

EXTERNAL (for general distribution)

AI Index: AFR 55/06/90

Distr: UA/SC

23 November 1990

PLEASE BRING THIS ACTION TO THE ATTENTION OF THE SECTION REFUGEE COORDINATOR
Further information on UA 468/90 (AFR 55/05/90, 16 November) - Legal concern

SWAZILAND

Sabelo DLAMINI

Dominic MNGOMEZULU

Boy MAGAGULU

Ray RUSSON

Mphandlane SHONGWE

Ray Russon and Sabelo Dlamini, who on 14 November had sought refuge in the embassy of the United States of America in Swaziland, are in the custody of the Swaziland police. At 5.45 am on 17 November 1990 the two men are reported to have been escorted out of the embassy. They had been placed under pressure to leave the embassy despite the fact that, by the time they left, the Prime Minister had confirmed publicly that he had authorized Ray Russon and Sabelo Dlamini to be arrested under 60-day detention orders. After leaving the embassy they went into hiding and apparently fled the country to neighbouring South Africa.

At 5.05 pm on 22 November 1990, armed officials of the South African Police at Oshoek border post between South Africa and Swaziland handed the two men over to four members of the Swaziland police, at least one of whom was armed, who were waiting on the other side of the border. They were put into a police van and driven off to Mbabane, and are reported to be in detention.

Amnesty International believes that, like Dominic Mngomezulu, Boy Magagulu and Mphandlane Shongwe (the three detained on 14 or 15 November 1990), Ray Russon and Sabelo Dlamini are now being held under 60-day administrative detention orders issued under the terms of the King's Decree No. 1 (1978). These detention orders enable the police to hold a person incommunicado, and the period of detention can be renewed indefinitely at the Prime Minister's discretion. Amnesty International believes that all five are prisoners of conscience and is calling for them to be released immediately and unconditionally. In addition, Amnesty International is particularly concerned that Sabelo Dlamini, who was assaulted by police on the university campus on 14 November before he fled to the United States embassy, may be at risk of further assaults or torture. One of the other defendants in the recent Swaziland treason trial was reportedly assaulted at the time of his arrest and for some time afterwards the police refused to allow him medical treatment. This serves to increase concern that all five now detained are at risk of ill-treatment or torture.

BACKGROUND INFORMATION

Amnesty International has received eye-witness accounts of the police raid on the campus of the University of Swaziland on 14 November 1990, following student protests over the expulsion of Sabelo Dlamini from the university for his involvement in the treason trial. The accounts indicate that the police deliberately used excessive force against unarmed students and that at least 87 students were subsequently admitted to hospital for treatment of injuries inflicted by the police with clubs, sjamboks (whips), sticks, and branches torn from trees on the university campus.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

TO THE SWAZILAND AUTHORITIES:

- expressing concern at reports that Ray Russon and Sabelo Dlamini, as well as Dominic Mngomezulu, Boy Magagulu and Mphandlane Shongwe, are now detained incommunicado under renewable 60-day administrative detention orders;

- seeking assurances that they are not being subjected to torture, ill-treatment or other forms of duress;
- urging that they be granted immediate access to their lawyers, relatives, and independent medical advice;
- expressing concern that they are prisoners of conscience, imprisoned on account of their non-violent political activities and calling for their immediate and unconditional release.

TO THE SOUTH AFRICAN AUTHORITIES:

- expressing concern at reports that on 22 November 1990 Ray Russon and Sabelo Dlamini were forcibly returned from South Africa to Swaziland in spite of the fact that administrative detention orders permitting their indefinite incommunicado detention had been issued by the Swaziland authorities;
- urging the South African authorities to respect international standards relating to people who seek protection from human rights violations, most essentially the principle of *non-refoulement* which, as set out in Article 33 of the 1951 Convention relating to the Status of Refugees, states:

"No contracting State shall expel or return ("*refouler*") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

This principle is recognized by the international community as a norm of general international law binding on all states, irrespective of whether they are party to the 1951 Convention itself.

- requesting assurances that in future no one in need of such protection will be expelled to any country where he or she risks being imprisoned as a prisoner of conscience, or being tortured or executed;
- urging that all who seek protection in South Africa be given a full opportunity to present their request for protection and have it examined by the appropriate authorities.

APPEALS TO:**Swaziland:**

His Majesty King Mswati III
PO Box 1
Lobamba, Swaziland
**Telegrams: HM King Mswati,
Swaziland**

The Right Hon. Obed Dlamini
Acting Prime Minister
Office of the Prime Minister
PO Box 395
Mbabane, Swaziland
**Telegrams: Acting Prime Minister
Dlamini, Mbabane, Swaziland
Faxes: + 268 43943**

Mr Zonke Khumalo
Minister of Justice
PO Box 924
Mbabane, Swaziland
**Telegrams: Justice Minister,
Mbabane, Swaziland
Telexes: 2017 COMPOL WD
Faxes: + 268 42092**

Mr Sandile Mdziniso
Commissioner of Police
c/o Office of the Prime Minister
PO Box 395
Mbabane, Swaziland
**Telegrams: Police Commissioner,
Mbabane, Swaziland
Faxes: + 268 44545**

South Africa:

Mr G Louw
Minister of Home Affairs
Department of Home Affairs
and Communication
Private Bag X741
Pretoria 0001, South Africa
**Telegrams: Home Affairs
Minister, Pretoria, S. Africa**

Mr R F Botha
Minister of Foreign Affairs
Department of Foreign Affairs
Private Bag X152
Pretoria 0001, South Africa
**Telegrams: Foreign Minister,
Pretoria, S. Africa
Telexes: 0959 350060 EXTERN TTX SA
Faxes: +27 12 323 1664**

COPIES TO:

- Attorney General, Attorney General's Chambers, PO Box 578, Mbabane, Swaziland
- The President, The Swaziland Law Society, Box No. 24, Mbabane, Swaziland
- The Times of Swaziland, PO Box 156, Lansdown House, Post Street, Mbabane, Swaziland

and to diplomatic representatives of Swaziland in your country.

PLEASE ORGANIZE SOME APPEALS FROM LAWYERS, ACADEMICS OR STUDENTS.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 January 1991.