

EXTERNAL

AI Index: AFR 55/01/97

UA 41/97 Fear for safety / Legal Concern / Prisoners of conscience

5 February 1997

SWAZILAND- Simon Noge, Secretary, Human Rights Association of Swaziland (HUMARAS) and Chair, Swaziland Democratic Alliance (SDA)

- **Jan Sithole, Secretary General of the Swaziland Federation of Trade Unions (SFTU)**
- **Jabulani Nxumalo, SFTU Deputy Secretary General**
- **Richard Nxumalo, SFTU President**
- **Themba Msibi, SFTU Vice-President**
- **and other SFTU officials and members**

Amnesty International is concerned for the safety of Simon Noge, who was detained in the early hours of 5 February 1997. The police who detained him did not have a warrant of arrest and did not give reasons for the arrest. When his lawyer challenged the legality of the arrest, the police threatened to arrest the lawyer himself. Simon Noge was taken to Manzini police headquarters. He appears to have been arrested solely on account of his work representing victims of police abuses and his leading position within the opposition SDA. This and the intimidating manner of his arrest have led to fears for his safety.

On the evening of 3 February, in the context of a trade union-led national strike which began that day, at least 23 executive and ordinary members of the Swaziland Federation of Trade Unions (SFTU) were allegedly severely assaulted by police and military officers when they were leaving a trade union meeting at a sports ground. The trade unionists were taken into custody and interrogated at Manzini Regional Police Headquarters for about five hours and released uncharged in the early hours of 4 February. Amnesty International is concerned for the safety of SFTU officials and other trade union activists in the light of this incident, and an announcement by the Prime Minister that he had ordered the police to "shoot to kill" to maintain law and order during the strike.

On the evening of 31 January, Jan Sithole, Jabulani Nxumalo, Richard Nxumalo and Themba Msibi, all senior SFTU officials, were arrested and held in police custody before being brought to court on 3 February and charged with contravening Section 12 of the Public Order Act (1963). They were remanded in custody at Matsapha Central Prison, and are due to appear in court again on 10 February. Their lawyer and others have been given access to the detainees and Amnesty International has not received any reports that the men have been ill-treated in custody.

The four men's legal representative could not apply to the court for bail as, on 31 January, the Minister of Justice announced that the offence with which they have since been charged falls within the scope of the Non-Bailable Offences Act. The police alleged that the four men had intimidated bus owners not to operate their businesses as of 3 February. However, according to press reports on 5 February, the Road Transport Association publicly repudiated the police claims and stated that at no time were they intimidated by the trade unions.

Amnesty International is concerned that the four men have been charged with a spurious offence which has been made non-bailable solely for the purpose of preventing them from continuing their trade union activities including participating in the organizing of the current national "stayaway". At least three of the four were arrested several times in 1996 and charged with various offences but were never brought to trial.

Amnesty International believes that Simon Noge and the four trade union leaders are prisoners of conscience and is calling for their immediate and unconditional release.

BACKGROUND INFORMATION

On 3 February 1997 a national three-day strike began, initiated by trade unions to put pressure on the authorities to accede to a series of political and socio-economic demands. The strike has occurred a year after a very widespread week-long strike in 1996 over similar demands. Subsequent to that earlier strike, King Mswati III initiated a constitutional reform process, apparently to respond to the widespread call for the lifting of the state of emergency in place since 1973 and denial of freedom of political association and assembly. However by the end of 1996 no substantial progress had been made in the area of constitutional reform and all political activity remains banned.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English or your own language:

- expressing concern for the safety of Simon Noge, Secretary of the Human Rights Association of Swaziland and Chair of the Swaziland Democratic Alliance, who was arrested without warrant or charge on 5 February, and seeking assurances that he will not be ill-treated while in custody;
- expressing concern that he appears to have been detained solely for his non-violent political and human rights activities and urging that if this is the case he should be immediately and unconditionally released;
- expressing concern that police and military officers allegedly assaulted 23 or more trade unionists as they left a meeting on 3 February, and held them illegally for interrogation for several hours;
- expressing concern that Jan Sithole, Richard Nxumalo, Jabulani Nxumalo and Themba Msibi, all senior officials of the Swaziland Federation of Trade Unions, are being held at Matsapha Prison after being charged with a non-bailable offence, apparently for the sole purpose of preventing them from conducting their trade union activities, and calling for their immediate and unconditional release;
- urging the government to ensure that the policing of the national strike is conducted within the limits of international standards regarding the use of minimum force.

APPEALS TO:

His Majesty King Mswati III
King of Swaziland
PO Box
Lobamba, SWAZILAND

Fax: + 268 84468

Telegrams: H.M. King Mswati, Lobamba, Swaziland

Salutation: Your Majesty

Dr B S Dlamini
Prime Minister of Swaziland
Prime Minister's Office
P O Box 395
Mbabane, SWAZILAND

Fax: + 268 43943

Telegrams: Prime Minister Dlamini, Mbabane, Swaziland

Salutation: Dear Prime Minister

COPIES TO:

- Human Rights Association of Swaziland, PO Box 1546, Mbabane, Swaziland
- Swaziland Federation of Trade Unions, Headquarters, PO Box 1158, Manzini, Swaziland
- The Editor, *Times of Swaziland*, PO Box 156, Mbabane, Swaziland

and to diplomatic representatives of Swaziland accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 March 1997.