

PRESS STATEMENT ISSUED BY THE SOCIETY OF ADVOCATES OF NAMIBIA ON
THE REPORTED ALLEGED KILLING OF A MEMBER OF THE PUBLIC BY A MEMBER
OF THE NAMIBIAN DEFENCE FORCE ENGAGED IN OPERATION "KALAHARI
DESERT"

PRESS RELEASE | 3 OCTOBER 2019

1. The Society of Advocates of Namibia has noted, with deep concern, yet another report in the local news media alleging that a civilian had been shot dead by a member of the Namibian Defence Force engaged in operation "Kalahari Desert".
2. The Republic of Namibia is established as a sovereign, peaceful and safe democratic State founded upon the principles of democracy, the rule of law and justice for all. The security forces exist and function in this context.
3. Article 118 of the Namibian Constitution established the Namibian Defence Force to defend the territory and national interests of Namibia. Article 115 of the Constitution established the Police Force to secure the internal security of Namibia and to maintain law and order. These discrete functions sanctioned by the Namibian Constitution emphasise that the general objectives of the two forces differ. For this reason, generally soldiers should not be engaged in performing policing duties. This is particularly so, where they use excessive force, including engaging in wrongful shootings, constituting a direct violation by members of the security forces of the human rights of citizens enshrined in our Bill of Rights.
4. The Society of Advocates of Namibia accepts that it cannot rely implicitly on unverified facts published in the media. However, it has come to the attention of the Society in the past months of other similar incidents where allegations have been made that members of the security forces have used excessive force, including the shooting of civilians, whilst conducting crime prevention operations in the country. It is appreciated that the security forces generally have a very difficult time in countering increased criminal conduct, and that the citizens of this country would generally support effective measures being taken by the security forces to combat crime in order to make their neighbourhoods safer. However, this does not detract from the duty of the Society of Advocates of Namibia, in

upholding the important values contained in the Namibian Constitution, to speak out against human rights abuses where they occur.

5. It is the Society of Advocates of Namibia's view that the official response of the Honourable Minister of Defence does not inspire confidence that the Namibian Defence Force has learnt its lessons from this past conduct. The Society also disagrees with the Honourable Minister's statement that the taking of videos of the Namibian Defence Force members is prohibited. The Society can find no basis in law for this statement.

6. The Society of Advocates of Namibia therefore publically calls upon the Honourable Minister of Defence and the Honourable Minister of Safety and Security to take all steps necessary to ensure that members of the Forces are properly trained, particularly where soldiers are engaged in policing activities. The desired objective is to conduct lawful crime prevention operations with the minimum use of force permitted by law, and that such members be generally sensitized to the sanctity of life.

Adv. AW Corbett, SC

President

Society of Advocates of Namibia

3 October 2019