[SLIDE 1 — KINGDOM OF ESWATINI]

Thank you for the opportunity to address you.

Amnesty International's intervention today focuses on the Kingdom of Eswatini's Suppression of Terrorism Act, 2008, and its impact on the exercise of human rights.

[SLIDE 2 — PREVIOUS UPR RECOMMENDATIONS]

Concerns about the Suppression of Terrorism Act are not new.

During the third UPR, six recommendations addressed reform of the STA and its impact on freedom of expression, association and peaceful assembly. Eswatini supported recommendations from Spain, Finland and Portugal, but noted recommendations from Canada, Belgium and Czechia calling for elements of the Act to be amended or repealed, an acceptance rate of 50%. These recommendations have not been adequately implemented.

However, more specific recommendations were not supported. Canada recommended amendment or repeal of restrictive legislation, including elements of the STA. Belgium recommended repeal of the Act, while Czechia also called for amendment or repeal of elements of the legislation. These recommendations were noted.

The central concern is therefore that despite broader commitments having been accepted , the specific legislative reforms necessary to address the STA remain outstanding.

[SLIDE 3 — THE PROBLEM]

Amnesty International's concerns are both structural and practical.

Section 2 defines a "terrorist act" in impermissibly broad terms.

Sections 19 to 21 criminalise membership, association and attendance at meetings without requiring a sufficient link to violent activity.

Section 23 permits detention without charge on imprecise grounds and without sufficient safeguards.

These provisions continue to operate in a context in which the Act has been used in politically sensitive situations involving peaceful dissent.

[SLIDE 4 — CHALLENGE 1]

First, section 2.

The definition of a "terrorist act" extends beyond conduct involving serious violence against persons or hostage taking.

This creates scope for peaceful political activity, protest or dissent to fall within the reach of counter-terrorism legislation.

It also undermines legal certainty and risks a chilling effect on the exercise of protected freedoms.

Terrorism offences must be precise, foreseeable and narrowly confined to internationally recognised offences that fit within proportionate defintions of terrorism.

[SLIDE 5 — CHALLENGE 2]

Second, sections 19 to 21.

These provisions criminalise membership, association and attendance at meetings without requiring a sufficient link to violent activity.

Section 19, subsection 2, also reverses the burden of proof.

The result is that peaceful political organising and association may be exposed to terrorism-related criminal liability.

[SLIDE 6 — CHALLENGE 3]

Third, section 23.

It permits detention without charge on broadly framed grounds.

It does not provide sufficient guarantees of access to legal counsel from the outset, and it lacks adequate safeguards for prompt and effective judicial review.

These weaknesses increase the risk of arbitrary detention and undermine fundamental fair trial protections.

[SLIDE 7 — IMPACT DURING THE REVIEW PERIOD]

These concerns are not hypothetical.

During the review period, Amnesty International documented arbitrary arrests and detention of government critics, alongside concerns about torture and other ill-treatment in cases linked to the STA.

The Act has been used against activists, journalists and pro-democracy advocates, raising serious concerns for civic space.

In January 2024, student activist Menzi Bongeka Bhembe was charged under sections 11, subsection 1, and 20 in connection with alleged support for PUDEMO and the distribution of political pamphlets. Amnesty International found no evidence presented that he had committed, planned or incited violence.

In July 2024, former Members of Parliament Mduduzi Bacede Mabuza and Mthandeni Dube were sentenced under the STA and the Sedition Act. Amnesty International has characterised their cases as emblematic of the use of these laws to suppress peaceful dissent.

The impact of these provisions is therefore concrete: protected political and civic activity has been affected in practice.

[SLIDE 8 — INTERNATIONAL LAW]

International law places clear limits on counter-terrorism powers.

The International Covenant on Civil and Political Rights protects liberty, fair trial, freedom of expression, peaceful assembly and association. Restrictions on these rights must satisfy the requirements of legality, necessity and proportionality.

Most recently, the 2026 report of the UN Special Rapporteur on counter-terrorism and human rights reaffirmed the need for a narrow definition of terrorism based on serious physical harm to persons, intent and purpose, while excluding protected peaceful activity. In addition,United Nations Security Council Resolution 1566 frames terrorism around serious criminal violence, committed for an intimidating or coercive purpose.

The Human Rights Committee has stressed that counter-terrorism and national-security laws must be clear and foreseeable, must not permit arbitrary detention, and must not be used to suppress protected expression.

[SLIDE 9 — PRIORITY RECOMMENDATIONS]

Amnesty International therefore urges recommending States to call on the Kingdom of Eswatini to **urgently repeal the Suppression of Terrorism Act, 2008.**

1. Withdraw all charges brought solely under the STA that relate to the exercise of the rights to freedom of expression, association and peaceful assembly, and release anyone detained solely for such conduct, pending repeal and/or review of their cases in proceedings that comply with international fair trial standards.
2. Ensure any revised defamation of a “terrorist act” (STA s.2) is precise and narrowly tailored, limited to conduct involving serious violence against persons or hostage-taking, intended to intimidate a population or compel a government or international organisation, in line with the principle of legality, necessity, proportionality and international standards.
3. Ensure no one is detained for a prolonged period without charge or trial, including by guaranteeing prompt judicial oversight, clear statutory time limits, access to counsel from the outset, and an effective right to challenge the lawfulness of detention.
4. Cease using the STA and other security laws to criminalise peaceful dissent, including peaceful protest, student activism, journalism, human rights work, and political organising.

Thank you.