

EXTERNAL (for general distribution)

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Further information on EXTRA 65/94 (AFR 55/01/94, 21 November 1994) - Potential Prisoners of Conscience

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         )

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The trial in the High Court of Swaziland of the seven people named above concluded on 24 November 1994. All were found guilty of having participated in a demonstration (on 15 October 1994) without proper police permission, and thus of having been in breach of Decrees 12 and 13 of the King's Proclamation No. 12 of 1973. However they were all acquitted of the second charge which they faced, a charge of sedition under the Sedition and Subversive Activities Act. The judge sentenced them to seven days' imprisonment, backdated to include their period of pre-trial detention. Thus all seven walked free at the end of the trial. They have lodged an appeal against their conviction, which is likely to be heard during the March-April 1995 session of the Court of Appeals at the earliest.

Two of the people convicted on 24 November, Mphandlana Shongwe and Msongelwa Lukhele, were already under sentences suspended for three years, imposed after a similar trial last year. (Thendeka Nxumalo was erroneously included in this group in our previous Urgent Action and was not in fact under a suspended sentence.) Mphandlana Shongwe and Msongelwa Lukhele were re-arrested during the week of 28 November after the Director of Public Prosecutions applied for their suspended sentences to be revived. A preliminary hearing took place in the Lobamba magistrate's court on 30 November. They were released on bail pending a further hearing on 14 December. If the magistrate rules then that their suspended sentences of two months' imprisonment should be reimposed, that ruling would take effect immediately.

No further action on these cases is requested at present. However, if Mphandlana Shongwe and Msongelwa Lukhele are imprisoned following the 14 December hearing, we will inform Urgent Action participants again and request appropriate actions. Thank you to all who sent appeals on behalf of these seven potential prisoners of conscience.