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Namibia: Authorities must ensure a fair trial for Caprivi defendants

As the treason trial of 122 defendants, at least 70 of whom Amnesty International considers to be prisoners of conscience, resumed in Namibia on 27 October, the organisation is urging the Namibian authorities to ensure that the trials proceed in line with international standards of fairness.

"Since being detained in 1999, the defendants have been subject to a catalogue of violations: many have been tortured, subject to harsh conditions of detention and denied access to lawyers, their families and medical treatment for periods. The onus is on the Namibian authorities to ensure a fair trial now that the defendants are finally having their cases heard", an Amnesty International spokesperson said today.

The defendants were arrested and accused of high treason, murder and other offences in connection with the secessionist Caprivi uprising of August 1999. Most of them were subjected to torture and ill-treatment, and harsh prison conditions. They were also denied access to lawyers, medical treatment and their families for approximately three weeks. The defendants have remained in custody for the past four years and have been waiting for the resumption of their trial since June 2002. Some appear to have been arrested based solely on their actual or perceived non-violent support for the political opposition in the region, their ethnic identity or their membership in certain organizations.

On 16 October 2003, one of the defendants, Oscar Luphalwezi, died at the Katima Mulilo state hospital while in police custody. This brings to 12 the total number of treason trial defendants who have died in police custody since 1999. A copy of Oscar Luphalwezi's death certificate issued on 17 October indicated that he had died from "severe malaria". Amnesty International is concerned that some of the illnesses which preceded the deaths of the 12 defendants may have been aggravated by unsanitary prison conditions and medical neglect. Soon after his arrest in 1999, Oscar Luphalwezi was severely tortured while in police custody and denied medical treatment for six days.

The Namibian authorities have a responsibility to ensure respect for international standards for fairness and independence in the administration of justice and to end torture. They must ensure that all statements extracted by torture or ill-treatment will not be used as evidence in court, in accordance with Namibia's obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Namibian authorities are also obliged under the CAT to take effective measures to investigate all allegations of torture and ill-treatment promptly, thoroughly and impartially, make the results of the investigation public and bring the suspected perpetrators to justice.

Amnesty International is calling on the Namibian authorities to immediately and unconditionally

release all prisoners of conscience and ensure that the remaining defendants are tried in a fair manner.

BACKGROUND

Following an armed attack launched by the secessionist group, the Caprivi Liberation Army, on government forces and buildings on 2 August 1999 in the Caprivi region of north-eastern Namibia, the Namibian government declared a State of Emergency and detained over 300 people on suspicion of participating in the attack, sympathizing with the secessionists or assisting them to plan or launch the attacks. 122 of the defendants remained in custody charged with high treason, murder and other offences.

In August 2003, Amnesty International released a report "*Namibia: Justice delayed is justice denied - The Caprivi treason trial*" which detailed the violations of the Caprivi defendants' pretrial rights.

Public Document

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