

*THE ANNUAL REPORT OF
THE LEGAL ASSISTANCE
TRUST AND THE HUMAN RIGHTS TRUST*



1 July 1990 - 30 June 1991

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INTRODUCTION

1 JULY 1990 - 30 JUNE 1991

The year under review has seen the Centre and its affiliated advice offices make the transition from operating under an oppressive legal system to dealing with the challenges of post-independent Namibia. The transition had already begun during the latter stages of the implementation of United Nations Security Council Resolution 435 with the Centre and its offices already planning then for its new role after independence.

After the excitement of attaining independence began to recede, the Centre and its affiliated advice offices had already started adapting to post-independence challenges, staking out a new role in the context of nation building and particularly the development of a human rights culture in our constitutional democracy. The underlying philosophy of the Centre when it was founded during colonial times was based upon a belief in law as an instrument of justice. This remains true to the work of the Centre after independence, although the context has shifted.

Following independence, the traditional caseload of the Centre and the affiliated advice offices changed considerably. Although the Centre remains firmly committed to continue to act on behalf of victims of human rights abuses (whether at the hands of the security force members or public officials), the extremely large volume of cases involving human rights abuses has dropped off dramatically. With the Constitution of Namibia protecting fundamental rights, the Centre has resolved to continue with its work of assisting victims of human rights abuses to ensure that the rights enshrined in the Constitution have meaning for the Namibian population and also to ensure that the country remains committed to the course of human rights protection so clearly encapsulated in the Constitution.

In so doing, the trustees and staff members have decided to focus primarily upon the Constitution in the work of the Centre in post-independent Namibia. Not only will the Centre seek to assist those asserting their constitutional rights, but also to inculcate the importance of these rights and their protection.

We are committed to activities geared towards the development of a human rights culture in Namibia, in order to foster the belief in law as an instrument of justice and the importance of the rule of law and the concept of accountability inherent in the democratic process.

We have resolved upon a three-pronged strategy to further these aims. In the first place, it involves the continuation of impact litigation, with particular focus upon the Constitution and abuses of power, including economic power. Secondly, the Centre will be actively engaged in education and training. Finally, the Centre will continue to be engaged in advocacy, particularly in the area of law reform to ensure that the legal system and practices become increasingly consonant with the equality provisions in the Constitution and responsive to the needs of disadvantaged communities and groups.

In the area of litigation, the Centre seeks to focus upon the equality clauses in the Constitution to assist in asserting the rights of women and in redressing past imbalances. Consideration has also been given to invoking the equality clauses to rid Namibia of the evil of civil imprisonment for debts, on the basis that it discriminates on the grounds of economic status, with the very poor being persistently on the receiving end of this dickensian practice. Procedural safeguards in the conduct of trials remain under scrutiny. The approach of the Centre is that when test cases are taken up, communities should be involved, thereby complementing the Centre's educational role. The Centre also continues its litigation work in the labour area in order to assist the victims of economic exploitation, particularly with vulnerable groups such as domestic workers and farm workers who are not as yet fully organised.

The Centre continues to litigate for victims of the abuse of power at the hands of police and other public officials, although the conduct of the police has, in our experience, greatly improved since the advent of independence.

In the context of nation building, the Centre's educational and training component is becoming increasingly important. The Legal Education Project has been established, primarily to explain our Constitution to the people. The project has been active in various schools in Namibia where the affiliate offices are located. A total number of 702 sessions at various schools are planned for the academic year of 1991.

The project also involves educating communities about other areas of the law, in consultation with communities about their needs and concerns. Areas covered include maintenance, aspects of customary law, children's rights and consumer protection. The Centre also publishes booklets and pamphlets to assist in explaining the Constitution and other matters of importance to communities in various languages.

In the field of legal education and training, one of the priorities of the Centre is to train paralegals engaged in advice office work in order to meet the growing needs of the advice offices and our client communities. A formal and structured course for paralegals has started and is already proving to be extremely successful. Given the shortage of lawyers in Namibia, we believe that paralegals have a vital role to play in making the legal system more accessible and responsive to community needs.

With reference to the shortage of lawyers in Namibia and in particular the serious racial and gender imbalances in the legal profession, reflected in approximately 5% of lawyers in private practice being black and less than 10% women - the Centre will be inaugurating a scholarship programme to assist in redressing these imbalances.

The Centre's work in advocacy and research during the year under review focused upon the land question and the question of civil imprisonment for debts. The Centre has, in addition, initiated work on the new Labour Code and has been extensively involved in the consultative process involved in the development of the draft legislation as well as in the drafting of the provisions.

We hope to continue with and further develop the Centre's post-independence role in the coming years as outlined above. We are excited by the prospect of opening an advice office in Keetmanshoop to serve the southern region of our country. We are also keen to expand other areas of the work as we face new and further challenges of independence.

At the end of another year in the life of the Centre and affiliated advice offices, I take the opportunity of thanking the selfless and dedicated work of the Trustees, in particular the Chairperson of the Trust, Judge Ken Bethune. I also extend our warm thanks and gratitude to our donors for their continued and very generous support. My deep gratitude also goes to all my colleagues at our different offices for their continued commitment to the Centre and our clients.

DAVID SMUTS
DECEMBER 1991

The Legal Assistance Trust*The Honourable Kenneth Bethune (Chairperson)**Hosea Angula**Geoff Budlender**Jeremy Gauntlett, S C**David Smuts**Dr Teopolina Tueumuna**The Hon Ben Ulenga**PO Box 604**WINDHOEK**Telephone: 223356**Telefax: 34953****The Human Rights Trust****The Right Rev K Dumeni**The Right Rev B Haushiku**The Right Rev J H Kauluma**D F Smuts*

LEGAL ASSISTANCE CENTRE**Staff members during the year 1 July 1990 - 30 June 1991**Lawyers and Legal Researchers:*David Smuts (Director)**Andrew Corbett**Michaela Figueira**Colin Kahanovitz**Sacky Akweenda**Bience Gawanas*Paralegals:*Ono Angula**Clement Daniels (Coordinator)**Chaka Goraseb**Pero Nampila*Administrative and Support Staff:*Joy Bartlett**Leonora Cloete**Jackie Daniels**Maria Ndura**Toivo Shovaleka**Imme Steinmeister**Catherine Sugarman**Danita van der Waal**Jan Webster**Fanie Windstaan**Anita Witt**Pamela Zolkov*

Human Rights Centre

Paralegals:

Ben Ausiku

Olivia Imalwa-Ekandjo

Karl Ndroma

Erastus Uutori

Administrative and support Staff:

Meme Nangolo

Ruth Uudjambaia

Walvis Bay Advice Office:

Wilfried Emvula (paralegal)

Anitha Tjivangurura

Rundu Advice Office:

Ambrosius Haingura (paralegal)

Paulina Kalola

Matheus Sinonge

Nomtsoub Advice Office:

Nico Kaiyamo (paralegal)

Cornelia Kashala

THE LEGAL ASSISTANCE TRUST AND THE HUMAN RIGHTS TRUST

The Legal Assistance Centre (LAC) was founded in 1988. It is a non-profit public interest law centre based in Windhoek and is the only centre of its kind in Namibia. It provides legal and educational services in the public interest to people who would not otherwise have access to the legal system.

In addition to the Windhoek Office, there are five other affiliated advice offices in Namibia. These are the Human Rights Centre in Ongwediva, the Rundu Advice Office, the Walvis Bay Advice Office, the Nomtsoub Advice Office in Tsumeb and the Keetmanshoop Advice Office, to open its doors in January 1992.

The LAC was established and carries out its work with the approval of the Law Society of Namibia and the Society of Advocates of Namibia.

The LAC does not charge fees to its clients. Consequently, it is not allowed in terms of the rules governing the legal profession in Namibia, to recover legal costs, other than out of pocket expenses, even where successful in litigation. The offices are accordingly entirely dependent on donation income. This is received through the Legal Assistance Trust for the Legal Assistance Centre, the Nomtsoub Advice Office, the Walvis Bay Advice Office and the Keetmanshoop Advice Office, and the Human Rights Trust in respect of the Human Rights Centre and Rundu Advice Office.

The Legal Assistance Trust was formed in February 1988 in order to receive and control the funds donated for the purposes of establishing the Legal Assistance Centre (LAC) and funding its activities. The impetus for its establishment came from various churches in Namibia, the national trade union federation (the National Union of Namibian Workers), the umbrella student organisation (The Namibian National Students Organisation - NANSO), various community organisations and

importantly, from local practitioners and colleagues associated with the Legal Resources Centre in South Africa.

The Trust is chaired by Ken Bethune, a retired Namibian judge. Other Trustees are Geoff Budlender, a trustee and founder of the Legal Resources Centre in South Africa, Jeremy Gauntlett, a senior advocate of the Cape Bar who has been active in human rights work in Namibia, Ben Ulenga, Deputy Minister of Wildlife, Nature Conservation and Tourism and former General Secretary of the Mineworkers' Union of Namibia, Dr Teopolina Tueumuna, a medical doctor of the Oshakati State Hospital, Hosea Angula, an attorney of Windhoek and David Smuts, Director of the LAC.

The work of the Trust has been generously supported by funding from foreign governments, non-governmental organisations and churches, and recently, the first local financial support. During the year under review, grants were received from the Ford Foundation, the Church of Norway's Council on Foreign Relations, DanChurchAid of Denmark, Church of Sweden, NOVIB of the Netherlands, Oxfam (United Kingdom), Christian Aid, the Friedrich Naumann Stiftung and Interfund.

The Human Rights Trust funds and controls the Human Rights Centre and the Rundu Advice Office. It was established in 1987.

The impetus for its establishment came from various churches in Namibia as well as from individual church and community leaders. At the commencement of its activities in 1988 at the Human Rights Centre in Ongwediva, northern Namibia had been subjected to more than 10 years of guerilla war and with it, human rights abuses and oppression on a large scale, which included mass detentions, deaths, disappearances and the destruction of property. It was in this context that the need for a law centre to assist the victims of widespread human rights abuses was identified and the Human Rights Centre was established. The need for a law centre in northern Namibia was and is compounded by the fact that there are no

fulltime practising lawyers based in the far northern region of Namibia, where more than half of the Namibian population lives.

The Human Rights Centre, and the Rundu Advice Office provide a service to people who would otherwise have to travel hundreds of kilometres in order to obtain legal assistance.

The Trustees of the Human Rights Trust are David Smuts, the Right Reverend B Haushiku, the Roman Catholic Bishop of Windhoek, the Right Reverend Kleopas Dumeni, Bishop of the Evangelical Lutheran Church in Namibia and the Right Reverend James Kauluma, Anglican Bishop of Namibia. The work of the Human Rights Trust has also been generously supported by funding from foreign governments, non-governmental organisations and churches. During the year under review, the Friedrich Naumann Stiftung paid most of the expenses of the Human Rights Centre whilst NOVIB covered the costs of the Rundu Advice Office.

Although a separate Trust, the work of the advice offices funded by the Human Rights Trust is supervised and controlled by the Director of the Legal Assistance Centre (who also serves as a Trustee of the Human Rights Trust).

LEGAL ASSISTANCE CENTRE

For the most part of the year under review, the Legal Assistance Centre enjoyed the services of an advocate, three attorneys, two legally qualified researchers, three para-legals and six administrative and support staff. During the course of the year, the two legal researchers unfortunately left the services of the Centre to take up senior positions in the Government. Dr Sacky Akweenda was appointed Senior Legal Advisor in the Office of the Attorney-General, whilst Bience Gawanas was appointed to the Public Service Commission.

One of the attorneys, Colin Kahanovitz left the Centre, after extending his one-year contract for a further three months, to gain further legal experience abroad. The Centre's two other lawyers, Andrew Corbett and Michaela (Clayton) Figueira have been with the Centre since its inception.

One of the paralegals, Pero Nampila, also acts as the National Coordinator of the Legal Education Project, coordinating the legal education work of all of the advice offices. During the year, Toivo Shovaleka was appointed National Administrator of the LAC and the affiliated offices.

The general approach and policy of the LAC and its affiliated advice offices is to take on cases in the public interest in which the outcome may have an impact on the rights of a group of people rather than cases which merely benefit individuals themselves. These include cases which may represent particular forms of abuse or exploitation which call for redress. These are broad guidelines and it has only been through experience that the staff of the LAC and its affiliated advice offices have been able to identify those cases appropriate for consideration and action.

There has often been a tendency to err on the side of lenience, given the inevitable reluctance to turn away people in need. The sheer volume of work has been and

continues to be a source of pressure. It is encouraging, however, that following the introduction of formalised paralegal training, more and more cases and disputes are resolved by paralegals at advice office level.

The lawyers at the LAC service and provide legal back-up to all of the affiliated advice offices. Paralegals at the advice offices investigate and in many instances are able to finalise cases by giving the required advice or taking appropriate action themselves. When the intervention of lawyers is required, the matters are referred to the LAC for the taking of necessary legal action by the attorneys based there.

Most of the clients who approach the LAC and its affiliated advice offices for assistance, live in remote rural areas. Many of these clients do not have access to telephones and the postal service is not effective or non-existent in most areas, so communication about cases is often difficult. Frequently, the regional radio services are used to broadcast requests for clients to call upon offices for consultations and for furnishing further information and instructions regarding the cases. Paralegals and staff lawyers are also frequently required to travel several hundred kilometres to remote areas in order to provide effective legal services to outlying communities.

The extensive travel places one of the biggest stresses upon the staff of the LAC, given the enormous distances to some of the outlying areas. The use of public transport has in some instances assisted in overcoming some of these problems but this service is seldom used owing to the fact that the service is erratic and extremely costly.

During the year under review, paralegals at the Legal Assistance Centre opened more than 300 files. A breakdown of the caseload is as follows:

	%
<i>Dismissals and notice pay claims:</i>	49
<i>Workmen's Compensation claims:</i>	16
<i>Pension claims:</i>	11
<i>Housing:</i>	3
<i>Deaths and medical negligence:</i>	2
<i>Assaults and harassment:</i>	1
<i>Other labour matters:</i>	2
<i>Deportation and refugee matters:</i>	.5
<i>Disappearance:</i>	.5
<i>Maintenance:</i>	.5
<i>Advice to community based organisations:</i>	.5
<i>Other matters:</i>	14

During the year under review, the attorneys at the Centre handled over 100 cases in which litigation was launched. A breakdown of these cases is as follows:

	%
<i>Claims against security forces:</i>	10
<i>Criminal matters:</i>	4
<i>Eviction and housing matters:</i>	1
<i>Consumer matters:</i>	1
<i>Land disputes:</i>	3
<i>Pensions matters:</i>	10
<i>Dismissals:</i>	16
<i>Other labour matters:</i>	10
<i>Delictual claims:</i>	35
<i>Other:</i>	6

In addition to the work of the Legal Education Project, both lawyers and paralegals based at the Centre addressed and participated in workshops and seminars organised by local community-based organisations, trade unions and non-governmental organisations.

HUMAN RIGHTS CENTRE

The Human Rights Centre is situated at Ongwediva in northern Namibia. It was opened in July 1988. During the year under review, the Centre was staffed by four full-time paralegals and two support staff. For five months of the year, attorney Michaela (Clayton) Figueira was based at the Human Rights Centre.

The work of the Centre has been divided into two components, namely the provision of legal services and community legal education. Foibe Jacobs, Coordinator of Legal Services and a paralegal at the Centre, left the services of the Centre in January 1990 to enter articles of clerkship with the Government Attorney in Windhoek. The Coordinator of Community Legal Education is Karl Ndroma.

From June 1990, one of the attorneys of the LAC, Michaela Figueira, was seconded to the HRC for a period of approximately five months with the view to providing in-service training for paralegals based at the Centre and to be on hand to deal with legal problems as and when they arose. During the year under review, the caseload of the Human Rights Centre underwent a significant shift. This represented a continuation of a trend which became apparent during the course of 1989. Following the cessation of hostilities towards the end of May 1989 during the implementation of UN Security Council Resolution 435, the number of human rights violations at the hands of the South African backed security force apparatus dropped off considerably. A further decline in security force violations was experienced after the final removal of Koevoet elements from the security forces later in 1989.

A further decline in the number of human rights violations perpetrated by security force members dropped still further following independence. Although detention without trial is no longer authorised by the Namibian Constitution, detentions still occur in the area at the hands of tribal authorities and the Centre has acted

against the Uukwanyama Tribal Authority on behalf of detainees. The incidence of assaults at the hands of security force members dropped from 24% during the previous year to only 3% of cases handled by the Centre.

The dramatic shift in the caseload of the Centre can be attributed to the drastic reduction of the security force presence in the area, with the area formerly being a war zone and occupied by tens of thousands of defence force members and more than 2000 "Koevoet" members of the Police. The legacy of the war years however lives on in various forms, including a large number of unauthorised firearms of varying origins in circulation in the area, giving rise to the concern that they could be utilised to perpetuate human rights violations in the area.

The breakdown of the case load also reveals a shift towards cases involving social and economic rights:

	%
Dismissals and outstanding payments for employees:	36
Pensions:	15
Other labour disputes:	2
Workmen's Compensation:	1
Land and Housing disputes:	7.5
Disappearances:	1
Detentions:	2
Criminal matters:	3
Assaults and harassment:	3
Deaths and medical negligence:	3.5
Other matters, including matrimonial and general advice:	26

RUNDU ADVICE OFFICE

The Rundu Advice Office Coordinator, Ambrosius Haingura, is assisted by two part-time administrative personnel. The office serves a huge area, comprising more than 50 000 square kilometres, with a population of approximately 120 000.

This office also experienced a significant shift in its caseload, following independence. Prior to independence, the largest portion of the caseload involved human rights abuses perpetrated by security force elements. Following independence, the largest portion of the work in the office during the year under review also related to the enforcement of social and economic rights.

Numerous pension claims and enquiries were handled by the office where backlogs and administrative bottlenecks caused considerable difficulties to pensioners who are required to wait several months for the payment of their pensions after registering for them. Several pensioners were assisted following the intervention of the office, which took the matter up with the relevant local authorities in order to negotiate improved working procedures directed at eliminating delays in the receipt of pensions.

Dismissals and other employment related matters together with pension enquiries formed the bulk of the work of the office.



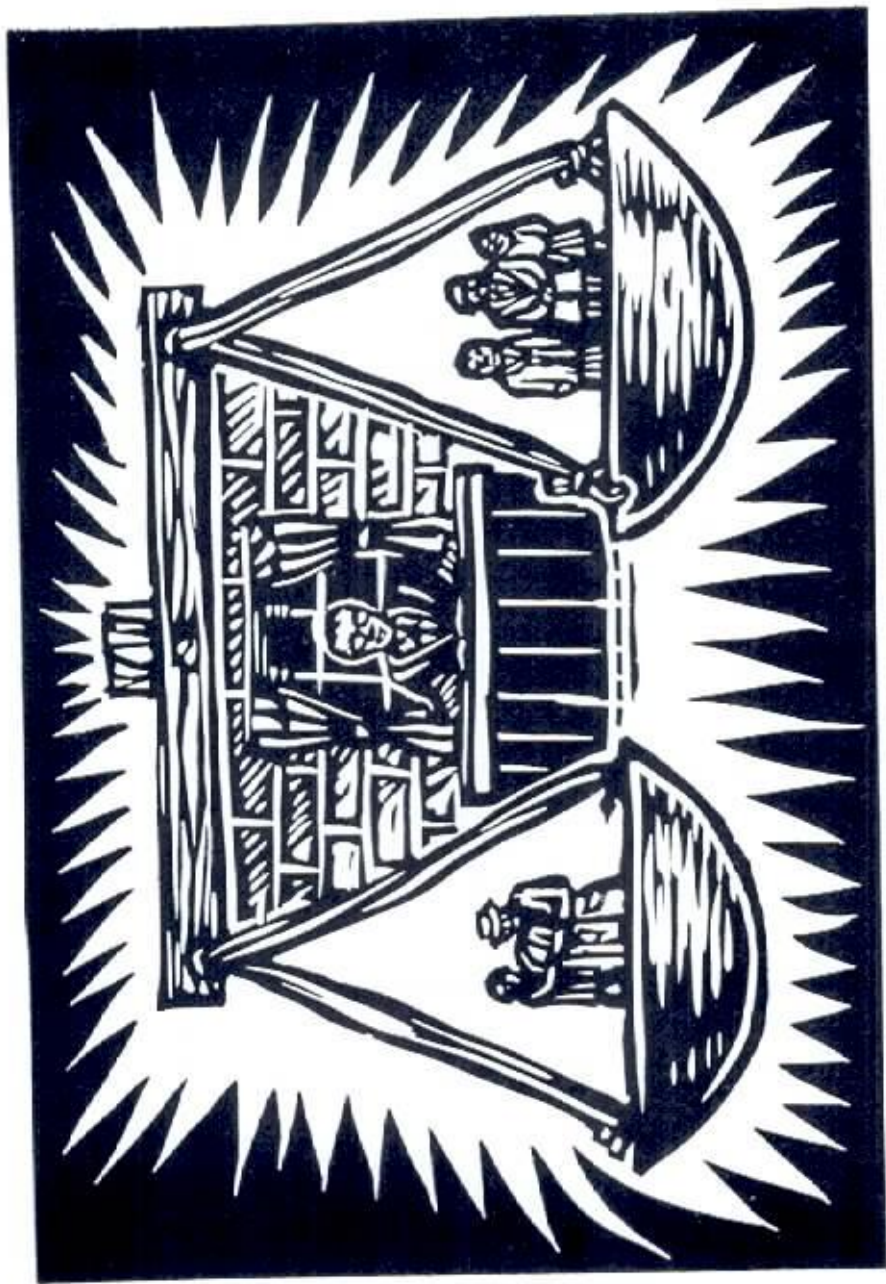
The right to Fair Trial: Article 12.



Children's Rights: Article 15.



Property: ARTICLE 16.



Administrative Justice: **ARTICLE 18.**

WALVIS BAY ADVICE OFFICE

The Walvis Bay Advice Office is based in Walvis Bay's black township of Kuisebmond. It also services the community of Swakopmund with the Coordinator, Wilfried Emvula, being based in Swakopmund every Wednesday.

Although many of the cases handled by the office continue to deal with difficulties resulting from the South African administration which included the abuse of police power, particularly at the main border post between Swakopmund and Walvis Bay, a large proportion of the work comprises labour related matters.

More than 100 files were opened by the Walvis Bay Advice Office during the year under review, the breakdown of the cases being as follows:

	%
<i>Dismissals and salary disputes:</i>	33
<i>Collective labour disputes:</i>	8
<i>Pension matters:</i>	11
<i>Housing and land matters:</i>	5
<i>Detentions and disappearances:</i>	3
<i>Criminal matters:</i>	10
<i>Claims against security force members:</i>	8
<i>Deceased estates:</i>	3
<i>Other advice, including matrimonial and general advice:</i>	19

In addition to the Legal Education Project activities, Wilfried Emvula addressed and participated in numerous community based seminars and workshops. He also represented the Centre at a Human Rights Conference in Lagos, Nigeria.

NOMTSOUB ADVICE OFFICE

The Nomtsoub Advice Office is located in the township adjacent to Tsumeb in the central northern region of Namibia. The Coordinator of the office is Nico Kaiyamo who is assisted by a secretary.

The office serves not only the community of Tsumeb, but also those of Grootfontein, Otavi, Outjo, Otjiwarongo and the surrounding farm areas.

85 Files were opened by the Nomtsoub Advice Office during the year under review. A breakdown of the caseload is as follows:

	%
<i>Dismissals:</i>	17
<i>Pension Matters:</i>	19
<i>Workmen's Compensation:</i>	12
<i>Maintenance:</i>	6
<i>Claims against Police:</i>	2
<i>Other matters:</i>	7
<i>Housing:</i>	34
<i>Citizenship/Refugee matters:</i>	2

Nico Kaiyamo is also actively involved in assisting community based organisations and the Nomtsoub community, where he lives, with general advice.

CASE REPORTS

Pre-Independence Claims against the Security Forces

In the year under review, a number of out of court settlements were reached in claims against South African-backed Security Forces pre-dating Namibia's independence. Some of the settlements are as follows:

Johannes Komeya, a 31-year old painter, was arrested by the then South West African Police on 11 April 1988 at the Oshivelo checkpoint whilst travelling from Owambo to Windhoek. (The Oshivelo checkpoint was the cause of considerable human rights abuses, as everyone travelling by road to or from Owambo was required to pass through this point.) Komeya was detained under the then applicable Terrorism Act of 1967, taken to the Oshakati Police Station and was repeatedly assaulted by members of the Security Police. Electric shocks were applied to his hands, feet and genitals while a wet bag was placed over his head and face. He was released in October 1988 after being held in solitary confinement without access to lawyers or his family. He was never charged with any offence. An out of court settlement of R30 000,00 was paid to him in respect of his claims.

Mennas Nambundunga was arrested by the South West Africa Police on 29 June 1988 in the district of Outjo. He was assaulted whilst being detained and not charged subsequently. A claim for unlawful arrest and detention and for the assaults was instituted and the sum of R5 000,00 was accepted in settlement of the claims.

On 13 September 1989 Police fired shots at a suspect in a built-up area of Katutura. A bullet struck an 8-year old girl, wounding her in the throat. The bullet was successfully removed in subsequent surgery and she was discharged from hospital on 22 September 1989 and is now fully recovered. A claim was instituted on behalf of the 8-year old girl and a sum of R3 000,00 was paid by the Police in

settlement of her claim.

Five teachers at the Oshipala Secondary School at Oshikuku, northern Namibia, who were assaulted by a group of South African Defence Force members during the implementation of UN Security Council Resolution 435, received out of court settlements. The five were assaulted after a group of soldiers arrived at a cuka shop and saw one of the teachers give a clenched fist salute. Junius Nakaande was allegedly punched on his head, kicked in the abdomen and a bullet fired in close proximity of his head. He was subsequently briefly detained in a Ratel armoured carrier with the soldiers setting a Swapo pamphlet alight which had been wrapped around his arm. He received an out of court settlement of R10 000,00. One of the other teachers was slapped and kicked and received R1751,25. A third teacher was also slapped and punched and ordered to hold onto a union T-shirt which the soldiers then set alight. He received R3265. The other two teachers received R3750 and R275 for their assaults and injurious treatment respectively.

36 Academy students who were arrested and detained in August 1988 following student protests at the Academy, each received an out of court settlement of R750 from the police in settlement of their claims for unlawful arrest and detention. The total award amounted to R27 000,00. The students were charged under the Protection of Fundamental Rights Act, enacted by the Interim Government. The Centre subsequently successfully approached the then Supreme Court in Namibia to set aside the Act on the basis that it offended against the Bill of Rights contained in the Interim Government's empowering legislation.

The mother of a child who was shot by Koevoet in 1989 was paid R3 000 for funeral and burial expenses in an out of court settlement. The 16-year old child was shot and killed in the Ombalantu region whilst riding a bicycle in the course of herding cattle in northern Namibia. A Koevoet member in an approaching casspir shot and killed the client's son. The Koevoet member was subsequently convicted of culpable homicide as he was under the influence of alcohol when he shot the unfortunate boy.

Claims against the Namibian Police

In June 1991, the Centre received instructions that three suspects in a theft case were tortured by electric shock treatment on a farm nearby Windhoek by members of the Criminal Investigation Division of the Namibian Police based in Windhoek. An Anton Pillar application was brought on an urgent basis to the Windhoek High Court. An order was granted which authorised the attorneys attached to the Centre to conduct a search of the Windhoek Police Station and the farm where the assaults allegedly took place for these instruments of torture. A civil claim for damages on behalf of the three clients arising out of the assaults and their unlawful detention was also subsequently launched.

Three clients of the Centre were arrested by border guards in the Kavango region in north-eastern Namibia and then disappeared without trace. After enquiries were made by the Centre, the Namibian Police informed the Centre that the three clients had indeed been arrested but appeared in court in August 1990 for allegedly illegally entering Namibia from Angola. The charges were apparently withdrawn and the Police stated that they were released from their custody. The clients however could not be traced and only in 1991, after approximately nine months, did they reappear. They claimed that after their release from the police cells in Kavango, they were escorted by former members of PLAN (the People's Liberation Army of Namibia of Swapo), and handed over to Angolan government authorities, allegedly on the basis that they were "UNITA spies". They claimed that they were then held in detention in southern Angola and mistreated by the Angolan authorities. The Centre has instituted an action for damages against the Namibian Police for the unlawful detention and further damages arising from their being handed over to the Angolan authorities.

Labour

A domestic worker, Maria Kaulinge, was severely assaulted by her employer, an off-duty policeman in Swakopmund. Thereafter Ms Kaulinge was charged with assaulting the policeman's wife. The Centre successfully defended Ms Kaulinge on the criminal charges and she was acquitted. The Centre subsequently instituted

a damages action against the policeman for assault and is following up enquiries as to why the policeman has not been prosecuted for the assault perpetrated upon Ms Kaulinge.

Damages claims have been instituted on behalf of 128 workers of CDM in Oranjemund following the destruction and/or appropriation of their property by members of the Namibian Police together with CDM Mine Security members during a raid for illegal possession of diamonds at the CDM hostels during September 1990. In protest against the raid, the Mineworkers' Union of Namibia called a two-day strike at the mine which involved almost the entire workforce. In response to the strike, most of the workforce was disciplined and 30 workers who had previous records of absenteeism, were dismissed. An attorney from the Centre chaired a Conciliation Board in an attempt to mediate a resolution of the dispute. The Board sat for six days and finally reached an agreement, the terms whereof was that the dismissed workers were reinstated.

The Centre was approached by workers of the Karibib Mining and Construction Company at the Navachab Mine near Karibib. The Mineworkers' Union had successfully negotiated a six-day week for the workers, including overtime on Saturday. It was understood that this agreement would remain in force until the next annual negotiations. One month after the implementation of the agreement; the management unilaterally reduced the hours of work and consequently the pay of the workers, to a five-day week. The Centre applied for a Conciliation Board on behalf of the affected workers. After several meetings were held in order to attempt to negotiate a settlement, the Centre instituted damages actions on behalf of the workers for the breach of their individual contracts of employment.

The Centre assisted the Namibian Transport and Allied Union in drafting a Recognition Agreement with the largest transport employer, TransNamib. The agreement was subsequently entered into by the parties.

Walvis Bay

The Centre is currently handling a number of civil claims against the South African Police in respect of the treatment of people at the Walvis Bay borderpost situated at the Swakop River Bridge, outside Swakopmund. The claims, including for wrongful arrest, detention, assault and injurious treatment have been instituted against the South African Police. The Centre also approached the South African Representative in Namibia concerning the treatment of Namibians at the borderpost.

In one such matter, Silas Petrus, a 31-year old resident of the Swakopmund Municipal compound in Mondesa, instituted a claim for wrongful arrest, detention and assault after being beaten up by the South African Police at the borderpost and denied access to medical treatment for a full day. He was subsequently hospitalised for ten days, having sustained internal injuries leading to internal bleeding and blood in his urine. Following his discharge from hospital, he was charged with obstructing the Police in the execution of their duties and assaulting a policeman and resisting arrest. The charges were dropped and his damages action followed, resulting in an out of court settlement of R10 000,00 in his favour.

Housing

David Sampson approached the Walvis Bay Advice Office during December 1990 after receiving an eviction notice from the Municipality. After negotiations with the attorneys acting for the Municipality, the Municipality decided not to proceed with the eviction and the matter was favourably resolved for the client.

Pensions

Kornelia Nghinyengwila approached the Human Rights Centre at Ongwediva on 7 April 1990. Ms Nghinyengwila is a retired teacher from Okalongo. She had a pension policy with Sanlam but had not received her pension cheques since October 1989. The Centre raised the matter with Sanlam and an apparent error was rectified. The client was paid the amounts owing to her and thereafter

received her pension cheques on a regular basis.

Ms Irmgardt Kustaa approached the Centre in March 1991, complaining that a pension fund cheque in the amount of R2066,47 being a refund of her contributions from the Edgars Pension Fund had not been received by her and was apparently lost in the mail. She was thereafter requested by Edgars Pension Fund to sign an indemnity before it would be prepared to provide her with a replacement cheque. The Centre objected to the terms of the indemnity which required her, at her own expense, to undertake all necessary legal proceedings for the purpose of tracing or recovering the original cheque should it be traced at any time in the future. After correspondence with the Pension Fund Administrator, the cyclo-styled indemnity form was amended, omitting the paragraph to which objection had been made. Ms Kustaa signed the amended form and thereafter received her replacement cheque.

OTHER ACTIVITIES OF THE CENTRE

During the year under review, members of the Centre attended some of the meetings of the Police Public Relations Committee. This committee was established by the police to attempt to better relations between the police and community. An attorney attached to the Centre, Michaela Figueira addressed one of the meetings explaining the legal requirements of a citizen's arrest and certain aspects of police powers and their legal obligations. Ms Figueira has also regularly presented lectures and seminars at formal police training courses. These concern the role of the defence attorney and aspects of human rights in criminal investigations and prosecutions.

Members of the Centre participated in a number of seminars and workshops during the year under review covering a wide range of topics including human rights, labour matters and issues affecting the community in general. In particular, the Director of the Centre addressed a human rights conference hosted by the Ministry of Justice and the Raoul Wallenberg Institute in Sweden, and sponsored by the Swedish International Development Agency held in Swakopmund in February 1991. He urged the Government to properly address past human rights abuses as well as critically examine some shortcomings in respect of government policy or action which had become evident during the first year of independence. These included the absence of a properly operative system of legal aid, the treatment of refugees, the absence of procedures in determining refugee status, the attitude of certain government officials, the question of bail in criminal matters, social and economic rights contained in the principles of state policy of the Namibian Constitution, the conduct and control of the Presidential Guard and he also expressed concern about the development of a culture of silence in Namibia.

The Director of the Centre also participated in a conference on legal and constitutional matters in which certain Namibian lawyers and government officials briefed the ANC Legal and Constitutional Committee about constitutional

negotiations and transitional measures put into effect during the transitional period of the implementation of UN Security Council Resolution 435. The Minister of Information and Broadcasting Services, the Deputy Minister of Justice and the Attorney-General of Namibia were the other Namibian participants.

The Director of the Centre also participated in an international symposium on public interest law hosted by the NAACP Legal Defence and Education Fund (LEF) of the United States in New York. The symposium brought together several public interest legal organisations from around the world. The various participants, who are engaged in using their respective legal systems to promote social and economic justice, shared ideas and experiences.

An attorney of the Centre, Andrew Corbett, was approached by the Ministry of Agriculture to join a working group tasked to draw up a development policy on cooperatives for the Namibian Government. The working group met in June 1991 with foreign experts and filed a draft policy document to be presented to a workshop in August 1991. Following the workshop, the intention is to finalise a policy document to be referred to the Cabinet for approval.

The Centre also assisted the Women's Brickmaking Cooperative and the Namibian Mabengula Woodcarvers Cooperative based in Rundu in devising a legal framework for their respective organisations.

Wilfried Emvula of the Walvis Bay Advice Office was selected as a member of the Namibian delegation to participate in the ongoing talks with the South African Government concerning the future of Walvis Bay. Emvula travelled to Pretoria in the Namibian negotiating team, representing the interests of the community based in Walvis Bay.

Clement Daniels and Ono Angula of the Centre addressed a Junior Command and Staff Course of the Namibian Defence Force which had been coordinated by the British Military Advisory and Training team, and Clement Daniels gave a talk on the

Constitution at the Prison Training College.

The Centre continued to be involved in the developing and drafting of the Labour Code including being active in the consultative process.

The Centre is also represented on the National A.I.D.S. Committee, in the person of Michaela Figueira who has taken a special interest in the legal issues and implications of A.I.D.S.

RESEARCH

Land Conference

The Centre prepared an extensive background document for the National Land Conference, chaired by the Prime Minister and held at the end of June 1991.

The Centre's paper focused on the legal aspects of access to land in communal areas. It involved empirical research into the practices of land allocation in the various communal areas, with specific reference to access to land by all of the inhabitants of such areas, especially women and other traditionally disadvantaged groups. It also involved a legal analysis and compilation of all the various legal provisions enacted since early colonial times to the present.

Three members from the Centre attended the conference and took part in the deliberations.

The background paper was prepared by several members of the Centre and a number of additional researchers from specific communal areas who assisted with the survey from the basis of the empirical research. The Human Rights Centre, the Rundu Advice Office and the Nomtsoub Advice Office in Tsumeb were all involved in the preparation of the paper. An outside legal researcher was also engaged to assist with the compilation of the legislation and legal analysis.

The Centre's background paper was made available to delegates and published in the official set of papers of the conference.

Civil Imprisonment for Debtors

In November 1990, the Centre made extensive representations to the Attorney-General concerning the Dickensian practice of civil imprisonment for debtors still prevailing in Namibia. The Centre's research was based upon a report presented to the South African Law Commission by the Legal Resources Centre of South Africa as well as an examination of the institution of civil imprisonment for debtors in Namibia. The report highlighted the disturbing aspects of current legislation and urged amendments without delay. The Centre pointed to the equality provisions of the Constitution and expressed the view that civil imprisonment for debts as practiced in Namibia would appear to discriminate against people on the grounds of economic status. The Centre urged that the practice should be abolished and that legislation which purports to disguise imprisonment for failure to pay debts, in the form of committal for contempt of a court order, would likewise be unconstitutional and should also be abolished.

Follow-up discussions were held with the Attorney-General's office and the Centre is awaiting legislative reform in this area.

STAFF TRAINING AND DEVELOPMENT

The Legal Assistance Centre and its affiliated offices are committed to upgrading staff skills and to the continuing education of members of staff.

It was decided to concentrate on the improvement of skills of paralegals at the Centre.

There is a severe shortage of lawyers in Namibia (there being less than 100 lawyers in private practice in the entire country). None of those lawyers practices in the northern regions of the country where more than 60% of the population resides. Only about 5% of the lawyers in private practice are black. As a result of these factors, and most importantly the absence of an effective legal aid system, the legal system is inaccessible to most Namibians.

In order to make the legal system more accessible to people at a community level, the Legal Assistance Centre and its affiliated advice offices rely heavily upon the services of paralegals drawn from the communities they serve. These paralegals usually have no formal legal training but have over the past years received limited formal and in-service training with the Centre.

The need for more ongoing training of paralegals was identified at a meeting in June 1991 and a formalised programme has been structured for the forthcoming year. Four one-week intensive training sessions are planned with follow-up assignments to be given. Subject matters to be covered include the role of paralegals and the general function of advice offices, alternative dispute resolution techniques, social security legislation, labour legislation, processing claims, prescription periods, basic law of contract and delict and certain other general matters.

Administrative and support staff also undergo training and have attended computer courses during the year under review.

David Smuts took sabbatical leave from the Centre to attend a semester at Yale Law School as an Orville Schell, Jnr Fellow, attending courses on anti-discrimination law, environmental law and constitutional law as well as participating in a course on trial advocacy presented by the National Institute of Trial Advocacy. A number of organisations and institutions were approached by Smuts during his stay in the United States and contacts for the Centre were secured.

In December 1990, Smuts received a human rights award from the United States' based network of organisations, Human Rights Watch at a dinner held on Human Rights Day.

Wilfried Emvula participated in a human rights conference in Nigeria on behalf of the Centre, and established important contacts with other African non-governmental organisations in the field of human rights. The conference was hosted by Human Rights Africa, based in Lagos, Nigeria and concerned human rights and democracy in Africa.

Clement Daniels attended a paralegal training course presented and sponsored by the International Commission for Jurists, held in Harare, Zimbabwe, during the year under review.

In October 1990, Michaela Figueira attended a conference on "Global Cooperation between Human Rights Organisations" in Sweden. The conference was orientated towards developing countries and the needs of those countries in the sphere of cooperation between local and international non-governmental organisations. Ms Figueira presented a paper entitled - "The Changing Face of Human Rights" and likewise was able to establish relationships between the Centre and other human rights non-governmental organisations in other developing countries.

BURSARY FUND

The Centre continued its assistance to Namibian students furthering their studies at university level through its Bursary Fund. The fund was created as a result of the disruption of bursary programmes and funding institutions as a consequence of the implementation of the UN Peace Plan in the second half of 1989. A number of students who were at second or third year level of studies were stranded without bursary funds to pursue their studies in 1990.

The LAC responded by approaching donors to assist the students. Two of the three students who are being assisted will complete their studies at the University of Cape Town at the end of the 1991 academic year, whilst the third student, studying law, will complete his studies at the end of 1992.

Following the completion of the studies of these students, the Bursary Fund will be replaced by a new and separately funded Scholarship Fund to assist Namibians in pursuing legal studies from the beginning of 1992. An independent panel, headed by a High Court judge, will select the scholarship recipients who will compete for the available scholarships to be advertised nationally in Namibia. The principle of affirmative action will be applied in the selection process.

LEGAL EDUCATION PROJECT

After intensive preparatory work in the form of training project coordinators had been undertaken, the Legal Education Project was implemented in schools from the beginning of the 1991 academic year. Over 700 sessions have been planned in fifteen different schools for the 1991 school year. In addition, several workshops and seminars at community level were conducted in the year under review and there are plans to expand this component of the Legal Education Project in the forthcoming year.

One of the obstacles encountered by the Legal Education Project has been the shortage of teaching resources and materials. The project coordinators currently use the "Know Your Constitution" booklet prepared by the LAC and the various Street Law manuals prepared by the Street Law project in South Africa. Project coordinators identified a need to develop a teaching manual to be used in schools and in communities which is specific and appropriate to Namibia. Preparations are underway to produce a teaching manual in the future with the assistance of Namibian law students who work at the LAC during vacations under the supervision of the lawyers engaged at the Centre. Once a teaching manual has been developed, it is planned that the project would proceed with the training of volunteers and teachers to carry on the programme on their own.

The project is also planning to simplify important provisions in the Labour Code after its adoption in the National Assembly and to hold workshops in cooperation with the lawyers of the LAC and the unions and other community organisations to increase awareness on labour rights.

The LEP is also planning a human rights calendar for 1992 and will be engaging the assistance of one of Namibia's foremost artists, Joseph Madisia to assist in this process. The project also plans other publications and leaflets directed at explaining certain branches of the law in basic language for distribution to the public.

LEP coordinators have also been active in association with UNICEF in spreading information on the rights of the children and about the convention for the rights of the child. A major effort will also be focused on educating women about their rights. Regular workshops have been held by coordinators to assess progress with the project as well as directed at planning brochures and publications.

During the year under review, the project has made enormous strides in its pioneering work and it is planned that it will become an increasingly important component of the Centre's activities.

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
INCLUDING WALVIS BAY, NOMTSOUB ADVICE OFFICES,
BURSARY FUND AND LANDLAM STUDY PROJECT
ANNUAL FINANCIAL STATEMENTS FOR
THE YEAR ENDED 30 JUNE 1991



THE LEGAL ASSISTANCE TRUST OF NAMIBIA
INCLUDING WALVIS BAY NOMTSOUB ADVICE OFFICES, BURSARY FUND
AND LANDLAW STUDY PROJECT
ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1991

CONTENTS	Page
Administration	1
Statement by the trustees	1
Report of the independent auditors	2
Consolidated balance sheet	3
Consolidated income statement	4
Consolidated cash flow statement	5
Notes to the consolidated financial statements	6 - 7
Income statement - The Legal Assistance Trust of Namibia	8 - 9
Income statement - Walvis Bay Advice Office	10
Income statement - Nontsoub Advice Office	11
Income statement - Bursary Fund	12
Income statement - Landlaw Study Project	13

ADMINISTRATION

Director:	D F Smuts
Trustees:	H. Angula Hon K. Bethune (Chairperson) G. Budlender J.J. Gauntlett SC Dr T. Tueumuna D.F. Smuts Hon B. Ulenga
Auditors:	Price Waterhouse Meyernel

STATEMENT BY THE TRUSTEES

The financial statements have been approved by the Board of Trustees of The Legal Assistance Trust of Namibia and are signed on its behalf by:

.....

 TRUSTEE *Chairman*

.....
 TRUSTEE

REPORT OF THE INDEPENDENT AUDITORS

To the trustees of

THE LEGAL ASSISTANCE TRUST OF NAMIBIA

We have audited the annual financial statements set out on pages 3 to 13. These financial statements are the responsibility of the Board of Trustees while our responsibility is to report thereon.

Except as explained in the following paragraph, we conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

In common with similar organisations, it is not feasible for the trust to institute accounting controls over cash collections prior to the initial entry of the collections in the accounting records. Accordingly, it was impracticable to extend our examination beyond the receipts actually recorded.

Subject to the effects of any adjustments which might have been determined to be necessary had it been possible for us to examine the cash collections referred to in the preceding paragraph, in our opinion the financial statements referred to above fairly present the financial position of the trust at 30 June 1991 and the results of its operations for the year then ended in accordance with generally accepted accounting practice.

P. J. Waterhouse Regional
.....
CHARTERED ACCOUNTANTS

WINDHOEK
10 October 1991

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
INCLUDING WALVIS BAY, NOMTSOUB ADVICE OFFICES, BURSARY FUND
AND LANDLAW STUDY PROJECT
CONSOLIDATED BALANCE SHEET AT 30 JUNE 1991

	Note	<u>1991</u>	<u>1990</u>
		R	R
<u>ACCUMULATED FUNDS</u>		<u>1 239 938</u>	<u>856 704</u>
<u>EMPLOYMENT OF FUNDS</u>			
FIXED ASSETS	2	<u>295 907</u>	<u>271 919</u>
CURRENT ASSETS			
Amount owing by The Human Rights Trust of Namibia		10 850	-
Accounts receivable		49 703	188
Bank balances and cash		<u>1 573 771</u>	<u>1 050 985</u>
		<u>1 634 324</u>	<u>1 051 173</u>
CURRENT LIABILITIES			
Accounts payable		58 641	57 988
Donations received in advance		<u>631 652</u>	<u>398 400</u>
		<u>690 293</u>	<u>456 388</u>
NET CURRENT ASSETS		<u>944 031</u>	<u>594 785</u>
		<u><u>1 239 938</u></u>	<u><u>866 704</u></u>

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
INCLUDING WALVIS BAY, NOMTSOUB ADVICE OFFICES, BURSARY FUND
AND LANDLAW STUDY PROJECT
CONSOLIDATED INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	Note	<u>1991</u>	<u>1990</u>
		R	R
INCOME			
Donations	3	1 572 009	1 110 443
Interest received		205 283	138 634
Legal fees recovered		<u>23 241</u>	<u>-</u>
		1 801 533	1 249 077
EXPENDITURE			
Accounting fees		-	508
Audit fees		5 300	4 147
Bank charges		4 411	4 497
Bursaries		26 058	25 803
Cost of establishment		-	382
Depreciation		105 058	81 316
Entertainment and refreshments		9 882	10 896
Fines		943	-
Insurance		23 064	22 718
Interpreters		-	180
Legal fees		42 140	83 588
Loss on disposal of fixed assets		-	1 599
Maintenance - assets		10 707	2 570
- equipment		10 360	13 379
- vehicles		29 157	6 533
Municipal charges		56	108
Office expenses		4 976	1 681
Petrol		16 323	20 506
Printing for publications		59 593	-
Telephone, telefax and telex charges		70 209	54 880
Recruiting of professional and administrative staff		7 721	6 309
Rent		63 760	36 700
Research expenses		21 811	-
Revenue stamps		(7)	350
Salaries and staff benefits		827 478	629 112
Seminars		2 307	7 190
Stationery and photographs		27 574	24 288
Subscriptions to legal publications and library purchases		1 411	3 955
Subsistence and travelling		33 004	51 492
Staff training, including the training of para-legals at advice offices		4 526	1 615
Street law projects		17 934	4 151
Travel counsel		134	8 853
Trustee meetings: travelling and accommodation		<u>2 409</u>	<u>2 268</u>
		1 428 299	1 111 674
SURPLUS FOR THE YEAR			
		373 234	137 403
ACCUMULATED FUNDS AT THE BEGINNING OF THE YEAR			
		<u>866 704</u>	<u>729 301</u>
ACCUMULATED FUNDS AT THE END OF THE YEAR			
		1 239 938	866 704

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
 INCLUDING WALVIS BAY, NOMTSOUB ADVICE OFFICES, BURSARY FUND
 AND LANDLAW STUDY PROJECT
 CONSOLIDATED CASH FLOW STATEMENT
 FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
 CASH RETAINED FROM OPERATING ACTIVITIES		
Cash generated by operations	272 009	81 684
Investment income	206 283	138 634
Generated by decrease in working capital	<u>173 540</u>	<u>440 509</u>
	651 832	660 827
 CASH UTILISED IN INVESTING ACTIVITIES		
Acquisition of fixed assets	(129 046)	(197 010)
Disposal of fixed assets	<u>-</u>	<u>22 710</u>
	<u>522 786</u>	<u>486 527</u>
 CASH EFFECTS OF FINANCING ACTIVITIES		
Increase in cash and bank balances	<u>(522 786)</u>	<u>(486 527)</u>

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
 NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS
 FOR THE YEAR ENDED 30 JUNE 1991

1. ACCOUNTING POLICIES

The financial statements are prepared on the historical cost basis. The following are the principal accounting policies adopted by the trust, which are consistent with prior years.

1.1 Depreciation of fixed assets

Depreciation is calculated to write off the cost of fixed assets on the straight line basis over their expected useful lives. The annual rates for this purpose are:

Motor vehicles	-	25%
Furniture and fittings	-	20%
Equipment	-	20%
Computer equipment	-	20%
Library	-	10%

1.2 Donations

Amounts received locally and from abroad are accounted for on a cash basis. Certain funds received in June are recognised as income in the subsequent year, in terms of the donor's conditions.

1.3 Investment income

Interest on investments is accounted for on an accrual basis.

2. FIXED ASSETS

			<u>1991</u>	<u>1990</u>
	<u>Cost</u>	<u>Accumulated depreciation</u>	<u>Book value</u>	
	R	R	R	R
Motor vehicles	148 603	92 805	55 798	92 949
Furniture and fittings	64 952	28 413	36 539	30 851
Equipment	140 324	55 039	85 285	49 687
Library	84 656	18 607	66 049	54 239
Computer equipment	92 000	39 764	52 236	44 193
	<u>530 535</u>	<u>234 628</u>	<u>295 907</u>	<u>271 919</u>

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
 NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS (continued)
 FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
3. DONATIONS		
Frederich Naumann Foundation	106 264	-
Swedish Red Cross	7 279	-
Human Research Canada	12 764	-
Christian Aid London	49 031	-
Swedish Embassy	1 800	-
Australian Embassy	-	52 500
Canadian Embassy	57 600	-
Church of Norway	198 481	49 850
Church of Sweden	189 075	195 600
DanChurchaid	212 164	149 344
Ford Foundation	398 400	269 375
Interfund	169 246	-
Lawyers Committee - USA (Roderick Mac Arthur Foundation)	-	54 268
Novib	116 143	98 857
Oxfam	37 000	-
Namibian Association: Norway	12 962	-
Trocaire	-	169 663
World University Service	-	70 985
Trip (Pty) Ltd	500	-
Shell Namibia (Pty) Ltd	250	-
First National Bank	3 000	-
RSG Clark (Friends Society)	50	-
	<u>1 572 009</u>	<u>1 110 442</u>

4. COMPARATIVE FIGURES

No comparative figures are shown for the Land Law Study Project as this is the first period of operations of this entity.

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donations:		
Church of Norway	198 481	49 850
Church of Sweden	189 075	195 600
Christian Aid London	49 031	-
Danchurchaid	212 164	149 344
First National Bank	3 000	-
Ford Foundation	398 400	269 375
Frederich Haumann Foundation	106 264	-
Human Research Canada	12 764	-
Interfund	169 246	-
Lawyers Committee USA (Roderick Mac Arthur Foundation)	-	54 259
Oxfam	37 000	-
RSG Clark (Friends Society)	50	-
Shell Namibia	250	-
Swedish Embassy	1 800	-
Swedish Red Cross	7 279	-
Trip (Pty) Ltd	500	-
World University Service	-	70 984
	<hr/>	<hr/>
Interest received	1 385 304	789 422
Legal fees recovered	180 564	129 210
	<hr/>	<hr/>
	1 589 109	918 640
LESS EXPENDITURE (refer schedule)	<u>1 203 904</u>	<u>961 455</u>
SURPLUS/(DEFICIT) FOR THE YEAR	385 205	(42 816)
SURPLUS AT THE BEGINNING OF THE YEAR	<u>694 562</u>	<u>737 378</u>
SURPLUS AT THE END OF THE YEAR	<u><u>1 079 767</u></u>	<u><u>694 562</u></u>

THE LEGAL ASSISTANCE TRUST OF NAMIBIA
SCHEDULE OF EXPENDITURE
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
Accounting fees	-	507
Audit fees	4 500	3 547
Bank charges	2 894	3 393
Depreciation	80 633	57 242
Entertainment and refreshments	9 474	10 718
Fines	912	-
Insurance	23 064	14 865
Interpreters	-	180
Legal fees	31 861	83 671
Loss on disposal of fixed assets	-	1 599
Maintenance - assets	10 588	2 570
- equipment	9 572	11 772
- vehicles	24 059	4 894
Office expenses	4 779	1 318
Petrol	9 967	17 003
Telephone, telefax and telex charges	58 376	47 813
Recruiting of professional and administrative staff	7 721	6 309
Rent	50 960	29 700
Research expenses	4 109	-
Revenue stamps	(7)	350
Salaries and staff benefits	729 433	563 896
Seminars	2 307	7 070
Stationery and photographs	85 154	21 459
Subscriptions to legal publications and library purchases	759	3 444
Subsistence and travelling	27 786	51 452
Staff training including the training of para-legals at advice offices	4 526	1 510
Street law projects	17 934	4 151
Travel counsel	134	8 853
Trustee meetings: travelling and accommodation	2 409	2 268
	<u>1 203 904</u>	<u>961 456</u>

WALVIS BAY ADVICE OFFICE
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donations: Namibian Association: Norway	6 481	-
NOVIB	116 143	98 857
Interest received	<u>5 163</u>	<u>1 414</u>
	<u>127 787</u>	<u>100 271</u>
EXPENDITURE		
Audit fees	300	100
Bank charges	530	237
Depreciation	12 237	11 815
Entertainment	220	70
Insurance	-	5 125
Legal fees	37	17
Maintenance - equipment	907	1 461
- vehicle	1 298	119
Municipal charges	56	108
Office expenses	149	86
Petrol	2 258	1 170
Rent	3 700	-
Salaries	48 271	35 015
Seminars	-	120
Subscriptions	458	303
Subsistence and travelling	360	-
Stationery	1 356	654
Telephone, telefax and telex charges	4 276	3 222
Training	-	105
	<u>76 113</u>	<u>59 727</u>
SURPLUS FOR THE YEAR	51 674	40 544
SURPLUS/(DEFICIT) AT THE BEGINNING OF THE YEAR	<u>32 467</u>	<u>(8 077)</u>
SURPLUS AT THE END OF THE YEAR	<u>84 141</u>	<u>32 467</u>

NOMTSOUB ADVICE OFFICE
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donations: Namibian Association: Norway	6 481	-
Trocaire	-	169 664
Interest received	<u>8 236</u>	<u>7 564</u>
	<u>14 717</u>	<u>177 228</u>
EXPENDITURE		
Audit fees	-	500
Bank charges	661	793
Centre opening	-	382
Depreciation	12 189	12 259
Entertainment and refreshments	188	108
Insurance	-	2 728
Maintenance - equipment	-	146
- vehicle	3 799	1 520
Office expenses	79	277
Penalty	32	-
Petrol	3 237	2 433
Rent	9 100	7 000
Salaries	48 851	30 199
Stationery	958	2 174
Subscriptions	193	208
Telephone, telefax and telex charges	7 558	3 845
Travelling and subsistence	<u>10</u>	<u>40</u>
	<u>86 855</u>	<u>64 612</u>
(DEFICIT)/SURPLUS FOR THE PERIOD	(72 138)	112 616
SURPLUS AT THE BEGINNING OF THE YEAR	<u>112 616</u>	-
SURPLUS AT THE END OF THE YEAR	<u><u>40 478</u></u>	<u><u>112 616</u></u>

BURSARY FUND
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donations: Australian Embassy	-	52 500
Interest received	<u>5 224</u>	<u>438</u>
	<u>5 224</u>	<u>52 938</u>
EXPENSES		
Audit fees	300	-
Bank charges	180	75
Bursaries	<u>26 059</u>	<u>25 803</u>
	<u>26 539</u>	<u>25 878</u>
(DEFICIT)/SURPLUS FOR THE PERIOD	(21 315)	27 060
SURPLUS AT THE BEGINNING OF THE YEAR	<u>27 060</u>	-
SURPLUS AT THE END OF THE YEAR	<u><u>5 745</u></u>	<u><u>27 060</u></u>

fulltime practising lawyers based in the far northern region of Namibia, where more than half of the Namibian population lives.

The Human Rights Centre, and the Rundu Advice Office provide a service to people who would otherwise have to travel hundreds of kilometres in order to obtain legal assistance.

The Trustees of the Human Rights Trust are David Smuts, the Right Reverend B Haushiku, the Roman Catholic Bishop of Windhoek, the Right Reverend Kleopas Dumeni, Bishop of the Evangelical Lutheran Church in Namibia and the Right Reverend James Kauluma, Anglican Bishop of Namibia. The work of the Human Rights Trust has also been generously supported by funding from foreign governments, non-governmental organisations and churches. During the year under review, the Friedrich Naumann Stiftung paid most of the expenses of the Human Rights Centre whilst NOVIB covered the costs of the Rundu Advice Office.

Although a separate Trust, the work of the advice offices funded by the Human Rights Trust is supervised and controlled by the Director of the Legal Assistance Centre (who also serves as a Trustee of the Human Rights Trust).

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
RUNDU ADVICE OFFICE
ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1991

CONTENTS	Page
Administration	1
Statement by Trustees	1
Report of the independent auditors	2
Consolidated balance sheet	3
Consolidated income statement	4
Consolidated cash flow statement	5
Notes to the consolidated financial statements	5 - 7
Income statement - The Human Rights Trust of Namibia	8
Income statement - Rundu Advice Office	9

ADMINISTRATION

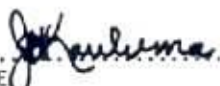
Trustees:

RT Rev K Dumeni
RT Rev B Haushiku
RT Rev J H Kauluma
D F Smuts

Auditors: Price Waterhouse Meyernel

Statement by Trustees

The financial statements have been approved by the Board of Trustees of The Human Rights Trust of Namibia and are signed on its behalf by:

.....
TRUSTEE 

.....
TRUSTEE

WINDHOEK
10 October 1991

REPORT OF THE INDEPENDENT AUDITORS

To the trustees of

THE HUMAN RIGHTS TRUST OF NAMIBIA

We have audited the annual financial statements set out on pages 3 to 9. These financial statements are the responsibility of the Board of Trustees while our responsibility is to report thereon.

Except as explained in the following paragraph we conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

In common with similar organisations, it is not feasible for the trust to institute accounting controls over cash collections prior to the initial entry of the collections in the accounting records. Accordingly, it was impracticable for us to extend our examination beyond the receipts actually recorded.

Subject to the effects of any adjustments which might have been determined to be necessary had it been possible for us to examine the cash collections referred to in the preceding paragraph, in our opinion the financial statements referred to above fairly present the financial position of the trust at 30 June 1991 and the results of its operations for the year then ended in accordance with generally accepted accounting practice.


BRUCE WATERHOUSE... CHARTERED
CHARTERED ACCOUNTANTS

WINDHOEK
10 October 1991

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
RUNDU ADVICE OFFICE
CONSOLIDATED BALANCE SHEET
AT 30 JUNE 1991

	Note	<u>1991</u>	<u>1990</u>
		R	R
<u>ACCUMULATED FUNDS</u>		<u>547 633</u>	<u>505 132</u>
<u>EMPLOYMENT OF FUNDS</u>			
FIXED ASSETS	2	<u>389 922</u>	<u>346 549</u>
CURRENT ASSETS			
Bank balances and cash		138 614	150 596
Accounts receivable		818	1 257
Donations receivable		<u>57 532</u>	<u>30 285</u>
		<u>196 964</u>	<u>182 138</u>
CURRENT LIABILITIES			
Amount owing to Legal Assistance Trust		10 850	-
Accounts payable		<u>28 403</u>	<u>23 555</u>
		<u>39 253</u>	<u>23 555</u>
NET CURRENT ASSETS		<u>157 711</u>	<u>158 583</u>
		<u>547 633</u>	<u>505 132</u>

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
 RUNDU ADVICE OFFICE
 CONSOLIDATED INCOME STATEMENT
 FOR THE YEAR ENDED 30 JUNE 1991

	Note	<u>1991</u>	<u>1990</u>
		R	R
INCOME			
Donations	3	380 626	306 063
Interest received		<u>22 655</u>	<u>16 320</u>
TOTAL INCOME		<u>403 281</u>	<u>322 383</u>
EXPENDITURE			
Accounting fees		-	280
Audit fees		4 820	3 850
Bank charges		4 211	1 863
Depreciation		51 009	40 706
Entertainment and refreshments		1 882	3 855
Insurance		12 124	9 756
Maintenance - vehicles and assets		26 001	24 815
Municipal expenses		3 709	2 428
Office expenses		511	960
Penalties		38	-
Petrol		28 404	29 092
Telephone, telefax and telex charges		19 538	13 702
Rent		8 337	1 350
Salaries, wages and staff benefits		192 903	172 991
Stationery		5 094	9 901
Subscriptions to legal publications and library purchases		556	540
Subsistence and travelling		790	568
Staff training including the training of para-legals at advice offices		<u>853</u>	<u>820</u>
		<u>360 780</u>	<u>317 477</u>
SURPLUS FOR THE YEAR		42 501	4 906
ACCUMULATED FUNDS AT THE BEGINNING OF THE YEAR		<u>505 132</u>	<u>500 226</u>
ACCUMULATED FUNDS AT THE END OF THE YEAR		<u>547 633</u>	<u>505 132</u>

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
RUNDU ADVICE OFFICE
CONSOLIDATED CASH FLOW STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
CASH RETAINED FROM OPERATING ACTIVITIES		
Cash generated by operations	70 855	29 292
Investment income	22 655	16 320
Utilised by decrease in working capital	<u>(11 111)</u>	<u>(46 402)</u>
	82 399	(790)
CASH UTILISED IN INVESTING ACTIVITIES		
Acquisition of fixed assets	(44 358)	(27 765)
Leasehold improvements - buildings	<u>(50 023)</u>	<u>-</u>
	<u>(11 982)</u>	<u>(28 555)</u>
CASH EFFECTS OF FINANCING ACTIVITIES		
Decrease in cash and bank balances	<u>11 982</u>	<u>28 555</u>
	<u>11 982</u>	<u>28 555</u>

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
RUNDU ADVICE OFFICE
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1991

1. ACCOUNTING POLICIES

The financial statements are prepared on the historical cost basis. The following are the principal accounting policies followed by the Trust, which are consistent with prior years.

1.1 Depreciation of fixed assets

Depreciation is calculated to write off the cost of fixed assets on the straight line basis over their expected useful lives. The depreciation rates are:

Furniture and Fittings	-	20% per annum
Motor vehicles	-	25% per annum
Equipment	-	20% per annum

No depreciation is charged on leasehold improvements. Should the trust for whatever reason discontinue its activities the leasehold improvements will become the property of the landlord.

1.2 Donations

Amounts received locally and from abroad are accounted for on a cash basis, except where there is positive commitment to fund a specific project. Such donations may be accrued or deferred.

1.3 Investment income

Interest on investments is accounted for on an accrual basis.

2. FIXED ASSETS

			<u>1991</u>	<u>1990</u>
	<u>Cost</u>	<u>Accumulated depreciation</u>	<u>Net book value</u>	
	R	R	R	R
Leasehold improvements				
- buildings	307 688	-	307 688	257 664
Motor vehicles	139 847	101 022	38 825	45 105
Furniture and fittings	33 146	13 595	19 551	11 698
Office equipment	34 463	18 196	16 267	21 961
Computer equipment	<u>12 651</u>	<u>5 060</u>	<u>7 591</u>	<u>10 121</u>
	<u>527 795</u>	<u>137 873</u>	<u>389 922</u>	<u>346 549</u>

THE HUMAN RIGHTS TRUST OF NAMIBIA INCLUDING
RUNDU ADVICE OFFICE
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS (continued)
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
3. DONATIONS		
<u>Overseas</u>		
Church of Norway	50 142	-
Danchurchaid	-	37 596
Friedrich Naumann Stiftung - prior year	-	10 483
- current year	230 896	96 818
- accrual	(30 285)	30 285
Novib	<u>129 873</u>	<u>130 882</u>
	<u>380 626</u>	<u>306 063</u>



THE HUMAN RIGHTS TRUST OF NAMIBIA
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donations: Church of Norway	50 142	-
Danchurchaid	-	37 594
Friedrich Naumann Stiftung		
- brought forward prior year	-	10 483
- current year	230 896	95 818
- accrual	(30 285)	30 285
Interest received	<u>15 644</u>	<u>12 469</u>
	<u>266 397</u>	<u>187 549</u>
EXPENDITURE		
Audit fees	4 570	3 600
Accounting fees	-	280
Bank charges	2 977	1 378
Depreciation	37 717	27 725
Electricity	3 709	2 428
Entertainment and refreshments	1 370	2 893
Equipment maintenance	1 213	893
Insurance	9 521	5 321
Office expenses	225	611
Petrol	16 492	14 914
Telephone, telefax and telex charges	12 393	9 992
Rent paid	2 700	-
Salaries, wages and staff benefits	133 401	133 025
Stationery and printing	3 779	5 320
Subscriptions to legal publications and library additions	347	266
Subsistence and travelling	551	23
Staff training, including the training of para-legals at advice offices	853	700
Vehicle maintenance	<u>9 530</u>	<u>7 458</u>
	<u>241 348</u>	<u>216 828</u>
SURPLUS/(DEFICIT) FOR THE YEAR	<u>25 049</u>	<u>(29 179)</u>

RUNDU ADVICE OFFICE
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 1991

	<u>1991</u>	<u>1990</u>
	R	R
INCOME		
Donation: NOVID	129 873	130 883
Interest received	<u>7 011</u>	<u>3 851</u>
	<u>136 884</u>	<u>134 734</u>
EXPENDITURE		
Audit fees	250	250
Bank charges	1 234	484
Depreciation	13 292	12 981
Insurance	2 603	4 435
Maintenance - equipment	9 102	2 185
- vehicles	6 156	14 279
Office expenses	38	349
Penalties	286	-
Petrol	11 912	14 178
Telephone, telefax and telex charges	7 146	3 710
Refreshments	511	962
Rent	5 637	1 350
Salaries	59 502	39 965
Staff training	-	120
Stationery	1 315	4 581
Subscriptions	209	274
Travelling	<u>239</u>	<u>545</u>
	<u>119 432</u>	<u>100 648</u>
SURPLUS FOR THE YEAR	<u>17 452</u>	<u>34 086</u>