

UA 113/21

AI Index: AFR 55/4971/2021 10 November 2021

ESWATINI TWO MEMBERS OF PARLIAMENT DETAINED

On 25 July 2021, Members of Eswatini Parliament Mduduzi Bacede Mabuza and Mthandeni Dube were detained amid a wave of pro-democracy protests and charged under the Suppression of Terrorism Act as well as other trumped-up charges. They have been in arbitrary detention at Mbabane police station ever since. Amnesty International calls on Eswatini authorities to release the two MPs and drop all charges against them.

The two MPs' arrests came amid a wave of protests sparked in June 2021 calling for political reform following the mysterious death of 25-year-old law student, Thabani Nkomonye, who allegedly died at the hands of the police in early May 2021. Since their arrest in July, peaceful protests and demonstrations have emerged nationwide calling for their release and an end to the use of excessive force against peaceful protestors. Following a High Court Judge's refusal to grant MP Mduduzi Bacede Mabuza and MP Mthandeni Dube bail on 14 September, there has been an even further escalation resulting in arbitrary arrests of peaceful protestors, loss of life, allegations of torture and other ill treatment.

Not only are certain provisions in the Suppression of Terrorism Act of 2008 threatening to human rights and inherently repressive – they also breach Eswatini's obligations under international and regional human rights law and the Constitution of Eswatini. This is directly in violation of the rights of freedom of expression, association and peaceful assembly. Activism, be it political or otherwise, should be possible in Eswatini without fear of reprisal. Despite political differences, respect for human rights law should be adhered to.

Write to the Prime Minister urging him to:

- immediately release MP Mduduzi Bacede Mabuza and MP Mthandeni Dube, and all others arbitrarily detained for exercising their rights to freedom of expression and peaceful assembly, and drop all charges against them
- repeal or amend repressive laws such as the Suppression of Terrorism Act, the Sedition and Subversive Activities Act and the Public Order Act.

Write to:

Prime Minister
H.E Cleopas Dlamini
Government of the Kingdom of Eswatini
P.O Box A33
Swazi Plaza H101

Mbabane; The Kingdom of Eswatini

Fax: 011 268 2404 4073

Email: csdlamini@gmail.com

And Copy :

The Embassy of the Kingdom of Eswatini

1712 New Hampshire Avenue, NW

Washington, D.C., District of Columbia, 20009, United States of America

Phone 1-202-234-5002

Fax 1-202-234-8254

Email: embassy@swaziland-usa.com

Additional Information

The two MPs stand accused of contravening: section 5(1) of the 2008 Suppression of Terrorism Act; section 4(b) of the Sedition and Subversive Activities Act of 1938; trumped-up murder charges; and regulation 4 of the Disaster management regulations under the Disaster Management Act 01/2006.

Since their arrest in July, peaceful protests and demonstrations by a range of stakeholders have emerged nationwide calling for their unconditional release. On 1 October, the largest demonstration took place where over 10,000 EmaSwati marched to the US Embassy to deliver a petition appealing to the US for support in advocating for the MPs' release and questioning the independence of the judiciary in affording the MPs a fair trial. According to witness reports, protestors were violently dispersed by the authorities, with security agents using live ammunition, rubber bullets and tear gas. The army was also deployed with soldiers seen setting up roadblocks to stop people from joining the protests. A protestor was left in critical condition in hospital after being shot in the head by Eswatini security forces.

Throughout October 2021, pro-democracy protests and anti-police violence marches continued across the country. Nhlanhla Kunene, was allegedly killed by security forces in Siteki on 8 October. This again sparked another wave of nationwide protests calling for the end to police brutality, and the release of peaceful protesters, including the two MPs'.

More than 1000 people have been arrested since the protests broke out in June, including children in primary and secondary school, who have since joined the movement calling for political reforms. In some instances, security forces have also assaulted school children who participated in the protests. As protests continue to intensify, the authorities have deployed security forces to crush dissent, closed schools indefinitely and instructed mobile telephone network companies to shut down the internet and social media platforms.

Political activism has been suppressed for years in the Kingdom of Eswatini, where King Mswati III rules as Africa's last absolute monarch. Eswatini has a history of journalists, human rights defenders and political activists being jailed under repressive laws, including the 1938 Sedition and Subversive Activities Act (SSA Act) and the 2008 Suppression of Terrorism Act (STA), simply for speaking out against the repression of dissent.