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Swaziland: Grave concern at attack against High Court judges seeking to protect the rights of women

Amnesty International is gravely concerned by the recent attempt by agents of Swaziland Head of State King Mswati III to undermine the independence of the judiciary.

The King's agents ordered the Chief Justice and two other High Court judges to drop the case brought by Ms Lindiwe Dlamini is seeking the return of her daughter, Zena Mahlangu, who was taken away by agents of the King Mswati III on 9 October. Neither the mother nor her legal advisers have been allowed access to Zena Mahlangu. Two lawyers appointed by the court to interview her have been repeatedly blocked by officials of the Royal Palace from having access to her.

Amnesty International condemns this blatant threat against the integrity and independence of the judiciary. Over the last two years government officials have frequently attempted to reverse or circumvent court rulings. In a number of cases, the police have blatantly flouted the orders of the court without any consequences for them.

On 1 November the judges were officially informed in writing by the Attorney General that if they continued hearing the case they must resign immediately after issuing their judgment. If they failed to do so arrangements would be made for their removal from office.

This written order came two days after the chiefs of staff of the army, the police and correctional services and the Attorney-General met privately with the three judges to convey a message from the Royal Palace that the judges must stop hearing the case or resign. The judges however continued to hear the case as scheduled on 31 October. In open court the Chief Justice stated that they intended to continue presiding over the case despite the threat which had been issued against them on the previous day. He postponed the case until 5 November.

This case must be allowed to continue without pressure or interference of any kind from the Executive. Under international and regional human rights standards the applicant, Ms Lindiwe Dlamini, is fully entitled to have access to her daughter who has been held effectively incommunicado since she was secretly removed from her mother's custody for the purpose of making her the tenth wife of the King.

"By their actions the King and his agents have violated the internationally recognized human rights of women and girls, including their right not to be arbitrarily detained and the right not to be subjected to forced marriage," Amnesty International said.

These violations are a consequence of the long standing pattern of discrimination and subordination of women in Swaziland. The practice of forced marriage and the denial of legal equality

to women constitute a form of violence against them. In a country where one-third of the population is HIV positive, sexual violence also constitutes a threat to life.

The government of Swaziland, as a member of the United Nations and a party to the African Charter on Human and Peoples' Rights, must demonstrate a commitment to respect the cardinal values embodied in the international and regional human rights treaties. Its continuing interference with the independent operation of the judiciary poses a threat to the human rights of all Swazi citizens.

Public Document

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