



**MINISTERIAL STATEMENT BY THE
HONOURABLE DR. ALBERT KAWANA, MP
MINISTER OF JUSTICE**

**REGARDING THE GOVERNMENT OF THE
REPUBLIC OF NAMIBIA'S RESPONSE TO THE
EMBASSY OF THE UNITED STATES**

WINDHOEK, NAMIBIA

2014 HUMAN RIGHTS REPORT

1. Honourable Speaker, I rise to make a Ministerial Statement in response to the Embassy of the United States in Namibia's 2014 Human Rights Report.
2. It is common cause that every year, the Government of the Republic of the United States of America, through its Embassy in Windhoek publishes a Human Rights Report on Namibia. Some parts of the Report covers the alleged human rights violations by the Namibian Government.
3. It is, therefore, only logical for the Namibian Government to exercise the right of reply to some aspects of the Report. Due to the fact that the Report covers a wide range of issues, only the most pertinent will be addressed.
4. The Report covers areas such as arbitrary or unlawful deprivation of life; disappearance; torture and other cruel, inhuman or degrading treatment or punishment; prison and detention center conditions; arbitrary arrest or detention; role of the police and security apparatus; arrest procedures and treatment of detainees; denial of fair public trial; civil judicial procedures and remedies; freedom of speech and press; internet freedom; freedom of peaceful assembly and association; freedom of movement; internally displaced persons, protection of refugees and stateless persons; election and political participation; corruption and lack of transparency in Government; financial disclosure;

Government attitude regarding international and non- governmental investigation of alleged violations of human rights; and women.

5. It has been noted that although in some parts the Report truthfully reflects the true situation that is prevailing in Namibia, i.e. a reflection similar to what is prevailing in other democratic countries, we have noted that other parts of the Report are full of contradictions. These contradictions will be addressed in our response.

6. The Report under "Prison and Detention Centre Conditions" alleges on page two (2) that and I quote: "Conditions in detention centres and police holding cells remained poor. Nationwide, prisons built to hold 4,475 inmates held 4,314 prisoners." If what is stated is true, then such detention facility wherever it is located still has additional capacity of **One Hundred and Sixty-One (161)**. On page 3 of the Report, it is stated that and I quote: "The Ombudsman's office reported that authorities gave prisoners three meals per day and provided adequate sanitation, potable water, space, bedding, toiletries and washing facilities. Each prison had a clinic with a nurse, and inmates with serious health conditions were referred to state hospitals." This information contradicts what is stated above.

7. Page 4 of the Report continues to contradict itself. For example, it is stated that and I quote: "Record keeping of prisoners was adequate. - -- The government investigated and monitored prison and detention centre conditions.

Prisoners and detainees had reasonable access to visitors and access to religious observances. Victims of prison abuse were able to pursue legal remedies The government continued to grant local and international NGO's access to prisons and prisoners".

8. Another contradiction has been noted on page 5 of the Report regarding the "Role of the Police and Security Apparatus". For example, it is stated that "Civilian authorities maintained effective control over Nampol, and the government has effective mechanisms to investigate and punish abuse and corruption". This is correct because the Ministry of Safety and Security publishes annual reports which show how many police officers are arrested and charged of crimes, including corruption. However the same paragraph of the Report states that "Police corruption and impunity caused some problems."
9. Under the heading "Corruption and Lack of Transparency in Government", it is stated that "The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity." Under the same heading on page 13, there is a sub-heading titled "Corruption".
10. What is stated under the sub-heading contradicts the conclusion. For example it is stated that: "The ACC, Prosecutor General's Office, NamPol, Auditor General's Office, Financial Investigative Centre at the Bank of Namibia, Public Service Commission,

and Ombudsman's Office are responsible for combating corruption. The ACC and the Ombudsman's Office receive and investigate corruption complaints, often from the public. The Financial Investigative Centre investigates and reports suspicious money transfers. The Public Service Commission investigates corruption complaints in the civil service hiring process. The Auditor General's Office also investigates corruption and turns cases over to the Prosecutor General's Office and NamPol for further investigation and criminal prosecution where appropriate. The organizations actively collaborated with civil society, conducted thorough investigations, and operated both effectively and independently. During the year the ACC conducted several investigations into corruption. According to a local monthly magazine that tracks corruption, there were 453 cases of corruption before the courts since 2005"

11. Therefore, this goes to show that where there is clear evidence of corruption, the law normally takes its course. To conclude that officials engage in corrupt practices with impunity is totally misleading.
12. The Report further states that: "The National Assembly has not adopted a parliamentary code of conduct to make the annual declaration of financial interests a requirement. Civil society organizations charged the law did not preclude government officials from engaging in private business that pose a conflict of interest with their government duties and proposed amendments to do so. Parliament discussed those proposals but did not take action by year's end."

It is common cause that the old financial disclosure requirement is under review. To say that the National Assembly has not adopted a code of conduct on disclosure of interests is misleading. The Office of the Speaker can show that Honourable Members of this August House made declarations. The current delay is merely caused by the review of the process.

13. Honourable Speaker, no government which claims to rule on the mandate of its people can tolerate violation of human rights with impunity. Namibia is fully committed to respecting and protecting human rights. Indeed, in many respects, our domestic laws aimed at protecting human rights are stricter than some of the international instruments which the Namibian Government has acceded to or adopted. The colonial history and the brutality of the successive colonial regimes has taught us to protect and defend human rights. This is our experience because before our independence on 21 March 1990, the entire Namibian nation was a victim of human rights violations.
14. Today Namibia is at peace with itself, we have adopted the policy of National Reconciliation, we are one of the most democratic countries on the African Continent. However, we are also fully aware that as a developing country, we are still faced with many challenges such as poverty, hunger, ignorance and lack of adequate health facilities. These are the greatest violators of human rights today in our Republic. We will continue to adopt measures which protect and promote respect for human rights.

Our primary objective is to ensure that all Namibian citizens, without discrimination, should enjoy the fruits of our independence.

15. Honourable Speaker, I can only conclude with what is stated in the Report on page 14: "A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Ombudsman's Office, NamRights, and the ACC reported NamPol cooperated and assisted in corruption and human rights investigations.

NamRights and the LAC, both independent organizations, were the primary human rights NGOs in the country, and police regularly met with both. The LAC often assisted police with human rights training and helped women and child protection units provide legal assistance for victims in cases of gender-based violence and rape.

There is an autonomous ombudsman with whom other government agencies cooperated. Observers considered him effective in addressing some corruption and human rights problems."

This goes to show that we are an open society. The Government has nothing to hide. We hope that the next report will not be full of contradictions.

I thank you.

