

EXTERNAL (for general distribution)

AI Index: AFR 55/01/94
Distr: UA/SC

EXTRA 65/94

Potential Prisoners of Conscience

21 November 1994

SWAZILAND

Mphandlana Shongwe)
Thandeka Nxumalo) supporters of the
Msongelwa Lukhele) People's United
Zake Ginindza) Democratic Movement
Andreas Lukhele) of Swaziland (PUDEMO)
Wiseman Mabuza)
Joseph Silindza)

The seven people named above are currently being tried for sedition in the High Court of Swaziland. If convicted they would face long prison sentences (minimum 10 years), and if imprisoned, Amnesty International would consider them to be prisoners of conscience.

The seven were arrested on 15 October 1994 at a peaceful demonstration against the government after a workshop organized by the Institute for Democracy and Leadership (IDEAL). The placards they carried at the demonstration called for the resignation of the government because of its "undemocratic structure". As a consequence, they were charged with sedition. The seven were also charged with "breach of the public order" under the Non-Bailable Offences Act for participating in the demonstration, and were initially denied bail. However, the Prosecution later withdrew the second charge and replaced it with a charge of "organizing an unlawful demonstration" and "demonstrating" under the King's Proclamation No. 12 of 1973, and the seven then received bail on 17 November.

Their trial began on 14 November and is due to end on 25 November. While they do have access to the lawyer representing the accused, Amnesty International is concerned that the accused are being tried under legislation which denies them their rights to peaceful assembly and expression of their non-violent political views. Amnesty International is further concerned that Mphandlana Shongwe, Thandeka Nxumalo and Msongelwa Lukhele are under three-year suspended sentences imposed after a similar trial last year, when they were convicted of a public order offence in connection with their non-violent political activities. The sentences would be enforced if they are convicted at the conclusion of this trial.

BACKGROUND INFORMATION

The King's Proclamation No. 12 of 1973 suspended Swaziland's Constitution and banned all party political activity. Opposition to the ban has increased in recent years, and the government has responded with increased repression of the rights to peaceful assembly and expression. In 1994 the Non-Bailable Offences Act of 1993 was amended and now denies bail to anyone charged with one of the offences listed in the original Act, which include "breach of the public order". Also in 1994 an amendment to the Sedition and Subversive Activities Act was passed making criticising the King or the Queen Mother an offence with a penalty of E20,000 (£4,000) or 10 years' imprisonment and the forfeit to the State of publications deemed seditious. Members of the government are considered officers of the King, and are therefore included in the law's prohibitions, hence criticism of the government is "seditious". The Swaziland Law Society has called these laws draconian and has demanded their repeal.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters

either in English or in your own language:

- expressing concern that Mphandlana Shongwe, Thandeka Nxumalo, Msongelwa Lukhele, Zake Ginindza, Andreas Lukhele, Wiseman Mabuza and Joseph Silindza are being tried solely for their non-violent political activity at the demonstration on 15 October;
- noting that, if convicted and imprisoned, Amnesty International will consider them to be prisoners of conscience imprisoned solely for the non-violent exercise of their basic human rights to freedom of expression and freedom of association, and would call for their immediate, unconditional release;
- calling for the immediate repeal of all repressive legislation, including the King's Proclamation No. 12 of 1973 and the 1994 Amendment to the Sedition and Subversive Activities Act, on the grounds that they are in conflict with international human rights standards which guarantee the rights to freedom of non-violent association and expression.

APPEALS TO:

Prime Minister Prince Mbilini
Office of the Prime Minister
PO Box 395
Mbabane, Swaziland

Faxes: +268 43943

Telegrams: Prime Minister Mbilini, Mbabane, Swaziland

Salutation: Dear Prime Minister

Minister of Justice Simelane Maweni
Ministry of Justice
PO Box 924
Mbabane, Swaziland

Faxes: +268 43533

Telegrams: Justice Minister Maweni, Mbabane, Swaziland

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

- The Editor, Times of Swaziland, PO Box 156, Mbabane, Swaziland

and to diplomatic representatives of Swaziland accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.