

eSwatini

## Prevention of the Violation of International Obligations Order, 1976 Kings Order in Council 11 of 1976

Legislation as at 1 December 1998

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## eSwatini

# Prevention of the Violation of International Obligations Order, 1976

## Kings Order in Council 11 of 1976

Assented to on 5 March 1976

Commenced on 23 April 1976

*[This is the version of this document at 1 December 1998.]*

**A King's Order-in-Council for the purpose of preventing the violation by persons of international obligations and matters incidental thereto.**

### 1. Short title

This King's Order-in-Council may be cited as The Prevention of the Violation of International Obligations Order, 1976.

### 2. Interpretation

In this Order, unless the context otherwise requires—

“**Arms**”, “**Ammunition**” and “**firearms**” have the meaning assigned to them in the Arms and Ammunition Act [No. 24 of 1964](#);

“**international authority**” includes the General Assembly or Security Council of the United Nations Organisation or the Organisation of African Unity;

“**permit**” means a permit issued by a licensing authority under section 10 of the Arms and Ammunition Act Not. 24 of 1964;

“**resolution of international authority**” means any mandatory resolution by an international authority to which the Government of the Kingdom of Swazi-land is a party unless the Prime Minister has prescribed, with retrospective effect or otherwise, that this Order shall not apply to such resolution.

*[Amended K.O-I-C. 11/1977]*

### 3. Criminal liability for the breach of any sanctions, embargoes or such like restrictions imposed by an international authority

Any person who in manner whatsoever in Swaziland or elsewhere breaches, or by his action is likely to cause a breach of, or who does any act either in Swaziland or elsewhere to assist any other person, in the breaching of any resolution of an international authority in terms of which any sanctions or embargoes or such like restrictions are imposed on any country, shall be guilty of an offence and liable on conviction to a fine of ten thousand emalangeni or five years imprisonment or both.

### 4. Prohibition against misuse of address or post office box

(1) Any person who uses or permits the use of his address or post office box by any person in or outside Swaziland for the purpose or intention of contravening [section 3](#) or any of the provisions of any resolution of an international authority shall be guilty of an offence and liable on conviction to a fine of ten thousand emalangeni or five years imprisonment or both.

(2) In any proceedings for a contravention of subsection (1) the onus of proving that he did not have the purpose or intention referred to in such subsection shall be on the accused.

## 5. Seizure and confiscation of goods

- (1) Any goods of any kind or description whatsoever which enter Swaziland in any manner whatsoever pursuant to or as a result of any attempt or intention by any person, whether in Swaziland or elsewhere, to breach, circumvent or in any other manner avoid or evade the consequences of any resolution passed by an international authority shall be liable to seizure by the Commissioner of Police or any person authorised by him and be forfeited to the Government of Swaziland without any Order of Court.
- (2) Any person who is aggrieved by the seizure or forfeiture referred to in subsection (1) may apply to the High Court for such relief as that Court may grant:

Provided that in any such proceedings before the High Court the onus shall be on such person to prove that such goods have not entered Swaziland pursuant to or as a result of any attempt or intention to breach, circumvent or otherwise avoid or evade the consequences of any resolution passed by an international authority.

## 6. Confiscation of arms and ammunition

- (1) Notwithstanding any other law any arms, ammunition or firearms of any description whatsoever which are found in Swaziland and in respect of which no permits have been issued shall be liable to seizure by the Commissioner of Police or any person authorised by him and shall be forfeited to the Government without any Order of Court.
- (2) Any person who is aggrieved by the seizure or forfeiture referred to in subsection (1) may apply to the High Court for such relief as that Court may grant:

Provided that in any such proceedings before the High Court the onus shall be on such person to prove that such arms, ammunition or firearms have been lawfully brought or imported or otherwise introduced by him or his duly authorised agent into Swaziland.