

Prepared Statement of
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Attorney
Lawyers' Committee for Civil Rights Under Law

in testimony before the
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Subcommittee on Africa

February 21, 1974
2:00 p.m.

Recent developments in the international territory of Namibia are a matter of great concern to the Lawyers' Committee for Civil Rights Under Law.

Let me briefly describe the Lawyers' Committee. It was organized on June 21, 1963, following a conference of lawyers called at the White House by President John F. Kennedy. It is a nonprofit private corporation whose principal purpose is to involve private lawyers throughout the country in the struggle to assure all citizens of their civil rights. The membership of the Committee includes eleven past presidents of the American Bar Association and three former Attorneys General. The national office of the Lawyers' Committee in Washington, D.C. employs twelve full-time staff attorneys and there are full-time lawyers working in eleven different cities in this country.

The Committee's work has earned the support and encouragement of both Presidents Johnson and Nixon. In November 1967, President Johnson wrote to the Co-Chairmen: "You and the members of the Lawyers' Committee throughout the nation are to be commended for the leadership you have given in the past to assure civil rights under law. The nation looks forward to your continued leadership." In May 1969, President Nixon wrote: "The Committee's efforts in protecting citizens who might otherwise suffer the loss of their constitutional rights, and in developing new methods to solve the urban problems that face our

nation, have my continuing support and admiration." The U.S. Department of State has endorsed and encouraged the Committee's activities with respect to Southern Africa.

During the past seven years the Lawyers' Committee has provided legal assistance to victims of racial repression in Namibia. This assistance has taken the form of the retention and payment of lawyers to act on behalf of black defendants in several political trials of Namibians whose internationally-recognized human rights were at stake. Our involvement in human rights questions in Namibia began in 1967 when the Committee provided financial assistance to Joel Carlson, a South African attorney, to help defend thirty-seven Namibians prosecuted under the Terrorism Act, which allows unlimited pre-trial detention for purposes of interrogation, shifts to the defendant the burden of proving innocence beyond a reasonable doubt, and which South Africa unlawfully applies to Namibia. Mr. Carlson came to this country that year to get support for the defendants in the trial from U.S. policy-makers and the American legal community. He met with the Lawyers' Committee which found the case of the thirty-seven Namibians particularly deserving of its attention and support. The Committee undertook to obtain financial support to pay for the legal costs of the defense. Similarly, in 1968 the Committee assisted Carlson in a suit on behalf of a 68-year-old Namibian detainee who charged that he was tortured by the security police. The state

settled the case with a payment of 3000 rand (about \$4,000). Since that time the Committee has cooperated with Joel Carlson and other South African and Namibian lawyers in attempting to secure the human rights of the people of that territory.

The Lawyers' Committee has attempted to keep well-informed on the status of the rule of law in Namibia by travel to the territory, correspondence on legal matters with attorneys in Windhoek, closely following the international and South African press, and keeping in touch with public and private international organizations, with other American organizations (secular and religious), with the Government and with many interested and informed individuals. It is through these contacts that we have learned of some of the actions taken by the South African Government against black political spokesmen and others who oppose the policies and repression in Namibia. These actions have included (1) mass arrests of persons living in the black ghetto outside of Windhoek; (2) systematic persecution of opposition political leaders in all parts of Namibia by South African authorities and their surrogates; (3) public floggings and other violent acts perpetrated by South African Police and "bantustan" officials on opposition political spokesmen, church officials and others; and (4) general disregard for the rule of law in the arrest and detention of persons by police. These actions represent a flagrant violation of international

law by the Government of South Africa.

On March 7, 1973 South African Police raided Katatura, the black township (or ghetto) outside of Windhoek where its inhabitants had gathered to demonstrate against Prime Minister Vorster's proposed Advisory Council for South West Africa. The Advisory Council purported to represent black political opinion in Namibia; however, the body was boycotted by black Namibian political leaders. The police arrested 118 persons. Most were charged with failure to have "passes" in their possession. On March 30th five of those arrested were sentenced to three years in prison and others may have been carried back to the Ovambo "bantustan." It is not known why the five received such a sentence and what happened to the other 113.

On May 8, 1973 four Ovambo opposition political leaders, Johannes Nangutuuala, John Otto, Andreas Nuukwawo and Jimmy Ampala were arrested under the so-called "Emergency Regulations" (Proclamation R.17 (1972)) [A copy of the Proclamation is appended as Attachment I] applicable to Ovamboland and charged with two counts of holding an illegal meeting. Nangutuuala and Nuukwawo are leaders of the Democratic Cooperative Development Party; Otto and Ampala are executives of the South West Africa Peoples Organization (SWAPO). They had held a rally to demonstrate their opposition to forcing the status of a so-called self-governing homeland on the Ovambo people. The Lawyers'

Committee, upon learning of the arrests, instructed cooperating attorneys in Windhoek to defend the four Ovambo leaders. On August 24, 1973, after a long and difficult series of legal skirmishes, the Supreme Court of South West Africa quashed the indictments. Shortly thereafter new charges were filed against the four by the South African authorities. On September 18, 1973 the Magistrate found Nangutuuala not guilty of having made a statement intended or likely to undermine or interfere with the authority of South Africa or the Owambo "bantustan" government. Two days later, on September 20th, Nangutuuala, Otto and Nuukwawo were convicted of holding an illegal meeting. Mr. Ampala was found not guilty of the charges. Nangutuuala was sentenced to a fine of 400 rand (\$560) or two years in jail; Otto received a 200 rand (\$280) fine or one year in jail; and Nuukwawo got a 100 rand (\$140) fine or six months in jail. The Lawyers' Committee does not know whether the three paid the fines. We did learn from the South African press that after their sentencing in the case at least Nangutuuala and Nuukwawo were held incommunicado without charges by South African Police for approximately one month. What occurred with regard to John Otto is not known.

On October 24th the police turned Nangutuuala and Nuukwawo over to Chief Philemon Elifas, the Chief Minister of the Owambo "bantustan" and a supporter of the application of apartheid to Namibia.

Nangutuuala was immediately accused by Chief Elifas of criticizing the Commissioner-General of South West Africa and summarily stripped naked in public and given 21 lashes after which he had to be hospitalized. Mr. Nangutuuala was not allowed to answer the charge against him and there was no semblance of legal procedures prior to his being publicly flogged.

On that same day Mr. Nuukwawo sought the assistance of the Anglican Bishop Suffragen Richard Wood by a telephone call to Windhoek (over 300 miles away) when he learned that he was to appear before Chief Elifas and other "bantustan" authorities the next day. Rev. Wood, together with Lutheran Bishop Leonard Auala and Thomas Kamati, applied to the Supreme Court in Windhoek for an interdict (what lawyers in the U.S. would call a temporary restraining order) to prevent the "bantustan" authorities from publicly flogging Nuukwawo. The Court granted the interdict. One hour before the interdict was granted, however, Nuukwawo had been given 16 lashes on his naked body with a palm rib. He was told that he was being punished for giving information to newspapers, for belonging to SWAPO and for distributing pamphlets. He was not given an opportunity to rebut the charges. After the beating he was taken to a hospital.

Two other SWAPO members, Mattheus Joseph and Keshi Nathaniel were also handed over to "bantustan" authorities by South

African Police on October 31, 1973 after being held incommunicado for over two months under Proclamation R.17 (1972). Mr. Joseph was charged before the "bantustan" court for engaging in certain political activities and he was sentenced to a fine of 50 rand (\$60) and 20 lashes. It is unknown (1) whether the sentence was carried out, and (2) what the fate of Mr. Nathaniel was.

The public floggings by Owambo "bantustan" authorities elicited international response, and brought protest from inside South Africa and Namibia from both white and black leaders. Mr. Brian O'Linn, a Windhoek advocate and an official of the United Party of South West Africa, was reported in the Windhoek Advertiser on October 26, 1973 to have stated that the floggings demonstrated a "total negation of judicial principles." He said that "...political opponents were not charged before the Courts but were being detained by the Police and then passed on to the headmen for punishment in a primitive manner and summarily."

On application of Bishop Wood and Bishop Auala the Supreme Court on November 19, 1973 issued a temporary interdict preventing certain "bantustan" authorities from flogging persons under certain conditions. [A copy of the Court's order is appended as Attachment II.] Bishop Wood is reported in The Guardian of October 29, 1973 to have said that over 100 persons, and perhaps as many as 300 to 400, had been publicly flogged by the authorities in the weeks prior to that date.

I will now return in this chronological description of events to May, 1973. I jumped ahead in time in order to place the public floggings of Messrs. Nangutuuala and Nuukwawo in their proper context.

On May 9, 1973 South African authorities jailed six leaders of the SWAPO Youth League, and subsequently filed charges against two of them, Franz Nangutuuala and Thomas Kamati under Proclamation R.17 (1972) for making a statement intended or likely to undermine or interfere with the authority of South Africa or the Owambo "bantustan" government. The two were subsequently convicted and sentenced to nine months in jail by the Owambo Territorial Court. The Lawyers' Committee instructed lawyers in Windhoek to appeal the cases, and on September 10, 1973 these lawyers were successful in having the convictions overturned by the Supreme Court of South West Africa.

On May 11, 1973 an unknown person or persons burned down the printing press of the Evangelical Lutheran Ovambo-Kavango Church in Ondangua in the Owambo "bantustan." The damage to the building and the printing press, which produced school textbooks, church publications and a newspaper which had criticized the South African Government and the Owambo "bantustan" authorities, was reported to be in excess of \$852,000. Press reports indicated that the explosion which caused the fire was set off by a very sophisticated device. Police have not apprehended any suspects in the case.

On August 12, 1973 blacks in the Katatura ghetto held a rally calling for the end of illegal South African domination of Namibia. Approximately 2,000 persons attended, listened to speeches and sang songs. After the rally over 300 persons were arrested. Three of those arrested, Jerry Ekandjo, Martin Kapawasa and Fru Nghidinua, leaders of the SWAPO Youth League were charged under the Sabotage Act for making inflammatory statements at the rally. In November, 1973 each was sentenced to 8 years imprisonment.

On August 13, 1973 a rally in the northeastern part of the Owambo "bantustan" was attended by 1,000 persons in defiance of a ban on public gatherings. Speakers blamed the South African Police for the dynamiting of the Evangelical Lutheran Ovambo-Kavango Church printing press in May. In Ondangua, a town in the "bantustan," 3,000 persons gathered on August 15th around the courthouse where the trial of those who had allegedly held illegal meetings was being held. The defendants were members of SWAPO and the Democratic Cooperative Development Party. According to the South African press, the large crowd of people was not disorderly nor did they commit any violence. When a number of blacks approached the gathering with the red, green and blue "Namibian flag," Mr. Emanuel Elifas, the brother of the Chief Minister of the "bantustan," gave orders to the police to move in and disperse the crowd. The police made a charge with nightsticks. In the ensuing

clash many people were injured and began to flee, taking refuge in nearby huts. The police pursued them into the huts, even using their trucks. After a while the blacks turned and offered resistance. One pregnant black woman was assaulted to such an extent that she was listed in critical condition in a hospital. Over sixteen others were also hospitalized, and 26 were arrested. It is not known what the charges were or how many are still in jail.

During the past twelve months there have been a large number of reported incidents of repression of the Ovambo people by the "bantustan" leaders of Owambo, who are sympathetic to the apartheid policies of the South African Government. It would be impossible to list all of them. Quite a sizable number of persons have reportedly been detained or arrested by police in that area; however, the exact number of arrests or persons still in detention is not known. Part of the reason for the lack of information about events in the Owambo "bantustan" (often still referred to as Ovamboland) is that in July, 1973 the Commissioner-General of South West Africa barred all press representatives from the "bantustan" except for the representative of the South African Press Association.

On August 19, 1973 South African Police sealed off Katatura and the streets therein. A Special Proclamation by Windhoek's Chief Magistrate prohibited further public meetings after 12:00 noon,

August 19, 1973. On the following day, August 20th, 300 to 400 Ovambos in Katatura went on strike to protest South African rule. The strikers were violently dispersed by police with nightsticks, dogs and automatic weapons. It is not known how many persons were jailed or arrested.

During the week of October 22nd to the 26th Owambo "bantustan" police in the Kwanyama area forced the Anglican Archdeacon of Odibo, the Venerable Philip Shilongo, to leave his church, St. Mary's Mission, and he was removed to an isolated place in the hinterland despite a court order against his removal. On the day of Archdeacon Shilongo's removal, the other Anglican Archdeacon of St. Mary's Mission, the Venerable Lazarus Haukongo, was struck on the head with a club by "bantustan" police outside the church. He required hospital treatment for his injuries.

Recently the South African Government has intensified its intimidation of black political dissidents. On January 13, 1974, 155 men, women and children, all members of SWAPO, were arrested and jailed by police as they were en route from Windhoek to Rehoboth, where they were going to attend a public political meeting. Most of the people were charged with failure to have the proper travel documents, even though they had obtained a permit from the authorities in Rehoboth to hold and attend the meeting. Under the "pass" laws, a black person must have a document entitling him to travel between Windhoek and Rehoboth; but because these towns are so close together the requirement is in practice waived

for a person who has a permit to be in Rehoboth. This time, however, the police stopped and arrested them. It appears that the arrests or detentions were carried out to prevent the meeting from taking place. Some of the persons held were charged with "pass" violations and were released after the payment of a fine. The police would not say how many persons are still in jail.

Five days later, on January 18th, a force of 360 policemen with dogs moved into the Ovambo quarter of Katatura in a pre-dawn raid during which 186 persons were jailed. The newspaper account in the Star of January 19, 1974 states that the "mopping-up operation" was widely interpreted as a further strike at SWAPO. During that five-day period, January 13th through January 18th, the police detained or arrested at least 313 persons. It is not known how many people are still incarcerated, where they are being held or what, if any, charges were placed against them, because the police refuse to give any information to anyone, even lawyers instructed to represent the detainees. The police referred all inquiries to the Administrator for South West Africa, who would not give out any information.

It was reported on February 6th that five important SWAPO officeholders were being detained by police. The Lawyers' Committee immediately cabled cooperating lawyers in Windhoek to ascertain the nature of the charges against them and insure that they were being

adequately represented by counsel. The five are Ezriel Taapopi, Acting Chairman of the SWAPO Youth League; Arel Johannes, SWAPO Secretary in Windhoek; David Shiwangurula, SWAPO Secretary in Walvis Bay; Benjamin Namalambo, SWAPO Executive in Windhoek; and Shihepo Mbili, SWAPO Youth League Executive. A reply cable from lawyers in Windhoek informed us that they could not obtain any information.

The Lawyers' Committee was informed on Friday, February 8th, by the U.N. Commissioner for Namibia that David Meroro, National Chairman of SWAPO, had been detained at 2:00 a.m. that morning at his home by South African Police who also searched his office and confiscated documents. After attempts to gather further information from various sources had turned up nothing, I called a lawyer in Windhoek the next day to obtain information and instruct him on behalf of the Lawyers' Committee to represent Mr. Meroro and the others being held by the police. The lawyer informed me that Mr. Meroro was, in fact, being held but that nobody was allowed to visit him or even know of the place of his detention. He said that the police would not divulge whether any charges had been placed against Mr. Meroro or give any reasons for his incarceration. In fact, no information was given by police regarding any of the persons in jail--not even the names or total numbers of those being held. The attorney related that all inquiries were now being referred to the Commissioner of Police in Pretoria, South

Africa--1,000 miles away. On February 11th the Cape Times reported that South West Africa Administrator B. J. VanderWalt stated that Mr. Meroro is being held for questioning in connection with the arrests of other SWAPO personalities. Still no charges or legal authority have been cited for the detentions.

These actions by the South African Government and its surrogates in the "bantustan" administrations must be viewed in light of international legal standards applicable to South Africa and Namibia. Under the Mandate for South West Africa, the Government of South Africa assumed the obligation to "...promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory subject to the present Mandate." Even though South Africa has lost its right to administer the Mandate, the International Court of Justice in its Advisory Opinion of June 21, 1971 ("Legal consequences for states of the continued presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)") declared that South Africa "remains accountable for any violations ... of the rights of the people of Namibia." International law thus obligates South Africa to afford all reasonable and necessary protection against abuse of the rights of the inhabitants of Namibia, such as the recent floggings, mass arrests, political repression and attendant flagrant injustices.

In defining the rights which South Africa is bound to respect under

international law, it is necessary and appropriate to have regard for the provisions of the United Nations Charter, the Universal Declaration of Human Rights and other authoritative sources of the law today. By Articles 55 and 56 of the United Nations Charter, South Africa, as a Member state, pledges to take action to promote "respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." The Charter is an international treaty to which South Africa is a party, and South Africa's pledge in these articles is a serious and important obligation under it. The Universal Declaration of Human Rights is persuasive evidence of the norms appropriate under the Charter and even though the Government of South Africa did not vote for the Universal Declaration it is held accountable by the international community for violations of the basic rights enunciated in that document. [Text of the Universal Declaration of Human Rights appended as Attachment III.] Even legal norms applicable to the protection of civilians in time of conflict under the Geneva Conventions require a higher standard of responsibility than that shown here by the South African Government. South Africa's recent actions have resulted in flagrant violations of the basic human rights of the people of Namibia as measured by all these international standards.

In his letter to the Lawyers' Committee, Chairman Diggs has asked for comment on possible United States Government and United

Nations courses of action. Considering the seriousness of South Africa's breaches of its obligation under international law, the Lawyers' Committee considers that all concerned must pursue courses of action that promote the legal rights of Namibians, including their right to reject apartheid and to achieve self-determination on their own terms. The Committee is aware of the many forceful protests to the Government of South Africa made by the United States, by other Governments and by the U.N. It would clearly support further such protests at this time. It is crucial to the well-being of the Namibians now being held incommunicado to get the facts about them on the record. This is not only a matter of legal obligation for the South African Government. What is involved is also a simple issue of humane treatment. Both our Government and the U.N. might seek to test whether the South African Government shares in acknowledging the common humanity of those people of Namibia who are in police custody. There is an urgent need to know the answers to the important questions which that country's most recent actions have provoked: Where are David Meroro and the other SWAPO leaders? Why are they being held? Are they in need of medical treatment, of food, of simple necessities? Are there any charges against them? When will they be given a chance to answer the charges? If there are no charges, by what legal procedures are they being held? Have they been permitted to communicate with their families? Why can't

lawyers see or speak to them? Are they denied access to the ministers or priests of their own faith? How many others are being held as a result of the recent actions by South African Police? What are their names? Why and by what procedures are they being held? And whatever other questions are necessary to begin to deal with the problems of the well-being and rights of these people of Namibia.

The United Nations Security Council is expected to return in its deliberations to the question of Namibia of which it is seized. Should it do so, one useful outcome would be a Security Council Resolution requesting the Secretary General of the U.N., with the assistance of the Commissioner for Namibia, to ask the Representative of the Republic of South Africa to the U.N. to come in so that he might be formally requested to furnish all the important facts relating to the situation as outlined.

The Lawyers' Committee considers that the United States should continue to uphold the 1971 Advisory Opinion of the International Court of Justice. Failure of the South African Government to respect the human rights of Namibians must remain a matter of pressing concern to the U.N. and all its members. The United States, having been in the forefront in establishing the mandate over fifty years ago, in laying the serious questions raised by South Africa's conduct before the World Court for several Advisory Opinions and in urging use of peaceful

persuasion and humanitarian assistance must naturally wish to get at all the facts. Without facts the legal community and all that might have a concern for the welfare of these human beings cannot respond appropriately, helpfully and humanely.

Douglas P. Wachholz

- Born:** July 31, 1944, Iola, Wisconsin.
- Education:** B. A., Wesleyan University, Middletown, Connecticut (1968).
Special Student in Latin American Studies, Yale University, New Haven, Connecticut (1967-1968).
J. D., University of Virginia School of Law, Charlottesville, Virginia (1971).
Certificate, Faculte Internationale pour l'Enseignement du Droit Compare, Strasbourg, France (1971 and 1972).
- Employment:** Law Clerk to Judge Robert R. Merhige, Jr., U.S. District Court for the Eastern District of Virginia, Richmond, Virginia (1971-1972).
Coudert Brothers, New York, New York (1972-1973).
Staff Director, Africa Legal Assistance Project, Lawyers' Committee for Civil Rights Under Law, Washington, D. C. (present).
- Other Activities:** American Society of International Law (member "International Human Rights Law and its Implementation" study panel).

ATTACHMENT I



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No. 1568

REGULATION GAZETTE NO. 1568

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CAPE TOWN, 4TH FEBRUARY, 1972.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R.17, 1972.]

UNDER and by virtue of the powers vested in me by law, I make the regulations contained in the Schedule hereto and declare that, notwithstanding anything to the contrary contained in the provisions of any other law, these regulations shall upon application as in the regulations prescribed, have the force of law in the district of Ovamboland.

GIVEN under my Hand and the Seal of the Republic of South Africa at Cape Town on this Second day of February, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council,
M. C. BOTHA.

REGULATIONS FOR THE ADMINISTRATION OF THE DISTRICT OF OVAMBOLAND

SCHEDULE

PART I

DEFINITION

1. In these regulations—

"adult person", means a person of the Republic of South Africa who is at least 18 years of age;

"chief", means a chief or acting chief of a community of people as defined in terms of the Native Administration Act (Act No. 47 of 1928) (Act No. 15 of 1928) of the territory of South-West Africa;

- "Director of Justice", means the officer in control of the Department of Justice of the Government of Ovamboland;
- "headman", means a headman or acting headman appointed or recognised in terms of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928);
- "meeting", means a meeting, gathering or assembly at which more than five persons are present at any one time;
- "Minister", means the Minister of Bantu Administration and Development;
- "prohibited area", means any area to which the regulations in Part III or Part IV, read with Part V of this Schedule, have been applied.

APPLICATION OF REGULATIONS

2. (1) The regulations, other than those contained in Parts III, IV, regulations 7, 8, 9 and 10 (1) to (5) of Part V of these regulations, shall come into operation on the date of publication of these regulations in the *Gazette*.
- (2) The Minister may from time to time by notice in the *Gazette*—
- (a) apply either Part III or Part IV, or both Part III and Part IV, read with Part V, of these regulations, to any tribal area or part of a tribal area of Ovamboland or any part of the district of Ovamboland or to the whole of the district of Ovamboland and may in such notice declare that any district or tribal area or part of any district or tribal area as he may specify shall be deemed to be separate prohibited areas for the purposes of the aforementioned Parts III, IV and V of these regulations;
- (b) withdraw or amend any notice issued by him.
- (3) Wherever anything contained in any other law is inconsistent with these regulations, the provisions of these regulations shall for as long as they are in force, prevail over the provisions of any such other law.

PART II

MEETINGS, GATHERINGS AND ASSEMBLIES.

3. (1) Any meeting shall be unlawful, unless—
- (a) the holding thereof has been authorised in writing by the Native Commissioner of the district in which it is held;
- (b) it is held at the time and place and in accordance with such other conditions as the Native Commissioner may specify, as he is hereby authorised to do.
- (2) A Native Commissioner, a commissioned or non-commissioned officer of the South African Police, a chief or a headman may order the persons present at any unlawful meeting to disperse and forthwith to depart from the place of the meeting and he may give such further order as he may deem expedient to prevent a further unlawful meeting by such persons.
- (3) Any person who fails or neglects to obey any order given in terms of sub-regulation (2) shall be guilty of an offence.
- (4) If an order given in terms of sub-regulation (2) is not obeyed forthwith, the person giving such order may, notwithstanding the provisions of sub-regulation (3), take such steps or authorise the taking of such steps as in his opinion are necessary to effect execution of the order.
- (5) The provisions of sub-regulation (1) shall not apply to any meeting—
- (a) for the purpose of a *bona fide* church service or a funeral;
- (b) in connection with the regulation of the domestic affairs of any kraal or household;
- (c) of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body;
- (d) for the purpose of instruction imparted under any law;
- (e) being a *bona fide* sports gathering, concert or entertainment;
- (f) of any tribal, community or regional authority mentioned in section 7, a legislative council or Executive council mentioned respectively in sections 3 and 6 of the Development of Self-Government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968);
- (g) for official administrative or judicial purposes:
- Provided that a Native Commissioner, a commissioned or non-commissioned officer of the South African Police or a chief or headman may prohibit any specific meeting of a category referred to in paragraphs (a) to (e) whereupon such meeting shall be deemed to be unlawful for the purposes of this regulation.
- (6) A Native Commissioner may, without prior notice to any person concerned, by writing under his hand prohibit any person from holding, presiding at, addressing or being present at any meeting authorised in terms of sub-regulation (1) or referred to in regulation 5

(7) Any person who notifies, presides at, addresses or is present at an unlawful meeting or who convened that meeting, or who permits an unlawful meeting to be held in his house, but or kraal or on other premises or land under his control, or who fails or neglects to comply with any condition imposed in terms of sub-regulation (1) (b), or who having been prohibited in terms of sub-regulation (6), holds, presides at, addresses or is present at any meeting referred to in the said sub-regulation (6), shall be guilty of an offence.

(8) In any proceedings under this regulation involving the question whether a meeting was or was not unlawful, it shall be presumed, unless the contrary is proved, that such meeting was unlawful.

PART III

ENTRY INTO AND DEPARTURE FROM PROHIBITED AREAS

ENTRY INTO PROHIBITED AREA

4. (1) Any person not resident in a prohibited area who, without a permit under the hand of the Native Commissioner of the area concerned, enters, remains or is in such area, shall be guilty of an offence.

(2) Nothing in sub-regulation (1) contained shall be construed as prohibiting a person domiciled in the district of Ovamboland and who after the expiration of a contract of service performed outside such district, has necessarily to travel through a prohibited area by public transport, which shall not include a taxi or hire motor vehicle, to his place of domicile from proceeding by such public transport through such prohibited area within the shortest possible time.

(3) The Native Commissioner to whom an application for a permit in terms of sub-regulation (1) is directed may, when considering such application, consult the chief or headman of the area which the applicant for such permit desires to enter.

(4) Any person who has been refused permission by a Native Commissioner to enter a prohibited area may appeal against such refusal to the Director of Justice, whose decision on any such appeal shall be final.

(5) For the purposes of sub-regulation (1) a person shall be deemed not to be resident in a prohibited area if he is absent from such area for the purpose of employment or for the exercising of any trade, calling or profession, or permanently or habitually resides outside such area, whether or not he is the owner or occupier of a kraal, dwelling or hut in such prohibited area, or was born in, or owes allegiance to a chief or headman in such area, or if he does not live permanently or habitually in such area.

(6) The provisions of sub-regulation (1) shall not apply to—

(a) any officer or employee of the State, the Administration of the territory of South-West Africa or the Government of Ovamboland;

(b) any person who proceeds on an unbroken journey through the district of Ovamboland by public transport, which shall not include a taxi or hired motor vehicle; or

(c) any person who being a *bona fide* traveller proceeds through a prohibited area under a permit issued by a Native Commissioner or a commissioned or non-commissioned officer of the South African Police.

5. (1) It shall be the duty of every adult person in a prohibited area forthwith to report to the Native Commissioner for such area or to the chief or headman having jurisdiction over such area the presence in that area of any person whom he knows or suspects to be in such area unlawfully in terms of regulation 4. (1).

(2) It shall be the duty of every chief or headman having jurisdiction over any area in a prohibited area forthwith to report to a Native Commissioner or to the South African Police the presence in his area of jurisdiction of any person whom he knows or suspects to be in such area unlawfully in terms of regulation 4. (1).

(3) Any chief, headman or adult person who fails to make the report required of him under sub-regulation (1) and (2) shall be guilty of an offence.

(4) Notwithstanding the provisions of sub-regulation (2), a chief or headman may summarily and without warrant arrest, or cause to be arrested, any person who on demand fails to satisfy such chief or headman that he is lawfully in such area, and shall without undue delay bring or cause such person to be brought to the Native Commissioner of the area or to the nearest police station.

PART IV

DEPARTURE FROM PROHIBITED AREA

6. (1) Any person resident in a prohibited area who absents himself from such area without a permit under the hand of the Native Commissioner of the area, concerned or of a chief, headman or other person authorised by the said Native Commissioner in writing to issue such permit on his behalf, shall be guilty of an offence.

(2) The provisions of sub-regulation (1) shall not apply in respect of—

- (a) any person who is lawfully required to appear in or before any court of law outside such area;
- (b) any chief or headman proceeding into or travelling in or through any prohibited area in the course of his official duties and any person accompanying such chief or headman;
- (c) any officer or employee of the State, the Administration of the territory of South-West Africa, the Government of Ovamboland or any member, officer or employee of any tribal, community or regional authority and of a legislative council and executive council referred to in regulation 3 (5) (f) proceeding into or travelling in or through any prohibited area in the course of his duties.

PART V

CONDITIONS OF PERMITS

7. (1) Every permit under regulations 4 and 6 shall be issued subject to such conditions as the Native Commissioner may in his discretion determine, as he is hereby authorized to do, provided that it shall be a condition of every such permit—

- (a) that the holder thereof, shall report his arrival in or departure from a prohibited area, as the case may be, to the chief or headman or person whose name, if any, is indicated in such permit;
- (b) that the holder thereof shall on the expiry of the validity of such permit surrender it to the Native Commissioner for the prohibited area or to the chief or headman or person whose name is indicated on such permit.

(2) Any person who fails to comply with any condition of a permit issued to him shall be guilty of an offence.

ONUS OF PROOF

8. In any proceedings under Part III or IV of these regulations involving the question whether a person is or is not resident in a prohibited area, the onus shall be on such person to prove that he is or is not resident in such area.

FORFEITURE ORDER

9. (1) A Magistrate's Court or Supreme Court convicting any person of an offence under regulation 4 (1), may order that any motor vehicle found in the possession of such person in, or used for conveying such person into the prohibited area, to be forfeited to the State.

(2) The provisions of section 360 (4) and (5) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply to any order of forfeiture of a motor vehicle in terms of sub-regulation (1).

SURRENDER OF ARMS AND AMMUNITION

10. (1) Any person except an officer or employee of the State or the Administration of the territory of South-West Africa in a prohibited area who is the owner of, or has in his possession any arm or ammunition, as defined in the Arms and Ammunition Act, 1959 (Act No. 75 of 1959), whether or not such person holds a licence under the said Act to own or possess such arm or ammunition, shall within forty-eight hours of the application of Part III or Part IV of these regulations to that area, surrender such arm or ammunition to the Native Commissioner having jurisdiction in such area.

(2) The Native Commissioner shall take possession and retain all arms and ammunition so surrendered to him.

(3) The Native Commissioner to whom any arm or ammunition has been so surrendered may, on application by the person who surrendered the arm or ammunition, in his discretion return the arm or ammunition concerned to such person and issue to him a permit authorizing him to have in his possession such arm or ammunition.

(4) Any person whose application in terms of sub-regulation (3) has been refused by the Native-Commissioner may appeal against such refusal to the Director of Justice, whose decision shall be final.

(5) Any person who fails or neglects to surrender any arm or ammunition in terms of sub-regulation (1) or who, after the expiry of the period of forty-eight hours referred to in that sub-regulation, is in possession of a arm or ammunition in respect of which he holds no permit under sub-regulation (3) shall be guilty of an offence.

(6) Subject to the provisions of sub-regulations (1) and (3) no person except an officer or employee referred to in sub-regulation (1), may possess in any prohibited area, carry or use an arm as defined in section 1 of the Arms and Ammunition Act, 1969 (Act 75 of 1969) or a dangerous weapon as defined in section 1 of the Dangerous Weapons Act, 1968 (Act No. 71 of 1968) beyond the boundary of the erf, allotment or site upon which he resides.

(7) The prohibition imposed by sub-regulation (6) shall not preclude the possession, carrying or use—

- (a) of such arm or dangerous weapon as a particular person is required or duly authorized by law or by a Native Commissioner in writing to possess, carry or use;
- (b) by any old or infirm person of any klerie or stick as a support when walking;
- (c) of any axe for *bona fide* domestic requirements.

PART VI

SUBVERSIVE OR INTIMIDATING STATEMENTS OR ACTIONS

11. Any person who—

- (a) makes any statement, verbally or in writing, or does any act which is intended or is likely to have the effect of subverting, or interfering with the authority of the State, the Government of Ovamboland, the Native Commissioner or any other officer in the employ of the State, the Government of Ovamboland, the Administration of the territory of South-West Africa, or the authority of any chief or headman;
- (b) makes any statement, verbally or in writing, or does any act which consists of or contains any threat that any person will be subjected to any boycott, or will suffer any violence, loss, disadvantage or inconvenience in his person or property or in the person or property of any member of his family or household;
- (c) organises or takes part in any organised boycott of any meeting convened by an officer of the State, the Government of Ovamboland or by a chief or headman;
- (d) organises, or takes part in any organised boycott against any person with the object of causing him loss, disadvantage or inconvenience in his person or property;
- (e) refuses or neglects to obey any lawful order, including an order in accordance with native law and custom, issued by a chief or headman to whose authority he is subject;
- (f) treats the chief or headman to whose authority he is subject with disrespect, contempt or ridicule, or fails or neglects to show that respect and obedience and to render such services to such chief or headman as should be shown or rendered in accordance with native law and custom,

shall be guilty of an offence.

JURISDICTION OF CHIEF OR HEADMAN

12. (1) Any chief or headman who is authorized thereto by the Minister either generally or in respect of a particular case may try and punish any person who is accused of contravening within the area of jurisdiction of that chief or headman the provisions of any of the following regulations—

- (a) regulation 3 (2) read with regulation 3 (3), in respect of an order issued by that chief or headman;
- (b) regulation 5 (3), in respect of failure to make a report in terms of regulation 5 (1) to that chief or to headman;
- (c) regulation 6 (1), in respect of any person resident within the area of jurisdiction of that chief;
- (d) regulation 7 (2), in respect of failure to report to that chief or headman in accordance with the provisions of regulation 7 (1) (a), or to surrender to that chief or headman a permit in terms of regulation 7 (1) (a);
- (e) regulation 11 (a), in respect of a statement or service rendered in authority of that chief or headman;
- (f) regulation 11 (c), in respect of a boycott of a meeting convened by that chief or headman;

(g) regulation 11 (e), in respect of an order issued by that chief or headman;

(h) regulation 11 (f), in respect of an offence against that chief or headman.

(2) Notwithstanding the provisions of any other law, a chief or headman in the exercise of jurisdiction under sub-regulation (1) shall have power to impose a fine not exceeding one hundred rand or four head of large stock or twenty head of small stock or, in default of payment of the fine, impose a sentence of imprisonment not exceeding three months.

(3) Such chief or headman shall cause a written record to be kept, in triplicate, of every trial in terms of sub-regulation (1) which shall reflect the following particulars:—

(a) Name of the accused;

(b) offence with which the accused is charged;

(c) date or dates of trial;

(d) result of trial;

(e) sentence imposed;

(f) date on which sentence was imposed.

(4) Whenever such chief or headman shall have imposed on any person a sentence of imprisonment in default of the payment of a fine, he shall, if the whole of such fine is not paid forthwith or within a period specified by him, arrest such person or cause him to be arrested by his messengers and shall within forty-eight hours bring or cause him to be brought to the Native Commissioner in whose area of jurisdiction the trial took place, and shall cause the original of the record referred to in sub-regulation (3), together with a certificate signed by such chief or headman that the whole of the fine, or such portion of the fine as indicated therein, has not been paid, to be delivered simultaneously to that Native Commissioner.

(5) The Native Commissioner shall in respect of a person brought to him in terms of sub-regulation (4), upon being satisfied that the whole or any portion of the fine imposed on such person has not been paid, issue a warrant for the detention of such person in a prison or gaol for a period, not exceeding three months, specified in such warrant as if, the sentence of the chief or headman was a sentence of a Magistrate's Court.

(6) Such chief or headman shall after the conviction and sentence of any person hand to that person a copy of the record referred to in sub-regulation (3), and shall himself retain the triplicate copy of such record.

(7) Save as provided in sub-regulation (2) in regard to the amount of the fine and the alternative term of imprisonment which a chief or headman may impose, the provisions of sections 4 and 5 of Proclamation R348 of 1967 shall apply in respect of any trial in terms of sub-regulation (1) of this regulation.

PART VII

PROHIBITION ORDER

13. (1) The Minister may without prior notice to any person concerned, issue an order against any person, prohibiting such person from entering into, being in or remaining in or from departing from the district of Ovamboland or any part of such district of Ovamboland as may be specified in such order for such period as the Minister may determine.

(2) Any person who neglects or refuses to comply with an order made in terms of sub-regulation (1), shall be guilty of an offence.

EXECUTION OF ORDERS

14. The South African Police force is hereby authorized to render assistance to any Native Commissioner, chief or headman in respect of the exercise of any power, or the performance of any duty or function, conferred on or imposed upon such Native Commissioner, chief or headman by these regulations and may in rendering such assistance take such steps as may be deemed necessary to implement the exercise of the power, or the performance of the duty or function.

INDEMNITY

15. No civil action whatsoever in respect of any cause of action arising out of or in connection with the operation of these regulations shall be capable of being instituted against the State, the Government of Ovamboland, any Minister of the State, any Member of the executive council of Ovamboland, any officer or employee of the State, the Government of Ovamboland, the Administration of the territory of South-West Africa, or a chief or a headman or any person acting under the authority or by direction of a Native Commissioner, an officer or a member of the South African Police, a chief or a headman.

16. (1) No criminal action shall be capable of being instituted against any person or body referred to in regulation 15 by reason of any act in good faith advised, commanded or done by him in the execution of his powers or the performance of his duties in pursuance of these regulations or for dealing with circumstances which have arisen or are likely to arise from the application of these regulations.

(2) If in any action brought against any person or body referred to in this regulation the question arises whether any act advised, commanded or done by him was advised, commanded or done by him in good faith, it shall be presumed, until the contrary is proved, that that act was advised, commanded or done by him in good faith.

PROHIBITION OF INTERDICTS

17. No interdict or other legal process shall issue for the stay of any order issued, decision made or Direction given under these regulations, nor shall any such order, decision or direction be suspended by reason of any appeal against a conviction under these regulations.

PENALTIES

18. (1) Any person convicted of an offence under these regulations, except a person convicted by a chief or headman in terms of regulation 12 in respect of the offences specified therein, shall be liable on conviction to a fine not exceeding six hundred rand or in default of payment, to imprisonment for a period not exceeding three years, or to both imprisonment without the option of a fine, or to both such fine and imprisonment: Provided that in hearing any appeal to him by a person convicted by a chief or headman in terms of regulation 12, the Native Commissioner may, on confirming the conviction by the chief or headman, impose any sentence which could have been imposed in terms of this regulation if such person had originally been convicted in a court of a Magistrate.

(2) A Magistrate's court shall have jurisdiction to try any person on a charge of an offence under these regulations and to impose penalties prescribed by this regulation.

MEASURES TO TRACE OFFENDERS

19. (1) Whenever a Native Commissioner or a commissioned or non-commissioned officer of the South African Police, is satisfied that any person has committed an offence under these regulations or under any other law, or whenever the said Native Commissioner or commissioned or non-commissioned officer has reason to suspect that any person has or had the intention to commit such an offence, the said Native Commissioner or commissioned or non-commissioned officer may without warrant arrest or cause to be arrested any person whom he suspects upon reasonable grounds of having taken part or intending or having intended to take part in the offence or intended offence in question or who in the opinion of the said Native Commissioner or commissioned or non-commissioned officer is in possession of any information relating to the said offence or intended offence, and the said Native Commissioner or commissioned or non-commissioned officer may question or cause to be questioned the said person in regard to any matter which has any bearing upon the said offence or intended offence and may detain or cause to be detained at any place which the said Native Commissioner or commissioned or non-commissioned officer deems suitable for the purpose until the said Native Commissioner or commissioned or non-commissioned officer is satisfied that the said person has answered fully and truthfully all questions put to him which have any bearing upon the said offence or intended offence.

(2) The Minister may at any time upon such conditions as he may determine, cause to be released any person arrested and detained under sub-regulation (1), and if such person fails to comply with any such condition, he shall be guilty of an offence.

CONSULTATION WITH LEGAL ADVISERS

20. No person who has been arrested and is being detained under regulation 19 shall, without the consent of the Minister or person acting under his authority, be allowed to consult with a legal adviser in connection with any matter relating to the arrest and detention of such person.

ARREST OF OFFENDERS

21. A Native Commissioner, a commissioned or non-commissioned officer of the South African Police or a peace officer as defined in section one of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), may with or without warrant cause to be arrested or himself arrest any person who has committed an offence under these regulations or who is suspected upon reasonable grounds of having committed such an offence.

GENERAL

22. Any regulations made under these regulations shall be deemed to have been lawfully done.

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ATTACHMENT II

TEXT OF RULE NISI ISSUED BY SUPREME COURT, WINDHOEK,
ON 19 NOVEMBER 1973.

IN THE SUPREME COURT OF SOUTH AFRICA
(SOUTH WEST AFRICA DIVISION)

WINDHOEK, MONDAY, 19TH NOVEMBER, 1973

BEFORE THE HONOURABLE MR JUSTICE HOEXTER

IN THE MATTER OF:

RICHARD JAMES WOOD
LEONARD NONGOLA AUALA
THOMAS NDALIXUTALAH KOMATI

FIRST APPLICANT
SECOND APPLICANT
THIRD APPLICANT

AND

THE ONDANGWA TRIBAL AUTHORITY

AT ONDANGWA

FIRST RESPONDENT

THE OKWANYAMA TRIBAL AUTHORITY

AT OHANGWENA

SECOND RESPONDENT

Upon the motion of Mr Soggot, Counsel for the
applicants, and upon reading the notice of motion and
other documents filed of record,

IT IS ORDERED:

1. That a rule NISI do hereby issue calling upon the
RESPONDENTS TO APPEAR AND SHOW CAUSE, IF ANY, IN
THIS COURT ON THE 22ND FEBRUARY, 1974, AT 10 A.M.
WHY A

FINAL ORDER SHOULD NOT BE ISSUED -

- (i) Interdicting the respondents from inflicting,
or causing to be inflicted, any flogging or
corporal punishment of whatsoever nature upon
any person on the ground that he is, or is
suspected of being, a member or sympathiser,
of any of the organisations known as DEMKOP
(The Democratic Cooperative Development Party)
or SWAPO (The South West Africa Peoples Organi-
sation) or on the grounds that he has carried

on or is suspected of having carried on in any way the lawful activities of the aforesaid organisations, or in any way expressed approval of or support for any of the said organisations,

- (ii) Interdicting the respondents from carrying out or causing to be carried out in pursuance of whatever allegation, indictment or conviction, any order to flog or administer corporal punishment of whatsoever nature upon any person who is, or who is alleged to be, or who is suspected of being a member of any of the aforesaid organisations save upon fulfilment of the following conditions:
- a) That the respondents do, after the pronouncement of any sentence that any said person receive corporal punishment, communicate forthwith to the territorial magistrate, Ondangwa, the full names and address of any accused person upon whom such sentence is to be executed,
 - b) That a period of fourteen (14) days has elapsed from the date upon which the territorial magistrate has received the names and address of the accused person upon whom sentence of corporal punishment is to be executed,
 - c) That upon receipt of the information mentioned in (a) above, the said territorial magistrate forthwith transmit such information telegraphically to the Registrar of this Court,
- (iii) Interdicting the respondents from ordering or causing any person to be flogged or to receive corporal punishment in excess of ten (10) strokes,
- (iv) Interdicting the respondents from ordering or causing the flogging or administering of corporal punishment upon the exposed body of any person who is to receive such punishment in public,
- (v) Ordering the respondents to pay the costs of this application.

2. That paragraphs (i) and (ii) above operate as an interim interdict pending the final decision of this Court on the return day of the Rule NISI,

3. That leave be and is hereby granted to the applicants to amplify their application, where necessary, not later than noon on 20th December, 1973.

4. That this Rule be served also on the territorial Magistrate, Ondangwa.

By order of the Court.

(Signed) REGISTRAR.

ATTACHMENT III

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly
resolution 217 A (III) of 10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, -

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ARTICLE 3

Everyone has the right to life, liberty and the security of person.

ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

ARTICLE 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

ARTICLE 29

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.