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First UA: 90/25 Index: AFR 55/0294/2025 Eswatini of September 19, 2025

ESWATINI FIVE DEPORTED MEN STILL DENIED LAWYERS

On July 16, five men were deported from the United States to Eswatini as part of a mass deportation campaign. They are Roberto Mosquera Del Peral, Kassim Saleh Wasil, Dung Tien Nguyen, Phone Chomsavanh, and Orville Etoria. These men are reportedly being held at the Matsapha Correctional Complex in Eswatini.

Lawyers have repeatedly tried to meet their clients in person, in private, and without monitoring. Authorities blocked these attempts. Later, officials suggested only monitored or video calls, which fall short of international standards.

Eswatini authorities must officially confirm the men's whereabouts, grant them immediate and confidential access to their lawyers, and provide clear legal grounds for their detention.

Write to the Minister of Justice & Constitutional Affairs in Eswatini urging the government to:

- Clarify in writing the legal basis for any detention and promptly bring the men before a competent court or release them if no lawful basis exists.
- Guarantee consistent, confidential, in-person access to their lawyer and schedule the first visit without delay.
- Ensure lawyer-client meetings take place without audio or video monitoring and without staff present.
- Respect the principle of non-refoulement by not removing the men to any country where they would face a real risk of human rights violations.

Write to:

Minister of Justice & Constitutional Affairs
Honourable HRH Prince Simelane
Ministry of Justice Building, 5th Floor,
Mhlambanyatsi/Usuthu Link Rd, Mbabane
P.O. Box 924, Mbabane, Eswatini
Emails: simelanedlamini4@gmail.com/ dlaminidorcasn@gmail.com

Salutation: Your Excellency,

And copy:

His Excellency Kennedy Fitzgerald Groening
High Commissioner
Embassy of the Kingdom of Eswatini
1712 New Hampshire Avenue, NW
Washington, D.C., DC 20009 United States of America
Tel: (202) 234-5002 Fax: (202) 234-8254
Email: embassy@swaziland-usa.com

ADDITIONAL INFORMATION

Roberto Mosquera Del Peral from Cuba, Kassim Saleh Wasil from Yemen, Dung Tien Nguyen from Vietnam, Phone Chomsavanh from Laos, and Orville Etoria from Jamaica were deported earlier this year from the United States to Eswatini. Their deportation took place under a mass campaign advanced by the U.S. President that targets millions of immigrants and people seeking safety. While governments have the right to regulate immigration, the U.S. remains bound by international law to ensure its policies do not cause or increase the risk of human rights violations.

Despite repeated efforts by their lawyers, authorities have blocked access to the five men. On July 25, counsel was denied entry and told visits would only be allowed once communication devices were installed and a “pre-approved list” created through relatives. Scheduled consultations on August 5 did not take place, and on August 12, officials again refused access, claiming the men themselves had declined to meet. Later that day, family calls confirmed the men had never been told counsel was present. They have had no visits from anyone, including consular representatives or lawyers, and have not been told how long they will be detained. Local lawyers filed an urgent habeas corpus application to bring the men before the High Court or allow confidential access, with the matter set for hearing on August 1, 2025.

Eswatini’s Constitution guarantees due process and access to counsel. Section 21 protects the right to a fair hearing and legal representation, while Section 16(6) requires reasonable and confidential access to one’s lawyer. Section 190 also requires correctional administration to follow lawful authority. The denial of these rights mirrors a similar case in South Sudan, where two U.S. deportees of Cuban and Myanmar origin were held in secrecy and denied unmonitored legal access after deportation. Amnesty International is also campaigning for their release, highlighting a concerning pattern across the region tied to the U.S. deportation campaign.

Please take action as soon as possible until March 31, 2026. The UA will be duly updated should there be the need for further action.