

IN THE HIGH COURT OF SWAZILANDHELD AT MBABANECASE NO. 782/14

In the matter between:

MAXWELL MANQOBA THANDUKUKHANYA DLAMINI 1ST APPLICANTMFANAWENKHOSI MBHUNU MNTSHALI 2ND APPLICANTDERRICK DICKSON NKAMBULE 3RD APPLICANT

And

THE PRIME MINISTER OF SWAZILAND 1ST RESPONDENTMINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS 2ND RESPONDENTTHE DIRECTOR OF PUBLIC PROSECUTIONS 3RD RESPONDENTTHE ATTORNEY GENERAL 4TH RESPONDENT

SUPPORTING AFFIDAVIT

I, the undersigned;

NKOSINATHI MACMILLAN MASEKO

do hereby make Oath and state that;

1.

I am Swazi male adult of Mnyokane. I am employed by the Swaziland Government as the Director of Public Prosecutions, responsible for all criminal matters in Swaziland. I am therefore duly authorized to depose to this affidavit.

2.

The facts deposed to herein are to the best of my knowledge and believe to be true and correct.

3.

I have read the application filed by the Applicants.

4.

I have further read the Answering Affidavit deposed to by the 4th Respondent (Attorney General – Majahenkhaba James Dlamini) and I confirm the contents therein. In particular I confirm the following:

4.1

AD PARAGRAPH 16

May I state that according to the Sedition and Subversive Activities Act participation in a rally and possessing a banner written Seditious Words with Seditious intention is a crime. The participants to such an activity are therefore criminally liable and must be prosecuted. May I state that the possession of any banner is a crime but if the participant has an intention of showing a disaffection or hatred of His Majesty or Their Majesties that act cannot be viewed as an innocent act. May I state that my constitutional mandate is to enforce the law as contained in the statutes of Swaziland or under common law.

4.2

May I further state that the Sedition Act is not unconstitutional as alleged by the Applicants as every law has its own purpose and the purpose of this legislation is to bring peace and stability in the country after the country had experience a series of bombings of Government structures in the country.

4.3

AD PARAGRAPHS 17-22

May I state that I am in agreement with Applicant's allegation in so far as the charges are concerned and the provision in the Act. However, the Applicants have failed to show what is wrong with such provisions and therefore I will prosecute all Applicants as provided in the Act.

4.4

AD PARAGRAPH 23

I confirm the contents of paragraph 16 of the 4th Respondent's Answering Affidavit. Applicants are put to strict proof of their assertions.

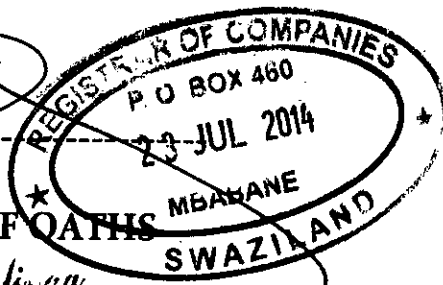
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DEPONENT

DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT TO BE TRUE AND CORRECT, HENCE BINDING OVER HIS CONSCIENCE, THUS SWORN TO AND SIGNED FOR BEFORE ME ON THIS THE 23rd DAY OF JULY 2014, AT MBABANE.

[Handwritten signature]

COMMISSIONER OF OATHS



NAME:

DESIGNATION: *Registrar of Companies*