

AI INDEX: AFR 55/4247/2021
7 June 2021

ESWATINI: AUTHORITIES LAUNCH BRUTAL ASSAULT ON HUMAN RIGHTS WITH CRACKDOWN ON DISSENT

Restrictions to fundamental freedoms in the kingdom of Eswatini have taken a sharp turn towards dissent. The Eswatini government continues to ignore the constitution's provision on human rights and uses law enforcement and the courts to crush calls for justice and accountability. Although Eswatini amended the 2008 Suppression of Terrorism Act in 2017 and improved provisions for public gatherings in the 2017 Public Order Act, the rights to peaceful assembly, association and expression continue to be restricted.

The mysterious death of 25-year-old law student Thabani Nkomonye, allegedly at the hands of the Royal Eswatini Police officers between 8 and 9 May, has prompted a wave of peaceful protests across the country last month, including from youth, civil society to academics calling out police brutality. Even in the context of a pandemic and the global #BlackLivesMatter movement, Eswatini police officers have used tear gas and rubber bulletsⁱ against the mourners who attended Thabani's memorial service and used excessive force against peaceful protestors and ordinary citizens.

The right to peacefully protest is enshrined in the Constitution of Eswatini as well as Eswatini's obligations under international and regional human rights law. The African Commission on Human and Peoples' Rights (African Commission) has previously raised concerns on the lack of full enjoyment of the right to freedom of expression and freedom of association in Eswatini. It specifically called on the government of Eswatini to respect, protect and fulfill these human rights and to take the necessary measures to stop all acts of harassment and intimidation carried out against human rights defenders. Despite the calls by the African Commission, the government of Eswatini has consistently disregarded and failed to meet its human rights commitments.

The visible trend of shrinking space for civil society and the violent clampdown on protests and persistent targeting of human right defenders remains a major human rights violation. The alleged unlawful killings of Mandla Maziya (December 2020) and Thabani Nkomonye (May 2021) as well as use of excessive force and/or torture or other ill-treatment of Zweli Martin Dlamini (February 2020), Nompandolo Nokuthula Mkhonta (February 2020)ⁱⁱ and most recently Ayanda Dlamini (April 2021) by the Royal Eswatini Police is a worrying trend and gross violation of a range of human rights, including the right to life and inherent dignity

Amnesty International is calling for:

- prompt, effective, impartial and independent investigations into the deaths and allegations of torture or other ill-treatment while in custody of Thabani Nkomonye and Mandla Maziya with those suspected of criminal responsibility promptly brought to justice in fair trials;
- prompt, effective, impartial and independent investigation into allegations of torture or other ill-treatment of Ayanda Dlamini;
- prompt, effective, impartial and independent investigation into the excessive use of force by police officers on peaceful protestors.

Amnesty International further calls on the government of Eswatini to ensure everyone, including journalists, human right defenders, peaceful protestors enjoy their rights to peaceful assembly, freedom of association, and freedom of expression. The exercise and enjoyment of these rights is protected under existing national legislation as well as international and regional human rights instruments that the government of Eswatini has ratified.

#JusticeForThabani

#JusticeForAyanda

#JusticeForMandla

Background

In February 2020, Zweli Martin Dlamini, editor of Swaziland News, was arrested for publishing articles which criticised King Mswati III. He claimed to have been tortured while in custody at Mbabane police headquarters, including by having a plastic bag over his head. He was released without charge six hours later and fled to South Africa the following day. Police officers later raided Dlamini's home in April 2020 and arrested his wife, Nompandolo Nokuthula Mkhonta, leaving their minor children on their own. She alleges that she was tortured by police officers who wanted to know the whereabouts of her husband. Mkhonta was released after three hours without chargeⁱⁱⁱ.

In December 2020, Mandla Maziya, a security guard working for Securoscope Security was allegedly suffocated and killed by the Royal Eswatini Police while in police custody during an investigation over a missing one tonne of sugar. He lefts behind 11 children and a wife^{iv}.

Ayanda Dlamini, a woman from Nyali Nyali in Eswatini was arrested in April after she demanded an investigation into her son's disappearance during the Incwala ceremony. Ayanda was detained at Nhlanguano prison where she was allegedly tortured. The police accused Ayanda of being part of a group of people who burned down a house where the community suspect the child was last seen. It is alleged that witnesses came forward and identified the homestead where the child disappeared and when no arrests were made some community members started a protest that resulted in the burning of the homestead. Ayanda is currently out on bail and awaiting trial.

Most recently, Thabani Nkomonye, a 25-year-old law student at the University of Eswatini, mysteriously died allegedly at the hands of the Royal Eswatini Police between 8 and 9 May 2021. They then towed his car to Sigodvweni police station. His body was found by family members on 13 May dumped in the bushes in Nhlambeni, just meters from where the police claimed to have found his car that they claimed had been in an accident. The same police circulated a notice requesting members of the public to assist locate him and his car despite having the car in their possession. His death has resulted in a wave of protests from youth, academics, members of parliament and local NGO's across the Kingdom demanding an end to police brutality, torture or other ill-treatment and unlawful killings that have gone on in recent years. During Thabani's memorial service on 21 May 2021, a peaceful protest was organized by various youth groups to raise awareness around the ongoing police brutality culminating in the tragic death of Thabani Nkomonye.

The Royal Eswatini police proceeded to allegedly fire tear and rubber bullets at peaceful protestors and mourners resulting in several people, including Thabani's mother and sister, having to be rushed to hospital for medical attention.

Public Document

ⁱ <https://www.okayafrica.com/eswatini-youth-demand-justice-for-thabani-nkomonye-police-brutality/>

ⁱⁱ <https://www.amnesty.org/en/documents/afr55/3980/2021/en/>

ⁱⁱⁱ <https://www.amnesty.org/en/countries/africa/eswatini/report-eswatini/>

^{iv} <http://www.swazilandnews.co.za/fundza.php?nguyiphi=791>