

URGENT ACTION

MPS' FLAWED CONVICTION MUST BE QUASHED

On 1 June, Members of Parliament, Mthandeni Dube and Mduduzi Bacede Mabuza – who have been held for almost two years in arbitrary detention - were found guilty of terrorism, sedition and murder. The two were arrested on 25 July 2021 and are facing over 20 years in jail for representing their constituencies and calling for political and human rights reforms in the country. While in detention, they have been beaten and denied access to their lawyer and medical care. Amnesty International urges the Eswatini authorities to quash their flawed conviction and immediately and unconditionally release the 2 MPs.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prime Minister

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Dear His Excellency,

I am deeply concerned about the arbitrary detention and flawed conviction of two Members of Parliament (MPs), **Mduduzi Bacede Mabuza** and **Mthandeni Dube**.

On 1 June, the two men were found guilty of contravening section 5(1) of the Suppression of Terrorism Act (STA) of 2008, section 4(b) of the Sedition and subversive activities act (SSA) of 1938 and trumped-up murder charges for the killing of two men on 29 June 2021; the two MPs were nowhere near the scene of the car accident that claimed the lives of the two victims. A date for their sentencing hearing as yet to be set. The 2 MPs plan to appeal the conviction. However, their lawyer's submission of the matter to be included in the Supreme court of Eswatini roll has been ignored. Their lawyers and fellow activists believe that their conviction and prolonged detention is part of the government's ploy to exclude the MPs from the ballot paper in the upcoming parliamentary elections, due to take place in September 2023.

In June 2021, the MPs joined protests calling for political reform, following the death of a student who allegedly died at the hands of the police in early May 2021. The 2 MPs' arrest on 25 July 2021 came after they made speeches advocating for the elections of the Prime Minister of Eswatini instead of one being appointed by the King. In September 2022, the two men were brutally attacked in their prison cell by members of a prison unit that was responsible for transporting them to and from court. There has been no investigation into this attack and no accountability from His Majesty's Correctional Services.

The Constitution of Eswatini and human rights treaties such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights to which Eswatini is a state party, guarantee the rights to freedom of expression, association and peaceful assembly. However, Eswatini continues to use the SSA and STA to silence dissenting voices such as the two MPs. I am concerned that the SSA and STA continue to be used regardless of the Eswatini High Court ruling in 2016, declaring several provisions in them to be unconstitutional.

I urge you to quash the conviction of MP Mduduzi Bacede Mabuza and MP Mthandeni Dube and immediately and unconditionally release them as their prosecution stems from the peaceful exercise of their human rights. I also urge you to repeal or amend the STA, SSA and the Public Order Act to bring them in line with Eswatini's Constitution and the international and regional human rights treaties to which Eswatini is a state party.

Yours sincerely,

ADDITIONAL INFORMATION

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 jailing journalists, human rights defenders and political activists being under repressive laws, including the 1938 Sedition and Subversive Activities (SSA) Act and the 2008 Suppression of Terrorism Act (STA), simply for speaking out against the repression of peaceful dissent.

Not only are certain provisions in the STA threatening to human rights and inherently repressive – they also breach Eswatini's international human rights obligations and the Constitution of Eswatini. In 2016, the High Court of Eswatini declared several sections of the STA and SSA Act unconstitutional as they infringed on some of the human rights guaranteed by the Constitution. Activism, be it political or otherwise, should be possible in Eswatini without any fear of reprisal. Despite political differences, authorities should allow everyone to freely exercise their human rights.

In July 2021, Eswatini saw one of its bloodiest protest [repression](#). Amnesty International documented over 80 deaths from the protests, with the recent reports recording over 100 deaths. What started as a call for political reforms, through the delivery of petitions to members of parliament in their respective constituencies, was met with excessive use of force by law enforcement agents. Firstly, the Speaker of Parliament suggested it was 'unSwazi' to have petitions delivered. The then-acting Prime Minister ordered a stop to all petitions and unleashed the armed forces on the people.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 August 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Mduduzi Bacede Mabuza, Mthandeni Dube (He/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr55/6515/2023/en/>

ADDITIONAL TARGETS

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