

## **PRESS STATEMENT - BOTSWANA EXECUTION UPDATE (III)**

### *SECOND POSTPONEMENT OF HEARING OF EXECUTION CASE OF MAAUWE AND MOTSWETLA TO APRIL 1999*

The hearing which had been earlier scheduled for today, 22 February 1999, was again postponed by Judge Reynolds on request from Mr Tlhabologang Maauwe and Mr Gwara Brown Motswetla who are now co-applicants with DITSHWANELO - The Botswana Centre for Human Rights. The new dates of hearing are now 28, 29 and 30 April 1999.

Maauwe and Motswetla introduced additional grounds to those which had been brought by DITSHWANELO on 15 January 1999. DITSHWANELO had succeeded in an application to stop the execution of the two men, which had been due to take place on 16 January 1999. Mr Kgafela, DITSHWANELO's attorney, had argued at a late-night appearance before Judge Reynolds on the 15 January 1999 that the 'delay in carrying out the death sentence upon the two condemned men is a cruel and degrading punishment' and also that 'death effected by hanging by the neck is a cruel and inhuman punishment'.

This second postponement was granted by Judge Reynolds in order to give the applicants more time to adequately prepare their case. The additional grounds include a challenge upon the constitutionality of capital punishment itself. Maauwe and Motswetla contend that the death penalty has the effect of being applied in an arbitrary and discriminatory way in relation to the poor and illiterate in contravention of the Constitution of Botswana. The Constitution provides protection for everyone against discriminatory laws, either in themselves or in their effect.

Maauwe and Motswetla also contend that they were accorded insufficient legal representation at their trial and appeal as to render their trial unfair in contravention of the Constitution of Botswana.

DITSHWANELO - The Botswana Centre for Human Rights is committed to the right of all people to equal and adequate representation so that any person charged with an offence is ensured a fair trial. Attorney Kgafela will be assisted in this matter by Advocate Brian Spilg (SC) and Advocate Professor David Unterhalter whose services have been retained by DITSHWANELO.

22 February 1999

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