

DITSHWANELO ANNUAL REPORT

2000



Preface

With the internal restructuring exercise within DITSHWANELO during 2000, which was a consultative process, programme staff had to ensure that activities were undertaken and fundraising efforts doubled for the next three years. A detailed three year (2001-2003) proposal was produced which identified human rights issues of concern to DITSHWANELO. (Please see section on **Major Human Rights Issues**).

As part of the restructuring process during the year, the Human Rights Education Programme was 'integrated' into the other Programmes. The reason was because Human Rights Education was recognised as being an integral part of all the Programmes within DITSHWANELO. The restructuring was necessitated by the decrease in core funding for the organisation and the consequent shortage of staff. Due both to the withdrawal of bilateral donors from Botswana due to its mid-income status and its GDP, and the HIV/AIDS epidemic, whichever funding is directed to Botswana has begun to be for HIV/AIDS related activities. Consequently, there is a great risk that we shall begin to see a proliferation of what have been described as 'briefcase NGOs'. Namely NGOs established and influenced by the fact that there is an abundance of funding for organisations working on the HIV/AIDS issue.

As shall become clear from the financial statements for the year 2000, DITSHWANELO received no core funding. Donors were project-specific concerning the use of their funds. Consequently, administrative costs, salaries and the costs of those projects for which there was no funding, were covered by the dwindling reserves of DITSHWANELO. With common perceptions that DITSHWANELO is located within Botswana which is often perceived to be Africa's 'human rights success story'; that Botswana 's human rights situation is better than that of 'many other African countries'; and Botswana's immense foreign reserves can be used to fund human rights NGOs – fundraising has become increasingly difficult for us.

Our responses to the myths are that until human rights are truly understood to be inalienable and interlinked, one cannot focus on civil and political rights to the exclusion of cultural, social, economic, environmental rights etc. For as long as Botswana's human rights are viewed through the prism of being 'better than counties in which there has been a limited history of attempts at democracy, where the rule of law is not scrutinized and defended, etc. we shall not see a change in the perception of Botswana as the 'shining example of democracy' in Africa. We seek instead to look beyond those countries which are experiencing democratic challenges, toward those like whom we strive to be. That is to choose a path of development.

It is not common to experience a Government, which will happily provide funds to its perceived critics. This is one of the challenges of governance in Africa. Local fundraising is not easy. There is need for conscious efforts to be made to encourage the private sector in Botswana to support the work of NGOs in general and human rights NGOs in particular. 2001 shall bring concerted efforts by DITSHWANELO to share

information about our work with the private sector in Botswana. We shall strive to convince the private sector that human rights is the responsibility of all of us, including members of the business community.

Mission Statement

DITSHWANELO - The Botswana Centre for Human Rights, is an advocacy organisation that plays a key role in the promotion and protection of Human Rights in the Botswana Society.

The Centre seeks to affirm human dignity and equality of all before the law irrespective of sex, ethnicity, religion, sexual orientation, social status and political convictions.

In pursuit of this mission, the Centre strives to inform, educate, train, counsel, mediate and research on issues of Human Rights, with specific reference to the marginalised and the disempowered in Botswana.

However, due to the indivisible nature of Human Rights, DITSHWANELO's mission extends to regional and international levels.

Background Information

With the assistance of the Danish Centre for Human Rights in Copenhagen, Denmark, discussions between NGOs and Departments of the University of Botswana led to the formation of a Board comprising representatives of certain non-governmental organisations involved in human rights related activities. The Board members* are:

Patron:	His Grace, Archbishop Emeritus Walter Khotso Makhulu
M. Madisa (Chairperson) (Ms)	Emang Basadi:
K. Machangana) (Ms)	Emang Basadi
E. Ndlovu (Deputy Chairperson) (Ms)	YWCA (Young Women's Christian Association)
D. Modiega (Mr)	Botswana Christian Council
S. Magowe (Father)	Botswana Christian Council
B. Monthe (Ms)	CHILDLINE
P. Letshwiti (Ms)	CHILDLINE
The Coordinator	CORDE (Cooperation for Research Development and Education)
J. Andersen (Ms)	Individual
R. Khan (Mr)	HURABO
M. Mothobi (Mr)	UB Legal Clinic
R. Molefhe (Mr)	Individual

D. Inger (Mr)

Individual

* The Board comprises institutional members and members in their personal capacity.

The Board held the following meetings during the year:

22 May 2000

31 July 2000

6 September 2000

20 September 2000

Staff

Secretariat

Alice Mogwe

Anneke Visser

Keletso Mokwena

Kenny Magano

Florah Binang

Donald Nnoto

Cynthia Mooketsi

Catherine Kaote

Mothusi Ntwaagae

Director

Programmes Coordinator/Deputy Director

Programmes Coordinator Assistant

Bookkeeper

Receptionist

Driver

Office Attendant (until her death in January 2000)

Office Attendant (from January 2000)

Gardener

Activism Programme

Alice Mogwe

Maureen Akena

Programme Coordinator

Programme Assistant

Kasane Pilot Project Office -

Richard Kashweeka

(coordinated by Activism Programme)

Consultant Pilot Project Coordinator

Paralegal Programme

VACANT

Bokgatlhamang Tumelo

Programme Coordinator

Programme Assistant (until her death in November 2000)

Research Programme

Anneke Visser

Ingrid Melville-Cordner

Programme Coordinator

Programme Assistant

SAHRINGON

Christina Sintala

(Southern Africa Human Rights NGO Network)

Botswana Chapter Coordinator (until June 2000)

Edward Vinson Trust
Global Ministries
HIVOS
Kenya Human Rights Commission
Ministry of Education (UNESCO)
Ministry of Health (for BONELHA network currently hosted by
DITSHWANELO)
Norwegian Church Aid
OSISA (Open Society Initiative for Southern Africa)
Phillip Hudson
UNESCO

- For more on the financial situation, see Financial Report
- It is important to note that only the funds from HIVOS (P 324 753.00) were provided on the basis that they support programmes – this includes administrative costs of programmes. The rest of the funds were tied to projects. Consequently the bulk of the costs were covered by DITSHWANELO's own reserves. Clearly this situation is not sustainable. DITSHWANELO therefore submitted a proposal to EU (through HIVOS) for substantial funding to ensure the sustainability of the organisation for the next few years. The three (3) year proposal was submitted to other donors as well.

General Human Rights Context

Botswana has been described as a multi-party democracy. It is considered to be a functioning democracy because the three arms of governance, the legislature, the parliament and the executive are generally perceived to be independent. The first and second generation of rights (civil and political) are considered observed. In comparison with most other African countries, Botswana is commonly referred to as the 'shining example of democracy in Africa'.

In reality, approximately 47% of the population live in poverty. The lower House, the House of Chiefs represents only what are described in the Constitution as the 'eight main tribes' in Botswana. So-called 'minority tribes' have no direct representation. Instead, the paramount Chiefs of the main tribes are the representatives of all the peoples of Botswana. Rights of social, cultural, economic, development etc. are not recognized in the Constitution. Following the Vienna World Conference on Human Rights, it was accepted globally that all rights are interdependent.

DITSHWANELO maintains that the human rights situation in Botswana needs to be looked at from an holistic perspective – this encompasses all categories of rights. Issues of major human rights interest during the year are raised below.

During the year, Botswana signed and ratified the International Covenant on Civil and Political Rights (ICCPR) and The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, both were ratified in accordance with the narrow definition of torture, which excludes corporal punishment and the death penalty. During 1998, as part of our Torture Assessment, we had strongly recommended the ratification of the Convention Against Torture. While we appreciate the ratification of both instruments, we are disappointed that they were selectively accepted by the Government of Botswana. These concerns were raised in our press statement **Adoption of International Treaties – Botswana Commits Itself To International Standards** on 19 September 2000.

Major human rights issues during 2000

A. NATIONAL

Death Penalty

Maauwe and Motswetla, whose execution was prevented by DITSHWANELO in 1999, were charged and are awaiting trial. In October 1999, the High Court had quashed the decision of guilty of murder and the sentence of death. The State, although not obliged to re-try the men, re-charged them in February 2000. There was no further action taken by The State in this matter. DITSHWANELO prepared a funding proposal to take up the case again as we believe that following the time and resources already invested by the legal team comprising the Botswana lawyer, the South African advocate and DITSHWANELO, it would be difficult for a new legal team to work on the matter. Trust has also been built between all the parties involved in assisting the men. The proposal is for an amount of P 800 000 **or \$ US 171 566.19**. (This was calculated on 6 February 2000 when the rate was Botswana Pula 1: US \$ 0.21). DITSHWANELO remains committed to ensuring that the two men have a fair trial, however, without the funds we shall be unable to safeguard this fundamental right.

In February this year, the death sentence was passed on Ms Marietta Bosch. Of concern to DITSHWANELO was the fact that she was convicted and sentenced on mainly circumstantial evidence. She was due to appeal her sentence.

DITSHWANELO issued a press statement **Botswana Execution Update - Maauwe And Motswetla Re-Trial To Begin** dated 11 February 2000. Concern was also expressed about the passing of the death sentence on Marietta Bosch.

Refugees

Following unrest in the Caprivi area of Namibia in December 1998, several asylum seekers fled to Botswana. Those who fled to Botswana sought refuge as members of the secessionist movement, United Democratic Party (UDP) led by Meshake Muyongo. He was granted asylum in Denmark. While refugee status was granted to some of the asylum seekers, several others were detained in prisons around the country.

DITSHWANELO issued a **Press Statement on Africa Refugee Day** on 20 June 2000. It called on the Government of Botswana to publicly commit itself against torture by ratifying the Convention Against Torture. We also urged the Government to seriously consider the potential danger faced by asylum seekers when deported or extradited to the countries from which they have fled. Later in the year, the Government of Botswana ratified the Convention Against Torture with reservations on the definition section to the effect that the death penalty was excluded from the definition of torture.

In August 2000, 13 of the Namibians from the Caprivi region appeared in the Gaborone Magistrate's court as part of the extradition process. DITSHWANELO instructed a lawyer to take the case due to concern that the men would not have a fair trial in the event of them being extradited to Namibia to face trial for treason, murder, attempted murder, unlawful possession of firearms, ammunition and explosives. Reports were made by Amnesty International and the US Department of State (both released during the year) that there had been reports of extra-judicial killings and rape by the security forces in the Caprivi region. There had also been reports of widespread abuse and torture of civilians and detainees and unexplained disappearances. The Namibian National Society for Human Rights had also reported that in a trial held during the year, the accused persons from the Caprivi who gave testimony, told of torture, beatings and intimidation after arrest.

DITSHWANELO issued a statement **Namibia Extradition Case -ADJOURNMENT TO 20 SEPTEMBER** 2000 dated 14 September 2000.

Children

The Government of Botswana initiated a review of the Children's Act of 1981 in response to concerns raised about to what extent the Act can effectively protect the rights of children. The report which was expected in 2000, had not been finalised by the end of the year.

Land Rights of Basarwa

Following the removal of residents from the Central Kalahari Game Reserve (CKGR) in March 1997, there have been those former residents who have voluntarily returned to the Game Reserve. The Negotiating Team continued in its work to ensure that the challenge of the Government that the Negotiating Team did not have a mandate, was met. Intensive research was conducted to determine the rights of those who were the subject of the removals from the CKGR to the settlements of New Xade and Kaudwane outside the CKGR.

HIV/AIDS and Human Rights

Faced with the HIV/AIDS epidemic, human rights appears to be under potential threat. Following the introduction of the concepts of Shared Confidentiality (the Government of Botswana in 1999) and Mandatory Testing (Debswana in 2000), DITSHWANELO expressed concern that the Government is considering legislation which will compel HIV positive people to disclose their HIV positive status to their sexual partners.

DITSHWANELO's concern stems from the reality that laws such as this could further drive the pandemic underground. People would be reluctant to undergo voluntary testing if they thought that their right to privacy would definitely be violated. Stigmatisation and alienation would compound the difficult situation of people already living with HIV/AIDS. Our position is supported by international guidelines, which reveal that coercive measures to cope with the epidemic are not successful. UNAIDS official, David Miller has stated that "... criminalizing of behaviour can discourage people from seeking testing and treatment". DITSHWANELO fully supports voluntary measures which achieve behavioural change. Cases of willful transmission of the HIV virus can be dealt with under the civil and criminal law and existing public health legislation.

DITSHWANELO issued a press statement on **HIV/AIDS** Dated 21 August 2000

B. REGIONAL

Zimbabwe

During May 2000, DITSHWANELO held a Focus Seminar on Zimbabwe. This was held due to the deteriorating situation in Zimbabwe. The land issue has been central to the development debate in Zimbabwe since independence in 1980. There is no doubt that there is need for equitable redistribution of land. However, the violence, murders and the prevailing atmosphere of intimidation contributed to a disturbing deterioration of law and ability of the judiciary to protect of the rule of law. Loss of life and intimidation were largely the result of illegal land occupations by the so-called 'war-veterans'. This violence preceded the elections held on 24 and 25 of June 2000.

DITSHWANELO issued a press statement **Zimbabwe Situation** dated 21 June 2000.

Democratic Republic of Congo (DRC)

During August 2000, DITSHWANELO held a Focus Seminar on the DRC. This was to focus attention of Botswana on the unfolding events in a country within the SADC region. NGOs both within the DRC and in the diaspora informed the seminar about the causes of the conflict; the role of SADC countries and the desire of the peoples for peace.

C. AREAS OF CONCERN FOR 2001-2003

- Lack of Legal Aid System and Poverty
- HIV/AIDS pandemic and Human Rights
- Gender Bias and Legal Inequality
- Lack of Good Governance and the Strengthening of Civil Society
- Limited of Regional Collaboration
- Minority Rights/The Basarwa (The San) Peoples
- The Death Penalty, including Gender Aspects
- Labour Rights of Domestic Workers
- Gay and Lesbian Rights
- Refugees and Asylum Seekers
- Increasing Militarism within Botswana

Director's Report

The focus of the Centre for 2000 was the re-structuring of the organisation. Due to both financial and staffing constraints, the four programmes were collapsed into two. Until the third quarter, the Research and Paralegal Programmes operated separately, as did the Activism and Information Programmes. Towards the end of the year, following the death of Ms Tumelo, the Paralegal Officer and the reduction of staff in the Secretariat, it was decided that focus should be placed on fundraising and efficiently harnessing the staff resources available. This entailed engaging the services of a consultant to assist in the preparation of the DITSHWANELO/HIVOS EU proposal. This was submitted to HIVOS Regional Office before the end of 2000. We look forward to hearing about progress made in the fundraising later next year.

May 2000 saw DITSHWANELO receive its second award since its birth in 1993. The first award was received in 1997 – Mellemfolkeligt Samvirke (Danish Volunteer Service – MS) Award. The second award was the Felipa De Souza Award from the International

Gay and Lesbian Human Rights Commission (IGLHRC) based in the United States of America. It is always encouraging to receive appreciation for the work which we do.

We continue to focus upon the development of a human rights culture at various levels within our society. DITSHWANELO has a unique role to play – that of breaking new ground as we contribute towards the culture.

In 1993, DITSHWANELO put on the national agenda, the human rights of the Basarwa peoples, through its consistent raising of the violations to which they are subjected. The emergence of The First Peoples of the Kalahari in 1993 contributed to the work already being done by Kuru Development Trust and later WIMSA Botswana. We now have a Negotiating Team (focusing on the forced removal of the Basarwa people from the Central Kalahari Game Reserve – CKGR) which continues to raise pertinent issues of democracy, participation, land rights and the protection of the rights of the Basarwa peoples with the Government of Botswana.

In 1995, DITSHWANELO and The Botswana Red Cross worked with people living with HIV/AIDS at a time when it was difficult for public disclosure to be made. The result was the creation of the Botswana HIV/AIDS and Human Rights Charter. Out of that initiative was born the Botswana Network on Ethics, Law and HIV/AIDS for which a Coordinator was finally selected this year. This network is to be hosted by DITSHWANELO for the first six months of next year as it works on establishing itself.

In 1995, DITSHWANELO issued its first statement opposing the death penalty following the execution of Ken Saro-Wiwa and others in Nigeria. Our abolitionist campaign continues following our involvement in the case of Maauwe and Motswetla in 1999. We continue to comment on other 'condemned prisoners' on death row. This year Lehlohonolo Kobedi and Marietta Bosch are the two people on death row.

In 1996, DITSHWANELO initiated the establishment of SAHRINGON (The Southern African Human Rights NGO Network) following a realisation that Southern African peoples needed a process through which they could begin to own their human rights issues; determine strategy and provide solidarity to one another. DITSHWANELO remains the host of the Botswana Chapter. The Regional office is currently hosted by Afronet (Zambia).

In 1998, DITSHWANELO hosted the first of a series of meetings of Gays, Lesbians Bisexuals of Botswana. A result of these meetings was the LeGaBiBo Charter (Lesbians, Gays and Bisexuals of Botswana), which was launched at DITSHWANELO's 1998 Human Rights and Democracy Conference. The LeGaBiBo Project of DITSHWANELO continues to provide solidarity support for the gay community in Botswana.

The issues which DITSHWANELO raises are defined by the people whom we serve. Once issues are debated and placed in the open forum, we have seen a gradual support base developing which we hope will then take ownership of the issue and

resultant process. We look forward to further 'ownership processes' as we see the continued development of a human rights culture within our societies.

Finally, it is important to acknowledge all the hard work done by the staff this year – particularly because of the limited financial resources. True commitment to our philosophy of developing a human rights culture has meant tapping on the absolute ability of our staff engaged in all the different spheres of the organisation. Without the determination shown, and commitment to team-work, this year would not have even been possible.

PROGRAMME REPORTS

I SECRETARIAT REPORT 2000

The Secretariat forms the core of DITSHWANELO'S management structure, under which the following programmes currently function at three locations:

- Education
- Activism
- Paralegal (operates from the Centre and in Old Naledi - a low income area)
- Information
- Kasane Pilot Office (located in the Northern part of Botswana)
- Research

Towards the end of the year, it was decided that four programmes would be collapsed into two. The programmes which exist are Paralegal/Research and Activism/Information and the Kasane Outreach Programme. Following an internal review commissioned by the Board of Trustees, it was recommended that the position of Programmes Coordinator and Programmes Coordinator Assistant be abolished and that of Administrator be created.

In addition to having its own programmes, DITSHWANELO hosts the following networks:

- SAHRINGON (Southern African Human Rights NGO Network) Botswana Secretariat (one part-time staff member (50%))
- Botswana Network on HIV, ETHICS and LAW (BONELA)

The Secretariat provides the focal point for all the programmes. It also ensures that the individual programmes within DITSHWANELO are provided with appropriate physical facilities, equipment, staff, and financial management through which to administer their specific projects.

Programme Aims

The aim of the Secretariat is to provide Botswana with a strong focal point for human rights projects, to be recognized as such by all involved organizations and by the donor community, and to establish positive and permanent contact with regional and international human rights networks.

Programme Objectives aimed at strengthening the Programme

- Ensure the attainment of financial sustainability for the Centre
- Ensure that the various programmes with the Centre, are supported via the development of staff policies and procedures
- Ensure the recruitment of high-calibre long-term staff.
- Provide leadership for future development through the direction of the Director and Programme Co-ordinator/ Deputy Director (See also the Activism and Research Programme descriptions)
- Provide a link to both the Board members and the Botswana community.

Effect of limited funds

Without sufficient funds, the Secretariat is hampered in its ability to ensure a full staff complement at the Centre. Consequently, programmes are unable to fully implement their work plans.

One of the effects of the drastic decrease of donors located in Botswana or funding Botswana NGOs is the inability of NGOs to purchase their own land easily. The Botswana Council of NGOs played an important role in raising the concerns of NGOs about the planned re-location of NGOs out of the residential areas into the business areas. NGOs (including DITSHWANELO) expressed concern that being moved to other areas would seriously hamper their ability to serve the community. DITSHWANELO is strategically located near one of the main hospitals; the main combi (public transport) route; the University and the main government ministries. This has proved to be an ideal location. It is anticipated that negotiations will continue with the government of Botswana (Department of Town and Regional Planning) next year.

Volunteers/Interns

Mr Mathabate

University of Botswana Library & Information Studies

II HUMAN RIGHTS EDUCATION PROGRAMME (HUREP) REPORT 2000

In early 2000, it was resolved that this programme would be subsumed under all the other programmes. This was done because human rights education should be a component which exists in all the other programmes. Additional factors were the limited human and financial resources available to the organisation during the year. However, those Education activities which had already been planned for or which required action

and could not be incorporated into existing workplans, were dealt with by the Research Programme.

Schools were encouraged to visit DITSHWANELO human rights education talks and awareness-raising human rights videos. Mogorosi Community Secondary School visited DITSHWANELO in March 2000. The school is located 70 km outside Serowe, in the north of the country. Their teacher was keen to establish a human rights club. DITSHWANELO initiated the concept of human rights clubs in schools in 1995. To date there are five (5) functioning human rights clubs. DITSHWANELO revised the Activity Booklet for Human Rights Clubs and sent draft copies to the clubs for comment.

Volunteers/Interns

Karabo Ramothibi
Nono Malhanza

Had just completed secondary school
Was awaiting admission to University of Botswana

II HUMAN RIGHTS ACTION RESEARCH PROGRAMME REPORT 2000

Much time was spent on the restructuring and planning processes to guide the Centre for the period 2000-2003. Due to the general shortage of staff, the Research Programme experienced severe constraints. Consequently, it was not possible to engage in field research.

Major Achievements

- The re-opening of the Old Naledi Paralegal Office. There had been plans to work with youth from Old Naledi. A funding proposal was prepared in collaboration with a young man who is involved in popular theatre around HIV/AIDS issues, however fundraising efforts were not successful.
- Hosting of a workshop on Children's Rights in collaboration with the Kasane Office
- Constructive resumption of processes to establish and host the Botswana Network on Ethics, Law and HIV/AIDS (BONELA). This network is a culmination of a Botswana Red Cross-DITSHWANELO initiative (REDI) which began in 1995. DITSHWANELO facilitated the hiring of a National Coordinator to actively run the network in January 2001. Collaborative work on

this was done with BOCAIP, BONASO (Botswana Network of Aids Service Organisations) and BONEPWA (Botswana Network of People Living with Aids)

- The production of a three (3) year proposal in collaboration with the other programmes

Volunteers/Interns

Ms Thabiso Lephogole	University of Botswana
Mr Mpho Mmolawa	University of Botswana
Ms Nono Malhanza	Awaiting admission to University of Botswana
Ms Karabo Ramothibi	Awaiting entry to University

IV HUMAN RIGHTS ACTIVISM PROGRAMME REPORT 2000

A. General Report

The Activism Programme deals with matters or issues which require urgent attention and/or are not being dealt with by existing programmes. This programme ensures that the 'watchdog role' of DITSHWANELO is carried out. It also identifies and works on areas for law reform through lobbying, test cases, etc.

1. **Advocating for less privileged and marginalised communities** - in particular advocating for and providing support for the Basarwa communities in Botswana.

The two Basarwa men, Mr Maauwe and Mr Motswetla, who were to have been hanged in 1999, were saved from the noose by DITSHWANELO in the DITSHWANELO, Maauwe and Motswetla v The Attorney General are from the Basarwa/San Community from Manxotai village. The men were moved from Gaborone to Francistown and were re-charged with murder. They are currently awaiting-trial. DITSHWANELO prepared a budget and proposal (Botswana Pula 800 000.00) which will enable us to be part of the legal team, together with the lawyers whom the two men now know and trust. DITSHWANELO regularly provides the men with toiletries as these are not provided for awaiting-trial prisoners and their families are too poor to provide them with toiletries.

Work continued in a 'gay-rights' case with which the Centre has been engaged since 1995. The aim of our involvement is to safeguard the right to freedom from discrimination, right of association and right to privacy for homosexuals. DITSHWANELO identified a lawyer to take up case and act on behalf of the accused for little fee. The accused had been reporting weekly to a police station in accordance with the bail conditions set in 1995. DITSHWANELO assisted Mr Kanane to change the bail conditions which had included him reporting to a particular Police Station every month (for the past 6 years). Limited funding of British Pounds 500 has been guaranteed by the Bth of May Group in the UK.

Obtained funding from OSISA (Open Society in South Africa) and identified a lawyer for our test case to safeguard the interests of 'whistleblowers'. The aim it deal with prejudice which they experience subsequent to their actions of exposing something which is not quite right.

Fundraising continued for the Namibia Extradition Case. Counsel has been identified to represent the thirteen (13) Namibians from the Caprivi Region. There has been limited funding raised. We also engaged in process to identify a facilitator for peace talks between the Namibian Government and the Namibian secessionists from the Caprivi. We assisted the Namibian refugees with concerns about the education of their children, incarceration of Namibians without charge, etc.

A family of Somali children sought assistance having left Dukwi Refugee Camp due to the conditions. We found accommodation for them and continue to work with The Botswana Council for Refugees and UNHCR to try to find a solution for them. Assisted in the repatriation of a Tanzanian refugee who had been in Botswana for several years.

2. **Collaboration with NGOs in the promotion of human rights** This was done through Human Rights Sector meetings and SAHRINGON (Southern Africa Human Rights NGO Network which is hosted by DITSHWANELO) meetings which DITSHWANELO coordinates. Following the resignation of the National Chapter Coordinator in June 2000, DITSHWANELO facilitated Network Development Exercise 9-13 August 2000, Executive Council Meeting 16-17 September 2000 and a Skills Workshop 27-30 November 2000.

Information is also shared with Women's NGO Coalition and BOCONGO for their newsletters; participated in preparatory work for the NGO Code of Conduct; assisted Botswana Centre for the Deaf to obtain legal representation through The Law Society of Botswana; participated in BOCONGO discussions on how to assist the homeless squatters of Mogoditshane whose homes had been demolished by the government; hosting of CKGR Negotiating Team meetings.

DITSHWANELO engaged in mediation work following a request from the D'Kar Residents Committee, representing mostly the Basarwa living in D'Kar who had a disagreement with the Kuru Development Trust. We facilitate several mediatory meetings. The process is on-going.

3. **Strengthening of Regional and Worldwide partnerships with Human Rights Organisations** through the establishment of the Focus Seminar Programme which focuses attention on issues of critical concern. The two Focus Seminars this year were on Zimbabwe and the illegal land occupations and on African Civil Society Accountability for the Peace Process and Human Rights in the Democratic Republic of Congo (DRC).

Strengthening of regional and worldwide partnerships with human rights organisations through the establishment of a National Chapter of SAHRINGON with a National Representative hosted by DITSHWANELO. DITSHWANELO is also a member of the Regional Board of SAHRINGON. Other activities aimed at regional support included the issuing of solidarity press statements eg. The situation in Zimbabwe; letters to the High Commissioner of Zambia and to President Chiluba protesting the arrest of people demonstrating against the repeated rapes and murders of young girls in Lusaka. Women For Change (the organising Zambian NGO) subsequently informed us that the people had been discharged after the prosecutor declined to prosecute. They believe that this was due to both local and international pressure.

We shared information about The Women's Global Strike for 8 March 2000 with the Women's NGO Coalition; received a communiqué from Nigerian Youth on Constitutionalism, Democracy and the Rule of Law in February 2000.

Assisted in organising of East and Southern Africa Regional Civil Society Meeting on Europe-Africa Cooperation: Mapping out civil society agenda in October 2000; participated in processes concerning the production of the NGO Code of Conduct;

4. **Continuing to advocate for and provide support for the Basarwa communities in Botswana** by participating as a non-voting member of the Central Kalahari Game Reserve (CKGR) Negotiating Team which is attempting to prevent the 'forced' relocation of Basarwa and Bakgalagadi communities from the Game Reserve to settlements outside the Game Reserve. The other members of the Negotiating Team are:
 - i) The Negotiating Committee which comprises fourteen (14) members of the original seven (7) communities resident in the Game Reserve

- ii) First People of the Kalahari (FPK) Coordinator of the Negotiating Team
- iii) Kuru Development Trust
- iv) Working Group on Indigenous Minorities in Southern Africa (WIMSA)
- v) Botswana Christian Council (BCC)

Note that neither the BCC nor DITSHWANELO have voting right on the Negotiating Team as unlike the other NGOs in the Team, neither is Basarwa (San) based.

5. Capacity building and awareness raising on issues of human rights

Promoting DITSHWANELO through press interviews and various meetings at which we described the work of DITSHWANELO, its structure and areas of focus. These included press statements about the re-trial process of Maauwe and Motswetla following their indictment in February 2000; public comment on the passing of the death sentence on Mariette Bosch. She was convicted on mainly circumstantial evidence. We attended the Bosch hearing and distributed our stickers as part of our 'Who Has The Rights to Kill' campaign amidst hostile reactions from the public who were mainly retentionist; continued action in support of Lehlohonolo Kobedi who is also on death row; interview on Botswana TV for the new television station which was launched in April 2000; press statements on Zimbabwe; on the Namibia Extradition Case in which we expressed concern about the ability of the refugees to receive a fair trial; pres statement about our receipt of the Felipa de Souza Award from the International Gay and Lesbian Human Rights Commission; information shared about human rights in Botswana with South African media; diplomatic missions; Human Rights Bar Committee (UK), The Royal Tropical Institute and the International Centre for Human Rights & Democratic Development (ICHR) (Canada)

6. Taking DITSHWANELO to the rural areas through the Kasane project.

Volunteers/Interns

Charity Mosienyane
Rogers Bande
Gladness

IV B. DEATH PENALTY PROJECT REPORT 2000

A Death Penalty Seminar was held in October 2000, for lawyers, judges, and those engaged in administration of justice work. It was officially opened by the Dean of the Faculty of Social Sciences of the University of Botswana; facilitated by Senior Advocate (Silk) Spilg of South Africa and officially closed by Deputy Attorney General Matlakala. Areas covered included trial preparations, Constitutional and fair trial.

Fundraising efforts continued throughout the year as there was no date for trial provided following the indictment of Maauwe and Motswetla early in the year. DITSHWANELO continued to provide the men with toiletries and clothing.

Background

DITSHWANELO's Strategic Plan 1997- 2001 has as one of its strategic objectives, the taking up of test cases to challenge existing laws and/or to advocate for law reform.

The death penalty project is based on activities of the Paralegal Programme when they started to make inquiries with the Commissioner of Prisons about this case in 1998. Campaigns by Amnesty International (London) requesting clemency from the President were also started in 1998. In January 1999, the Activism Programme engaged in urgent action to prevent the execution of two Basarwa Tlhabologang Maauwe and Brown Gwara Motswetla. An interim stay of execution was granted on 15 January 1999. The two were to be hanged on 16 January 2000. In October 1999, the Court ruled that the two men had not had a fair trial and ordered a re-trial, leaving it to the discretion of the State on whether or not to press fresh charges.

Volunteers/Interns

Same as for the main part of the Activism Programme (see above).

V. NATIONAL PARALEGAL PROGRAMME

The Paralegal Programme's aim is to provide legal advice and information to the marginalised or disempowered people within Botswana Society in an empowering way.

This is done through education and legal knowledge. The means test applied limits our assistance to those who earn P600 or less per month. As there is no State-funded Legal Aid Scheme, the poor are particularly vulnerable to being excluded from the dominant judicial systems.

Target Groups

The Paralegal Programme targets clients earning less than 600 Botswana Pula a month. Advice is given on a daily basis, to those who satisfy the means test. Advice is given on a daily basis at both the main DITSHWANELO office and the Old Naledi office (the latter is in a low-income suburb of Gaborone). The Paralegal Programme also facilitates the Domestic Workers project.

Types of cases dealt with during the period January - December 2000

These included the following:

1. Assault	7
2. Marital problems	35
3. Property	5
4. Inheritance	23
5. Torture	3
6. Labour matters	124
7. Arson	1
8. Maintenance of children	29
9. Cohabitation matters	16
10. Family problems	13
11. Domestic Violence	9
12. Suicide	1
13. Adoption	2
14. Medical	2
15. Motor Vehicle Insurance	5
16. Destitute matters	2
17. Theft	3
18. Unlawful arrest	1
19. Murder	1
20. Education issues	3
21. Rape	1
22. Debt	7
23. Other	15

Unlike the Annual Report 1999, no statistics were kept for the month of January 2000.

The statistics for the months of February – April 2000 were not gender disaggregated. During the period January – June 2000, there was only one (1) staff member and for the entire period she suffered ill health (she passed away in November 2000). Consequently the number of clients assisted during the year is not an accurate reflection of the capacity of this programme.

Volunteers/Interns

There were no volunteers or interns this year.

VI INFORMATION PROGRAMME

This Programme continued without a staff member due to the resignation of the last Information Officer in June 1999. Due to shortage of funds, this programme was eventually combined with the Activism Programme. Consequently, all media contact was dealt with by the Activism Programme which is coordinated by The Director. It was mainly limited to the provision of press statements, interviews and provision of information about DITSHWANELO to those who requested it.

Volunteers/Interns

There were no volunteers or interns during 1999.

VII KASANE PILOT PROJECT

Main objective

The Strategic Plan 1997-2001 identified the expansion of DITSHWANELO's activities to the rural areas within the planning period. In November 1998, a Fact Finding Mission was undertaken to the rural areas in order to assess Human Rights issues specific to the Basarwa communities living outside the Central Kalahari Game Reserve (CKGR). The following areas were identified based upon previous contact made with the communities during the 1993 Second Regional Conference on Development for San Populations. The areas visited were Pandamatenga, Saikarawe, Khekhenye, Diphuduhudu and Letlakane.

Background

Following the Fact Finding Mission, It was decided that the Kasane Pilot Project be started. In January 1999, DITSHWANELO bought a porta-cabin which is located on a temporary site. The office has a second-hand four wheel drive, one computer, furniture, a small fridge and a new photocopier.

This is a summary of the work carried out by the DITSHWANELO Pilot Office during 2000. The work of the Pilot Office was mainly aimed at conducting those situational analysis activities which had not been completed during 1999. There were also pilot phase activities which had also not been implemented in 1999.

Activities undertaken

1. Consultations

A report-back workshop was held with thirty (30) participants at the Chobe Community Junior Secondary School Participants included Tribal Authorities; representatives of the Botswana Police Force; representatives from the Department of Wildlife and National Parks, the District Officer Administration, representatives from community-based organisations working on natural resources conservation, youth, and representatives from the Chobe Sub-District Council. The findings of the Situation Analysis were presented to the meeting and confirmed by the stakeholders.

2. Observation of human rights awareness

The increase in clients and reported incidents of human rights violations suggest an increase in awareness of human rights. In 1999, there were 37 cases dealt with by the office. In contrast, this year there were 177 cases reported. The categories of matters dealt with are the following:

- Domestic Violence 29
- Maintenance 25
- Property Rights/Inheritance Issues 25
- Labour and related abuse 17
- Sexual abuse 12
- Land and related resources 10
- Customers rights 8

- General enquiries 51

Successful mediation was conducted in the following areas:

- Land 2
- Labour 1
- Child Abuse 3
- Domestic Violence 3
- Consumer Rights 3

3. Activities linked to other programmes

A. Activism Programme

- a) Contact with Mr Maauwe and Mr Motswetla, the two men who had been the subject of the death penalty case in 1999. Following the decision by the Judge in October 1999, that the two men had not had a fair trial, they were moved to Francistown in February this year. They are awaiting trial after being re-charged in February 2000. DITSHWANELO continues to supply the men with toiletries and winter clothing. As they are awaiting-trial prisoners, the State does not supply them with clothing. As their families are poor and unable to supply them with clothing and toiletries, DITSHWANELO does so.
- b) Evaluation of National Elections (October 1999)
- c) Monitoring of Mr Maauwe and Mr Motswetla's case; monitoring of situation at Kumakwane, Shaikarawe, Qooshe and Pandamatenga

B. Paralegal Programme

- a) Evaluation of National Elections (October 1999)

C. Research

- a) Human Rights Education Workshop for children

D. Secretariat

- a) Contribution to conflict mediation process within a sister NGO
b) Compilation of funding proposals with other programmes

4. DITSHWANELO Materials Distribution

During 2000, the following materials were distributed at meetings, in workshops and during field trips:

a) Know Your Law Series:

- 300 copies of Land Rights
126 copies of Customary Law booklet
200 copies of Labour Law booklet
67 copies of Criminal Law booklet
250 copies of Maintenance booklet

b) Pamphlets and other materials

- 66 copies of the Children's Rights Package;
3 copies of Tsa Bana! Human Rights Modules for Secondary School Teachers;
72 copies of Ke Tsa Rona! A participative Human Rights Education
178 Photocopies of the African Charter;
400 Photocopies of the Convention on the Rights of the Child;
326 Photocopies of the Universal Declaration on Human Rights;
695 copies of the Background to DITSHWANELO pamphlets;
245 copies of the HUREP pamphlets;
178 copies of WHO HAS THE RIGHT TO KILL pamphlet;
183 Stickers of WHO HAS THE RIGHT TO KILL (English and Setswana)
423 Know Your Land Rights stickers

5. Planning and Reporting

Provided Head Office with quarterly plans, budgets and quarterly progress reports;

6. Constraints experienced

The limited financial resources during 2000 have adversely affected the ability of all programmes to implement their workplans. Outputs have been realised with major constraints which include overwork of staff and non attendance of critical issues.

Conferences/Workshops attended

1. UNDP, *National Poverty Workshop* held in Gaborone on 2 February 2000. Attended by Alice Mogwe (Secretariat) and Maureen Akena (Activism)
2. The Government of Botswana, *National Conference on HIV/AIDS* held in Gaborone in February 2000. Paper on Linking Health and Human Rights for the Advancement of the Well Being of Gays, Lesbians and Bisexuals in Botswana presented by Anneke Visser (Research). Poster Presentation entitled Shared Confidentiality – An Ethical Dilemma in Botswana (Research)
3. *Media and Human Rights* held in Gaborone in February 2000. Health and Human Rights with particular reference to HIV/AIDS presented by Ingrid Melville-Cordner and Anneke Visser (Research)
4. Institute of Development Management (IDM) held in Gaborone in February 2000. HIV/AIDS and Human Rights – Legal and Ethical Issues Arising presented by Ingrid Melville (Research)
5. Government of Botswana *Planning Workshop on Consolidation of Multi-sectoral approach to the HIV/AIDS epidemic and provision of guidelines for the National Aids Coordinating Agency (NACA)* held in Gaborone in March 2000. Attended by Anneke Visser and Ingrid Melville.
6. Skillshare Meeting held in Gaborone in May 2000. HIV/AIDS and Human Rights – Controversial Issues Arising presented by Ingrid Melville (Research)
7. Botswana Business Coalition on HIV/AIDS, *Voluntary Testing* held in Gaborone in May 2000. Attended by Anneke Visser and Ingrid Melville (Research).
8. BONASO (Botswana National Aids Service Organisation) *The Way Forward* held in Lobatse in May 2000. Attended by Anneke Visser and Ingrid Melville.
9. UNESCO Workshop, *Culture of Peace* in May 2000 held in Gaborone. Attended by Keletso Mokwena, (Secretariat)
10. XII International Conference on HIV/AIDS held in Durban, South Africa in August 2000. Linking Health and Human Rights for the Advancement of the Well Being of Gays, Lesbians and Bisexuals in Botswana and Shared Confidentiality – An Ethical Dilemma presented by Ingrid Melville (Research)

11. Botswana Housing Corporation *Workshop on HIV/AIDS* held in Gaborone in September. Legal, Ethical and Human Rights issues and HIV/AIDS presented by Ingrid Melville (Research)
12. University of Botswana/Botswana Insurance Management Fund (bifm) debate HIV Testing should be made compulsory before employment or scholarship offer held in Gaborone in August 2000. Arguments against the motion were presented by Ingrid Melville (Research)
13. Fourth International Conference on Healthcare Resource Allocation for HIV/AIDS and Other Life-threatening Illnesses held in Cairo, Egypt in October 2000. Children Living in the World of HIV/AIDS presented by Ingrid Melville (Research)
14. ADILISHA, *Strengthening human rights organisations in southern africa* held in Lusaka, Zambia in October 2000. Attended by Alice Mogwe (Secretariat)
15. *Women and the Land Lobby Conference* held in Harare, Zimbabwe. Botswana Land Tenure presented by Patricia Walker representing DITSHWANELO – The Botswana Centre for Human Rights
9. North West District Council, *Senior Managers' Strategic Planning Workshop*. Presentation made and attended by Richard Kashweeka, (Kasane)
10. District Commissioner's Office, *World AIDS Day*, December held in Chobe. Presentation made and attended by Richard Kashweeka (Kasane).
11. Awareness Raising Workshop for eighteen (18) primary school teachers. Presentation made and attended by Richard Kashweeka (Kasane)

Visitors to DITSHWANELO

During 2000, there were a number of visitors interested in learning more about the activities of DITSHWANELO. They included:

1. Ms Julie Werbel and Ms Jean Esteve discussing ideas for a seminar (South Africa)
2. Ms Lydersen, BBC World Service
3. Mr Tawana Kape, Rhodes University, South Africa
4. Ms Anne Guest, United Kingdom
5. Mr Kazunoba Ikeya, National Museum of Ethnicity, Japan
6. Ms Ipeleng Raseatlholo, RADP (Remote Area Development Programme), Molepolole, Botswana
7. Ms Ruth Ntswa, RADP (Remote Area Development Programme), Molepolole, Botswana
8. Mr Sven Olander, SIDA, Sweden
9. Mr Levi Ngoma, Botswana
10. Ms Tiny Healey, Skillshare Botswana
11. Ms Sue Mbaya, MWENGO, Zimbabwe
12. Mr Ruge Monshalo, Tanzania
13. Mr Owen Lyncit, Tanzania
14. Prof Sidsle Saugestad, University of Botswana
15. Mr Andrew Hall, Human Rights Bar Committee, UK
16. Ms Lucy Muyoyeta, OSISA, South Africa
17. Mr Ralotsia, Kanye, Botswana
18. Mr Mongabe, Mochudi, Botswana
19. Mr Tshepo Ikaneng, SABC, South Africa
20. Mr Tumi Gaboutlobole, SABC, South Africa
21. Mr Erik Wagberg, Fredmansg, Sweden
22. Mr Jan-Olf Morfeldt, Noah's Ark/Red Cross Foundation, Sweden
23. Ms Katrin Proll, University of Vienna, Austria
24. Ms Julia Franenbob, University of Vienna, Austria
25. Mr Friedarike Santner, University of Vienna, Austria
26. Mr Isaac Nthato, Botswana
27. Mr Aurelie Cortot, French Embassy, Botswana
28. Mr Orlando Pacheco, US Embassy
29. Mr Scott Hathaway, US Embassy
30. Ms Sue Armstrong, Edinburgh, Scotland
31. Ms Anna Wrangle, Swedish Ministry of Foreign Affairs
32. Ms Ann Blomberg, Swedish Embassy, France
33. Mr Joachim Pujals, Spain
34. Ms Montse Telador, Spain
35. Mr Justice James, Botswana
36. Mr Albert Byrne, Ireland

