

UA 468/90

Legal Concern

16 November 1990

SWAZILAND : Sabelo DLAMINI
 Boy MAGAGULU
 Dominic MNGOMEZULU
 Ray RUSSON
 Mphandlane SHONGWE

Three of the five people named above have been arrested and placed in administrative detention, apparently on account of their non-violent political activities. Dominic Mngomezulu, Boy Magagulu and Mphandlane Shongwe were reportedly taken into police custody on 14 or 15 November 1990, and the police have apparently confirmed that they have been detained under the terms of the King's Decree No. 1 (1978) which authorizes the Prime Minister to order a person to be detained for 60 days, subject to whatever conditions he imposes. The period of detention can be renewed repeatedly at the Prime Minister's discretion.

Amnesty International has been able to confirm reports that Ray Russon and Sabelo Dlamini, fearing arrest, have requested "temporary sanctuary" at the embassy of the United States of America in Swaziland. They are currently at the embassy, which has requested the men to leave voluntarily. Amnesty International has been able to confirm that the authorities have ordered the detention of Ray Russon, and is concerned that a similar order might be issued for Sabelo Dlamini.

On 25 October 1990 four of the five, together with two other people, were convicted of contravening the King's Decree No. 12 (1973), which prohibits people from organizing or attending any meetings of a political nature. The convictions came at the conclusion of a major trial involving 10 people charged with treason and other offences: they were accused of forming a political party, the People's United Democratic Movement (PUDEMO), with the purpose of overthrowing the government (see UA 308/90, AFR 55/01/90, 24 July, and follow-ups AFR 55/03/90, 31 October and AFR 55/04/90, 6 November). Four of the accused were acquitted on all counts. Sabelo Dlamini, Mphandlane Shongwe, Kuseni Dlamini and Mario Masuku were sentenced to six months' imprisonment but were released immediately as they had already spent four months in prison and the court granted them one-third remission on their sentence for good conduct. Dominic Mngomezulu and Ray Russon were sentenced to 12 months' imprisonment and on 2 November 1990 were granted bail and released from custody pending a hearing on their appeal against conviction and sentence. As a result of their convictions in this trial, Mario Masuku was dismissed from his job at Barclays Bank, Mphandlane Shongwe was expelled from William Pitcher College, and Sabelo Dlamini was expelled from the university after disciplinary proceedings by the university authorities.

Boy Magagulu was previously detained and later charged with the other 10 accused in the PUDEMO trial (see UA 308/90, AFR 55/01/90, 24 July 1990). On 5 September 1990 Boy Magagulu was taken to court where charges against him were withdrawn. He was then taken under police custody to the office of the Director of Public Prosecutions (DPP) and interrogated by the prosecution legal team and pressured to become a prosecution witness in the PUDEMO trial. He refused to cooperate with them. He was subject to further harassment during the following week and on 13 September 1990 he was rearrested and served with a new indictment on the following day. On 24 September 1990 the High Court refused a prosecution request to bring Boy Magagulu and one other person to trial with the other 10. Boy Magagulu was released on bail and is still awaiting the decision of the prosecution regarding their intention to bring him to trial.

The arrests this week have occurred in the wake of the PUDEMO trial and protests at the University of Swaziland campus over the expulsion of Sabelo Dlamini from the university for his involvement in the trial. According to press reports, on 14 November 1990 the police and paramilitary troops ordered a crowd of students, who had occupied a university building, to disperse within 30 minutes. Apparently a large number of students did leave. The security forces then forcibly removed the remaining students and a number of them were injured. There are unconfirmed reports that at least one student may have died as a result of the severe beatings by the security forces. Sabelo Dlamini was reportedly injured in this confrontation.

Amnesty International is concerned that Dominic Mngomezulu, Boy Magagulu and Mphandlane Shongwe are detained incommunicado under 60-day administrative detention orders and that they are at risk of ill-treatment and torture. Amnesty International regards them as prisoners of conscience and is calling on the authorities to release them immediately and unconditionally. Amnesty International believes that, if they are arrested, Ray Russon and Sabelo Dlamini will also be prisoners of conscience imprisoned solely for the non-violent expression of their political views.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at reports that Dominic Mngomezulu, Boy Magagulu and Mphandlane Shongwe have been detained incommunicado under renewable 60-day administrative detention orders;
- seeking assurances that they are not being subjected to torture, ill-treatment or other forms of duress;
- urging that they be granted immediate access to their lawyers, relatives, and independent medical advice;
- expressing concern that they are prisoners of conscience, imprisoned on account of their political activities without using or advocating violence, and calling for their immediate and unconditional release;
- expressing concern also that Ray Russon and Sabelo Dlamini have been forced to seek refuge in the embassy of the United States of America, and urging the authorities to state publicly that they may leave the embassy safely, without fear of rearrest and incommunicado detention.

APPEALS TO:

His Majesty King Mswati III
PO Box 1
Lobamba
Swaziland

Telegrams: HM King Mswati, Swaziland

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

Telegrams: Prime Minister,
Mbabane, Swaziland

Mr R Dhladhla
Minister of Justice
PO Box 924
Mbabane, Swaziland

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

Mr Sandile Mdziniso
Commissioner of Police
c/o Office of the Prime Minister
PO Box 395
Mbabane, Swaziland

Telegrams: Police Commissioner,
Mbabane, Swaziland

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 Street, Mbabane, Swaziland

and to diplomatic representatives of Swaziland in your country.

Please organize some appeals from lawyers, academics or students.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 December 1990.