

Building International, Regional and National Consensus on Swaziland: Suppression of Terrorism Act



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Burgers Park Hotel, Pretoria

Executive summary

Swaziland is an absolute monarchy where the increasingly repressive political situation has been a cause of concern for the international community. While political parties have not been allowed participation in elections since 1973, it is the more recent de-registration of labour unions, harassment of NGOs advocating for democracy, and arrests of political activists on questionable legal grounds that have spurred the recent interest in the small Kingdom. Human Rights Lawyer Thulani Maseko and the *Nation* magazine editor Bheki Makhubu were arrested for authoring an editorial critiquing the judiciary of the country, in particular the Chief Justice Michael Ramodibedi, and PUDEMO President Mario Masuku and youth leader Maxwell Dlamini were arrested under the Suppression of Terrorism Act (STA) of 2008 for affiliation to PUDEMO.

The workshop addressed the STA and the issue of international solidarity by first allowing voices inside Swaziland to present their issues, and then have a number of international solidarity partners give their contribution. Speakers for the first session included Tanele Thwala, the wife of Thulani Maseko, Mary da Silva a human rights lawyer, who has been working on a number of political court cases in Swaziland including that of Mario Masuku and Maxwell Dlamini, Muzi Masuku a lawyer from Swaziland, who is currently employed at OSISA who explained the legal challenges facing Swaziland in general and Mlungisi Makhanya the secretary general of PUDEMO who was also being prosecuted under the STA for wearing a PUDEMO t-shirt.

The second session provided an opportunity for a number of external voices on Swaziland including Rebone Tau a representative of the ANC Youth League and activist on Swaziland for many years, Lucian Segami from NEHAWU, an affiliate of COSATU, which has been active on Swaziland for many years, and continues to show solidarity with the people of Swaziland and Klaus Kristensen an international activist on Swaziland, involved in the Free Mario and Maxwell Campaign and SALO employee and Prof. Hansungule who has been a legal commentator on Swaziland. The workshop was chaired by SALO's Board Chair, Bishop Rubin Philip.

Summary of Presentations

First Session: Voices from inside Swaziland

Tanele Thwala, the Wife of Thulani Maseko

Tanela narrated her experience since the arrest of her husband Human Rights Lawyer Thulani Maseko. While she found it difficult to speak on her husband's behalf, she underlined that he would carry on the struggle from inside the correctional facilities and when he is released he will increase his efforts. The government of Swaziland has been waging a war against political parties, defenders of human rights and dissenting voices, she pointed out. This began in 1973, when King Sobhuza assumed supreme power of Swaziland by decree, and banned public assembly. She lamented the lack of a vibrant civil society in Swaziland. It is currently people outside the Kingdom, who are seen to direct the struggle while the domestic civil society is docile or pre-occupied with in-fighting.



Mary da Silva, Human Rights Lawyer



Mary pointed out what she called contradictions between the constitution and the Suppression of Terrorism Act (SAT). Both PUDEMO President Mario Masuku and Youth Leader Maxwell Dlamini were prosecuted under the STA, which included a minimum sentence of 15 years, for addressing a crowd. While the constitution protects the freedom of expression, the STA leaves no distinction between a criminal act and a terrorist act, and is used to arrest activists as in the case of Mario even where no violence has been committed. The physical condition of Masuku was noted as a serious cause of concern since he is diabetic and complaining about pain. Mary called on the international community to continue to observe the

ongoing trials in Swaziland and point out where they see misconduct.

Muzi Masuku, OSISA



There are so many things that are wrong with the judiciary and the Suppression of Terrorism Act (STA) according to Muzi Masuku. It was enacted as a response to the bombing of a highway bridge outside one of the royal palaces he observed. Muzi Masuku pointed out that the act is extremely vague and does not live up to the international standards, including: the act must be deadly or amount to serious violence against members of the general population or segments of it; cause fear amongst the population or the destruction of public order; must constitute an attempt to compel the government or any international organisation to do or refrain from doing something; and have an underlying political or ideological agenda.

Instead the STA focuses on serious damage to property, disruption to any computer system, communication infrastructure, banking and UMBANI.

Muzi noted that apart from Mario and Maxwell, seven other PUDEMO members are charged under the STA- for wearing t-shirts. The major practical issue with the STA during legal processing is that former cases tried under the STA are classified and cannot be accessed by the public or other lawyers, so it is extremely difficult to obtain more information on past trials. The police have furthermore used the STA to hit civil society organizations apart from the proscribed entities.

Mlungisi Makhanya, Secretary General of PUDEMO

Mlungisi Makhanya was facing charges under the STA for wearing a PUDEMO T-shirt and is Secretary General (SG) of PUDEMO thus one of the main political figures in the pro-democratic movement of Swaziland. The STA was introduced following the bombing of a highway bridge and some voices have linked the perpetrators to PUDMEO. It is still unclear if the perpetrators of the bombing were PUDEMO members, but they did not act on behalf of PUDEMO in any way. Following the bombing, the Swazi government wrapped the implementation of STA in the American-led post 9/11 terrorist rhetoric, but according to Mlungisi it is clear that the STA was a tool to harass political parties especially PUDEMO. Mr Makhanya pointed out that the government of Swaziland has been effective in framing Swaziland as a traditionally peaceful Kingdom and in convincing the region's governments that Swaziland is mostly peaceful.



“At this time one is compelled to reflect daily on the future of our struggle, because at times like these one feels strongly that the enemy has to a large extent managed to convince, at least, the governments of the region and the continent that it is normal, acceptable and cultural that Swazi's must live in some

museum of backwardness while the rest of the region and the continent move forward in terms of a democratic dispensation. “

Despite the passiveness and even consent with the monarch displayed by the regional governments, the recent repressions have guided the Swazis onto the battlefield, and helped them in acknowledging that South Africa, or any international bodies, will not liberate Swaziland, instead it's liberation should come from within, he observed. The first step, he argued is to dissolve the STA, and strengthen the mass movement on to the streets of Mbabane and Manzini. The main problem with the latter is that it will lead to attacks on Swazis from the security apparatus, he observed but pointed out that PUDEMO is determined to bring about change for the Swazis.

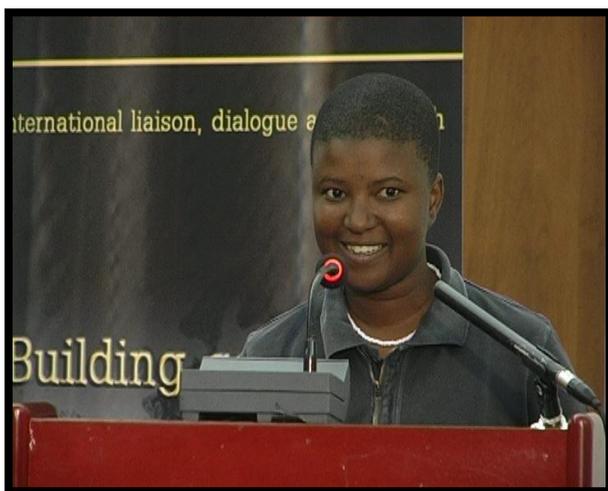
Inputs from the floor

Most inputs from the floor pertained to the role of South Africa and what some perceive as the lack of activism from South Africans. Some accused the South African of doing too little on the Swazi issues as South African taxpayers money is going to support the Swazi regime. Another critique was that people in Swaziland helped the ANC while in exile so they should help them now. Some advised that, the Swazis needed to look beyond the law as laws implemented by absolute monarchs will always be repressive in nature. He furthermore pointed that the basis for change in Swaziland is the Swazi society, rather than looking for outside intervention.

Some pointed out that protests go unreported, and activists participating in the struggle face serious consequences of cultural, social and religious exclusion. The need for more linkages between the different communities and sectors, so that they can complement each other's work was also highlighted.

Second Session: Regional and International Views on Swaziland

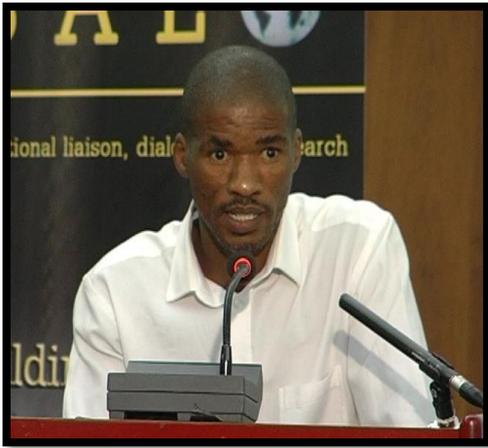
Rebone Tau, African National Congress Youth League (ANCYL)



Ms Tau, pointed out that the Swazis must lead their own struggle for liberation, and not wait for external actors to take initiative while acknowledging that solidarity groups must also be more active in South Africa. She encouraged various organizations inside Swaziland to increase their activity and put more pressure on the regime, by organizing themselves better. The ANCYL, she said, hopes that the struggle can be sustained but for now it would seem that it is too caught up in internal squabbles that hinder the process and unity required to increase activism and grassroots mobilisation. Rebone raised concern about the fact that students who used to be active on Swaziland have been quite. She argued that for the

region the most important aspect is stability, so if the Swazis want the region to react they will need to create an unstable environment, but instead the lack of activity inside Swaziland has caused the region and South Africa to be silent.

Lucian Segami, National Education and Health & Allied Workers' Union (NEHAWU)



Lucian highlighted NEHAWU's long standing support for the democratic movement in Swaziland exemplified by their call for the release of political prisoners, the return of all political exiles, and the annulment of the 1973 Royal decree together with all repressive laws. But beyond the legal matters, he said, lies the economy, which needs to be addressed. Mr Segami questioned, who is sustaining the system, who is investing in Swaziland from South Africa and what the foundation of the superstructure is. NEHAWU's own fact finding mission to Swaziland found that South African capital is flowing across the border, and is therefore both integral in supporting the regime and part of a solution to put pressure on the regime. The cultural boycott is therefore not

enough, Lucian noted and called for pressure to be put on the system, and for worker to worker solidarity. Funds are still needed for education of the workers he observed. "We should consider doing a more comprehensive international campaign similar to the boycott and de-invest campaign on Israel".

Klaus Kristensen, International Free Mario and Maxwell Campaign

Klaus explained the aim of the Free Mario and Maxwell campaign, as seeking to raise international awareness for the political prisoners in Swaziland. He noted that while the campaign was directed at Mario and Maxwell it acknowledges that their arrest was just the latest in a long series of attacks on political activists in Swaziland, and therefore it is not enough just to focus on these issues. Klaus called on the pro-democracy movement to identify more and new pressure points of the regime, if they seek to increase and sustain the struggle. These pressure points could include the SACU re-distribution formula and the sugar protocols under which sugar is exported to the EU.



Prof Michelo Hansungule, Centre for Human Rights, University of Pretoria



Prof Hansungule started by referring to the case of Zambia and Malawi, where the constitution had an article that allowed only for one political party, Zambians and Malawians fought against this respectively. He said that the lesson to be learnt for the Swazis is that they will need to suffer and fight, and that perhaps in Swaziland they are not fighting enough. While the international community has made noise on Swaziland, very little noise has come from South Africa. He cautioned against the argument that more noise needs to come from within Swaziland, noting that at times the cultural environment in Swaziland is very hostile.

Conclusion

From the discussion, it can be noted that the political liberation in Swaziland does not occur in vacuum and South Africa and the region have a role to play, even a significant one as the Swazi economic is heavily linked to the South African. This notwithstanding, there was a call for a stronger and unified civil society in Swaziland.

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The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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