

**SWAZILAND**



**GOVERNMENT**

Tel: No. 42941  
Fax: 44303  
Our Ref:  
Your Ref:

Ministry of Immigration  
P.O.Box 372  
Mbabane.

17th July, 1995.

MR. P. R. DUNSEITH,  
ATTORNEY AT LAW COMMISSIONER OF OATHS,  
P. O. BOX 423,  
MBABANE.

Dear Sir,

RE: SWAZI CITIZENSHIP - JAN SITHOLE

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We acknowledge receipt of your letter PRD/AN/I.418 dated the 7th July, 1995.

Before a certificate of nationality can be issued under section 20 of the Citizenship Act, 1992 your client Mr. Jan Sithole must provide us with convincing proof that he qualifies under the Act as a citizen of Swaziland.

In our records we do not have proof that your client Mr. Sithole is a Swazi citizen as alleged in your letter. We will henceforth be grateful if you could provide us with such proof for our consideration.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sobandla', written over a horizontal line.

PRINCE SOBANDLA  
MINISTER FOR HOME AFFAIRS

Appendix B.

RIDER "A"

The accused are guilty of the crime of contravening section 6 of Act No. 17 of 1963 (THE PUBLIC ORDER ACT NO. 17 OF 1963).

In that upon or about the 22nd January 1996 and at various places in all the districts of the Kingdom of Swaziland accused No.1, Richard Nxumalo, being the President of the Swaziland Federation of Trade Unions (hereinafter referred to as SFTU) and accused No.2, Jan Sithole, being the Secretary of the SFTU and accused No.3, Jabulani Nxumalo, being the Assistant Secretary of the SFTU did wrongfully and unlawfully conduct themselves, acted and spoke in a manner that might reasonably be expected that the natural and probable consequences of their act, conduct and speech would under the circumstances be the commission of public violence by members of the public generally and by the persons in whose presence the act, conduct and speech took place.

Appendix A

Control of public gatherings.

Public  
Order  
Act,  
1963

- 3. (1) If it appears to him to be necessary or expedient in the interests of public order to do so, a police officer in charge of the police in any district may, in such manner as he thinks fit —
  - (a) control and direct, within the area of his responsibility, the extent to which music may be played or to which music or human speech or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means —
    - (i) in public places, or
    - (ii) in places other than public places if such a playing, amplification, broadcasting, relaying or other reproduction is in his opinion, likely to affect persons who are or may be in public places;
  - (b) control and direct the conduct of all public gatherings within the area of his responsibility, and specify the route by which, and the time at which any public procession within that area may pass; and
  - (c) for any of those purposes, give or issue such orders as he may consider necessary or expedient.
- (2) No public meeting or public procession shall —
  - (a) take place save under and in accordance with the terms and conditions of a licence in that behalf issued under this section;
  - (b) be advertised or otherwise publicized unless such licence has been issued.
- (3) Any person wishing to hold, convene, organize or form a public meeting or public procession shall first make application for a licence in that behalf to the police officer in charge of the police in the district in which the meeting or procession is to take place.
- (4) Subject to sub-section (7), the police officer referred to in sub-section (3) shall, if satisfied that the meeting or procession is not likely to prejudice the maintenance of public order or be used for an unlawful or immoral purpose, issue a written licence, specifying the name of the licensee and defining the conditions on which the meeting or procession may take place.
- (5) The conditions on which a licence is to be issued under this section are that the organizer or organizers specified therein shall be present throughout the gathering and forthwith comply with any direction given to him or them by an administrative officer or by a police officer for ensuring the due performance of and compliance with this Act, the conditions of the licence and the maintenance of public order throughout the period of assembly, conduct and dispersal of the public gathering and the period immediately following its dispersal.
- (6) The names of all the organizers of the meeting, the conditions specified in sub-section (5), the provisions of subsections (21) to (24), inclusive, and such other conditions as seem reasonable to the officer issuing it shall be stated in the licence.
- (7) The police officer may refuse to grant a licence under sub-section (4) if the —
  - (a) applicant or any person or organization or body of persons associated directly or indirectly with the application or likely, in the opinion of the police officer, to be concerned in the holding or organizing of the meeting or procession has, in relation to any public gathering, recently contravened this Act or any other law or any condition of a licence issued under this section or that other law; or
  - (b) meeting or procession has been advertised or otherwise publicized in contravention of subsection (2)(b); or
  - (c) application for the licence is received by him less than seven clear days prior to the day of the public meeting or public procession in question.
- (8) If it appears to him to be necessary or expedient in the interests of public order for preventing the carrying out of an unlawful or immoral purpose so to do, the police officer may cancel any licence issued by him under this section or amend its conditions.
- (9) Notice of such cancellation or amendment shall be given in writing to the licensee, or if he is not readily accessible for such purpose, to any other person concerned in the holding or organization of the meeting or procession, or, failing such person, by publication in such manner or by posting in such places or places as the police officer may think fit.
- (10) Any administrative officer or any police officer may —
  - (a) stop or prevent the holding of
    - (i) any public meeting or public procession not licensed under this section or in regard to which a condition of a licence issued it is being or has been contravened; or

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- (ii) any public gathering or other meeting, procession or gathering of persons whatever and wherever, whether or not required to be licensed and whether or not licensed under this section, if the public gathering, meeting, procession or gathering is causing, or is, in the opinion of that officer, likely to cause a breach of the peace;
- (b) for any such purposes, give or issue such orders, including orders for the dispersal of the meeting, procession or gathering, as he may consider necessary or expedient; and
- (c) use or cause to be used such force as may be necessary to stop, prevent the holding of or to disperse, the meeting, procession or gathering.

(11) If an administrative officer or police officer of the rank of inspector or above has reason to believe that a public meeting or public procession, which is required to be licensed under this section and is not so licensed, is likely to take place or form in a public place, he may cause access to that public place or any other public place adjacent thereto to be barred and to be closed to the public or any person or class of persons for such time as may be necessary to prevent the meeting or procession taking place, but no person shall in pursuance of this subsection be denied access to a place at which he normally resides or has his place of business, work or employment.

(12) The closure of a public place under subsection (11) shall be notified by means of notices exhibited or physical barriers erected at the places of access to it, or by oral public announcement in the vicinity of it, or in such other manner as the officer in question may think fit.

(13) Any administrative officer or police officer may use such force as may be necessary to prevent any person from entering or remaining in a public place to which access has been closed to him under subsection (11).

(14) In relation to the performance of any duty or the exercise of any power under the preceding subsections, every administrative officer or police officer shall comply with such general or specific directions in that behalf as may at any time, and from time to time, be given by or with the authority of the Minister.

(15) If under this section a licence is refused or cancelled or is issued subject to conditions or its conditions are amended the applicant or licensee, as the case may be, may in writing request the Minister to review the decision in question, and on such request the Minister may confirm, reverse or vary such decision.

(16) A person shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years, if he —

- (a) neglects or refuses to obey any order given or issued under subsection (1) or subsection (10); or
- (b) contravenes any condition of a licence issued under this section or suffers or permits such contravention; or
- (c) without the permission of an administrative officer or police officer on duty there, enters or remains in a public place to which access has, under subsection (11), been closed to him; or
- (d) prints, publishes, displays, distributes or circulates a notice of or in any other manner advertises or publicises any public meeting or public procession not licensed under this section.

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STATUTES OF SWAZILAND

ss. 3-4

- (17) The following shall be deemed to be unlawful assemblies, namely, every —
- (a) public meeting or public procession which takes place without a licence under this section; or
  - (b) public gathering in which three or more persons taking part neglect or refuse to obey an order given or issued under subsection (1); or
  - (c) public gathering or other meeting, procession or gathering of persons in which three or more persons taking part refuse or neglect to obey an order given or issued under subsection (10).

(18) Any person who takes or continues to take part in an unlawful assembly referred to in subsection (17) shall be guilty of an offence and liable on conviction to the punishment referred to in subsection (16).

(19) A person shall be guilty of an offence and liable on conviction to the penalty referred to in subsection (16) if, after it has become an unlawful assembly referred to in subsection (17), he —

- (a) holds, convenes, organizes, forms or collects, or assists or is concerned in holding, convening, organizing, forming or collecting a public meeting or public procession mentioned in subsection (17)(a); or
- (b) continues or attempts to continue to hold or conduct, or to direct (otherwise than for the purpose of securing obedience to an order given or issued under subsection (10)), a public gathering mentioned in subsection (17)(b), or a public gathering or other meeting, procession or gathering of persons mentioned in subsection (17)(c).

(20) In any criminal proceedings under this Act the onus shall rest upon the accused to prove that the public meeting concerned did not fall within the definition of public meeting in section 2.

(21) A convener of a public gathering, which is likely to be attended by twenty persons or more and which falls under the definition public meeting in section 2, shall give details in writing of the gathering, not less than seven days before the date of the gathering, to the police officer in charge of the district in which such gathering is to take place.

(22) A convener who fails to comply with the provisions of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or in default of payment thereof imprisonment not exceeding one year.

(23) A convener shall be present at the public gathering in respect of which he is a convener from the time it assembles until its final dispersal and if he fails to comply with this provision he shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or in default of payment thereof to imprisonment not exceeding one year.

(24) An organizer shall be liable as if he were the principal offender for any unlawful act committed at or immediately after the public gathering in respect of which he is an organizer and in the vicinity of the place where the gathering was held, unless he satisfies the court that he did not and could not have known that the unlawful act was likely to be committed, and could not, with reasonable diligence, have prevented its commission.

*Prohibition of offensive weapons at public meetings and processions.*

4. (1) Any person who is present at a public meeting or on the occasion of a public procession and has an offensive weapon, with him, shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

