge also accepted the evidence of torture given by Napeheri Nderura and other detainees.

An appeal by the South African authorities against the judgment is yet to be heard. The security police officer in charge at Opuwo at the time of Johannes Kakuva's "disappearance" and the torture of detainees is not known to have been disciplined or prosecuted and is believed still to be active in the security police.

The "Osire" cases

In 1982 Amnesty International received reports that a number of AG.9 detainees



Former detainee Petrus Mbaumba says he was held in this gas cylinder cupboard for several days while in the custody of the security forces. The only ventilation is provided by air holes (arrowed) in the bottom of the door.

in late 1981 in Windhoek and other areas had after their arrest been blindfolded and driven to a secret interrogation centre, where they were held incommunicado and in solitary confinement for several months, beaten and tortured.

In late 1983 sworn statements from several of these detainees were used in an urgent legal action brought by relatives seeking court protection for three AG.9 detainees considered at risk of torture.

The three detainees concerned were released before judgment could be given in the application — unusually, in such a case, judgment was not actually delivered until some months had elapsed.

● The sworn statement by Simon Ndapuka, a married man with four children, included the following allegations:

After his arrest in August 1981 he was held, in a small corrugated iron cell, for more than six months; for one week he was kept chained by the left leg to an iron hoop in the concrete floor. Several times he was blindfolded and taken to offices in a nearby building, where he was thrashed on the buttocks with what he thought was a rubber hose. One particular beating caused open wounds and he still bore marks of the injuries some months later. On one occasion four interrogators came in his cell and poured a spirit-like fluid on his buttocks, causing severe pain.

While in detention he did not see or have contact with other detainees but "on numerous occasions" he heard other people "screaming in the offices where I had been beaten. Sometimes the voices were those of women. I could hear their cries and their pleading from my cell."

He was released uncharged in Windhoek in March 1982.

● Thomas Ujushona, an oil company employee, stated that he, too, was held for some five months in a corrugated iron cell after his arrest in Tsumeb on 11 September 1981. He estimated there were about 25 separate cells. His account included the following:

He was blindfolded and taken to nearby offices to be tortured. He was stripped and beaten on his buttocks and genitals with what seemed to be a rubber hose. After one such assault, when he was handcuffed and hoisted off the ground to be beaten, he sustained open wounds and months later still bore signs of injury. He was tortured also with electric shocks to his toes, and was threatened with death.

"On one occasion I was hoisted after a chain was put around my neck," he stated. "As I started to choke, the chain was then released and I fell to the ground."

He was interrogated over a period of about two weeks but continued to be held in isolation until his release in mid-February 1982.

● Milka Nauyoma, a 40-year-old mother of eight, stated that she was held in a 3m-by-2m corrugated iron cell after her arrest in Tsumeb on 11 September 1981. Her statement included the following:

She was hooded with a blanket and taken to a nearby building for questioning through an interpreter by two Afrikaans-speaking white men. When she denied helping SWAPO guerrillas she was thrashed on her buttocks and upper legs with a flexible instrument for about five minutes. Then she was beaten on her toes. When she began to scream her hood was removed and replaced by a "close-fitting elastic cloth" which made breathing difficult.

A chain was placed around her neck and she was suddenly hoisted off the ground then dropped . . . "I thought they were out to kill me. I was very frightened. The hoisting and dropping procedure was then repeated three or four more times. I am a heavily-built woman and I thought they would break my neck [with the chain]. I called out to them . . . 'leave me, leave me, I will talk as you want me to talk'."

The torture was interrupted then and after she had answered some questions she was returned to her cell. She had injuries to her buttocks and legs and pains in her head and neck. She was eventually taken back to Tsumeb on 19 November 1981 and released without charge.

Commenting on her detention, Milka Nauyoma stated:

"I was at no stage attended by any woman guard. I did ask to see a doctor . . . [but] I in fact never received medical treatment. I was never allowed out for exercise. My isolation became extremely depress-

ing. I was unable to concentrate My heart would palpitate violently for no reason that I could understand. Sometimes I would awake from sleep in a mood of a terror. I started to fear that I would be mistreated again or attacked or killed. I could not get these fears out of my mind."

● The lawyer who submitted the ex-detainees' sworn statements to the Windhoek Supreme Court in November 1983 said that the secret detention centre was near Osire, southeast of Otjiwarongo.

Torture in Kavango

The Activities of Koevoet

Many cases of torture reported from the Kavango region since late 1982 have been associated particularly with the activities of a special police counter-insurgency unit code-named *Koevoet* ("crowbar"), headed by Brigadier Hans Dreyer, formerly a senior security police officer in South Africa. It has its headquarters at Oshakati in Ovamboland but operates in bases throughout the north. Its Kavango headquarters are at Rundu.

In a number of court cases relating to their alleged activities, it has been disclosed that *Koevoet* personnel are paid *koppeld* (bounty money) for every alleged SWAPO combatant they kill.

In a rare case in which two *Koevoet* members were prosecuted — after they had committed a wave of robberies and killings in Ovamboland — a psychiatrist who examined them testified that their training had in effect turned them into "programmed killers".

Giving evidence at the inquest into the death of Jona Hamukwaya (see below), a *Koevoet* officer stated that the unit existed to perform two functions — interrogation and elimination by killing.

● **Jona Hamukwaya**, a teacher, was one of at least 25 people detained in the Kavango region by *Koevoet* personnel in November 1982. He was arrested on 18 November and died in custody a few hours later. A post-mortem examination revealed that he had died of a brain haemorrhage and that his body had numerous lesions.

At the inquest into his death in October 1983, his widow and his mother testified that after his arrest they had heard him screaming as he was beaten. *Koevoet* personnel denied ill-treating him. They stated he had fallen while being escorted down some steps and that this must have caused his fatal injuries.

This account, contradicted by the medical evidence, was rejected by the presiding magistrate. However, while deciding that Jona Hamukwaya had died as a result of an "unlawful act or omission" on the part of *Koevoet* personnel, he ruled that there was insufficient evidence to identify those responsible.

No further action is known to have been taken by the authorities to attribute responsibility and no members of

How to halt torture in Namibia

Amnesty International has called repeatedly for an end to torture in Namibia. It has urged the South African authorities to withdraw Proclamation AG.9 of 1977 and end security force powers to hold detainees incommunicado and for lengthy periods.

The organization considers that all political detainees should be tried or released within a reasonable time and should be fully protected whilst in custody from torture or other forms of ill-treatment.

Safeguards against torture should include right of access to legal counsel, family visits and independent medical examinations. Detainees' identities should be recorded, and their families should be notified officially of their arrests and places of detention without delay.

Amnesty International considers also that all places of detention should be open to regular, independent inspection by an appropriate international humanitarian organization.

Amnesty International has called repeatedly for an independent judicial inquiry into allegations of torture, including those

stated above; for the withdrawal of immunity provisions protecting security force personnel who may commit torture and other human rights violations; and for the prosecution of all those allegedly responsible for torture or other abuses.

What you can do

Please send courteous letters urging the authorities to take effective measures for the prevention of torture in Namibia as outlined above. The following points are especially important:

- impartial investigation of torture allegations;
- prosecution of those allegedly responsible;
- access to detainees by relatives, lawyers and doctors.

Send your letters to: Honourable P.W. Botha / State President of South Africa / Union Buildings / Pretoria / South Africa; and to: His Excellency Dr Willem van Niekerk / Administrator-General / Private Bag 1327-8 / Windhoek / Namibia (South West Africa).

Koevoet are known to have been prosecuted in connection with Jona Hamukwaya's death.

● **Kudimu Katanga**, a young man who is reported to have been a deaf-mute, also died in custody after detention by *Koevoet* personnel on 18 November 1982. Four members of *Koevoet* were brought to trial in November 1983 in connection with his death, charged not with murder but with the lesser offence of culpable homicide. Two were eventually convicted of the still less serious offence of assault and two others were acquitted.

It was stated in evidence at their trial that they had forced Kudimu Katanga to run for several kilometres in intense heat in front of a military vehicle, beating him as he ran. He eventually collapsed and died, it was reported.

A pathologist who examined his body testified that it bore multiple lacerations with injuries on the face and forehead. Death was probably due to a brain haemorrhage, he said.

During the proceedings, the four accused members of *Koevoet* claimed that they had acted "in good faith" and thus should benefit from the immunity contained in the Defence Act. The presiding magistrate expressed sympathy for the pressures on *Koevoet* personnel and commented that Kudimu Katanga's

death had been due to their "over-enthusiasm".

Further allegations of torture in Kavango were made after the release in October 1983 of four detainees who had been held since the previous July.

● **Adam Kabono**, a 39-year-old teacher, alleged in a sworn statement that, after his arrest, he had been taken to Nkurenkuru police station, punched in the face, beaten on his buttocks and the soles of his feet, and tortured with electric shocks.

Shortly before his release, he had been visited by a member of the Administrator-General's staff — but beforehand, he said, his interrogators had warned him not to say that he had been assaulted otherwise they would detain him until his hair "turned grey".

Similar allegations of beatings and electric shock torture were made by **Magnus Hausiku Mpasl**, **Sebaldus Sinonge** and **Johannes Kandjimi Hainguru**. They also alleged that they had been warned not to disclose what had been done to them.

These torture allegations were first made at a press conference organized in early November 1983 by Hans Rohr, leader of the Namibian Christian Democratic Party, who also drew attention to the case of **Ndara Kapitango** (see caption on page 1) □

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