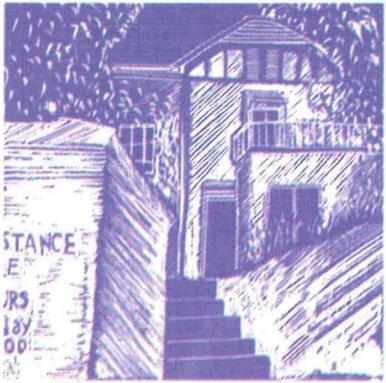


*Standing Up  
for your rights*

**5** years of the Legal Assistance Centre in Namibia



*This publication is dedicated to the men and women of this country who were brave enough to stand up and be counted to challenge the abuse of human rights in Namibia.*





**FIVE** years ago, the Legal Assistance Centre opened its doors onto a hostile world.

The office of the Human Rights Centre at Ongwediva was situated in the heart of the war zone; and though the 16-year conflict would be over in less than a year, there seemed little hope of peace in the middle of 1988. In Windhoek, an oppressive mood prevailed. The challenge posed by the LAC, and the changes it worked towards, were viewed with suspicion and outright hostility.

The organisation broke new ground in a number of important ways. Particularly in the north, it provided an articulate and informed legal commentary on a situation which had, to all intents and purposes, become lawless. It channelled the energies of the churches, the student movement and the trade unions, which had long borne witness to an insufferable situation, giving them a new and powerful voice. It encouraged the silent victims of human rights violations to speak out against their treatment and seek redress. It made the law work in a new way, defending the individual against the state instead of slavishly providing the state with comprehensive powers of control.

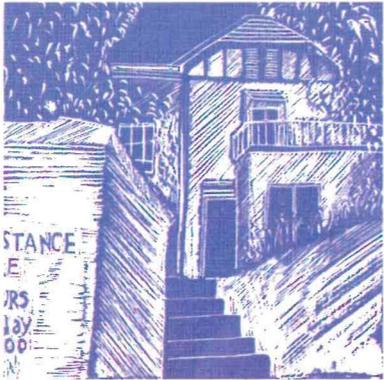
In the beginning, the LAC's slingshot made small impression on South Africa's Goliath security machine. Detention without trial, torture, intimidation, beatings, rape, destruction of property and of life were everyday occurrences. Under the cloak of the curfew, these violations were perpetrated with almost casual indifference and the offenders were hardly ever brought to book.

But gradually the LAC made its presence felt. It recorded the events, found witnesses to testify, and began a concerted, systematic effort to put the South African government in the dock. As the Centre scored its first victories, not only was South Africa made publicly to admit its guilt, it was also obliged to pay financial damages to the people on whom it had previously placed so little value.

In addition, the LAC wrought changes in South African military policy following the April 1 debacle, which almost derailed the peace process in Namibia. Lawyers from the organisation made an eye-witness report on the aftermath of the first 'battles', revealing a deliberate no-prisoner policy on the part of the SADF. Not only did the report counter-balance South Africa's version of events, it also heralded a significant increase in the ratio of prisoners taken, to the number of Namibians killed in the fighting which followed. During the months charting Namibia's first national election campaign, the drafting of its Constitution and the dawn of Independence, the LAC's reputation grew. Its strength was its even-handed professionalism, its strict adherence to the fair application of law, and its commitment to challenging injustice. As the country entered a new era of freedom in which human rights were protected, the LAC found itself facing a theoretically non-existent foe. The battlefield into which it had been born was transformed, the transitional year during which it had developed was resolved, and the first euphoric months of independence were underway. The challenge now facing the LAC was to find its place in the changed milieu of peace-time Namibia, and to embark on the country's new struggle for social and economic development.

**STARTING OUT**  
*the original team of lawyers and paralegals at the opening of the Human Rights Centre at Ongwediva. Attorneys Michaela Figueira and Andrew Corbett, and paralegal Karl Ndroma are still with the organisation.*

**THE HORROR**  
*the casual waste of human life and the negation of basic rights were routine prior to Independence. South African Kasspirs drove through homesteads, flattening houses and killing residents.*





# THE AGE OF INDEPENDENCE

**FOR** the Legal Assistance Centre, the past five years have been testing times. No sooner was it set up, than the South African government tried to close it down; no sooner was it established as a champion of human rights, than Independence opened a new chapter of fundamental freedoms in Namibia.

Within two years of the LAC's launch, Namibia had a model Constitution, a Defence Force in which old enemies worked side by side, a Government committed to human rights, and a democratic process of social and legal reform.

By mid-1990, the future of the Centre depended on its relevance to post-independence realities; a relevance which was soon underlined by the LAC's continued ability to see problems from the perspective of the man and woman in the street. From the outset, the Centre realised that while Namibia had a Bill of Rights, it did not have a culture of human rights; while it had a Constitution, most Namibians had no concept of its meaning; and while it had democracy, its democratic traditions had been so perverted that freedom at all levels was dangerously rootless.

As LAC Director Andrew Corbett recently pointed out, "People will only be prepared to actively defend human rights when an understanding has been developed based on shared experience, and an acknowledgement that these rights are for the protection of all." In its first year of operation, before Independence, the Human Rights Centre at Ongwediva handled close to 500 cases, of which 75 per cent involved human rights abuses by the security forces. The LAC brought approximately 260 civil claims for damages on behalf of clients before the Namibian courts, claiming in excess of R2,5 million from the State. Cases ranged from the destruction of homesteads to large compensation claims connected with shooting and assault.

By contrast, human rights abuses now account for no more than 10 per cent of the work of the LAC and its affiliated advice offices. As a public interest law firm with a human rights focus, the LAC now caters to the needs of a rapidly changing social environment, in which issues such as poverty and under-development are upmost. This requires new skills and a new direction, and though Corbett admits that "It is sometimes difficult for activists of the old school to re-orient themselves", the LAC's past record leaves it well qualified to help Namibians turn their Constitutionally-granted socio-economic rights into realities.

While pro-active litigation remains one of its key strategies, the LAC has increased its advocacy role over the past three years, making valuable contributions to major national debates on issues such as land reform and labour law. It has resisted calls for a flood of constitutional litigation to secure people's rights, preferring to pursue legislative reform rather than trying to address constitutional violations piecemeal through the courts.

An even greater shift in emphasis has been towards education. The LAC's response to Namibia's changing needs was launched before the first year of Independence was celebrated. The Legal Education Project, aimed at schools, churches, trades unions, community bodies, women's organisations and youth groups, got off the ground in January 1991, and has been increasingly

**PERMANENT POSITION**  
*The LAC's new office.*





# THE HEART OF THE MATTER

## *developing a culture of human rights in Namibia*

**THE** LAC's Legal Education Project has been running since the beginning of 1991 and is fast becoming one of its most valued assets. Through the project, the LAC attempts to balance the mixture of litigation and education needed to promote a popular culture of human rights in Namibia.

Without a clear understanding of documents like the Constitution, the Labour Act, and the many international conventions on human rights to which Namibia is party, the ordinary citizen is unlikely to benefit. As LEP co-ordinator Rosa Namises points out, "In general people don't really understand concepts of human rights and fair treatment. With a recent history like ours, how can they?"

Having established the need for a programme of civic education, LAC paralegals throughout the country compiled a 'social needs register' listing the problems most regularly brought to their attention. Subsequently, they designed programmes and resource materials aimed primarily at children and women - two groups found to be at the greatest informational disadvantage.

The LEP takes its messages to schools, using the easy-to-grasp information of home-produced booklets such as "Know Your Constitution" and "Know Your Ombudsman". Working with students throughout Namibia, the project brings first-time lessons to the people who will shape Namibia's future. For Namises, her work with women's and children's groups around Windhoek brings tremendous satisfaction. "We realised that one-to-one consultations were not enough to raise awareness of rights among women, or their children. Women would come to the Centre with a specific problem - perhaps to do with maintenance or rape - and by talking together we could solve it. But that's where things stopped. The women didn't go back to their communities and spontaneously spread the word. We realised that we needed to go out and talk to whole groups of women."

This was the fastest and most effective way to dismantle 'legal myths', she explains. "It is incredible how many women are convinced that they are not legally entitled to file for divorce. Or how many think that if an ex-husband refuses to pay maintenance, there is nothing they can do about it." The approach Namises takes is a simple one. "I go and 'sit in' at places where women are meeting, such as church choir evenings, women's bible groups or playgroups where mothers come with their children. Problems soon get discussed and that is a cue for the type of workshop which might be valuable."

From there, one thing leads to another. When she was approached by a group of "Concerned Women Against Violence", the starting point was an outraged demand for the return of the death penalty. Discussions about rights to life naturally led on to children's rights, rights to health, equal rights for women and economic rights. "What is gradually developing is an informed analysis of the social and economic situation in Namibia as it affects these women," says Namises.

Their confidence is also growing. As time went on, they opened their doors to equally concerned men, and established links with similar groups in the north and south of the country. In the capital,

### **GETTING THE MESSAGE**

*a selection of LAC publications to help people understand their new rights and responsibilities under the Constitution.*

### **BUILDING A CULTURE**

*Legal Education  
Project co-ordinator  
Rosa Namises and  
paralegal Pero Nampila:  
"civic education is  
a vital element in  
creating a popular  
culture of human rights  
in Namibia."*



the organisation comprises five neighbourhood support groups, each undergoing training, and a 26-strong central committee which has already organised its own training workshops for satellite groups.

In prioritizing women and children, the Legal Education Project, has not, of course, excluded men. "Judging by the issues raised by clients at the various offices, the problems faced by men have more to do with labour matters: contracts, dismissals, non-payment and so on. We felt they would be best dealt with via education about Namibia's Labour Act," Namises says. As a result, "The Namibian Labour Manual", meant to simplify and explain the new law in the same accessible language as other LAC publications, was launched in June 1993. It forms the basis for workshops for employed and unemployed citizens alike as part of the LEP. Other resource materials, such as a whole series of booklets on the rights of women and children, have recently been published, and more are planned to coincide with new legislation as it is passed.

Previous publications also include the LAC's 1992 calendar, illustrated by Namibian artist Joe Madisia, which promotes people's fundamental rights under the Constitution. This growing body of publications and research documents has become a reference point for anyone dealing with human rights issues and legal reform in Namibia, and like the education project it supports, the resource library is going from strength to strength.



# WHAT ABOUT THE WORKERS?

**SINCE** the LAC opened, it has always been involved with labour issues in Namibia, from major events like the 1989 Kombat mining disaster, in which poor safety procedures cost seven lives, to individual cases of unfair labour practices.

In the 1989 landmark finding, which blamed negligent management for the Kombat tragedy, the LAC helped set new standards for mine safety in Namibia, and established itself as a reference point on labour issues. It was heavily involved in the drafting of the 1992 Labour Act and has since been consulted on new legislation for co-operatives and worker compensation. Its "Namibian Labour Manual" translates the complex legalese of the Labour Act into understandable guidelines for workers and employers on their rights and responsibilities under the new law.

The LAC continues to advise workers unions and individual employees of their rights regarding pay, dismissal, pensions, contracts and conditions of employment, which probably form the bulk of cases dealt with by paralegals. Since independence, the LAC's work has had a growing focus on the socio-economic problems of its clients. At their offices, in the law courts and in numerous workshops and seminars held in Namibia and abroad, LAC staff have found themselves increasingly involved in labour-related issues.

The once disputed territory of Walvis Bay has been the scene of a protracted case concerning a stay-away, which led to the dismissal of 100 labourers who boycotted work as a political protest against the town's then South African status. The LAC argued that the workers' action was a legitimate means of expression for a community which was denied political representation, while the action of the employers was, at best, too harsh a response. Working together with the unions, and its Walvis Bay Advice Office, the LAC has already managed to get 50 workers reinstated, with a further 50 jobs dependent on the outcome of two separate court cases.

The centre has been involved in drafting major recognition agreements between unions and large-scale employers, and has also been called upon to chair conciliation boards and arbitrate in deadlocked labour disputes.

In July 1993, the centre took a sensational case involving human rights violations committed by an employer to the Namibian High Court, and won one of its biggest compensation awards totalling R165 000...

## **FLASHBACK**

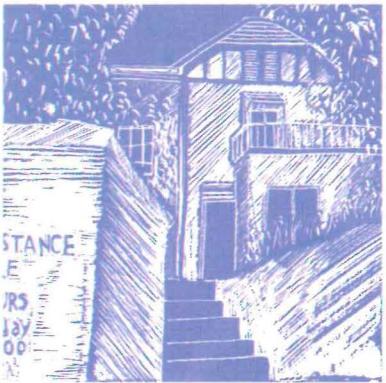
*exercising the basic right of peaceful demonstration could be a dangerous business in 1989.*

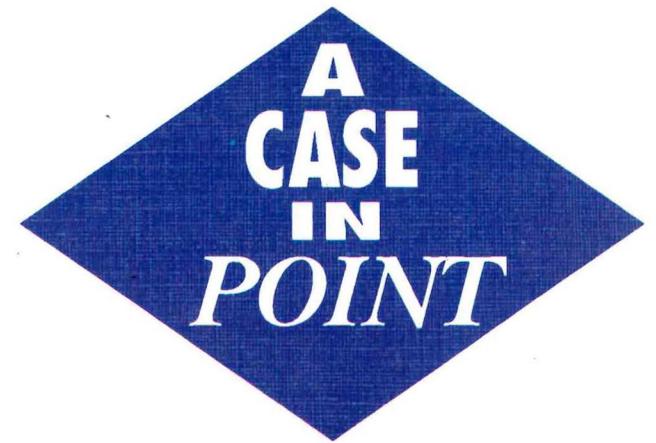
## **GOOD READING**

*Labour Minister*

*Hendrik Witbooi with the LAC's 'Namibian Labour Manual' (June 1993):*

*"Your efforts on behalf of the many Namibian workers to have their rights under the Constitution and the Labour Act respected and invoked, is considerable. Such institutions as yours are the pillars which maintain democratic values."*





: Elizabeth's story

**AS** if to remind Namibia that the flagrant abuse of human rights still figures in a society protected by a model Constitution, an entrenched Bill of Rights, and a growing body of progressive legislation, a worker in the remote north-west of the country was tortured almost to the point of death by her employer in June 1992.

Elizabeth Hipandulwa, 23, had worked for her elderly employer in Opuwo for two years without pay when the nightmare began. Claiming that she had stolen money and sugar, the man chained Elizabeth to a post in the backyard of his house for almost three months during which time she was systematically starved on a diet of water and milk. Stripped to the waist, her body and feet were chained, her hands were secured by wire, and she was beaten with sticks until she was covered in blood.

For the first two months, her young son lay beside her, where she was forced to watch him go without proper food. But when he was taken away with no word of his fate, Elizabeth's despair deepened. "Then I thought I was really going to die. Perhaps they had taken my son and thrown him in the river. I would be the next to be killed," she said. Only when someone visiting her employer's house caught sight of Elizabeth and reported the situation to the police, did the nightmare end. Recorded on national television, Elizabeth's release was like a scene from a horror movie. Her body was wasted to the bone and her eyes stared vacantly from a ghost-like face. Her legs gave way as her rescuers tried to help her stand, and it seemed impossible that she would ever be well again.

In spite of all her suffering, Elizabeth saw her torturer go free. He was convicted by the courts of kidnapping and assault, but his three year prison sentence was entirely suspended on the grounds of his old age.

However, Elizabeth's shattered view of justice was, to some extent, repaired a year later when her case was adopted by the LAC, and damages of R165 000 were obtained. Says LAC attorney Gail Super, "It was important that we made an issue of Elizabeth's story, to prove that constitutional justice extends even to the most remote areas of Namibia."

While few are as extreme as this, cases of unfair treatment of workers abound in Namibia. Though Elizabeth's ordeal took place just before the passing of Namibia's new Labour Act, there is little to suggest she would have been treated any differently had it already been in place. Furthermore, Super considers the case important for its implications for the treatment of women in rural communities. "I doubt this would have happened had Elizabeth been a man," she says. "There seemed to be an attitude of ownership on the part of the employer, not simply because Elizabeth was his worker, but also because she was a woman."

**RECURRENT NIGHTMARE**  
*the Constitution did not prevent the torture of Elizabeth Hipandulwa in 1992...but the LAC helped her win justice eventually. She is pictured here (centre) with a translator and LAC attorney Gail Super.*



\* Board members of the Human Rights Trust are:  
Right Rev. K. Dumeni,  
Bishop of Evangelical Lutheran Church in Namibia;  
Right Rev. J. Kauluma,  
Anglican Bishop of Namibia;  
Right Rev. B. Haushiku,  
Roman Catholic Bishop of Windhoek,  
and Dave Smuts.



# TAKING THE CHAIR

**JUSTICE** Kenneth Bethune has chaired the Legal Assistance Trust for the past four years, and though his hard work and good judgement are much sought after in Namibia, he sees his work with the LAC as a priority.

"The ideals of the Centre are as important as ever and I find it very satisfactory work," he says. He has little doubt that Namibia still needs a human rights watchdog. "Although we have a Constitution which protects human rights, we may not always have a Government so sympathetic to its principles. And, with any government, there is inevitably some interference with human rights, as administrative powers and officialdom come into conflict with the individual."

As with the Human Rights Trust\*, which deals specifically with the Human Rights Centre at Ongwediva and the Rundu Advice Office one of the main tasks of the eight-member Board of Trustees is to control the LAC's budget. "We have to make sure that donations ear-marked for a specific purpose are spent as directed. But I must admit, that this is one of the easiest jobs I have had. So much of the work is very competently done by LAC's director and his staff," he says.

On the question of funding, Bethune pays tribute to long-term supporters of the Centre's work, but is concerned by a frequently-expressed view that assistance is no longer needed. "Some countries are of the opinion that an independent nation should be responsible for administering its own 'legal aid', but this shows a misconception of the LAC's work. It is not a legal aid centre, in the sense of adopting cases solely on the basis of someone's inability to pay legal fees. Rather, it takes on cases which have human rights implications for broader sections of the community."

And even if a government were to set up an organisation with exactly the same aims as the LAC, Bethune would still argue for the existence of an independent body. "I can quite see how the interests of a government would clash with the types of cases handled by the LAC. Could a government really be expected to pursue fairly a case which worked against its own political interests?"

Judge Bethune stresses the importance of the centre's educational role - something with which he has been involved through training courses for paralegals. He also praises the LAC's commitment to the community, in particular its support for young Namibians wishing to enter the legal profession.

In 1992, the LAC launched a separate trust fund to provide bursaries for Namibian law students, selected according to the principles of affirmative action. Eleven scholarships were awarded by an independent panel, and the good news for 1993 was that all but one student passed their first year in law school.

"It is important to see this kind of development in Namibia," says Bethune. "It's the kind of thing everyone thinks 'ought to happen', but the LAC has actually done something practical about it. I suppose that's what makes working for the organisation so satisfying."

## **IN PARTY MOOD**

*members of the LAC board of trustees: (back, from right) Dave Smuts; Hosea Angula; Teopolina Tueumuna; (front) Andrew Corbett; Judge Kenneth Bethune; Geoff Budlender.*

## **TRUSTEE**

*Ben Ulenga, now Deputy Minister of Wildlife, Conservation and Tourism.*

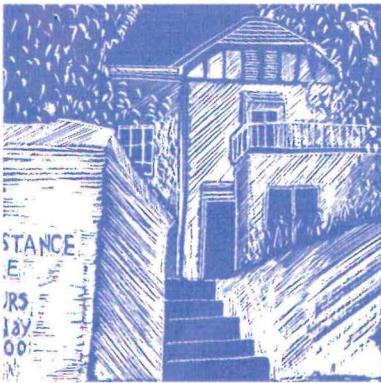
## **TRUSTEE**

*Jeremy Gauntlett, senior counsel at the Cape bar.*



**Silas Petrus** - Walvis Bay

A R10 000 cheque, paid in compensation to Mr Petrus in July 1991, was the result of a damages case brought by the Legal Assistance Centre. The case followed the assault, unlawful arrest and detention, and continued ill treatment of Mr Petrus at the hands of the South African Police. His experience of human rights abuse at the Walvis Bay border point was, unfortunately, not uncommon.



**Adelina Hausen** -

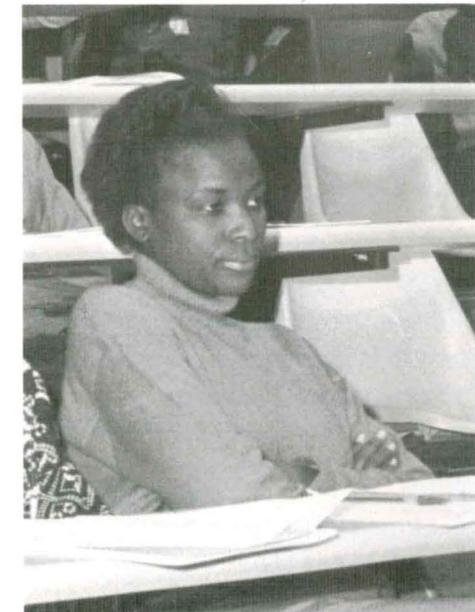
single mother, Katutura.

"I had no idea about my rights to claim maintenance for my child. Like many women, I was left with a child, but was ignorant of my rights. After I had been to the LAC, I wasn't afraid to stand up for myself anymore. It will be a long process, because I have to start from the beginning with a summons and a court case, but I will fight for my rights and for the rights of my child."



**Mr Hamukwaya** - Walvis Bay

Mr Hamukwaya and a colleague were arrested and held for two weeks at Walvis Bay police station, following a mix-up over their right to reside in Kuisebmond hostel. Both were fully entitled to be in the hostel and their hostel fees were paid. The LAC won R10 000 damages for each client in the court case which resulted.





**Bernard Esau** - Secretary General of the National Union of Namibian Workers

"The LAC has been invaluable to the work of the Trade Union movement in Namibia over the last five years. It has helped establish the idea of workers rights as human rights and has provided the expertise with which we have been able to challenge the system. For individual workers as well as for the organisation, I can say 'thank goodness for the LAC'."

**Rosalia Shipiki** -

LAC Bursary student, (left) reading Law at the University of Cape Town, and former client during her prosecution for organising student boycotts in Walvis Bay prior to Namibian Independence. "In the first place, I could never have afforded the costs of legal representation without the LAC, and secondly, it was sustained pressure from the LAC which helped get me and fellow students released from prison after South African President De Klerk's February 2 speech. Thirdly, the LAC has helped me realise my dream of studying law, which would have been out of reach for me without financial assistance. The LAC's commitment to the community not only protects it, but opens doors which would otherwise remain closed.



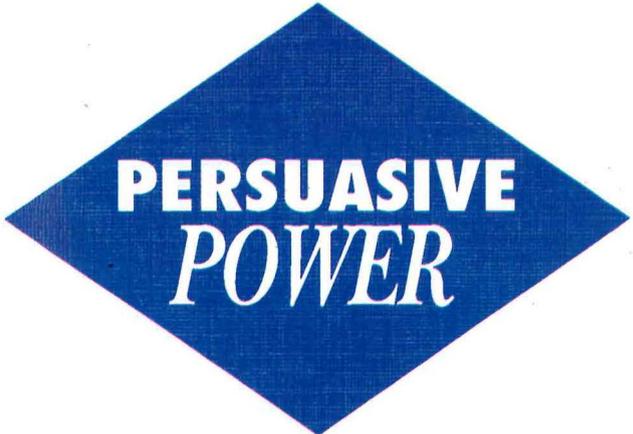
**Mr E Kuushomwa** - Oshakati (far right)

In September 1992, almost 30 people gathered in Oshakati to receive compensation payments from the South African Government, won for them by the LAC during a long, drawn-out and frustrating legal battle. The total payment was more than R160 000 in damages for human rights abuses committed during 1988 and 1989, which ranged from intimidation and harassment to severe personal injury. Mr Kuushomwa received the largest payment of R25 000.

**Elizabeth Gamathan** - Chairperson

The Concerned People of Katutura  
 "When we first got together, we were not sure how to go about things. We approached the LAC, through Rosa Namises, for guidance. From there we built our organisation in a structured way. From being afraid of the police and suspicious of their intentions towards our community, now we are able to request meetings with them and thrash out our problems. These days we are very strong. We can continue on our own."





# PERSUASIVE POWER

**WHILE** women have been a key focus of the LAC's recent educational work, its research department has been quietly promoting their cause with Namibia's policy-makers and legal architects.

Advocacy for legal reform has long been a part of the LAC's work, but its role has increased dramatically since Independence, as respect for the Centre has grown and the demand for new laws has been addressed.

The LAC has provided an input on an impressive range of subjects, from its traditional interest in labour matters to the increasingly-popular field of environmental conservation. It helped draft new worker compensation laws, giving greater financial protection to previously neglected groups such as farm labourers and domestic workers. It was involved with laws on the refinancing of low income housing schemes, which emphasise decentralization and community participation. It played a part in drafting Namibia's new law on co-operatives, and was consulted on the details of the final act, and it is currently working on the new Police Act, aimed at creating a more accountable, community-oriented police service. Breaking new ground, the LAC has looked at new laws governing tourism in Namibia, accessing the operation of informal tourism within the formal tourist market, and has contributed to the section of Namibia's 'Green Plan' dealing with proposed legislation for the protection and control of the environment.

However, the LAC has perhaps been at its most persuasive with regard to gender equality and the Constitutional call for affirmative action for women. Not only has it lobbied consistently for legal reform, it has also evaluated the effects of affirmative action to date.

While the Namibian Constitution puts women on a theoretically equal footing, numerous unchanged laws keep them at a disadvantage, and attitudes towards women's human rights are, at best, equivocal. According to many traditional and civil laws, women are without doubt, second-class citizens, and a sense of women as property or minors still prevails.

These attitudes have led to some spectacular cases of human rights abuse, several of which have been taken up by LAC attorneys in an effort to win compensation for the woman involved. But while such cases raise short-term awareness, public and media attention soon fades, and the LAC decided on a 'four-pronged approach': promoting gender issues through civic education, research and advocacy, as well as through litigation.

In 1993, these efforts have been focused on the 'Gender Research Project of the LAC', which employs two consultants, legal researcher Dianne Hubbard and field researcher Kaveri Kavari, in a stage by stage analysis of issues which compound discrimination against women. Initially funded for a period of six months, the project now looks set to continue for years to come. "It is part of the LAC's transition towards a more pro-active approach," says Hubbard. "By positively identifying the source of women's difficulties, we hope to make a constructive contribution towards dismantling discrimination against women and the attitudes which allow it to prosper."

## PRESIDENTIAL APPROVAL

*President Sam Nujoma acknowledged the importance of the LAC's latest range of educational materials dealing with the rights of women and children when he launched the booklets in September 1993.*

## FACING FACTS

*Field researcher Kaveri Kavari and legal researcher Dianne Hubbard working on the 'Gender Research Project' at the LAC office in Windhoek.*



The research has two basic aims: to give input into the process of law reform; and to provide education on aspects of law relating to women, such as the laws covering abortion, marriage and maintenance. Through the LAC's network of regional offices, the research attempts to reflect the needs of women throughout the country and provide them with an opportunity to voice their concerns. Kavari considers this aspect of the project essential. "Most women I interviewed were keen to take part because they wanted the truth of their situation revealed. They are tired of accepting routine discrimination quietly. They want people to know what they put up with and how it makes them feel," she says.

The project is working in co-operation with the Law Reform and Development Commission, which was established in 1992 and has a special Women and Law Committee to speed up the process of reforming those laws at odds with women's fundamental rights under the Constitution.

"There is an urgent need for legal reform," says Hubbard. "But our brief goes further than that. We are not only looking at overt discrimination, but at areas in which present legislation is simply not adequate to protect women." She cites issues such as maintenance and domestic violence, where women may be treated equally under the law but still lose out. "Equal doesn't necessarily mean sufficient in many cases. There needs to be a whole rethink of what is needed and how those needs can be met.

"The success of one such exercise was the focus of Hubbard and Kavari's first report, released in June 1993. It deals with an affirmative action clause in 1992 legislation governing the procedures for local elections in Namibia. "The report's findings are cause for optimism," says Hubbard, adding that a pro-active approach to apparently unchangeable situations actually works. The team's second project tackles the far more complex issue of maintenance. Both women say it will be a longer project, likely to produce a whole range of recommendations, such as changes in the law, ways to encourage more women to use the law, and additional training for those who administer it. In addition, they hope the actual process of research will be a useful educational exercise. "We don't take a strictly academic approach to our research. We stress the importance of participation, which means giving information as well as asking for it, and being prepared to provide educational materials on the issues we raise," says Hubbard. "Women can hardly be expected to participate in a democratic process of policy formulation without sufficient facts at their disposal."



**WHEN** the news suddenly hits that you're HIV positive, the last thing you want to think about are complicated legal issues. But unfortunately, as many people living with AIDS and HIV have learned, some of them just can't be ignored.

"There's a whole range of things that might need sorting out, from insurance policies to the kind of arrangements you want to make for your family members," explains LAC lawyer Michaela Figueira, who is pioneering work in Namibia on the legal aspects of living with AIDS or HIV. For example, some people have seen what they thought was their financial safety net snatched away at the last moment by a clause in their insurance invalidating all benefits for HIV positive policy holders. "When they took out the policy they may well have had no knowledge of their condition. By the time they find out, it's too late," says Figueira. There are other issues: such as the right to experimental medical treatment which may or may not extend someone's chance of survival; the right to determine for yourself the point at which you would no longer wish to be kept artificially alive; and the right to protect yourself against discrimination at work because of your illness.

Like AIDS itself, all this is new ground. Problems are presenting themselves as the situation develops and the legal response has become something of a frontier science. The LAC feels it is important to be part of that work and the social fabric it creates. "It does not simply involve litigation - in fact taking these matters to court is often an inappropriate response given the stigma attached to AIDS and HIV," says Figueira. "Much of our work is aimed at influencing policy and laws on AIDS-related matters, and educating society about them."

Building a caring, non-discriminatory framework in which people learning to live with AIDS and HIV can seek advice and find assistance is a costly, time-consuming and often daunting business. But, as most people have finally conceded, the problem will not go away by ignoring it. "There are going to be more and more Namibians living with AIDS in the coming years. It is time to stop focusing only on prevention and start coping with the effects of the problem," says Figueira. She feels one of the most important issues to be addressed is the question of stigma. People's fear of admitting their illness not only adds to their problems, but makes an accurate assessment of the scale of the situation almost impossible.

However, regular meetings of a support group of Namibians living with AIDS and HIV are proving that the open acknowledgment of AIDS in a sympathetic environment helps members cope. "It is inspiring to see the strength with which people face up to their situation," says Figueira, hoping the initiative will continue and eventually be developed into a 'drop-in centre', as part of the Namibia's response to one of its most urgent and rapidly growing problems.



# REACHING OUT

**IN** 1992, the Keetmanshoop Advice Office joined the LAC's countrywide network which ranges from Rundu in the north-east to Walvis Bay on the coast, and from Ongwediva in the far north to Keetmanshoop in the deep south. The advice offices are staffed by trained paralegals who work together with the LAC's Windhoek-based lawyers to provide a free and accessible legal service.

The very first office of the LAC, the Human Rights Centre in Ongwediva, was not tucked safely away in the capital, but opened where it was most needed, in the war-torn border region of Ovambo, where staff and clients shared the same dread of security force oppression. When it became clear that a permanent back-up team of lawyers was needed, to work solely on cases of human rights abuse, the Windhoek office was established. And, as the years passed and need for greater outreach grew, more centres were added. Post independence, the Walvis Bay office in the disputed enclave was instrumental in publicising and punishing continued abuses by the South African police. Most recently, the decision to open an advice office in southern Namibia also came in response to an expressed need. For years, people in the south have complained of developmental neglect; and indeed, while its communities are far smaller than many in the north, and have escaped the horrors of recent war, their problems are undoubtedly severe.

Marginal land, ongoing drought, unemployment and chronic alcohol abuse are just some of the problems faced by rural and urban southerners, whose incomes rely largely on subsistence farming, atrociously-paid farm work, and the meagre state pensions of family elders.

According to Aloysius Katzao, who has been running the Keetmanshoop Advice Office since it opened in January 1992, the Centre was desperately needed. "The civic education programme is particularly valuable," he says. "People have a very muddled idea of when they should stand up for their rights. It is not just a case of making people aware of their rights, it is also a matter of instilling a sense of responsibility towards the rights of others.

He puts many of the region's problems down to the lethargy and powerlessness induced by long-term unemployment. It has had two major spin-offs: a huge problem with debts and a debilitating dependence on alcohol, says Katzao.

Imprisonment for non-payment of debts, which is still practised in Namibia, is something against which the LAC has been fighting for some time, submitting proposals for reform of the outdated practice to the Ministry of Justice. Since then, there has been a steady decline in instances of imprisonment in Keetmanshoop, where the LAC has dealt with countless clients facing legal action for debt.

"The situation has certainly improved since the Centre opened and I think we played quite an important role in raising consciousness about the problem," says Katzao. He has also helped many clients experiencing difficulties due to the non-payment of maintenance and pensions, while labour problems - particularly concerning the dismissal of farm labourers - are also a regular

***SOUND ADVICE***  
*LAC paralegal helps clients with a problem. Unpaid pensions and the non-payment of child maintenance feature large in the work of the Centre's paralegals.*



feature of his work. "Farm labourers simply don't know what they are entitled to. You find instances where workers have gone for more than a year without leave, or meekly accepted a system of payment which amounts to little more than the doling out of rations selected by the farmer." The odd 'big story' does crop up, such as a recent problem involving the illegal detention and alleged assault of farm labourers by the police, and his successful negotiation on behalf of 400 striking farm labourers threatened with dismissal; but the bulk of Katzao's work focuses on everyday problems of people with little knowledge of their Constitutional rights. An ex-teacher, who knows the area and its communities inside out, he says, "I enjoy running educational workshops because then you can really see that you are making a difference. Every small step takes people closer to a belief in the protection of human rights."

It's a long way from the high-powered glamour of television's 'LA Law' which first drew Katzao towards legal work! But, as he says himself, "These are real people I'm dealing with. I think we offer a valuable service in this region, and there's still a lot more to be done."





**SWEET  
SORROW,  
FIRM  
RESOLVE**

**BY** the time he stepped down as Director of the Legal Assistance Centre in July 1992, the name Dave Smuts was virtually synonymous with the organisation he had founded four years earlier. "Moving on was difficult," he admits. "But I'm sure it was the right thing. When I started the LAC, I thought we would be fighting the kind of human rights abuses prevalent at the time for several years. Independence heralded the need for reassessment and change."

After two years in the making, his decision to start the LAC and leave his practice with a well-known Windhoek law firm came in early 1988. In many respects, it was a leap into the unknown.

"There was no prospect for the implementation of Resolution 435. The Interim Government was firmly in place, South Africa was intransigent in its resistance to self-determination for Namibia, and towards the end of 1988 there was every indication of increased repression, especially towards the burgeoning mass movements." His chief objectives in setting up the Centre were to "create space" for these organisations and to use existing laws to curb human rights violations rampant in northern Namibia.

Initially, finding space even for LAC offices proved problematic. Fortunately, the churches came to the rescue, providing buildings for offices in both Ongwediva and Windhoek, and later in Walvis Bay and Rundu. Solving that problem was good practice for the many which would follow, culminating in a cynical attempt by the South African Government to close the centre down in 1989.

As Namibia moved steadily towards the goal of Independence, the LAC spent the greater part of 1989 fighting to survive, and Smuts found it difficult to relax into the peace process. "South Africa had acted in bad faith so often that many of us found it hard to believe things would be different this time. When fighting broke out on April 1, we thought South Africa was attempting to derail the process, and then again, when Anton Lubowski was assassinated in September 1989." Nevertheless, the Centre was heavily involved in events leading to Independence, from its work towards the release of political prisoners in July, to the repeal of discriminatory legislation and the drafting of laws to govern the elections in November. "The enormity of events didn't give much time for reflection," Smuts remembers. "All of a sudden, Namibia was independent and that changed everything. Before Independence, the LAC had been important because the law was just about the only way to achieve accountability. Afterwards, people were able to exercise power through the legislative and executive branches of government."

Within months, the need for education to secure human rights was as great as the need for litigation, and the LAC's facilitating role became more significant. According to Smuts, he found it fairly easy to adapt. "I am equally committed to the new objectives of the LAC. They are extremely relevant. Now, as then, I am interested in the way law can be used to achieve the kind of socio-economic goals I feel are worth working for."

***STILL INVOLVED***  
*The LAC's founding  
Director, Dave Smuts*



Just as Smuts acknowledged that the LAC should adapt and continue, he also felt his own role within the organisation should change. "I think it is important for an organisation to have change, and not to become too closely associated with one person," he says. In addition, by 1992, four years of intensely pressured work for the Centre had taken their toll, contributing to Smuts's decision to return to "more active court work" at the Bar.

His involvement with the Centre still continues, however. "It's good for the LAC to have someone at the Bar interested in its work, and I have acted in quite a few High Court cases on its behalf." Smuts is also a member of the LAC's board of trustees, helps with workshops and lends a hand with fundraising. Does he miss working at the Centre? "Unequivocally yes. I miss the immediacy of interacting with the clients, but most of all, I miss the team work and the support of colleagues who were also good friends."

Looking back, Smuts has a characteristically clear perspective on the various turns of his career. Summing up the vision which launched the LAC, he says, with a smile, "I never had any doubts about the work I was doing and I would not have chosen to do anything else. I'm a firm believer in assertive litigation and in challenging ideas with an innovative approach to the law."





*"We're* here to stay," LAC Director Andrew Corbett told the large crowd gathered to toast the Centre's fifth birthday at its new Windhoek office in July 1993.

With Prime Minister Hage Geingob doing the honours and a guest list which included domestic workers and High Court judges, the birthday party reflected the character of Namibia's only public interest law firm and its achievements over the past five years. As one distinguished guest after another added their congratulations, the scene seemed almost impossibly removed from the harried pre-Independence days when the LAC was fighting for survival.

The move to permanent premises was a fitting symbol for the LAC's fifth birthday. It marked concrete progress from the temporary space loaned by the Catholic Church which had been 'home' since 1988. In the intervening years, the LAC had fought for and won its place as a respected Namibian institution, and, as it plays an increasingly important part in the process of legal and social reform in Namibia, it will never again be sidelined as a 'fringe' organisation.

In his opening speech, the Prime Minister referred to the "seminal role played by the LAC" and warned that "In a country where human rights abuses were routine prior to independence, a concerted attempt at undoing the damage is essential." Geingob said he was sure "there will continue to be cases where human rights may be curtailed as a consequence of ignorance and arrogance on the part of individuals, civil servants and police officers in the form of false arrest, abuse of power, malicious prosecution to harass or destroy the reputation of an individual, and so on." In view of this, and as a tool of socio-economic development, the LAC was indispensable in "developing a human rights culture (and) educating people about human rights enshrined in our Constitution", said the Prime Minister.

His final comment was an expression of faith in the work of the LAC, a testament to its continued relevance, and a heartfelt birthday toast: "In all that the centre is doing and in whatever new approaches the centre seeks in the changing milieu, of one thing I am sure: it will continue to enrich our society by giving real meaning to democracy and to the lives of Namibians."

### **SHARING A JOKE**

*Prime Minister Hage Geingob (right) enjoys the LAC's fifth birthday celebrations with Judge Kenneth Bethune (left), Andrew Corbett and Swedish Ambassador Sten Rylander, whose Government has always been a staunch supporter of the Centre.*





**"WHEN** you look at a country's human rights record, you don't just look at its Constitution. You look at the ordinary people who live there, and at the ability of grass roots communities to enjoy the fruits of their liberty."

According to LAC Director Andrew Corbett, Namibia still has a long way to go before it can rest on the laurels of its constitutional democracy. True, the country has made a fine start, and has been rightly hailed as a role model for other developing countries; but in the coming years, it will have to work very hard to live up to its young reputation. "The culture of human rights in Namibia is quite fragile and needs careful protection and development. There is a danger of the international community not looking beyond the attainment of independence to the practical entrenchment of people's freedoms," says Corbett. At the bottom line, Namibia needs support to succeed. But when it comes to the work of an organisation like the LAC, whose results are not always easy to quantify, securing that support can be difficult.

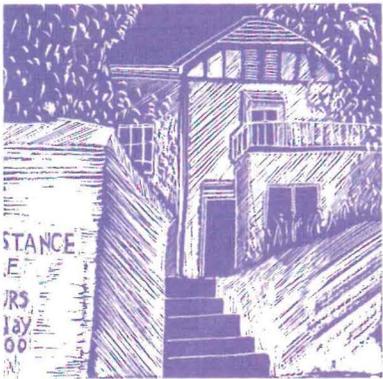
Though the organisation has made accountability and sound management an increasing priority in the past few years - with regular in-service training and monthly assessment reports - the bulk of its work is part of an organic process of socio-cultural development, which aims to make legal resources accessible to everyone.

Says Corbett: "About 95 per cent of people who appear in Namibian courts are not represented, and the 'ideal solution' of state-funded legal aid is simply not affordable at this stage. Only R1,2 million has been earmarked by the Government for legal aid over the past two years, which means that only really serious cases are eligible." In the everyday matters by which most people come into contact with the law, such as wage claims and maintenance cases, Corbett sees "absolutely no chance" for any kind of state-funded legal aid. In such cases there has to be some recourse for people in difficulty, he argues. "That is the unglamorous side of our work: helping someone with a pension problem understand what she is entitled to."

In addition, he feels it is important for the LAC to go beyond just a technical input into the process of law reform in Namibia. "It is something which should involve as many people as possible, giving them the chance to exercise their democratic right to participate in the development of their country." This can be facilitated via the chain of lawyers and paralegals, which not only ensures that information gets out to the people, but also that the people influence the kind of law reform recommended by the LAC to Government. "If there is the political will at decision-making level to listen to the voice of the people - and I believe that there is in Namibia - then there is a clear need for organisations which help marginalised communities to express themselves," says Corbett. "Fortunately, over the years, the LAC has earned a credibility with the people and with Government, both for its practical skills and its independent judgement, which means it can legitimately assist in this process."

September 2 1993 saw another commitment from the LAC towards the greater involvement of 'ordinary people' in the process of developing a culture of human rights in Namibia.

***TAKING THE HELM***  
*director of the Centre,*  
*Andrew Corbett*



The organisation opened a new office in Katutura, a high density suburb of the capital city, housing the majority of its disadvantaged citizens. Corbett's justification is simple. "That's where the advice is most needed, and physical proximity is an important element when you are trying to make people comfortable with new and strange ideas, which they always thought had nothing to do with them." The days are over, he says, when the LAC could rely on the emotive appeal of war and apartheid for donor support. "Nowadays we are involved with building something new, rather than fighting a fundamentally unjust system: the direction is less clear, but the need is just as strong."



STAFF MEMBERS OF THE LEGAL ASSISTANCE CENTRE & AFFILIATED  
ADVICE OFFICES EMPLOYED OVER THE PAST FIVE YEARS

|                       |                     |
|-----------------------|---------------------|
| Andreas Absalom       | Kavari Kaveri       |
| Sackeus Akweenda      | Shireen Martin      |
| Ono Angula            | Shakespeare Masiza  |
| Ben Ausiku            | Rina McKay          |
| Joy Bartlett          | George Mhoney       |
| Stella Bezuidenhout   | Rosalina Namises    |
| Mohammed Bham         | Pero Nampila        |
| Leonora Cloete        | Tusnelde Nangolo    |
| Andrew Corbett        | Karl Ndoroma        |
| Clement Daniels       | Maria Ndura         |
| Jacqueline Daniels    | Mona Pfeifer        |
| Michelle Doeses       | Israel Shikongo     |
| Wilfred Emvula        | Filemon Shitlifa    |
| Eron Euijen           | Toivo Shovaleka     |
| Mark Euijen           | Matheus Sinonge     |
| Michaela Figueira     | Loraine Sivertsen   |
| Bience Gawanas        | David Smuts         |
| Chaka Goreseb         | Imme Steinmeister   |
| Ambrosius Haingura    | Sandra Strong       |
| Arnulf Hausiku        | Catherine Sugarman  |
| Dianne Hubbard        | Gail Super          |
| Olivia Imalwa-Ekandjo | Heather Tankard     |
| Wilma Isaacs          | Anitha Tjivangurura |
| Folbe Jacobs          | Bisey Uirab         |
| Sophia James          | Ruth Uujombala      |
| Lucas Johannes        | Erastus Uutoni      |
| Colin Kahanovitz      | Danita Van der Waal |
| Nico Kalyamo          | Jan Webster         |
| Paulina Kalola        | Fanie Windstaan     |
| Cornelia Kashala      | Anita Witt          |
| Aloysius Katzao       | Pamela Zolkov       |

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