

# Corporal punishment and the *epokolo* in the North

• DAVID CRAWFORD JONES

Standing tall against the blue skies and flat, limitless plains of northern Namibia, the Makalani palm tree has long been central to Owambo culture, as a source of food and drink, in the weaving of baskets and the fashioning of cooking sticks, as well as the construction of fences that mark the boundaries of the region's many homesteads.

But it is the curved and sturdy *epokolo*, studded with thorns and connecting the makalami's extremities with its trunk, that has played the most pivotal role in the region's political history.

## Namoloh's Case

Used as a tool of corporal punishment by kings and headmen during the colonial era, in 1973 the *epokolo* sparked a scandal after dozens of political activists, including Charles Namoloh, the current minister of safety and security, were beaten in public, prompting a legal case that generated international headlines and embarrassed the apartheid government on the world stage. That controversy would help put an end to public flogging in Namibia, although the *epokolo* and its legacy continue to cast a long shadow over the region.

Among the hundreds of pages of testimony relating to the 1973 floggings

is Namoloh's account of his own ordeal. On 8 November, he was arrested by police officers working for the Kwanyama council of headmen in Ohangwena, after the officers noticed that Namoloh had sketched the colours of the Namibian flag onto his shirt. Viewing this as a provocation, the officers brought Namoloh before the headmen, who questioned the 23-year-old about his affiliation to Swapo. After finding him guilty of being a Swapo member, the headmen ordered that Namoloh receive 24 strokes of the *epokolo*, all of which were administered in front of a sizeable crowd. "I was flogged with my trousers on. I was flogged in full view of the public and the tribal police," Namoloh said in an affidavit. "The pain was unendurable and I screamed. The policeman administering the flogging did so with long pauses between the blows."

Namoloh was one of sev-

eral dozen activists flogged in 1973, in a concerted crackdown against Swapo, which had spearheaded a voter boycott of the elections for the Owambo legislative assembly. When the apartheid government determined that it could not get convictions against Swapo members in white courts, it decided to hand them over to the traditional authorities, who had considered more leeway in punishing offenders given that the customary laws of the region were largely unwritten and frequently improvised on a case by case basis.

By publicly flogging Namoloh and his comrades, the traditional authorities hoped to shame the activists in front of their communities, thus discouraging them from engaging in further agitation. But in fact the floggings had the opposite effect. The ranks of Swapo and other anti-colonial organisations swelled in the aftermath of the beatings.

As Johannes Nangutu-

uala, beaten in Ondangwa in October 1973, explained to a newspaper reporter following his punishment, "I am not unhappy about the flogging I received. In fact, I feel very happy about it because it was a great victory for me. First the authorities booted me into jail but this did not harm my political reputation. Then I was flogged and I benefited as a result."

## No Aberration

Sure enough, following an appeal from the Anglican and Lutheran churches seeking to put a stop to the beatings, in 1975 the SA Courts ruled against the traditional authorities, specifically prohibiting them from punishing politicians. In the wake of the court ruling, the institution of public corporal punishment declined and was finally ruled unconstitutional following Namibia's independence in 1990.

Yet the *epokolo* was more than just a brief aberration in the history of northern Namibia, and its existence could not be attributed to the colonial presence alone. In their application to the court, the churches argued that flogging was a 'white innovation' brought into the region by the long-time administrator (1920-1946) of Owamboland, CHL 'Cocky' Hahn, known as 'Shongola' for his penchant for carrying, and occasionally using, a *sjambok*. But a decade before Hahn's arrival in the region, the



THE INNOCENCE OF NATURE ... Makalani palm trees.

German missionary Herman Tönjes mentioned the 'thorough beatings' given to thieves, and even after the beginning of South African colonisation, the kings and headmen of the region found in public flogging the ideal punishment for preserving their own power, frequently using the *epokolo* to punish a wide variety of offences, from cattle theft and rape to men who impregnated young women outside of marriage.

In targeting criminals in this way, the kings and headmen were often supported by ordinary members of the community, who relished the opportunity to witness the punishment of young men who had violated communal norms. In a 2009 interview, the late Andreas Shipanga recalled witnessing in the 1950s the beating of a young man who had impregnated a girl but refused to take responsibil-

ity for the child. As he said, "The one case I witnessed, that boy was stupid and arrogant. He definitely needed to be flogged. The arrogance was too much. The little girl was in tears and he was talking [nonsense]. I felt it was good that he was flogged."

Such memories have in recent years fuelled a sense of nostalgia for corporal punishment among men and women who view prisons as a poor deterrent to crime in their communities. Commented one old man living in Okanjengendi, "Prison is useless because people will just go and eat nice food. They are even eating eggs and they have shelter and everything." Agreeing with that sentiment, a man from Onepungu, born in 1950, asserted that "the *epokolo* was good. People would watch and they were afraid. But now crime is high

because there are no more *omapokolo*. If you just buy your sugar now, people will come and steal your sugar." In a country still experiencing high levels of poverty and unemployment, the *epokolo* continues to serve for some as a symbol of justice, more than 40 years after a younger generation of political activists faced its painful sting.

— Dr David Crawford Jones is an historian of modern Africa and Senior Lecturer at The Ohio State University in the USA. His work on the history of corporal punishment in northern Namibia has been published in *The Journal of African History*, and he is working on a book on the same subject. He would like to thank Rachel Hatutale for her research assistance and help collecting oral interviews throughout Namibia. He can be contacted at jones.5401@osu.edu.



WEAPONISED ... A close-up of omapokolo.



## TENDER INVITATION

TENDER NO: NSI 007/04/16-02

## TENDER NOTICE

SUPPLY AND DELIVERY OF LAPTOPS AND ACCESSORIES TO THE NAMIBIAN STANDARDS INSTITUTION (NSI)

## TENDER DOCUMENT

Available at the NSI Head Office Reception, The Forum (Old Sanlam) Building, First Floor, Suite 115, 11-17 Dr. Frans Indongo Street, Windhoek from 15<sup>th</sup> July 2016.

Tender fee: N\$200 Non-refundable.

CLOSING DATE  
2<sup>nd</sup> August 2016 at 12H00

NB: The lowest or only tender will not necessarily be the winning tender, and value for money bidding is preferred to least cost bidding.

## ENQUIRIES

Procurement:  
Hanna Ambunda  
AmbundaH@nsi.com.na

## Technical:

Ehren Mbasuva  
mbasuva@nsi.com.na

NOTE: Tender in sealed envelopes clearly marked "TENDER NO. NSI 007/04/16-02 - SUPPLY AND DELIVERY OF LAPTOPS AND ACCESSORIES" should be addressed and submitted latest by closing date and time to:

NAMIBIAN STANDARDS INSTITUTION  
The Forum (Old Sanlam) Building  
1st Floor, Suite 115,  
11-17 Dr. Frans Indongo Street  
Windhoek



## REQUEST FOR PROPOSAL

RFP NO. NSI 007/07/16-05

## TENDER NOTICE

REQUEST FOR PROPOSALS FROM ACCREDITED INSURANCE BROKERS TO ACT AS INTERMEDIARIES BETWEEN NSI AND INSURERS IN THE LOCAL MARKET

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## LÜDERITZ WATERFRONT DEVELOPMENT COMPANY (PTY) LTD

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Kitchen Equipment Contractors to submit Pre - Qualification Tender documents for the:

### Renovations and Upgrading of the Existing Old Lüderitz Power Station

Tender documents will be available as from Wednesday, 27th July 2016, 10h00, at the offices of the Lüderitz Waterfront Development Company (PTY) Ltd OR at BICON Namibia

Lüderitz Waterfront Development  
Company (PTY) Ltd  
665 Hafen Street  
Lüderitz  
Tel: +264-63-202702  
Fax: +264-63-202030

BICON Namibia  
29 General Murtala Muhammed Ave  
Windhoek  
Tel: +264-61-275160  
Fax: +264-61-224863

Documents are to be delivered by not later than 12h00 on Wednesday, 10th August 2016 to:

Lüderitz Waterfront Development  
Company (PTY) Ltd  
665 Hafen Street  
Lüderitz

BICON Namibia  
29 General Murtala Muhammed Ave  
Windhoek

Late or incomplete documents received will not be taken into consideration