



NAMIBIA

In December 2005, at the request of Namibian President Hifikepunye Pohamba, EAAF took part in a South African delegation to Namibia to visit recently discovered mass graves in the Oshana and Ohangwena regions, bordering Angola. EAAF assessed the conditions of the sites and made recommendations for future investigations.

BACKGROUND

Located northwest of South Africa, Namibia was under German rule from 1885 to 1915. After World War I, a defeated Germany was made to surrender control of the colony, then known as the Territory of South West Africa (SWA), to South Africa as part of a peace treaty.¹ As a founding member of the League of Nations, South Africa was given full legal and administrative power over SWA in 1920.² Upon the dissolution of the League in 1946, South Africa considered that the international mandate had expired and sought full annexation of SWA. A legal battle ensued between the United Nations (the League's successor) and the South African government. In 1950, the United Nations International Court of Justice ruled that South Africa did not have the authority to change the territory's status.³

The late 1950s and 1960s saw the rise of movements to end European colonial rule in Africa. During this time, Black political parties, such as the South West Africa People's Organization (SWAPO), created in 1960, were formed in Namibia. These groups were largely impelled by the migrant workers of northern Namibia reacting against the contract labor system.⁴ These groups organized massive protests against South Africa's apartheid laws and policies.⁵ Under South African rule, abuses of the apartheid system in Namibia included land seizures that favored white settlers, conscription of Namibian labor through vagrancy laws, forced resettlement outside of the capital, Windhoek, and a draconian system of contract labor.⁶

Katatura township, outside Windhoek, Namibia. A rally held by SWAPO supporters in the mid-80s leads to mass arrests by the "Task Force," a wing of the South West African Police created to deal with unrest and public disorder. Photo courtesy of John Liebenberg.

In 1966, the United Nations General Assembly terminated South Africa's mandate over SWA and appointed the United Nations Council for South West Africa to administer the territory. Following negotiations with SWAPO political leaders, the U.N. General Assembly renamed the territory "Namibia" in 1968.⁷ South Africa refused to cede control, and, in 1971, the International Court of Justice declared South Africa's presence in Namibia illegal.⁸ In an attempt to placate the United Nations, South Africa proposed a system of autonomous ethnic homelands within Namibia, which included a "white settler homeland" that covered over half of the country's most valuable land.⁹ In response, SWAPO and the SWAPO Youth League organized a general strike which found a large support base among migrant laborers, in 1971, and led to mass boycotts of the contract labor system and the referendums on ethnic homelands in 1973.¹⁰ The U.N. also rejected the plan, and, in turn, recognized SWAPO as the sole official representative of the Namibian population.¹¹

At the time of the U.N.'s condemnation of South African occupation, armed conflicts between liberation groups and South African troops began to

erupt in southern Africa.¹² Many of these confrontations occurred in northern Namibia and along the border with Angola.¹³ As one of the first countries to gain independence in the region, Angola allowed associations, such as the People's Liberation Army of Namibia (PLAN), SWAPO's military wing, and the armed wings of South Africa's African National Congress and the Pan Africanist Congress, to organize and set up bases along its southern border.¹⁴

The struggle between liberation groups and South African security forces escalated throughout the 1970s and 1980s. By 1983, South Africa had 20,000 troops in Namibia and Angola, and had deployed a police counter-insurgency unit, *Koekoet* (crowbar), which was reported to be particularly brutal against independence activists.¹⁵ South African forces allegedly detained and often extrajudicially executed Namibians without charges or trial, subjecting prisoners to beatings, electric shocks, and partial suffocation during interrogations, according to reports compiled by Amnesty International, the British Council of Churches, and the South African Catholic Bishops Conference, as well as to South African judicial reports and affidavits.¹⁶ According to provisions in two security laws, the Defence Act of 1957 and the



Katatura township, outside of Windhoek, Namibia. Mid-1980s. Attempts by supporters of the SWAPO liberation movement to hold a public rally are disrupted by the South West African Police, during the pro-South Africa government, which opposed SWAPO. Shown here is a "Kasspir" anti-landmine vehicle used extensively by police. Photo courtesy of John Liebenberg.



EAAF member, Luis Fondebrider, examines extensively damaged remains at the Okatope police station, in Oshana. December 2005. Photo by EAAF.

Proclamation AG 9 of 1977, South African Defence Forces were immune from criminal charges if they were deemed to have acted in “good faith.”¹⁷

In 1988, an international accord facilitated by a U.N. Joint Commission and several Western powers, resolved South Africa’s conflict with SWAPO in Namibia and Angola.¹⁸ As a result, South Africa withdrew from Namibia and the country became independent. Sam Nujoma, one of the founders of SWAPO, was elected as the first president of Namibia in 1989.¹⁹ President Nujoma drafted the Policy of National Reconciliation, which blocked the investigation or prosecution of human rights violations committed prior to Namibian independence.²⁰ To date, over 4,000 PLAN combatants remain missing and a full accounting of human rights violations committed over the last forty years has yet to happen.²¹

EAAF Participation

In November 2005, a mass grave was accidentally unearthed by bulldozers in northern Namibia during work on a sewage system near a former South African military base. Following this discovery and a national appeal—that included assurance of immunity from prosecution—by Namibian President Hifikepunye Pohamba, local villagers and others involved volunteered information about the location of additional possible grave sites along the border.²² According to Dr. Paul Ludik, Director of the Namibian National Forensic Science Institute, several mass graves alleged to contain the remains of SWAPO combatants had been identified as of November 2005.²³

President Pohamba invited a team of forensic investigators from South Africa to visit a number of these recently discovered mass grave sites. EAAF member Luis Fondebrider and four representatives of the South African Missing Persons Task Team (MPTT): Anton Ackermann, Madeleine Fullard, Nozi Mohale, and Nicky Rousseau, formed the *South African Delegation to Namibia: In Respect of Recent Mass Grave Discoveries*.²⁴ It is worth mentioning that EAAF is currently assisting the MPTT on apartheid-era exhumations in South Africa. From November 30 to December 3, 2005, the delegation visited grave sites in the Oshana and Ohangwena regions.

In Oshana, EAAF assessed the findings from Okatope Site 1. Two days prior to the delegation’s visit, human remains had been reportedly excavated from a gravesite in the immediate vicinity of the Okatope police station, allegedly a former *Koevoet* base. The excavation had been conducted by police officers using heavy machinery and was not a proper forensic archaeological exhumation. The bones and uniforms recovered had been commingled during the excavation and placed in three plastic canvas bags. The police had removed the uniforms from their associated remains and had packed them into a separate bag.

Based on a preliminary examination, the delegation established that the remains belonged to three young males and that some skull fragments displayed bullet exit wounds. The uniforms, clothing, and other items were examined and determined to be those of PLAN combatants. According to local individuals, one of the uniforms recovered was reportedly only used in the post-1982 period.

Unfortunately, the improper excavation resulted in such commingling of the remains that their individual re-assemblage would be very difficult and/or costly. The delegation recommended that the remains be transferred to appropriate facilities in Windhoek and placed under the custody of Dr. Paul Ludik, and that a case be opened at the Okatope police station to carry out a full investigation, including taking statements from possible witnesses of the burial process and/or the killings.

On December 1, 2005, EAAF visited Eenhana Sites A, B, 2, and 3. The excavation and exhumation sites had been obliterated by construction work done following the discovery and removal of the remains; since then, the area had been extensively bulldozed and flattened. This rendered further recuperation of bones unfeasible.

The delegation examined the recovered remains, already at the Windhoek mortuary. Based on a brief preliminary assessment, the delegation determined that several individuals were present in the sample, some with clear peri-mortem lesions. The skeletal remains were extensively damaged—fragmented and incomplete—as a consequence of the excavation process. Furthermore, the improper exhumation severely hindered their individual re-assembly.

The delegation examined two additional potential grave sites in Eenhana on December 1, 2005. The sites, in close proximity to each other, were identified by local community members, who had allegedly buried the bodies of two PLAN combatants there in the 1980s. Some local individuals had begun digging to verify that the bodies were indeed there, but the remains had not yet been exposed upon the delegation's arrival.

The delegation made several recommendations to the Namibian government, including: halting all exhumations until a proper strategy for excavation is in place; implementing an effective communication strategy to inform the public about the investigation; taking all recovered remains to the Windhoek mortuary so that a forensic team can establish the minimum number of individuals (MNI) and the biological and traumatic profile of each set of remains; signing a cooperation agreement with the South African government to exchange information and gain access to key archives, potential witnesses, and organizations; training forensic professionals and forming a forensic task team to map potential grave sites, assess each area archaeologically, and begin a national database with findings, reports, and witness testimonies; and encouraging the Namibian government to adopt a grave site management protocol, to be incorporated into legislation, that should include the legal protection of burial sites.

ENDNOTES

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24. In 2003, under instruction from South African President Thabo Mbeki, the MPTT was formed under the National Prosecuting Authority of South Africa to search for the remains of people murdered during apartheid in South Africa. The MPTT has offered assistance to the Namibian authorities in investigations, research, and forensic work on the recently uncovered mass graves.