



PROMOTING CULTURE FOR DEVELOPMENT

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January 20, 2005

The Special Representative of the Secretary General on
Human Rights Defenders
Office of the High Commissioner for Human Rights
United Nations
8-14 Avenue de la Paix
1211 Geneva 10
SWITZERLAND

Dear Sir/Madma,

RE: Submission of a Complaint for Violation of Human Rights: Calvin K.D. Kamanakao

The constitution of Botswana and related laws recognise only the Tswana speaking tribes at the exclusion of 37 others. As a result of this recognition, only Setswana language and culture occupy the public domain within the nation. The Tswana have group rights to land (referred to as Territories or Districts). Their chiefs are recognised and admitted to the House of Chiefs and consulted on decisions affecting their economic, political social and cultural lives. Tswana children learn in Setswana and about Tswana history and culture. All these fundamental human rights are not accorded to the unrecognised non-Tswana speaking groups such as the Wayeyi. The non-Tswana have no group rights to land, they can be moved from the land at anytime without compensation or their consent. Their children learn in Setswana language and about Setswana histories, cultures and traditions. Their chiefs are not recognised, nor consulted, nor admitted to the House of Chiefs. Due to this social and cultural discrimination, the areas occupied by the non-Tswana lack basic social services such as water, health facilities, adequate and well-equipped schools. The non-Tswana have to travel miles to access services in villages identified as belonging to the Tswana speaking groups. Thus the majority of the non-Tswana are poverty stricken, ravaged by disease, largely illiterate and jobless.

In 1999, the Wayeyi installed their Chief Shikati Calvin Kamanakao, and asked government to recognise him. They went to court to challenge Sections 77 to 79 of the Constitution which restricts members to the House of Chiefs to Tswana tribes only. They also challenged the Chieftainship Act, which defines tribe and territory to be enjoyed by the Tswana tribes only. In 2001, the court ruled that these laws were discriminatory and should be amended to afford equal status to all tribes.

Shikati Kamanakao, while was still not recognised by government he gained a lot of support across the nation. He died on May 6th, 2003 in what many people believed to

have been a pre-meditated poisoning session. Upon his death the Police have been reluctant to declare the only eyewitness as a suspect and subject her to interrogation, despite her contradictory statements, and her quick relocation from her place of residence. The investigating officer was granted leave two days after being assigned to the case. The forensic report described wrong clothes and indicated that the clothes had been washed before being examined. While the cause of death may have been a heart attack, we have reason to believe that it may have been precipitated by events which lead to liquids spilling all over his clothes, which the police were reluctant to examine as part of evidence until 7 weeks later.

In June 2004, members of the Kamanakao family and the Wayeyi organisation, the Kamanakao Association requested for the appointed of a coroner to conduct an inquest into the death of the Shikati Kamanakao and the investigation process. There has been no response since then. We believe that Calvin died in this manner due to his fight for the rights of the Wayeyi tribe. We therefore view government's reluctance to investigate as a sign of its intolerance for those who fight for human rights.

We would like to seek for assistance from your office to get the government to appoint a coroner to conduct an inquest into the death of Calvin and the investigation process that took place to establish whether or not there was negligence, and compensate if necessary.

The chief the Wayeyi installed after the death of Shikati Kamanakao has also died. Nine other branch committee leaders have died between May 2003 and January 2005. The following people also fear for their lives but they have not yet been threatened by government officials:

Baganetse Kamanakao
Fish Ozuwo
Lydia Nyati Ramahobo
Kelebogile Shomana
Leganang Mutandzi
Makhao Mafoko

Yours Sincerely,



Lydia Nyati-Ramahobo
Coordinator, Kamanakao Association

