

PUBLIC

AI Index: AFR 15/03/99

20 January 1999

Further information on UA 79/98 (AFR 15/01/98, 11 March 1998) and follow-up (AFR 15/02/99, 15 January 1999) - Fear of imminent execution / Death penalty

**BOTSWANA**                      **Tlhabologang Mauwe, aged 30**  
**Gwara Brown Motswetla, aged 28**

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Tlhabologang Mauwe and Gwara Brown Motswetla were granted a stay of execution late on 15 January 1999 by a High Court judge.

The stay was granted after a human rights lawyer from the Botswana Centre for Human Rights (DITSHWANELO), filed an application for an injunction against the executions. The lawyer, Mr Kgafela Kgafela, argued that execution by hanging violated the constitutional right of Botswanan citizens not to be subjected to cruel, inhuman or degrading punishment, and that the long period spent on death row by both men (since their convictions) constituted cruel and inhuman punishment.

Mr Justice Reynolds granted a stay of execution until 22 January when lawyers representing both sides will return to court to present their arguments on whether the death penalty violates Botswana's constitution. A decision is expected the same day.

Tlhabologang Mauwe and Gwara Brown Motswetla were found guilty in 1997 of murder and sentenced to death.

Many thanks to all who sent appeals on behalf of the two men. No further appeals are required at this stage but participants may be asked to take further action depending on the court's decision on 22 January.

**Those sections who sent appeals to the presidents below: please send a telegram/fax in English or your own language:**

- informing the presidents that Tlhabologang Maauwe and Gwara Brown Motswetla were granted a last-minute stay of execution on 15 January 1999 pending a high court decision, due on 22 January, on whether the death penalty violates a person's constitutional right not to be subjected to cruel or inhuman punishment;
- welcoming the High Court's decision and expressing thanks to the president for any intervention he may have made on behalf of the condemned prisoners.

**APPEALS TO:**

President Bakili Muluzi  
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Telegrams: President, Lilongwe, Malawi  
Faxes:            + 265 782 095 33  
Salutation: Dear President Muluzi

President Sam Nujoma  
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Telegrams: President, Windhoek, Namibia  
Faxes: + 264 61 221 770  
Salutation: Dear President

President Nelson R Mandela,  
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Salutation: Dear President

Sua Excelência Joaquim Alberto Chissano  
Presidente da República  
Gabinete do Presidente da República  
Avenida Julius Nyerere 1780, Maputo, República de Moçambique  
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