

4. Myanmar: Further Information: Myanmar media workers imprisoned in Myanmar (ASA 16/013/2014)
www.amnesty.org/en/library/info/ASA16/023/2014/en
5. Myanmar: Further sentences for protester in Myanmar: U Sein Than (ASA 16/021/2014)
www.amnesty.org/en/library/info/ASA16/021/2014/en
6. Myanmar: Take immediate steps to safeguard against torture (ASA 16/011/2014)
www.amnesty.org/en/library/info/ASA16/011/2014/en
7. Myanmar: Ensure independent and impartial investigation into the death of journalist (ASA 16/028/2014)
www.amnesty.org/en/library/info/ASA16/028/2014/en
8. Myanmar: Farmers at risk after beating by soldiers (ASA 16/002/2014)
www.amnesty.org/en/library/info/ASA16/002/2014/en

NAMIBIA

Republic of Namibia

Head of state: **Hifikipunye Pohamba**

Head of government: **Hage Geingob**

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

BACKGROUND

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

CAPRIVI DETAINEES' TRIAL

Sixty-five men in the Caprivi treason case remained in detention facing 278 charges, including counts of high treason, sedition, murder and attempted murder. Forty-three Caprivi detainees had been acquitted on 11 February 2013. Some of the released prisoners of conscience sued the government

for damages. Nine detainees who were tried separately and had been found guilty by the High Court had their convictions set aside and their cases referred back to the High Court for retrial. Eight of the accused claimed that they had been abducted by state agents in Botswana and unlawfully transferred to Namibia on various dates between September 2002 and December 2013.

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

REFUGEES AND ASYLUM-SEEKERS

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

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

EXCESSIVE USE OF FORCE

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

VIOLENCE AGAINST WOMEN AND GIRLS

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

NAURU

Republic of Nauru

Head of state and government: **Baron Waqa**

Asylum-seekers were arbitrarily detained in harsh conditions in accordance with an agreement with the Australian government. The arbitrary removal of judges and suspension of parliamentarians raised concerns about the rule of law and freedom of expression.

REFUGEES AND ASYLUM-SEEKERS

As a small island nation, Nauru had limited capacity to meet the needs of its own

population, including the rights to adequate housing, access to clean drinking water, education, health care and employment. The presence of refugees placed a significant strain on already limited resources.

As at 30 June 2014, there were 1,169 asylum-seekers in the Australian-run immigration detention centre on Nauru, including 193 children and 289 women. A total of 168 people who had received positive refugee assessments were accommodated separately.

At least 61 asylum-seekers were awaiting trial on charges relating to a disturbance at the detention centre in July 2013. There were concerns over fair trial rights for these asylum-seekers, including around inadequate legal representation and delays in court proceedings.

Asylum-seeking children were particularly vulnerable to mental health issues due to arbitrary and prolonged detention, lack of meaningful activities and inadequate provision for education. Allegations of physical and sexual abuse were made by asylum-seekers, but it was not clear what measures, if any, were taken by Australian or Nauruan authorities to investigate. Intolerable conditions in detention created a risk of refoulement, in cases where detainees felt they had no option but to return to a place where their lives or human rights were at risk.

In April 2014, the UN Working Group on Arbitrary Detention and Amnesty International were both refused access to the immigration detention centre.¹

JUSTICE SYSTEM

In January, Nauru's only Magistrate and Chief Justice were effectively dismissed by the government, raising concerns around the independence of the judiciary and the rule of law.

FREEDOM OF EXPRESSION

In June, five opposition MPs were suspended for being critical of the government and speaking to foreign media. The MPs remained