

SURINAME

Republic of Suriname

Head of state and government: **Desiré Delano Bouterse**

The trial of President Bouterse and 24 others accused of the extrajudicial killing of 15 political opponents in 1982 failed to restart. Steps were taken towards the abolition of the death penalty.

IMPUNITY

Following a request by the accused, Edgar Ritfeld, in 2013 the Court of Justice ordered the resumption of Edgar Ritfeld's trial in a military court in January 2014. Edgar Ritfeld, who claims he is innocent, is one of 25 people accused of the extrajudicial executions of 15 opponents of the then military government in December 1982. The trial had been halted since 2012 following an amendment to the 1992 amnesty law granting immunity for the alleged torture and extrajudicial executions committed in December 1982. The 25 accused, including current President Desiré Delano "Dési" Bouterse, who was the country's military leader at the time of the killings, were put on trial before a military court in November 2007 for the killings.

Although the Court of Justice decided that the case of Edgar Ritfeld should resume, the military court decided in October not to resume the trial of the 24 others, including the trial of President Bouterse.

In August, families of the 15 people killed in December 1982 filed a case before the Inter-American Commission on Human Rights.

DEATH PENALTY

In May, the Minister for Justice and Police announced an amendment, yet to be presented to Parliament, to the ongoing reform of the Criminal Code aiming to abolish

the death penalty and raise the maximum prison sentence from 20 to 30 years.

Suriname had not carried out any executions since 1982.

SWAZILAND

Kingdom of Swaziland

Head of state: **King Mswati III**

Head of government: **Barnabas Sibusiso Dlamini**

The crisis in the rule of law and judicial independence deepened. The rights to freedom of expression, association and assembly continued to be violated. Unfair trials resulted in imprisonment for reasons of opinion and conscience.

BACKGROUND

In November Swaziland lost its preferential trade agreement under the African Growth and Opportunity Act (AGOA) with the USA after the government failed to take reform measures, which it had voluntarily undertaken to do in 2013, to address restrictions on freedoms of association, assembly and expression. The benchmarks included amending the Suppression of Terrorism Act, the Public Order Act and the Industrial Relations Act. The loss of preferential access to the US market for textiles led to almost immediate factory closures.

LEGAL DEVELOPMENTS

The rule of law, access to effective remedies and protection of human rights continued to deteriorate as a consequence of the further undermining of judicial independence.

FREEDOM OF ASSOCIATION

The Trade Union Congress of Swaziland (TUCOSWA) remained effectively banned for a third year, with arbitrary arrests conducted

against activists for wearing TUCOSWA T-shirts or for attempting to hold meetings.

FREEDOM OF EXPRESSION

Journalists, lawyers, independent-minded judges, trade union officials and parliamentarians were threatened with violence, arrest, prosecution or other forms of pressure as a consequence of their advocacy for human rights, respect for the rule of law or for political reforms.

UNFAIR TRIALS

There was an upsurge in politically motivated trials and the use of laws which violate the principle of legality to suppress dissent.

On 25 July Bheki Makhubu, editor of the monthly news magazine *The Nation*, and human rights lawyer Thulani Maseko were sentenced by the High Court to two years in prison for contempt of court after a grossly unfair trial.¹ The two men were sentenced following their conviction on 17 July on two counts of contempt of court. In addition, *The Nation*, a small independent publication, and Swaziland Independent Publishers were fined 50,000 emalangeni (US\$4,273) for each of the two counts, with the total payable within one month.

In March the two men were arrested after *The Nation* published their articles raising concerns about judicial independence and political accountability in Swaziland. The warrant used to arrest them, issued by Swaziland's Chief Justice Michael Ramodibedi, subverted the normal legal process. The police at Mbabane police station, where the men were initially detained prior to their appearance before the Chief Justice, also appeared to have been acting under instructions when they denied the men's lawyers access to them in the police cells. The two men were remanded into custody by the Chief Justice following a brief procedure behind closed doors in his office. In April, they were briefly released, following a ruling by High Court judge Muncy Dlamini that the warrants used to

arrest them were defective. The Chief Justice immediately lodged an appeal against this ruling, the two men were rearrested and the trial against them began under High Court judge Mpendulo Simelane. The judge had a clear conflict of interest in the matter as he was named in one of the cited articles and intervened as a factual witness during the course of the trial. When sentencing the defendants, Judge Simelane criticized their "disgusting conduct", for running a "defiance campaign" against the administration of justice with "scurrilous" articles and, in respect of Thulani Maseko, for "pursuing regime change". An appeal was lodged by the two men and *The Nation* against the convictions and sentences.

In May, the Supreme Court overturned Bheki Makhubu's previous conviction in 2013 for one of two charges against him arising from an earlier article in *The Nation* on the importance of the judiciary in entrenching respect for the Constitution and improving the lives of the people. The Supreme Court upheld the conviction on the second charge arising from an article concerning the conduct of the country's powerful Chief Justice, but overturned the sentence of two years' imprisonment if the editor failed to pay a fine equivalent to nearly US\$45,000 within three days. The Supreme Court judges substituted a fine equivalent of US\$3,000 and a suspended sentence of three months' imprisonment conditional on not being convicted of a similar offence.

Activists were also detained and charged in several separate trials involving charges under the Suppression of Terrorism Act (STA) and the Sedition and Subversive Activities Act. The state revived a 2009 sedition charge against Thulani Maseko. His trial on this charge was scheduled to be heard in 2015. A challenge to the constitutionality of the Sedition and Subversive Activities Act, as well as the STA, was also pending in 2015. The challenge was brought by veteran activist and leader of the opposition People's United Democratic Movement (PUDEMO), Mario

Masuku, and eight others facing charges under both laws in three separate trials. The application was due to be heard in the High Court in March 2015.

The trial of Mario Masuku and youth leader Maxwell Dlamini was due to begin in February 2015. They were charged with sedition and remanded in custody in connection with slogans they allegedly shouted at a 2014 May Day rally. There was considerable concern at Mario Masuku's deteriorating health after he was remanded into custody. At the end of October there was a renewed attempt to secure his and Maxwell Dlamini's release on bail. On 31 October the High Court judge scheduled to hear the application was withdrawn. The application was heard and rejected in November by Judge Mpendulo Simelane.

Seven members of PUDEMO, which is banned under the STA, were also facing trial at the end of the year on charges under the STA following their arrest at the High Court during the trial of Thulani Maseko and Bheki Makhubu in April.

WOMEN'S RIGHTS

Despite high levels of gender-based violence, the Sexual Offences and Domestic Violence Bill had not been enacted by the end of the year. The Bill had been under discussion and consideration by parliament since 2006. Women's rights and service-providing organizations appealed for the enactment of the Bill in November.

1. Swaziland: Deplorable sentences against journalist and lawyer stifle free speech (News story)
www.amnesty.org/en/news/swaziland-deplorable-sentences-against-journalist-and-lawyer-stifle-free-speech-2014-07-25

SWEDEN

Kingdom of Sweden

Head of state: **King Carl XVI Gustaf**

Head of government: **Stefan Löfven (replaced Fredrik Reinfeldt in October)**

An Egyptian national, who had been subjected to rendition from Sweden to Egypt in 2001, and subsequently tortured, was granted permission to return to Sweden. Investigations into an illegal Swedish police database of Romani people were ongoing. A governmental commission began to review shortcomings in rape investigations and prosecutions.

TORTURE AND OTHER ILL-TREATMENT

In November, the UN Committee against Torture recommended that Sweden adopt a definition of torture into its Criminal Code which was consistent with the UN Convention against Torture.¹ The Committee also called on Sweden to refrain from using diplomatic assurances as a means of returning a person to another country where the person would face a risk of torture.

In April, Egyptian national Mohammed al-Zari was granted a residence permit in Sweden. He was detained with Ahmed Agiza in Sweden in December 2001 and subjected to rendition from Sweden to Egypt on a CIA-leased plane. Both men were subsequently tortured and otherwise ill-treated while being held in Egypt. In 2008, the Chancellor of Justice awarded both men financial compensation for the human rights violations they suffered. Mohammed al-Zari was released from prison in October 2003 without having been charged with any crime. The award of a residence permit partially fulfilled his right to redress for the human rights violations he suffered. However, an effective, independent investigation into these violations remained outstanding.