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Republic of Namibia

Head of state: **Hifikipunye Pohamba**

Head of government: **Hage Geingob**

The long-running treason trial of Caprivi detainees continued, with most of the men having spent more than 14 years in custody. The policy of not offering protection to refugees persecuted for their sexual orientation was challenged by a gay asylum-seeker from Uganda. Gender-based violence remained a concern.

Background

General elections were held on 28 November. The South West Africa People's Organization (SWAPO) secured 87% of the presidential vote, and 80% of the National Assembly vote.

Caprivi detainees' trial

Sixty-five men in the Caprivi treason case remained in detention facing 278 charges, including counts of high treason, sedition, murder and attempted murder. Forty-three Caprivi detainees had been acquitted on 11 February 2013. Some of the released prisoners of conscience sued the government for damages. Nine detainees who were tried separately and had been found guilty by the High Court had their convictions set aside and their cases referred back to the High Court for

retrial. Eight of the accused claimed that they had been abducted by state agents in Botswana and unlawfully transferred to Namibia on various dates between September 2002 and December 2013.

Many of the Caprivi detainees were possible prisoners of conscience because they were arrested solely on the basis of their actual or perceived political views, ethnicity or membership of certain organizations. The group was being tried under what is known as the "common purpose" doctrine, which shifts the burden of proof from the prosecution to the defendants and undermines the right to presumption of innocence. Another accused man was on trial separately; his trial had not concluded by the end of the year.

Refugees and asylum-seekers

In April, Namibia's Commissioner for Refugees, Nkrumah Mushelenga, reportedly said in the press that "[Namibia's] domestic refugee law does not have a provision granting refugee status for being gay". However, as a signatory to the UN Refugee Convention and its 1967 Protocol, Namibia is expressly forbidden from returning refugees who face persecution in their country of origin on the basis of belonging to a social group with a well-founded fear of persecution.

In August, a Ugandan asylum-seeker was granted an urgent halt to his deportation from Namibia. The man had sought asylum because of his fear of persecution in Uganda on the basis of his sexual orientation. The man, who identifies himself as being gay, was detained in Walvis Bay and was facing deportation back to Uganda where legislation had recently been adopted criminalizing homosexuality (although the law was later annulled by Uganda's Constitutional Court).

Excessive use of force

On 27 August an unarmed protester, Frieda Ndatipo, was shot dead by police during a demonstration outside the headquarters of the ruling SWAPO party. She was taking part in a protest by Children of the Liberation Struggle, a pressure group formed to demand benefits and employment from the government for the children of SWAPO members who died in exile prior to the country's independence.

Violence against women and girls

Gender-based violence remained a serious concern. The government declared 6 March as the national day of prayer for action against gender-based violence. A report by UNAIDS and Namibian NGO Victim 2 Survivors recommended, among other things, that gender-based violence be declared a national emergency, that a national action plan on gender-based violence be implemented, and that support be mobilized from all sectors of society, including the government, legislature, judiciary, civil society, traditional authorities, faith organizations, media outlets, the private sector and community members.

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