



REPUBLIC OF NAMIBIA

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on Crime Prevention and
Criminal Justice
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Check Against Delivery

Mr. President, Distinguished Delegates

I join others who have taken the floor before me, in congratulating you in your election as President of this historical 50th Congress of the United Nations on Crime Prevention and Criminal Justice.

On behalf of my country, I extend our congratulations on the government and the people of Thailand, for having hosted a well-planned and hitherto successful Congress. Our stay, from the moment we arrived in Bangkok, has been a pleasure, and indeed memorable thanks to your hospitality.

Mr. President,

Since the passage of the Palermo Convention, the world's action at curbing crime can be said to have become more concerted and is certainly accelerating to keep up with the sly ingenuity of crime's underworld. Crime is attendant to our existence, and in today's world, life in the 21st century is dynamic, therefore, criminals have stepped up their *modus operandi*. Young countries like Namibia, only in their teens, and as criminally uneventful as they may be, are required to join-in in the efforts, lest they become targets and safe havens, driving investments away, and turning their populace to the mercy of criminals.

Therefore, since Namibia's ratification of the United Nations Convention Against Transnational Organized Crime and two of its Protocols in the year 2002, Namibia has been taking measures to comply with its obligations.

Last year, near the close of Parliament business of the 3rd Parliament, the Prevention of Organized Crime Act of 2004¹ was passed in the National Assembly.

The Act criminalizes certain acts, prescribes stiff sentences for offenders, establishes a Criminal Assets Recovery Fund to help finance the fight against transnational organized crime, and implements other legal and administrative measures called for under the Convention.

The Extradition Act of 1996 and the International Co-operation in Criminal Matters Act of 2000", provides the legal basis for Namibia's cooperation with other countries in extraditions and legal assistance matters. iii

Mr. President,

Having recently ratified 7 of the dozen universal instruments against terrorism, Namibia is well on her way to deposit the instruments of ratification in respect of these Conventions.

I am therefore glad to announce that during the newly commenced Parliament of Namibia, the Anti-Terrorism Bill will be tabled for adoption, to augment the UN, AU and SADC instruments and declarations to which Namibia subscribe.

With regard to corruption, Namibia has ratified the Convention Against Corruption, along with the SADC Protocol Against Corruption and the AU Protocol on Combating Corruption. The Anti-Corruption Act of 2003² comes into operation this month, under which an Anti-

Corruption Commission with investigative and prosecutorial powers is created.

The government that took office on March 21 this year has declared Zero Tolerance on corruption and the waste of public resources. As we continue to mould our nationhood, we are keen to learn from the experiences of other countries, and we will keep on fine-tuning our institutions to hone in on the job. The Anti-Corruption Commission is therefore created in addition to the constitutional office of the Ombudsman, which had already begun on preventive measures designed to promote integrity in public officials. A national Integrity Promotion Program was launched by the Ombudsman to establish a coalition of both public and private institutions in raising awareness. Permit me however, to share with you that if we are to succeed in awareness efforts, the messengers themselves must be above board, and therefore, the heads of the corruption agencies and public ombudspersons must be exemplary characters of good standing in society.

Mr. President,

Pursuant to her obligations under the TOC, Namibia, together with other Member Countries of the Eastern and Southern African Money Laundering Group signed a Memorandum of Understanding obliging the implementation of anti-money laundering measures considering the threats posed by the activities of money launderers in our economies.

A Financial Intelligence Centre Bill, encompassing the Financial Action Task Force's 40 recommendations on money laundering, and Special Recommendations on Terrorist Financing, the principles and standards of the international conventions and so forth will be placed before Parliament this year for passage.

Mr. President,

An aspect of our work that remains close to my heart is that of the overall effectiveness of the criminal justice system. At the end of the day, as bearers of public trust and confidence, we as politicians and particularly Ministers of Justice and Attorneys-General must be content that we are actually healing the illness in the blood corpuscle, and not merely treating the symptom on the skin of the problem.

Therefore, restorative justice aptly presents the wholesome approach much needed, not only as a justice tool, but also as an instrument in social engineering.

To this end, Namibia has set up the Prisons Service 10 years ago to rehabilitate, reform and reintegrate prisoners, preparing them for a normal and productive return back into society at the end of their prison terms. In so doing, there is a clear distinction in the treatment designed for the various categories of the prisoners based on the nature of the offences committed and the prison terms. Young offenders are being detained separately, and we are now considering establishing separate detention facilities for trial-awaiting prisoners where trials are pending for long periods.

We are also at an advanced stage of introducing community service orders, and I expect that the Bill will also be presented to Parliament soon. Seminars and workshops, preceded by studies have already been conducted with all the law enforcement agencies and the broader criminal justice community. What we now know is that part of the overcrowding problem in our prisons emanates from the long-term

incarceration of non-serious offenders. For instance, in the year spanning from 2003 to 2004, of a total of Four Thousand, One Hundred and Six inmates imprisoned, 51% of the inmates were sentenced to six months and below. 35% of the same group was serving six months to two years. Only 14% were in prison for serious crimes.

Yet during that period, the taxpayer was putting all these folks up, apparently unnecessarily.

In the area of juvenile justice, efforts have culminated in a children's justice Bill focusing on detention, release policies, diversion, juvenile courts and sentencing.

This Bill will also be ripe for tabling in Parliament soon. The obligation to protect and safe guard children emanates from our Constitution, bolstered by the Convention of the Rights of the Child and the African Convention on the Rights and Welfare of the African Child, and we are committed to establishing a viable and lasting system of evaluation, research and monitoring of offenders and their circumstances.

In so far as we are able to keep children out of prison cells, we are committed to divert them.

Yet our populace, understandably, had raised concern that we seemed poised to protect the interests of offenders, while ignoring the offended victims and their interests. To this end, a presidential Commission of Inquiry chaired by the now retired veteran Judge O'Linn had been set up to make recommendations. Consequently, we have

enacted a new Criminal Procedure Act of 2004 placing much more emphasis on the victim.

Under the old 1977 Criminal Procedure Act, the victim's role, if alive, was that of testifying as the State's witness with the view of securing a conviction. The impact of the crime to the victim and his or her family was never an issue, let alone compensation for the injury sustained during the commission of the offence.

With the new Act, we intend to do more for the victim, permitting representations from the victim before sentencing and if the victim demands compensation, such demand where applicable shall be made in open court.

Testimonies for victims have also been made easier, particularly for young victims of sexual offences, who may now testify via cable circuit television, avoiding direct contact with their offenders, who tend to traumatize the victims further and intimidate them all over again when in the presence of their offenders.

This effort is being extended across the country, but provision is made in the new Act as to the admissibility of such testimonies.

In closing, Mr. President, I hope I speak for many African countries and other developing countries, in saying that our efforts require the input and assistance of all. Governments, the private sector, the non-governmental community and indeed, our developmental partners. The world is globalized, and with that a shared responsibility exists in the area of crime prevention and criminal justice, as much as in any other area.

From our major cities to our smallest villages, terrorism is known, and the impact of crime is felt. There is no *terra nullius* for criminals, and this reality binds us together. Let us therefore augment our international efforts with national efforts and vice versa.

Kob Kun Ka/I thank you!

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- i. Act No. 20 of 2004.
 - ii. Act No. 11 of 1996 and Act No. 9 of 2000 respectively.
 - iii. See for instance the case of The State // Moses Limbo Mushwena & 12 Others (SA 6/2004) 2004 NmSC Full Bench.
 - iv. Act No. 8 of 2003.