

EXTERNAL (for general distribution)

AI Index: AFR 55/02/90

Distr: UA/SC

31 October 1990

To UA Coordinators: PLEASE ORGANIZE SOME APPEALS TO ARRIVE BY 2 NOVEMBER

Further information on UA 308/90 (AFR 55/01/90, 24 July 1990) - Legal Concern

SWAZILAND: Kuseni DLAMINI
 Professor DLAMINI
 Sabelo DLAMINI
 Mandla HLATSHWAYO
 Boy MAGAGULU (was not brought to trial)
 Mario MASUKU
 Zodwa MKHONTA (f)
 Dominic MNGOMEZULU
 Ray RUSSON
 Mphandlane SHONGWE

=====

On 25 October 1990 the trial in the High Court of Swaziland of those named above concluded with the conviction of six of the 10 named above: Dominic Mngomezulu, Ray Russon, Sabelo Dlamini, Mphandlane Shongwe, Kuseni Dlamini and Mario Masuku. They were convicted of contravening the King's Decree No. 12 (1973), which prohibits people from organizing or attending any meetings of a political nature. Dominic Mngomezulu and Ray Russon were sentenced to 12 months' imprisonment and the others to six months' imprisonment. Sabelo Dlamini, Mphandlane Shongwe, Kuseni Dlamini and Mario Masuku have already been released, as they were held to have already served two-thirds of their six month sentences in pre-trial custody and were granted a one-third remission on their sentence for good behaviour. On the same basis, Dominic Mngomezulu and Ray Russon may be released on 10 February 1991. Their appeal against conviction and sentence will not be heard until March 1991. Consequently they have applied to court for bail pending the outcome of the appeal proceedings. The bail application will be heard on 2 November 1990. Amnesty International regards Dominic Mngomezulu and Ray Russon as prisoners of conscience, imprisoned solely for the non-violent expression of their political views.

The trial of the accused for treason, sedition and other lesser offences finally began in the High Court on 1 October 1990. Just before 24 September 1990, when the trial was originally due to begin, the prosecution served a new indictment on the accused, including new charges and adding a twelfth accused, Dumisile Shabangu. When the proceedings finally began on 1 October, Boy Magagulu and Dumisile Shabangu were not brought to trial with the other 10 accused. They are still out on bail and may be brought to trial later. On 4 October Zodwa Mkhonta, Mandla Hlatshwayo and Maxwell Lukhele were acquitted on all counts at the conclusion of the prosecution case. The trial resumed on 15 October and concluded on 19 October with arguments from the prosecution and defence legal counsel. During the two weeks of proceedings a number of prosecution witnesses alleged to the court that they had been coerced by the police into making statements against the accused.

On 25 October 1990 the judge acquitted six of the remaining seven accused on the main counts of treason and sedition, but found them guilty of contravening

the King's Decree No. 12 (1973). The judge acquitted Professor Dlamini on all counts. The conviction of the six men in the High Court is apparently the first occasion since the imposition of Decree No. 12 in 1973 when people have been found guilty of attending meetings for political purposes.

An Amnesty International observer attended part of the proceedings. The trial and the presence of an Amnesty International observer attracted considerable press attention in Swaziland.

RECOMMENDED ACTION: Telexes/telegrams/express and airmail letters:

- welcoming the acquittal of Zodwa Mkhonta, Maxwell Lukhele, Mandla Hlatshwayo and Professor Dlamini;

- welcoming the release of Sabelo Dlamini, Mphandlane Shongwe, Kuseni Dlamini and Mario Masuku, convicted and sentenced to imprisonment solely for the non-violent expression of their political views;

- appealing for the immediate and unconditional release of Dominic Mngomezulu and Ray Russon, whom Amnesty International regards as prisoners of conscience, serving prison sentences solely for the non-violent expression of their political views.

- expressing concern that the King's Decree No. 12 (1973) expressly provides for the imprisonment of people who have attended meetings of a political nature without advocating violence, thereby exercising one of their fundamental human rights; and urging the repeal of this and all laws which provide for the imprisonment of people solely for the non-violent expression of their fundamental human rights.

APPEALS TO:

The Right Hon. Obed Dlamini
Acting Prime Minister
Office of the Prime Minister
P O Box 395
Mbabane, Swaziland

Telegrams: Prime Minister, Mbabane, Swaziland

Mr R Dhladhla
Minister of Justice
P O Box 924
Mbabane, Swaziland

Telegrams: Justice Minister Dhladhla, Mbabane, Swaziland
Telexes: 2017 COMPOL WD

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 St, Mbabane, Swaziland

and to diplomatic representatives of Swaziland in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat of your section office if sending appeals after 12 December 1990.