



Republic of Namibia



Namibian Correctional Service

Ministry of Safety and Security

Enquiries:

Tel No: (+264 61) 284 6111

Fax No: (+264 61) 238 469

My Ref:

Your Ref:

Office of the Commissioner-General

Namibian Correctional Service

Private Bag 13281

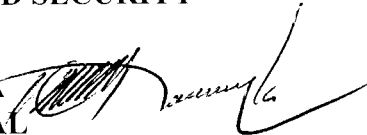
Windhoek

Namibia

INTERNAL MEMORANDUM

CN

TO : HON. MAJ-GEN (RTD) CHARLES DNP NAMOLOH,
(HO-CHI-MINH) (MP)
MINISTER OF SAFETY AND SECURITY

FROM : RAPHAEL T HAMUNYELA
COMMISSIONER-GENERAL 

DATE : 29 JUNE 2015

SUBJECT : POSITION OF THE NAMIBIAN CORRECTIONAL SERVICE:
NOTICE OF QUESTION FROM THE NATIONAL ASSEMBLY

Hon. Minister, attached herewith is the position of the Namibian Correctional Service on the questions raised in the National Assembly regarding the manner of housing male and female inmates as well as the use of condoms in correctional facilities.

I hope the above is in order.

RE: NOTICE OF QUESTION FROM THE NATIONAL ASSEMBLY

I would like to make the following statement regarding the question received from Hon. Dienda:

1. MANNER OF HOUSING MALE AND FEMALE OFFENDERS

Sections 63 and 64 of the Correctional Service Act, 2012 (Act No 9 of 2012) provides the manner in which all offenders may be admitted into a Correctional Facility. Section 64(1) prescribes that offenders should be separated into four groups: these are

- a. Convicted offenders
- b. Unconvicted offenders
- c. Juvenile offenders
- d. Female offenders

The Honourable Member had referred to a Newspaper Article published on 19 June 2015, in which a certain female inmate was impregnated by another offender while awaiting trial. We checked our record and now confirm that such an incident took place. The details of the whole incident are covered in a NAMPOL internal investigation report. That investigation report may be requested from the Inspector-General of Police.

2. POLICY POSITION OF THE MINISTRY OF SAFETY & SECURITY ON CONDOMS AND BIRTH CONTROL

Indeed this is a very important question raised by the Honourable Member. The question should however, not be the stance or position of the Ministry of Safety and Security. This Ministry is an implementing agency of existing Government laws, policies, rules and regulations. To our knowledge, the Criminal Procedure Act, 1977 (Act No 51 of 1977), considers sodomy as a schedule 1 offence and thus the position of our law is that we may not provide and distribute condoms to male offenders during their time of incarceration with other male offenders. Further, as a matter of policy, the Ministry does not allow conjugal visits between inmates and their spouses or partners at all and thus there is no need or legal duty on us to distribute condoms or provide birth control measures to any person in our custody. Secondly, there is cultural reason. Same sex in Namibia is still not having wide acceptance due to cultural norms and beliefs. These norms and beliefs are still strong amongst the offender population and they don't want to hear issues of them being given condoms while they don't have partners.

Furthermore, in November 2014 representatives from SADC Members States comprising of Chiefs of Corrections /Prisons, Heads of Corrections/ Prisons Medical Directorates, the Ministry of Safety and Security and members of parliament attended a stakeholders summit workshop in Lusaka, Zambia. The objective of the summit was to discuss – and hopefully adopt – the document titled “Minimum Standards on HIV/AIDS, Tuberculosis, Hepatitis B and C and other Sexually Transmitted Infections in prison settings in the SADC region”, suggesting among other things that condoms should be made available in prisons / correctional facilities. The SADC member states present, including Namibia, rejected the approval of the document and called for the exclusion of condom programming amongst others in the document.

However, the Namibian Correctional Service is in the process of engaging partnership with non-governmental organisations (NGO's) to implement voluntary HIV testing on admission of offenders into correctional facilities as well as on release as an effort of determining whether HIV/AIDS is contracted during the incarceration of offenders. Furthermore, the NCS in collaboration with the above

mentioned NGO's will conduct interviews of inmates, officers and former inmates to gain knowledge on the sexual dynamics happening in correctional facilities including their view on condom programming in correctional facilities with the aim to prepare reports and publications to motivate policy change.

02 JULY 2015

**REPORT TO THE HONORABLE MINISTER REGARDING THE UNDER
MENTIONED SUBJECT MATTER**

**RE: THE STATE VERSUS CONSTABLE NAKAMBUNDA NARVILLE
CR 04/10/2013 ANTI-CORRUPTION ACT 8/2003 SECTION 43
(D)**

1. It was alleged that a Namibian female inmate ~~Johanna Lukas 22 years of age~~ who was detained for rape and human trafficking during October 2012 at the Naraville Police Station in the Erongo Region got pregnant from a fellow prisoner, a Zimbabwean national ~~Erang Maranda 29 years of age~~ who was arrested for being illegally in possession of 324 Kg of Uranium with a value of N\$149 628-55 and a case of providing false information to the police because he provided them a name ~~Joseph Danganze~~ which was not his real name.
2. It was further alleged that these two inmates first proposed each other through a hole which was between the male and female cell and later they were having physical contact and consensual sexual intercourse which was arranged for them by a certain male Constable ~~Nakambunda~~ who was working at Narraville police station in exchange for payment.
3. The first physical contact apparently took place in November 2012 followed by another in December 2012 at a night shift between 22:00 and 06:00 and these two occasions were both facilitated by Cst. Nakambunda.
4. The pregnancy was detected in January 2013 when the prisoner Johanna Lukas visited the doctor while still in custody and the doctor performed a pregnancy test on her. She gave birth to a baby boy while in custody on the 14th of August 2013 and the baby was placed in the care of ~~Johanna Lukas's parent in Swakopmund at Helao Street house no. 67, Mondesa. Inmates~~.

5. The matter was investigated by Internal Investigation Unit, Erongo where after consultation with the senior management of the Regional Commander of Erongo region and the Public prosecutor of Walvisbay Magistrates Court it was decided that the member be discharged with corruption in term of Section 43 (d) of the Anti Corruption Act 8 2003, because he utilize Public Office to obtain gratification and he was to a suspension hearing in terms of Section 23 of the Police Act 19 of 1990 as amended.
6. Forensic results in the matter is still outstanding because DNA test was performed on the two inmates and the baby. A suspension hearing in terms of Section 23 of the Police Act (Act no. 19 of 1990) as amended was convened on Constable ~~Walephane~~ and he is currently on suspension
7. ~~Johna Jakas~~ *The female inmate* was found guilty in the High Court for human trafficking and rape and is currently detained at Wanahed Police Station in Windhoek pending sentencing.
8. ~~Tarong Muvanda~~ *Tarong Muvanda* the Zimbabwean national pleaded guilty to his involvement for being illegally in possession of uranium and was given a sentence of 3 years in custody or the option of a fine of N\$30 000-00 for which he paid the fine but the case for providing false information to the police is still pending. He was however deported back to Zimbabwe immediately after his conviction on the Uranium case but he came back and is currently in Walvisbay.

