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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF
SECURITY COUNCIL RESOLUTION 640 (1989) CONCERNING THE
QUESTION OF NAMIBIA

Addendum

In paragraph 50 of my report of 6 October 1989 (S/20883), I referred to the mission sent by my Special Representative to Angola and Zambia from 2 September to 21 September 1989 in connection with the release of political prisoners and detainees. The attached report of the United Nations Mission on Detainees, which was presented to my Special Representative on 6 October 1989, is now circulated for the Security Council's information. 1/

1/ Because of their size, the annexes to the present report are not reproduced herein but may be consulted at the Secretariat by delegations at room S-3600B.

Annex

REPORT OF THE UNITED NATIONS MISSION ON DETAINEES

I. PURPOSE AND TERMS OF REFERENCE OF THE MISSION

1. The Mission on Detainees, established by the Special Representative of the Secretary-General **in** pursuance of paragraphs 7 (c) and (d) of the settlement proposal for Namibia, **a/** visited Angola and Zambia from 2 to 21 September 1989. Its main purpose was to ascertain whether any Namibians were still detained by the South West Africa People's **Organization** (SWAPO) at locations already identified or elsewhere in Angola and Zambia and, if so, to ensure that appropriate arrangements for their release and voluntary repatriation were promptly made in order to enable them to return and participate in the electoral process. **Its terms** of reference therefore required the Mission:

(a) To visit the alleged detention camps listed in annex I, as well as other places in Angola and Zambia where Namibians were likely to **be** detained or live:

(b) To ascertain whether any Namibians were still being detained by SWAPO at the locations referred to in subparagraph (a) above:

(c) To attest to the voluntary nature of decisions made by Namibians who have elected not to return:

(d) To ensure the release of any Namibians detained in **Angola** or Zambia so as to permit **them to return** peacefully and to participate in the electoral process without risk of arrest, detention, intimidation or imprisonment;

(e) To determine the present whereabouts of the persons who were alleged by various sources to be still in SWAPO detention in Angola and Zambia.

2. The mandate of ~~the~~ Mission was based on paragraph 7 of the **settlement proposal**. **a/** In particular:

(a) Paragraph 7 (c) **provides** a requirement to be fulfilled to the satisfaction of the Special Representative of the Secretary-General that, **inter alia**, "All **Namibian** refugees or Namibians detained or otherwise outside the territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment."

(b) Paragraph 7 (d) provides that "The Special Representative of the Secretary-General, with the assistance of the United Nations High Commissioner for Refugees and other appropriate **international** bodies, will ensure that **Namibians** remaining outside of Namibia are given a free and voluntary choice whether to return. Provision will be made to attest to the voluntary nature of decisions made by Namibians who elect not to return to Namibia."

3. The list of members of the Mission is attached as annex II.

II. FACTUAL BACKGROUND

4. At about the time of the commencement of implementation of the settlement plan, several lists of persons allegedly detained by SWAPO were available to the Special Representative. They included lists prepared by the International Society for Human Rights, Amnesty International and SWAPO-D. They contained the names of some 260 persons reported to have been detained in Angola or Zambia, some of whom were reported to be dead. Both Amnesty International and the International Society for Human Rights pointed out that it was difficult to obtain reliable information on detainees held by SWAPO and that their lists did not purport to be necessarily up to date or reliable.

5. The amount of information given about the individuals on those lists varied considerably. Some were simply referred to as missing. The dates of alleged detention, or when person6 had allegedly last been seen, covered a period from about 1977 onwards. Little precise information was given as to where particular individuals were alleged to have been detained, although the International Society for Human Rights produced a document giving some details of places of detention alleged to exist in Angola and Zambia.

6. On 24 May 1989 observers of the United Nations Transition Assistance Group (UNTAG) in Angola recorded the names of a group of persons released from SWAPO detention near Lubango. After the return to Namibia of some of these detainees on 4 July 1989, further lists of alleged detainees were released by organisations representing detainees or their relatives, in particular the Parents' Committee and the Political Consultative Council. The Parents' Committee produced a list of over 400 names of persons allegedly seen in detention in Angola, mostly near Lubango. In most cases the information available about these persons included the age, place of residence, year of arrest and the year and place of detention in which they were said to have been seen. The dates given ranged between 1981 and 1989. In some cases much more limited information was given, in a few cases comprising only a single name or a nom de guerre. The Parents' Committee and the Political Consultative Council also produced lists of people said to have died in detention.

7. After the return of another group of detainees in August 1989, further lists were produced, including a substantial number of new names of persons who had allegedly been seen in detention in Angola between 1984 and 1989. Further information about persons allegedly in detention, and places of detention, was provided to the office of the Special Representative by former detainees in writing and in a series of meetings at Windhoek and elsewhere.

8. Prior to the departure of the Mission a consolidated list was prepared of the names of persons allegedly detained. It included about 1,100 names of persons reported to have died and of persons who had been released and/or repatriated and was intended to form a comprehensive reference source.

9. A list of alleged places of detention was also drawn up on the basis of information received from various sources, namely the International Committee of the Red Cross (ICRC), the International Society for Human Rights and, in particular, the Parents' Committee and former detainees. That information was similarly consolidated as in the case of the alleged detainees in the office of the Special Representative preparatory to the Mission's departure.

III. VISITS TO REPORTED DETENTION SITES AND OTHER PLACES

10. The Mission visited a total of 22 locations in Angola from 2 to 12 September 1989. First it visited several public institutions in Lubango, such as the Lubango General Hospital, the Lubango Maternity Hospital, local schools and the University of Lubango. Thereafter, it visited a number of **SWAPO** bases and camps, namely Minya Camp Old Hainyeko Camp, Ethiopia Camp, Gikuyu Camp, Mungakwiyu Prison, Shoombe's Base, Hainyeko Training Centre, Nakada Base, Etale Camp, Lenin Camp, Screening Centre, Information (Identification) Centre, SWAPO Central Prison, Clinic, Re-education Centre, Greenwell **Matango** Education Centre and the Peter Nayembo Memorial Hospital. It also visited the Transit Centre of the Office of the United Nations High Commissioner for Refugees (**UNHCR**) outside Lubango. The Mission attempted to visit Kilimandjuro Camp, about 300 kilometres south-east of Lubango but was unable to do so owing to transport difficulties. The Mission was however informed by **Angolan** authorities that SWAPO bases in that area had been closed a long time ago.

11. The Mission proceeded to Luanda on 9 September 1989. While there, it visited the Refugee Settlement in Viana outside Luanda. During its flight by helicopter to visit the Cabuta Camp at Kwanza Norte, the Mission landed at Calulo, which was five minutes flight away from Cabuta, in order to obtain security clearance from the **Angolan** military commander, but it could not proceed further in view of the tense security situation. The **Angolan** military authorities however advised the Mission that SWAPO had handed over Cabuta to the **Angolan** Government some time back and that there were no Namibians there. Thereafter it proceeded to the Vocational Training Centre at **Sumbe**, Kwanza Sul.

12. Upon the completion of its work in Angola, the Mission visited a total of eight locations in Zambia from 14 to 21 September 1989. These included the Nyango Camp near Kaomo in the Western Province; the towns of Ndola and **Kitwe** in the Copper Belt, where it visited the Mindoloo Ecumenical Foundation and the **Kamfisa** Prison: Solwezi and the Meheba Refugee Settlement in the North-Western Province; Namayani Farm and the Makeni Refugee Transit Camp outside Lusaka, and finally the Maximum Security Prison in Kabwe and the area of Mboroma in the Central Province of Zambia.

13. The Mission visited virtually all sites where persons were reportedly held in Angola and Zambia. It found that the geographical location as well as the physical layout of the sites visited corresponded in the main with the original information. It also visited several other places where Namibians were likely to be found which were not included in the list.

14. The Mission found that all the alleged places of detention in the vicinity of Lubango which it visited had been stripped of all valuable material such as beams, poles, roofs, doors, sanitary installations and other basic facilities. The physical situation on the ground indicated that all the camps were closed and had been abandoned several weeks previously. There was no evidence that any persons were being held against their will at any of those locations.

15. The Mission found in all places visited that almost all Namibians had been repatriated under the UNHCR programme over the last months except a small number who remained to protect communal property until their eventual return. It found no evidence that any person allegedly detained had been transferred from one of those locations to another area before the Mission's arrival.

16. At all stages the Mission sought to obtain the fullest possible information from SWAPO, as the party against whom the allegations it was investigating were mainly directed. The response of SWAPO officials to the allegations was, in general terms, that they were untrue and that all the detainees which SWAPO had held had been released. Its officials at Lubango produced for the Mission lists of detainees who had been released and repatriated, which corresponded almost entirely with the lists relating to the group recorded by UNTAG observers in May 1989 and the group of 84 detainees whose release came to light in August 1989. Those lists distinguished between those who had elected to remain with SWAPO and others who had not. It was explained that those who had elected to remain with SWAPO had been repatriated under the ordinary repatriation programme, whereas the others had returned on special flights on 4 July and 8 August 1989.

17. A detailed record of the Mission's activities including its visits to the various reported detention sites in Angola and Zambia and a brief description of each location, is set out in annex III to the present report.

IV. MEETINGS WITH NAMIBIANS IN PUBLIC INSTITUTIONS AND REFUGEE SETTLEMENTS

18. The Mission was also to ascertain whether Namibians remaining outside Namibia had the free choice to return and was to attest to the voluntary nature of their decisions not to return at this stage. To that effect, the Mission visited various locations in Angola and Zambia, including public institutions such as prisons, schools and hospitals, as well as refugee settlements where Namibians were admitted or residing.

19. On 5 September 1989 the Mission met two Namibians admitted to the Lubango Maternity Hospital, five adolescents at the former Screening/Identification Centre and guards protecting SWAPO communal property there and at the former Greenwell Matango Education Centre, as well as a nurse at the SWAPO clinic and medical staff at the Peter Nayemba Memorial Hospital. They all indicated that it was their free and voluntary choice to remain.

20. The Mission noticed that five Namibians were under temporary confinement at the Viana Transit and Refugee Settlement, outside Luanda as a disciplinary action

for minor offences. The three spoken to indicated that they would be repatriated in the following days and **had** no complaint about their situation. The Mission **met** two Namibians who were staff **members** of the Namibian Vocational Training Centre at **Sumbe**. They affirmed that they were remaining behind of their own volition to keep the institution operational pending the return of the students to complete their training programme.

21. At the Nyango Camp in Zambia, the Mission **met some** of the 40 teachers from Namibia and other African and European countries and **most of** 1,173 students ranging in age **from** 11 to 17 years enrolled in **primary and secondary education**. The staff **stated that** the pupils wished to complete their education, which could not yet be offered to them in Namibia. The teachers described the wide educational programme offered and pointed **out the** need for its continuation without interruption. The students looked well cared for and **content**. The Mission also **met** several Namibians in the Meheba Refugee Settlement and Makeni Refugee Transit Camp, all of whom indicated that they had decided to remain there for personal reasons for the time being.

22. The only **Namibian** prisoner the Mission **met was** held at the **Kabwe** Maximum Security Prison. He had been sentenced to 25 years for espionage. He informed the Mission that he was awaiting a final decision on his appeal to the Supreme Court and that there **were** two **other** prisoners held at Livingston Prison following conviction in the courts. While at Luanda, the Minister of Justice told the Mission **that** there were probably six Namibians in prisons in Angola **for** various offences (**see annex IV**).

V. TRACING OF PERSONS ALLEGEDLY DETAINED OR MISSING

23. In pursuance of its work, the Mission systematically checked records available, including **UNHCR** records and registers of educational institutions, local hospitals, prisons and other agencies.

24. As already indicated, the information available to the Mission about the persons allegedly detained varied considerably in quantity and quality, and many of those on the overall list could be positively accounted for as not currently being in detention. The Mission has therefore **analysed** the information, first in order to exclude duplications of names which cannot be identified with reasonable precision and, secondly, among **the** remaining names to distinguish between those who can and those who cannot **be** positively accounted for. For this purpose, the Mission has divided the names **on** the list into the following five categories:

(a) Persons released and/or repatriated. This category covers persons identified **as** having been released from detention and/or repatriated:

(b) Persons reportedly not detained. This category covers persons identified to the Mission as currently being SWAPO officials, or as **not** having been detained and who therefore should not have been included in the lists;

(c) Persons reported dead. This category covers persons reported in the source lists or elsewhere **as** being dead or suspected dead:

(d) Insufficient information. This category covers cases where the name given (for instance a single name or nickname only), is insufficient to enable a check to be carried out:

(e) Persons whose present status is unknown. This category covers persons who cannot be accounted for under any of the foregoing categories.

VI. CONSTRAINTS FACED BY THE MISSION

25. It should be recognised that an analysis of this sort cannot be precise. It is only intended to provide a broad indication of the scale of the various categories. It is frequently impossible, for instance, where the same or similar names appear on different lists, to determine whether they relate to the same individual or not. Thus the identification of duplications in the lists, and the identification of repatriations from a comparison of names on lists, is an uncertain exercise. For the purposes of the analysis it has been assumed generally that, in the absence of information to indicate the contrary, the name, or a similar name appearing on two different lists, relates to the same person. Further difficulties arise from the wide variations encountered in the spelling of names and from the use of aliases, nicknames and noms de guerre, not to mention the lack of official and personal data.

26. It must also be recognised that the work of the Mission was undertaken under extremely sensitive conditions. The information available to it was gathered for the most part in a war situation, with all its passions. Even at the best of times, it is not easy to ascertain accurately the facts about victims of any armed conflict, especially one which has recently ended. In that context, the Mission was informed that for security reasons there was hardly any communication between Namibian exiles and relatives and friends in Namibia or elsewhere. That might have contributed to an inflation of the list of alleged detainees and persons missing. Besides, as a result of the continuing repatriation exercise of Namibian refugees and the return of the SWAPO leadership to Namibia, some of the records were not available. The Mission was also obliged to bear in mind the timetable of the registration of voters for the forthcoming elections in Namibia.

27. The Mission noted the concern generally expressed by a number of government officials and private individuals to the effect that a similar exercise should have been or should be undertaken to determine the number and whereabouts of Namibians allegedly detained, killed or missing inside Namibia during the period under investigation.

VII. CONCLUSIONS

28. On the basis of its findings the Mission unanimously concluded that:

(a) There were no detainees in any of the alleged detention centres and other places which it visited in Angola and Zambia;

(b) The physical descriptions of the locations identified in the list drawn up at Windhoek preparatory to the Mission, as contained in annex V, and their geographical location corresponded in the main to the location it visited in Angola and Zambia;

(c) Most of the locations, particularly in Angola, where detainees were allegedly held, had been evacuated and abandoned several weeks previously and were incapable of being used for detention purposes in their present condition;

(d) Some of the buildings used for detention purposes were constructed above the ground, while others were half or fully sunken below the ground. Other buildings in the area which were used for offices or residential purposes were also sunken. The reason given for the sunken ones was mainly security and protection from aerial attacks;

(e) Six of the locations outside Lubango, namely Ethiopia, Etale, Minya, Shoombe, Mungakwiyu and the SWAPO Central Prison appeared to be the prisons where detainees were held;

(f) Most of the locations were refugee settlements, some of which, like Nyango in Zambia, still accommodated a number of Namibian refugees. The majority of the adult residents the Mission met were preparing for repatriation while others were protecting communal property. The children were of school age, well cared for and attending school;

(g) The vast majority of SWAPO members in both countries had already been repatriated: many of those remaining behind in the refugee settlements had already been to Namibia, registered for the election and returned to either Angola or Zambia in order to look after the Namibian children in schools or to guard communal property until their eventual return;

(h) The Namibians it interviewed in Angola and Zambia either intended to return or had elected of their own free will and for various personal reasons not to return to Namibia for the time being;

(i) In its extensive contacts and consultations with officials of the Governments of Angola and Zambia as well as with other persons, institutions or organizations in both countries, no one had informed the Mission of any Namibians being held anywhere against their wishes except those prisoners sentenced by the courts referred to above;

(j) The majority of persons allegedly detained or missing have been repatriated or accounted for. The breakdown of the Mission's analysis, after allowing for some 110 duplicated entries which were counted as persons on its working list, is as follows (see annexes V to TX);

(i) Four hundred eighty-four persons released and/or repatriated;

(ii) *Seventy-one* persons reportedly not detained, including SWAPO officials;

- (iii) One hundred fifteen persons reported dead;
- (iv) Fifty-two persons who could not be identified owing to insufficient information;
- (v) Three hundred fifteen persons whose present status is unknown and requires further investigation.

29. With respect to the category of persons whose present whereabouts are unknown, the Mission considers that tracing more of them should be facilitated by various factors in the evolving political and security situation in Namibia. These factors include the cessation of hostilities and the resulting confidence of persons to appear in public and make contact with their relatives and friends, thereby revealing their identity. The availability of all records relating to Namibian exiles, including over 41,000 returnees, and the presence in Namibia of SWAPO officials and others with documents and institutional memory should also facilitate this process. It would thus be possible for more persons on this list to be traced by competent agencies and for families to be reunited.

VIII. GENERAL ACKNOWLEDGEMENT

30. The Mission notes with deep appreciation the full support it received from the Governments of Angola and Zambia in accomplishing its tasks. Their co-operation greatly facilitated its visits to locations in difficult terrain and remote, usually inaccessible areas. To that effect, they provided transportation facilities, including helicopters and other aircraft. Furthermore, ministers and other senior government officials from various departments, as well as military and security officers from Angola and Zambia, effectively assisted the Mission throughout its work. On the final day of its stay in Zambia, Kenneth David Kaunda, President of the Republic of Zambia, graciously received the Mission and encouraged it to accomplish its task so as to contribute to the peace and stability of an independent Namibia.

31. The Mission also wishes to place on record its appreciation of the co-operation SWAPO extended to it.

32. The Mission further notes with appreciation the excellent co-operation it received throughout its work from the staff of the United Nations High Commissioner for Refugees in Angola, Zambia and Namibia which enabled it to trace a large number of persons allegedly detained or missing. It also recognizes the valuable assistance given to it by the International Committee of the Red Cross in carrying out its investigation.

Notes

a/ Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12636.

