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PRESIDENT
PRÉSIDENT
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PRESIDENTE

SHARAN BURROW
GENERAL SECRETARY
SECRÉTAIRE GÉNÉRALE
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LEX/MS

23 February 2015

Detention of Mario Masuku and Maxwell Dlamini

Dear Prime Minister,

I am writing to you on behalf of the International Trade Union Confederation, which represents over 176 million workers in 162 countries and territories - including Swaziland - to strongly condemn the continued detention of Mario Masuku and Maxwell Dlamini.

Mario Masuku, the President of the People's United Democratic Movement (PUDEMO), and Maxwell Dlamini, the Secretary General of the Swaziland Youth Congress were arrested and charged under the Suppression of Terrorism Act (2008) after delivering a speech during the 2014 May Day celebrations organised by the Trade Union Congress of Swaziland. In their speeches, Mr Masuku and Mr Dlamini addressed questions with respect to the socio-economic governance of the country and chanted the slogans "Viva PUDEMO" and "We don't want this system, we don't want this system." Now, they may be facing up to 15 years of hard labour in prison, if they are found guilty.

Almost ten months have passed since their arrest but a verdict has still not been delivered. Their application for bail was denied twice even though Mr Masuku is 65 years old, suffers from diabetes and caught pneumonia during his time in detention. Mr Dlamini, who is a student at the University of Swaziland, has been deprived from his right to education as a result of the prolonged detention.

Moreover, the prison conditions at the Zakhele Remand Centre, where both activists are being held, severely violate the UN Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. First of all, the detention centre is located about 45 km from the usual place of residence of Mario Masuku and 150 km from the usual place of residence of Maxwell Dlamini (Principle 20). Family members are often required to wait for up to two hours before being admitted as visitors. Several friends and colleagues are completely barred from meeting them because they are considered to be political activists. Thus, even though Mr Masuku and Mr Dlamini have not even been convicted, they are seriously restrained from meeting their family members and from maintaining reasonable contact with the outside world (Principle 19). In addition, consultation time with their lawyers is limited to 30 minutes which cannot be

considered as adequate given the gravity of the charges against them. Mr Masuku's son, who is a qualified attorney of the high court, was not permitted to join the legal defense (Principle 18). Furthermore, Mario Masuku was refused medical treatment and was instead merely provided with pain killers when he caught pneumonia in August 2014 (Principle 24). Both political activists are detained together with ordinary criminals charged with murder, robbery and rape.

The ILO Committee on Freedom of Association (CFA) repeatedly highlighted that the right to organise May Day celebrations is specifically protected by ILO Convention 87. Seeking solutions to economic and social policy questions and problems is of direct concern to workers and the right to freedom of expression must also be guaranteed when the government's economic and social policy is criticised. It is one of the fundamental rights of the individual that a detained person should be brought without delay before the appropriate judge, this right being recognised in instruments such as the International Covenant on Civil and Political Rights.

In its March 2013 report, the CFA noted with concern the interference of police in the May Day celebrations of 2012 and urged the Swazi government to respect this right in the future. When Swaziland's failure to implement ILO Convention 87 was examined before ILO Conference Committee on the Application of Standards, Swaziland committed itself to bring its laws and policies into compliance with the Convention. Yet, your government continues to blatantly violate its international obligations and subjects its citizens to arbitrary detention for exercising their fundamental rights under international law.

The ITUC is extremely concerned about harsh and continuing persecution of Mario Masuku and Maxwell Dlamini. It is clear that they are being victimized for their legitimate political, pro-democracy views. We therefore urge you to immediately and unconditionally release Mr Masuku and Mr Dlamini, as well as drop any charges against them which are related to their internationally guaranteed rights.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Burrow', with a stylized flourish at the end.

Sharan Burrow
ITUC General Secretary