

15 January 1999

Further information on UA 79/98 (AFR 15/01/98, 11 March 1998) - Fear of imminent execution / Death penalty**BOTSWANA Tlhabologang Mauwe, aged 30
 Gwara Brown Motswetla, aged 28**

Tlhabologang Mauwe and Gwara Brown Motswetla are reportedly due to hang on 16 January 1999 after President Festus Mogae refused to commute their death sentences earlier this month and stated that he intended to sign their death warrants.

Tlhabologang Mauwe and Gwara Brown Motswetla were found guilty in May 1997 of murdering a man who had caught them stealing his cattle. Both were given the death penalty and this was upheld at appeal a couple of months later.

Gwara Brown Motswetla's attorney, Mr Mandi Baera, reportedly recently told the South African Press Agency that the executions should not go ahead because the convictions were based on circumstantial evidence alone. The planned hangings have also been condemned by church leaders in Botswana. Both men are believed to be married with children.

Deputy Attorney General Tafa, who confirmed the men's death sentences at their appeal hearing, said to a local newspaper last year: "I know it's fashionable that the death penalty be abolished but our view, and that is the view of the government of Botswana, is that if one takes another's life, then his life should also be taken,". He also commented on the "avalanche" of letters that had arrived on behalf of the two men after the initial Urgent Action was issued.

In 1995, during a meeting with Amnesty International's Secretary General Pierre Sané, the then Vice-President Festus Mogae said that the bible sanctioned the death penalty for murder. He also insisted that executions helped to keep Botswana's rising crime levels down.

The first executions in Botswana for many years were carried out in August 1995, when five prisoners were hanged. One prisoner was executed last year and two more men, Kabelo Mmesetse and Tshagofatso Tsietso Moloi, were sentenced to death, bringing the number of those currently on death row to four.

RECOMMENDED ACTION: Please send telegrams/faxes in English or your own language to Botswana President Mogae:

- appealing to President Festus Mogae to grant clemency to Tlhabologang Mauwe and Gwara Brown Motswetla and to commute the death sentences of Kabelo Mmesetse and Tshagofatso Tsietso Moloi, who are also facing execution if their appeals are turned down;
- expressing concern at reports that circumstantial evidence may have been used to convict Tlhabologang Mauwe and Gwara Brown Motswetla and stressing that any doubt about the justice of their convictions should merit a stay of execution until an urgent review is conducted;
- stressing opposition to the use of the death penalty in all cases, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

APPEALS TO:

His Excellency Festus Mogae

President of Botswana

Office of the President

Private Bag 001, Gaborone, Botswana

Telegrams: President, Gaborone, Botswana

Fax: + 267 350 858 / 356 866

Salutation: Dear President

COPIES TO:

Hon. Lt. Gen. Mompote Merafhe

Minister of Foreign Affairs

Ministry of Foreign Affairs

Private Bag 001, Gaborone, Botswana

Fax: + 267 313 366

The Editor, Mmegi - The Reporter, Private Bag BR50, Gaborone, Botswana

Ditshwanelo - The Botswana Centre for Human Rights, Private Bag 00416, Gaborone, Botswana

Each participating section please send NOT MORE THAN FIVE telegrams/faxes in English or your own language to the following presidents, who have publicly stated their opposition to the death penalty:

- asking the president to intercede on behalf of Tlhabologang Mauwe and Gwara Brown Motswetla who are scheduled to be executed in Botswana on 16 January 1999 by sending an immediate message to President Mogae urging him to grant them clemency.

President Bakili Muluzi

Office of the President

Private Bag 301, Lilongwe 3, Malawi

Telegrams: President, Lilongwe, Malawi

Faxes: + 265 782 095 33

Salutation: Dear President Muluzi

President Sam Nujoma

State House, Private Bag 13339

Windhoek, Namibia

Telegrams: President, Windhoek, Namibia

Faxes: + 264 61 221 770

Salutation: Dear President

President Nelson R Mandela,

Office of the President

Private Bag X1000, Pretoria 0001, South Africa

Telegrams: President, Pretoria, South Africa

Faxes: + 27 12 323 8246

Salutation: Dear President

Sua Excelência Joaquim Alberto Chissano

Presidente da República

Gabinete do Presidente da República

Avenida Julius Nyerere 1780, Maputo, República de Moçambique

Telegrams: President, Maputo, Moçambique

Faxes: (c/o Foreign Ministry) + 2581 491460

Salutation: Excelência / Your Excellency

and to diplomatic representatives of Botswana accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY