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COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

Swaziland: ICJ Alarmed at Charges Against Lawyers

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The ICJ's Centre for the Independence of Judges and Lawyers (ICJ/CIJL) denounced the latest violation of the rule of law in Swaziland, where two lawyers have been convicted of contempt of court and three other lawyers are facing the same charge for refusing to appear before an unconstitutionally appointed judge.

According to the Law Society of Swaziland, Justice Shabangu was appointed in violation of Swaziland's Constitution, which requires consultation between the King and the Judicial Service Commission. In April 2003, the Law Society, maintaining that the stipulated consultation had not taken place, adopted a resolution calling upon its lawyers not to appear before unconstitutionally appointed judges.

Justice Shabangu has issued Orders against eighteen lawyers requesting explanations as to why they should not be charged with contempt of court for failing to appear before him.

"These convictions and proceedings unfortunately show, once more, that the Government of Swaziland continues to hold the rule of law in contempt", said Linda Besharaty-Movaed, Legal Advisor of the ICJ/CIJL. "When a judge is not appointed following prescribed procedures, the whole edifice of a law abiding society crumbles".

Even though an agreement has apparently been reached between the Law Society and Judge Shabangu to suspend proceedings, the conviction of the two lawyers on contempt charges stands. An obstacle to the agreement is that there is currently no Court of Appeal in Swaziland, as it resigned en masse in November 2002 after the Executive denounced two of its judgements. Consequently, no court is capable of overturning the convictions. On a recent fact-finding mission to Swaziland, the ICJ/CIJL found that there were numerous violations of the rule of law by the Government of Swaziland, including several instances in which the procedure for appointing and removing judges was not followed.

The ICJ/CIJL calls on the Swazi Government to withdraw all charges and convictions for contempt of court against lawyers made by unconstitutionally appointed judges. The ICJ/CIJL also urges the Government of Swaziland to fully respect the constitutional procedures of appointment of judges and remove those who have not been appointed following such procedures.

For further information, please contact Linda Besharaty-Movaed, Legal Advisor, at 41 22 979 3809.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 91, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org