



OVAHERERO TRADITIONAL AUTHORITY

OUHONAPARE UO MANANENO UO VAHERERO

Email Address: tjimamutja.son3@gmail.com • <http://www.ovaherero.org>

Media Release: Nama/OvaHerero Court Case in the United States of America

On 16th March 2017 the victims of German Genocide, OvaHerero and Nama of Namibia, alongside their Legal Counsel Kenneth Mccallion, appeared for a pre-trial conference before Judge Swain in an open court in Manhattan New York, United States of America. The Legal Counsel introduced the Namibian delegation led by Paramount Chief Vekuii Rukoro and the Judge welcomed the delegation warmly.

Our lawyers answered some preliminary questions that the Judge had about jurisdictional issues and they discussed that the basis for subject matter jurisdiction arose under the Alien Torts Statute (in the case of non US citizen plaintiffs, such as Paramount Chief Rukoro, Chief Fredericks and others) and that jurisdiction for US citizen plaintiffs (such as Barnabas Katuuo and the United States Association Re the OvaHerero Genocide) arose under Federal Common Law, which incorporates Customary International Law.

Judge Swain further enquired about personal jurisdiction over Germany under the Foreign Sovereign Immunities Act (FSIA) and Advocate Kenneth Mccallion allayed the concern of the Judge. He sighted two material arguments, namely 1. The violation of international law with regard to genocide by the state actor (Germany) and 2. Expropriation of property on a discriminatory basis, targeting a particular ethnic/racial group for which there has been no compensation. The further objective of the litigation is to seek and obtain a declaratory judgment that recognizes that, the exclusion of the lawful representatives of the victims of genocide in itself constitutes violation of international law as reflected by United Nations treaties and resolutions, to which the state of Germany is signatory. To this effect, a substantial number of descendants of the genocide in question now reside in the United States of America and they have become citizens of the country. They are seeking recourse to their own courts for the wrongs committed to their forbearers in violation of international law. Advocate Maccallion advised the court that the German Government was served with the necessary documents as per the court's original Summons, directed to the German Embassy in Washington.

After these preliminary interactions, Judge Swain ordered that a second complaint be issued against Germany in terms of the Hague Convention, giving Germany until 21st July 2017 for the next pre-trial conference. Should Germany again ignore the proceedings, then the victims will be entitled to approach the court and apply for default judgment against Germany.

Paramount Chief, Adv. V Rukoro, Chief V Kapuuo (Chairperson), Chief B P Tjiundje (Deputy Chairperson)

All Correspondence must be addressed to the Secretariat

The Ovaherero/Nama case against Germany emanates from latter country's extermination orders on the two communities of hitherto South West Africa in 1904 and 1905 respectively that culminated into wholesale genocide and expropriation of these communities with enslavement as the order of the day. During the same period Germany created concentration camps to which the victims were lured and killed. Some of these were beheaded and their wives forced to clean their heads or alternatively, face death and latter were buried in the same mass graves as their beheaded husbands, fathers and brothers. Through concerted research and intelligence work, Ovaherero and Nama discovered these heads in Germany and it took a struggle to get the skulls returned, while many are still hidden in some medical hospitals in Germany and continue to be subjected to the same racist explorations.

SIGNED: Bob Kandetu

Communications Officer

Ovaherero Traditional Authority

DATE: 19th March 2017