

His Majesty King Mswati III
Lozitha
Kingdom of Swaziland

Brussels, 14 August 2014

Re: Concerns regarding threats against Mr Siphon Gumedze, a human rights lawyer

Your Majesty,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to you to express its serious concern over recent defamatory comments and threats made by Prime Minister Sibusiso Barnabas Dlamini against a human rights lawyer, Mr Siphon Gumedze, in relation to Mr Gumedze's participation in a civil society conference in the United States with fellow human rights defender Mr Vincent Ncongwane. Mr Gumedze works for Swaziland Lawyers for Human Rights and attended an African civil society conference, *Towards an Action Program for Democracy*, which was held in conjunction with the Africa Leaders' Summit being conducted at The White House in Washington, D.C.

The CCBE was informed that while addressing Swaziland's Members of Parliament (MPs) on 6 August 2014, Prime Minister Dlamini accused Mr Gumedze and Mr Ncongwane of 'sneaking' into Washington, D.C. without properly informing the country's authorities, and followed his comment by then calling for their strangulation. These remarks were made in the context of promoting the USA African Growth Opportunity Act (AGOA), during which the MPs requested information on what the government was doing to regain their eligibility for assistance from the AGOA. Swaziland was suspended from the AGOA, effective January 1, 2015, by US President Barack Obama over concerns about the standards of democracy and human rights in the country. In addition, Prime Minister Dlamini accused Mr Gumedze and Mr Ncongwane of opposing the lifting of Swaziland's suspension from the AGOA. Prime Minister Dlamini said that they should be questioned by authorities upon their return from the USA.

The CCBE believes that these statements may have the effect of provoking further threats and attacks against Mr Gumedze, particularly since they came directly from Swaziland's Prime Minister.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to

Conseil des barreaux européens – Council of Bars and Law Societies of Europe

association internationale sans but lucratif

travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges your Majesty to ensure that Mr Gumedze does not suffer any form of retaliation upon his return to Swaziland for his legitimate participation in a civil society conference. The CCBE also asks you to take all necessary measures to ensure that government officials, including Prime Minister Dlamini or any other public figure, refrain from making statements or declarations that stigmatise or threaten the legitimate work of human rights lawyers and which guarantee that lawyers in Swaziland are able to perform their professional duties without fear of reprisal, hindrance, intimidation and harassment.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President