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Swaziland: Continuing attacks on the independence of judges and lawyers

Amnesty International today condemned the Swazi government's intimidation and harassment of the Director of Public Prosecutions (DPP), Lincoln Ng'arua, as further evidence of the undermining of the rule of law in Swaziland and a breach of Swaziland's obligations as a member of the United Nations and a party to the African Charter on Human and Peoples' Rights.

Government officials ordered the DPP, at a meeting he was forced to attend late at night on 12 November, to drop the prosecution proceedings he had launched against the Attorney General or resign. The Attorney General, who is an appointee of the Head of State King Mswati III, reportedly was present at the meeting.

The DPP had instituted charges against the Attorney General after the country's Chief Justice lodged a complaint of threats and interference in judicial functions by the Attorney General in connection with High Court hearing of the case brought by Lindiwe Dlamini against agents of the King for the alleged abduction of her daughter. The Attorney General had refused to accept the summons and failed to appear in court to answer the charges against him.

"By stopping the proceedings against the Attorney General for his alleged abuse of power, the government is also indirectly renewing its attack against the judiciary," Amnesty International said. Swazi authorities have denied the judges any recourse or effective remedy to their complaint of interference with their independence.

Lincoln Ng'arua, apparently as a result of the intimidation against him, concluded that he had been placed in an intolerable position and was unable to perform his professional duties as DPP. However, the government responded to his written conditional offer to resign by denying that they had intimidated him and threatened to re-open a case against him which the police had closed for lack of evidence several years earlier.

These acts of harassment and interference with the work of the DPP by the government violate a key injunction in the United Nations 1990 guidelines on the role of prosecutors that: "*States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability*"(Clause 4).

These same guidelines also oblige prosecutors to "*give due attention to the prosecution of crimes committed by public officials, particularly corruption [and] abuse of power...*"(Clause 15).

Amnesty International believes that a State which fails to protect individuals against human rights violations or denies individuals access to a remedy against those violations commits a further violation of internationally-recognized human rights. Ultimately, the government's continuing undermining of the rule

of law effectively denies to all Swazi citizens access to justice and protection of their human rights.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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