DARK DAYS IN ESWATINI

Reflections on the aftermath of the violent upheavals in eSwatini in June 2021
INTRODUCTION
The year pent-up anger boiled over
ANTON HARBER
Weeks of violence in eSwatini have drawn little attention outside the tiny kingdom. This publication aims to shine some light into eSwatini’s ongoing political darkness and encourage those with the power and authority to influence events there to follow that light.

INSIDE ESWATINI
At night, it’s ripe for the taking
BHEKI MAKHUBU
The veteran Swazi editor, who has himself been jailed for his reporting, reflects upon the consequences of the looting and mayhem in which scores were killed ... and suggests that their long-term effect will be to roll back Mswati’s limited concessions to democracy.

MEDIA AND CENSORSHIP
Not so free expression in Mswati’s kingdom
CARIE N DU PLESSIS
One of the world’s few remaining absolute monarchs, Mswati III can ignore his own constitution and parliament, fire judges, order the arrest of critics for the mildest forms of dissent, and turn a blind eye to accusations of police torture and killings.

EYEWITNESS ACCOUNT
Police kidnapping and killing
ANONYMOUS
An eyewitness tells of watching terrified youths being taken into custody by police ... and wonders what their fate might have been.
The year pent-up anger boiled over

ANTON HARBER
Executive Director, Campaign for Free Expression

These have been dark days for eSwatini, particularly for those fighting for democratic reform in the small kingdom. This year pent-up anger and frustration over the lavish lifestyle and dictatorial rule of King Mswati III boiled over in violent protests, which were brutally put down by the security forces. Up to 50 people were killed in a week of mayhem.

Worryingly, this went largely unnoticed by the international, continental and regional community as those with influence and power to restrain the king and encourage reform stood by in silence. The South African Development Community, the African Union and the United Nations showed little more than token interest. Notably, eSwatini’s large and powerful neighbour, South Africa, with its enormous regional dominance and clout, paid little attention.

There has been no sign yet that Mswati is prepared to heed the demands for reform or talk to his disgruntled subjects. Indeed, he seems to be tightening the screws by dragging supposed “ringleaders” through court.

It was out of concern for this harsh repression of protest, and to draw attention to it and the media suppression that accompanied it, that Campaign for Free Expression commissioned these in-depth reports on these disturbing events. eSwatini has long been hostile to its citizens’ expressing criticism of the country or its governance, particularly anything that may show King Mswati III in less than glowing terms. With growing dissent and criticism of the regime in recent months, the only reaction of the authorities has been to shut down avenues of peaceful protest accompanied by a sharp and alarming uptick in the level of repression and violence used by the government and its army to suppress protest.

This is documented in the report here by respected eSwatini journalist Bhekiziso Makhubu editor of eSwatini’s only independent political mouthpiece, The Nation. He outlines the history and politics that led to the recent protests, the way the king cut off avenues of peaceful petition, and the harshness of the state’s response.

This picture is reinforced by an eyewitness piece by an anonymous journalist who describes seeing soldiers abducting citizens off the street in their ruthless enforcement of the curfew. The fact that the reporter declined to identify himself demonstrates the fear and uncertainty that forces journalists in eSwatini to self-censor.

With tight controls and enforced self-censorship in eSwatini itself, it becomes crucial for South African and international media to cover these events. Carien du Plessis’ piece sets out the impediments to full coverage of the eSwatini upheavals. Shortages of resources in most South African newsrooms mean that many try and cover it from Johannesburg, using social media and the cellphone to try and capture the story. Those reporters that try to go to eSwatini struggle to get permits, and then are often followed and harassed when they are there. Again, this is not new, but the harassment reached unprecedented levels when two journalists from Johannesburg online magazine New Frame were arrested and tortured by the eSwatini police.

Despite the tough repression, Makhubu’s piece highlights how social media is allowing for more criticism of King Mswati III’s rule than ever before, forcing open the door he had long closed through control of most mainstream print and electronic media. Facebook in particular shifted in this period from being “a mundane mode of social discourse”, Makhubu argues, to “a platform for absolute freedom of speech” where things are said which could never be repeated on any other media platform in the country.

The authorities dealt with this by temporarily closing down the internet, making reporting almost impossible for both traditional and new media, and all communication extremely difficult. The cellphone provider MTN was forced to take down its network and did so without any apparent protest or resistance. There are also worrying moves to outlaw the publication of what the government regards as “fake news” on internet platforms.

This raises important questions about how and why South Africa, which has enormous sway over eSwatini, stayed aloof from events, and not much was heard from either SADC regional structures or the African Union. The eSwatini protesters, demanding accountability from their government, were hung out to dry by the regional, continental and global bodies.

With this publication, we hope to shine some light into eSwatini’s darkness and encourage those with the power and authority to influence events there to follow that light.
At night it’s ripe for the taking

BHEKI MAKHUBU reflects on the aftermath of the violent upheavals in ESwatini, suggesting they may have rolled back the small democratic gains achieved under King Mswati’s dictatorship.
When King Mswati III finally came out of his palace to address the people of eSwatini on July 16 this year, after a week of violent mass protest and a brutal security force crackdown, it was the first time that he had spoken publicly about the need to uphold the values of the Constitution which he signed into law in 2005.

Never before in the country’s 53-year independence had it experienced the mass looting of businesses, the torching of shops and barricades of burning tyres on the roads.

The chaos that erupted in the country was driven mainly by the youth calling for political reform. The government would later estimate the damage to infrastructure at R3-billion.

Under the banner of #KungahlwaKwenile (“at night it’s ripe for the picking”) the reneging youth, most of whom are unemployed and have no prospect of getting a job, used the cover of night to embark on an orgy of destruction that ended when the army was deployed on the streets to crush the insurrection.

The number of dead after the confrontation is a matter of dispute. The government claims 34 people died while leaders of the pro-democracy movement say more than 50.

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Mourners at the July 25 funeral of Mphostoli Masilela, shot by a police officer for saying that he doesn’t recognise King Mswati

Inside eSwatini Today

The Constitution includes a Bill of Rights that protects many fundamental freedoms, including those of expression, assembly, and conscience and religion. It also contains provisions that have relaxed some stringent customary law practices, such as forcing women to mourn their dead spouses. However, its application remains a mirage for many citizens.

It is a deferred dream for many reasons:

- The traditional authorities, an integral part of the country’s power structures, and the pro-democracy forces both reject the Constitution because they believe it does not serve their interests.
- The traditionalists believe that it seeks to challenge the powers of the king and subordinates him to “mere paper”, as they put it. They complain that if the Constitution was followed to the letter, the king would lose his status as an absolute monarch.
- Pro-democracy campaigners, on the other hand, reject it because they had no say in drafting it as a collective, objecting that it was imposed on eSwatini by the king.
- Only individual submissions were allowed during public consultations during the constitutional drafting exercise from the mid-1990s to the early 2000s. As a result, the courts, particularly the High Court and Supreme Court, have been ambivalent about enforcing it, and especially the Bill of Rights.

In May 2008, three years after the Constitution became law, the Supreme Court dismissed an application by pro-democracy groups to have the Constitution struck down in order to allow the process of consultation to start afresh.

They sought an order from the court to force the government to convene a constitutional assembly or national convention where a more legitimate Constitution could be drafted and adopted by the people.

Refusing this application, judge Pat Tsebuts said: “The people of Swaziland, despite the pronouncements of the appellants to the contrary, took part in that [constitutional] process. Views were expressed, submissions and representations made and the reports collating and analysing those views were put before the king. “It has been said that a Constitution embodies what is in substance an agreement reached by various shades of public opinion as to how the sovereign power of the state is to be exercised in the future.

“It is usually evolutionary, not revolutionary. That is what occurred in South Africa. It is also what happened in this country.”

Despite the highest court endorsing the Constitution, pro-democracy groups have refused to accept it and the courts have been reluctant to enforce it. As a result, Mswati remains the absolute monarch he has always been.

The media, and particularly the print media, has been the biggest casualty. The two major daily newspapers, The Times of Swaziland and The eSwatini Observer, the former privately owned and the latter owned by the royal investment house Tibiyo taka Ngwane, have greatly curtailed their reporting on critical issues because of lawsuits and threats from government and others in power.

The media has faced a slew of
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In eSwatini the courts have, time and again, arrogated to themselves the right of editors to decide what is or is not in the public interest, awarding damages and, as a result, have been forced to withdraw into their shells as a safety precaution. Self-censorship is their safest escape.

The mostsignificant payout, which forced them to take several steps back, was the December 2014 judgment in The Times of Swaziland v Inkhosatana Gelane Simelane, who at the time was president of the Senate. She was awarded R500 000 in damages for an article which quoted members of the community where she is an acting chief, who questioned her right to hold the position.

The judgment was delivered by the former chief justice, the late Michael Ramodibedi. During Ramodibedi’s tenure as head of the judiciary, he sent a clear message that the media could not use section 24 of the Constitution to protect its freedom of expression.

It is now common for the courts in eSwatini to quote the Bogoshi judgement’s distinction between what is in the public interest and what is merely interesting to the public.

The irony is that the South African judgement relaxed stringent legal impediments to the freedom of expression in that country, in particular strict liability for the publication of false articles.

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In the Gelane case, which set a standard for payouts against the media and has been repeated by the courts in subsequent defamation cases, he said: “I note straightforwardly that the right of freedom of expression is not the law of the Medes and Persians. It is not sacrosanct.”

A reading of this judgment turns, among other considerations, on the test for what is in the public interest. In this case and many others since, a small section of the judgement in the South African watershed case National Media Ltd v Bogoshi has been used as a weapon against the media.

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In its 2012 report “So This Is Democracy”, the Media Institute of Southern Africa (MISA) said of Dlamini’s appointment as managing editor of The Times: “As someone allegedly beholden to higher authorities, there is fear that the newspaper’s editorial independence is at stake. His position is untenable.”

Radio and television, which are state-owned, have always reported favourably on the government. They completely ignored the June riots and looking as if they had never happened.

With the mainstream media compromised, the public has turned to the social media to vent their feelings about the way eSwatini is run and as a source of information.

The most active social media platform is Facebook. However, WhatsApp has gained considerable traction as a way of disseminating information, group platforms being the most convenient way of sending out messages.

Twitter is slowly growing its base but has yet to find a firm footing. However, the advent of Twitter Spaces, a live audio platform, is gaining favour among emaSwati to debate issues affecting the country. It is used mainly by citizens in the diaspora to engage on matters back home.

Until recently, and except for a few users who occasionally posted to awaken a docile public, Facebook was a mundane mode of social discourse, where there was little engagement on the country’s pressing national issues.

Recently, however, the tide has turned. Users have begun to discuss issues they cannot air anywhere else. Freedom of speech, so absolutely and exclusively the platform that it is frightening to read what some people have to say about the leadership of the country.

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In 2020, in a bid to control the impact of social media, the government tabled the Computer Crimes and Cybercrimes Bill in Parliament. The Bill sought to clamp down on the use of computers and social media as a means of communication, with penalties of up to R10-million in fines or ten years’ imprisonment for publishing what the government considers “fake news”.

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The Bill was withdrawn after the print media objected strongly to the government arrogating to itself the power to decide what electronic information is fit for public consumption.

Of particular concern to the government is the arrival of online publishing. The Cybercrimes Bill may have been drafted mainly to deal with Zweli Martin Dlamini, originally a little-known private investigator who went to extreme lengths to dig up dirt on those he had been hired to investigate.

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Zwemart has grown what appears to be a strong base of news sources. Perhaps his finest moment was his publication of a recording of the former army commander, Jeffrey Shabalala, confiding secret states to the king’s state of mind about the uprising. Shabalala has since been replaced.

When, then, does Zwemart’s ragged journalism, which no self-respecting editor would touch, matter? Because his readers love him and he used his power to rally emaSwati against the king in the build-up to the June insurrection.

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And for resources.”

He went on to announce that eSwatini’s leadership was finished and lamented that the people did not seem to realise it. He urged those in charge of the revolution to take their place as the country’s leaders.

The events of June 2021 were a manifestation of citizens’ frustration about a king who lost touch with them several years ago. Mswati has isolated himself, concentrating on leading a lavish lifestyle and amassing wealth for himself, his 15 wives and many children in a struggling economy where job opportunities for ordinary people have shrunk.

While the monarch’s fortunes soar, the chances of a young university graduate finding employment are slim.

At the end of 2019, he took the extraordinary step of purchasing thirteen Rolls Royce Phantoms for himself, the Queen Mother and his wives, in an obscenely ostentatious move that shook eSwatini. It was a clear sign that he had become unhinged. His vanity project, the construction of a five-star hotel and convention centre with at least R6-billion of taxpayers’ money, continues unabated, bedevilled by reports of corruption and money laundering as costs skyrocket.

Like many revolutions around the world, it was a single incident, seemingly unrelated to a country’s political process, that ignited the firestorm.

In early May, a final-year law student at the University of eSwatini, Thabani Nkomoyane, died because of what has been described as police brutality. His university colleagues were joined by youth from elsewhere in a running protest using social media that called for the police to account for the death.

Government relented and set up an inquest to investigate the death. The probe is ongoing.

The protest morphed into calls for political and economic reform by the youth, who had always felt left out of the country’s discourse.

Parallel to this was the unprecedented step by three MPs who, taking advantage of the leadership vacuum caused by the death of the prime minister in December last year, broke ranks and began to call for the next prime minister to be democratically elected instead of being appointed by the king.

Columnists and letter writers to...
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columnist wrote: “Our leadership
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The turning point was the decision
shut down the only fully recognised
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not how the public understood the
restrictions.

That is when the riots began.
There is a worrying aspect of the
pro-democracy activism in the country.
When a truck loaded with young
people wearing red t-shirts drove
through the capital Mbabane on the
morning of Friday July 9 this year,
bystanders tripped over one another as
they dashed for cover in the mistaken
belief that another riot was about to
start.
The main bus rank, normally a hive
of activity, was cleared and the main
shopping centre, the Swazi Plaza, shut
down, bringing to an immediate end
that Friday’s business in the city.
It was a panic-stricken response to
a harmless group of EFF-Eswatini
supporters on their way to the Oshoek
border post to meet their counterparts
from South Africa’s EFF (Economic
Freedom Fighters) for a joint
demonstration.
The youths were singing struggle
songs in anticipation of the protest
action, which had began to die down
in Eswatini.
The incident raised the question: can
emaSwati ever again gather in groups
to protest on any issue without fear
of repeating the events at the end of
June, when rioting and the destruction
of property resulted in a brutal
clamdown on protesters by the army?
It is a question whose answer will
only reveal itself in time.
However, the public reaction
suggests that in the aftermath of the
unrest many people are frightened,
rather than hopeful, and that the
authorities are primed for repression.
By taking matters to the extreme in
June, emaSwati may have reversed the
small gains they had made in asserting
their rights in the dictatorship under
which they live.
One of the biggest challenges
eSwatini has always faced is instilling
a culture of human rights. From
April 12 1973, when King Sobhuza
II issued a proclamation banning all
meetings except church services and
other gatherings sanctioned by the
police, until the early 1990s, when his
successor, King Mswati III, relaxed
the proclamation to allow trade union
activity, emaSwati have not enjoyed
meaningful human rights, including
those of assembly and speech.
Even the meetings called by trade
unionists were sanctioned on the strict
understanding that only bread-and-
butter issues would be discussed.
Any diversion into politics would
prompt the police, who were always in
attendance, to shut down the meeting.
However, the relaxation of
impediments to freedom of assembly
for trade union activity went further
than the authorities intended.
The media, with the exception of The
Nation magazine, also followed suit
and stopped quoting Pudemo’s leaders
because it was considered illegal to do
so.
With Pudemo proscribed and union
activity severely curtailed, political
activity had almost been obliterated —
and trade union organisations have been
arrested over the past 30 years, some
repeaters, to the point that prison
cells became their second home.
In almost all cases, the charges
brought against them under repressive
security laws were based on their
utterances at political rallies. Many
were rearrested while out on bail and,
in recent times, some have died while
awaiting trial in cases sometimes going
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E ven though Pudemo, which
advocates a constitutional
multiparty democracy in Eswatini,
has never been recognised as a political
party by the government, it was
officially declared a proscribed entity
by the former prime minister, the late
Barnabas Sibusiso Dlamini, in 2012.
Since then, it has not been able to
hold meetings, and its efforts to bring
together the masses to push for a
democratic state have been met with
resistance by the government and taken
to the courts to assert rights
without fear or favour.
For years, the judiciary has had to
 arising from the
dominant People’s United Democratic
Movement (Pudemo), which defied
the government and took to the streets
in anticipation of the protest

Secondly, eSwatini lacks lawyers
dedicated to human rights litigation.
Only one lawyer, Thalani Maseko,
is known as a human rights activist,
but as a Pudemo leader, he is more
concerned with politics than with
unlocking the Bill of Rights in court.
To be fair, Maseko has made many
appearances in the High Court and
Supreme Court to fight for the rights
of clients, but he has been hamstrung
by the fact that he does not believe in
the Constitution and would rather it
was scrapped and drafted afresh.
Others in the legal fraternity, a
profession said to be over-staffed in
the kingdom, have chosen to stay away
from rights-based litigation because

The Times began to warn of an Arab
Spring uprising in the kingdom. One
columnist wrote: “Our leadership...
...thinks this kingdom is immune
to all that history has taught us. We
have opted to go for the same old
tactics of fallen regimes which have
all eventually led to one sad ending:
bloody conflict.”

The turning point was the decision
of the three MPs, after their efforts
to garner parliamentary support
failed, to take their campaign to their
constituencies. The youth joined
them and marched to election centres
around the country to deliver petitions
listing their grievances.

The government then made the error
that lit the touch paper: it banned the
delivery of petitions, citing Covid-19
restrictions.
Whatever the intentions, this was
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they believe it is bad for business. Many lawyers go through their careers in private practice looking for briefs from the government or the more lucrative state-owned enterprises. They shy away from any client that might be perceived as a radical seeking to challenge the authorities.

In the country’s 53 years of independence, no legal practitioner has emerged who has developed a deep understanding of a rights culture and the courses of action needed to transform society and force the authorities to respect human rights. This has worked well for King Mswati, who has continued to trample over his people’s rights while his powers go unchallenged.

Further strengthening his hand are the cultural dynamics of eSwatini’s traditional structures, which remain an important factor in the identity of emaSwati. The king has always preached the importance of a culture of respect, particularly towards authority, as the only way of achieving peace and prosperity in the country — in short, he has cultivated a loyal and unquestioning populace.

Anyone who challenges authority, particularly traditional authority, is seen as “unSwazi” and can be ostracised for behaviour considered alien.

This attitude is in line with the way the country’s tinkhundla political structure was designed. When Sobhuza conceived the system in 1978, he sold it to the people as a political model that promoted the decentralisation of power.

However, under Mswati the system serves his interests alone, a point that was made clear after he appointed the present Cabinet in 2018. Members of the Cabinet have demonstrated the most contemptuous attitude towards the people. For example, they have treated the local media as an irritation, preferring to engage with foreign journalists, particularly from South Africa, on developments in eSwatini in the belief that this will attract investors.

The Minister for Finance, Neal Rijkenberg, has not bothered to discuss the government’s vision for fixing the economy; nor, at times, answer questions sent to him by the local media. But he has found time to write articles as a guest columnist for some of South Africa’s leading financial publications.

To maximise government’s international exposure, Johannesburg-based Vuma Communications was hired to help Rijkenberg and the Minister for Trade and Industry, Manqoba Khumalo, to market the country in South Africa in a drive to attract investment.

Leading the charge against Vuma was the South African politician, Phumzile van Damme, whose mother is a Swazi, and who likened the company to disgraced British spin doctors Bell Pottinger for pushing the eSwatini government’s agenda.

The Cabinet has always believed that the people of eSwatini are irrelevant to their plans and can be ignored. After all, that is a long-standing tradition in the country.

This partly explains why the June uprising sparked fear that the violence was driven by foreign elements, including South Africa’s EFF, which they claimed supplied pro-democracy forces with weapons and logistics.

Writing in a South African Sunday newspaper, EFF deputy president Floyd Shivambu threw his organisation’s weight behind the push for political reform in eSwatini, saying the EFF is inspired by the brave actions of its citizens and stands ready to support them by all means necessary.

“True freedom must be gained through democratic means, but as this path is blocked, it must be through any other revolutionary means possible. No retreat, no surrender,” Shivambu said.

Whether he was claiming that his organisation provided assistance to pro-democracy activists is a matter of interpretation.

Allegations that foreign mercenaries were involved were also made by pro-democracy forces, which accused the government of importing soldiers from as far away as Equatorial Guinea to slaughter emaSwati.

This was presumably because Mswati enjoys close relations with the corrupt Equatorial Guinea dictator Obiang Nguema, and their governments are known to share information and resources on state security.

As time has passed, no evidence has emerged to show that foreign mercenaries were involved in the riots.

But Princess Sikhanyiso’s statement to the international media that this was the case is understandable, to the extent that the events were unprecedented.

What happened defied everything that emaSwati believed of themselves — everyone was caught completely off guard by the level of violence and damage caused during the week of mayhem.

Until the unrest, the princess and her many royal siblings lived a carefree life, spoilt brats secure in the knowledge that emaSwati owed them a living.

South African agency Vuma Communications was hired to help market the country in a drive to attract investment.

The courage of protesters such as these inspired calls for solidarity from South Africa’s EFF political party.
inside eswatini today

All of Mswati's children are provided with security wherever they go, including during excursions to night clubs and parties. This must have been the first time that they really feared for their safety.

The king has done his fair share to alienate his people and damage his reputation in the eyes of the public, but his children also have much to answer for. They have constantly cocked a snook at the poverty-striken people of eSwatini by going on social media to flaunt their royal wealth and mock calls for democracy and reform.

On July 5, as tensions began to subside, Princess Sikhanyisso, the king’s eldest child, took to national radio to apologise profusely for the attitude of the royal family, and particularly of herself and her siblings, and promised that they would behave appropriately from now on.

It is common cause that the security forces would never have opened fire on unarmed citizens without the express instructions of the king. Only he has the power to declare war. But no one expected him to use it against his own people.

Initial reports were that the soldiers deployed to quell the insurrection were ordered to shoot at the area above deployed to quell the insurrection were people.

The training of police, army and correctional service officers, which takes up to a year for new recruits, is conducted mainly to instil the all-important value that they are loyal only to His Majesty, his family and his successors.

That is, after all, what all politicians and judicial officers promise to uphold when they are sworn into public office. It is why, when dealing with what they perceive to be law-breakers, the security forces show no mercy and have no appreciation for human rights norms.

The lack of any culture of rights litigation in eSwatini has been highlighted by the plight of three MPs who have been charged under the Suppression of Terrorism Act with inciting violence. Although they have a strong legal case, they will be hard pressed to find a lawyer who will stand up for their rights under the country’s Constitution.

There is no clear evidence that the three fomented the June riots. In fact, when the king addressed the nation on July 16, he acknowledged that the MPs had tried to go through the proper processes by taking their calls for reform to their constituencies after they had failed to win support in Parliament.

In his speech, Mswati for all intents and purposes threw his government under the bus by saying that it had blocked the presentation of petitions. Despite this, a few days after his speech two of the three MPs, Baceed Mbabza and Mthandeni Dube, identified by the authorities as ringleaders of the insurgency, were arrested and charged under the Suppression of Terrorism Act.

Gawuzela Simelane, the third member of the triumvirate, has been on the run ever since and is believed to be somewhere in South Africa, from where he continues to speak to emaSwati about political reforms through live broadcasts on Facebook.

Once an obscure MP elected in an unarmed constituency whose known background is that he is a priest and a gospel artist, he has a growing reputation as a scarlet pimpernel.

His live broadcasts, hosted by Zveeran’s ZwaiZwe, are now referred to as “family meetings”, a term borrowed from Cyril Ramaphosa’s live addresses on television in South Africa.

Before the warrant of arrest was issued against him, Simelane spoke to the acting Prime Minister, Thembu Masuku on the phone, asking him if he could address the nation on national radio and call for calm in the wake of the riots.

The conversation was recorded and later released to the public on WhatsApp.

Masuku declined the request.

On August 9, the High Court refused to grant bail to the two arrested MPs, who remain in custody in a maximum security prison awaiting trial. The reasons for refusing them bail were so spurious that the motives were clearly political, rather than legal.

One would expect the question of how far parliamentary privilege extends, and whether immunities apply outside the House, to be vigorously debated in court when the trial starts.

As the country tries to move on after the June skirmishes, the space to reflect on and discuss what exactly happened during the upheavals, and what needs to be done to avoid a repeat, has effectively been closed.

When the king spoke on July 16, he said discussions on such issues will only be allowed once the spread of Covid-19 has subsided and it is safe to hold national meetings.

Further evidence that the authorities have drawn a curtain over the protests and security force action is that even though Parliament continues to sit, MPs have not touched on the subject and continue their business as if nothing has happened.

When he first spoke in Parliament on July 28, the newly appointed Prime Minister, Cleopas Dlamini, promised that the government would attend to the grievances raised by the youth in the petitions that were delivered.

Since then, he has said nothing about the matter.

Until the king says otherwise, political discussion and calls for reform are, therefore, in abeyance. Even on social media, where the king’s powers do not seem to extend, the subject is

waning.

There was a time when criticizing King Mswati was frowned on in eSwatini and to use demeaning language about him could have serious consequences, such as the loss of employment.

Since the beginning of July, that has changed. Social media has become a playground for people to take pot shots at the monarch, while some users have even given him a nickname to show their contempt for the most powerful man in the country.

In a country where free expression can now only be found on social media, there is a new threat to freedom of speech and debate: criticism of the insurrection or questioning the political views or motives of the three MPs is not allowed. To do so is to risk a public lynching.

For example, to wonder how an elected prime minister would choose his cabinet ministers outside political party structures draws accusations that one is seeking to frustrate political reform.

Like Mswati’s intolerance of free speech, those who seek a democratic form of governance are restricting the public discourse, more so at this time when the two MPs are in jail and Simelane continues to capture the imagination of the public in his broadcasts.

The result is that emaSwati have become hostages to self-created confusion.

Meanwhile, King Mswati, who long ago abandoned his people, continues to enjoy absolute power. Until he climbs down from his throne and governs them in accordance with what emaSwati expect from their monarch, the head that wears the crown will lie uneasy.

The death of law student Thabani Nikononye at the hands of police is what initially sparked the protests, beginning with angry demonstrations by students at his memorial service the following day.
Dark Days in eSwatini

Not so free expression in the kingdom of Mswati

One of the most repressive environments for African journalists to work in, eSwatini is ranked 141 of 180 countries in the World Press Freedom Index.

media and censorship

CARIEN DU PLESSIS

While covering the pro-democracy demonstrations in eSwatini in July this year, two South African journalists, Magnificent Mndebele and Cebelihle Mbuyisa, were subjected to a terrifying ordeal. Solely because they are journalists, they were detained and tortured by the Swazi police.

The two men, who work for the South African online news agency New Frame, were subjected to “tubing”, a form of abuse in which the victim is suffocated with a plastic bag. They were also treated in hospital for bruises and swelling after being severely beaten.

“The terrible thing about being assaulted in this way is not the pain; it is the helplessness,” Mbuyisa said. “And thinking you are going to die. You really think you are going to die and you can’t come to terms with it. I thought: ‘I still want to write. I still want to have a home; I want to build a house. I want to live!’”

In the same week, two other journalists, Andile Langwenya from Independent News and Wonderboy Dlamini from the state-owned Swazi Observer, were shot at by members of the Royal eSwatini Police who were dispersing a crowd.

Dlamini was covering a demonstration in the Lugongolweni constituency by about 200 protesters when police fired teargas. The protesters fled, but he stayed put. “I saw the police officer loading his weapon and shouted that I was a journalist. I don’t know whether he heard, but he fired a teargas canister at me,” he told the media and censorship...
The journalists were covering some of the most intense protests in recent years in eSwatini against the absolute monarchy of King Mswati III, who has ruled the country with an iron fist since 1986. The protests started after a student, Thabani Nkomonye, allegedly died while being held by police, who blamed a car accident. The government barred the delivery of petitions to parliament in protest, closing the only avenue for people to vent their grievances.

On June 27 popular discontent boiled over in four days of violence in which shops and businesses were looted, and hundreds of protesters were killed and about 250 injured. The government’s estimates were higher. The security forces cracked down brutally, using live ammunition. There were reports of people being dragged behind bars with human rights lawyer Thulani Maseko after they had criticised a highly controversial ruling of the former chief justice and royal favourite Michael Ramadidi.

Maseko had fled into exile four years before the riots. Some Swazi journalists have admitted to censoring themselves out of necessity, and others say their access to government leaders is limited when they become too critical.

The protests boiled over in four days of violence in the capital to government leaders is limited when they become too critical.

One of the most repressive environments for African journalists to work in, eSwatini is ranked 141 of 180 countries in the World Press Freedom Index. South Africa stands at 32 and even Zimbabwe does better, at 130.

Some journalists, such as Eugene Dube, editor of Swati Newsweek, and Zweli Martin Dlamini, editor of Swaziland News, had fled into exile before the upheavals.

Bheki Makhubu, editor of the country’s most respected independent media voice, The Nation, spent 15 months behind bars with human rights lawyer Thulani Maseko after they had criticised a highly controversial ruling of the former chief justice and royal favourite Michael Ramadidi.

Makhubu was charged with contempt of court in connection with an article that accused Ramadidi of abusing his authority. After more than three months in detention without bail, he was sentenced to two years in jail without the option of a fine, in what was reportedly meant to deter other journalists. He and Maseko were released after the Supreme Court found they had been wrongly convicted.

Some Swazi journalists have admitted to censoring themselves out of necessity, and others say their access to government leaders is limited when they become too critical.

Dube, editor of The Africa Report, Financial Mail, News24 and others. She has authored a book on South African politician Nkosazana Dlamini Zuma and co-authored another about the South African political context.

The media landscape in eSwatini

Daily newspapers
- Times of Swaziland (http://www.times.co.sz/), which is privately owned and has a broad distribution, reaching rural areas.
- Swazi Observer (http://new.observer.org.sz/), owned by the royal family through the Tliboy Taka Ngewane Trust.

Weekly newspapers
- Swazi Mirror
- Swati Newsweek
- Swaziland Shopping (2016-2017)
- The Independent News
- On Time Business

Magazines
- The Nation
- eSwatini Property Magazine
- Zion Magazine (religious)

Online publications
- Swaziland News: http://www.swazilandnews.co.za/, now registered in South Africa and edited by Zweli Martin Dlamini from there.
- Swati Newsweek: https://swnewsweek.wordpress.com/, edited by Eugene Dube in South Africa.
- Inhlae Centre for Investigative Journalism: https://inhlae.com/, established in 2017

Print publications from South Africa and Zimbabwe are also available in eSwatini, but the state has been known to buy out publications containing negative stories about the royal family.

Radio and television
- eSwatini Broadcasting and Information Services, is the state radio broadcaster. With two channels, one in English and one in Swati, it reaches 98 percent of the population.
- eSwatini TV is the state-owned television broadcaster.
- The Voice of the Church, owned by Trans World Radio, covers an estimated 75 percent of the country, with Swati and English channels.
- The Swaziland Community Radio Network has been campaigning since 2013 for licences for community radio stations, with limited success.
- Channel 5 is a privately owned television station that can be watched with a decoder.
- DStv gives access to regional and international television networks, but most people cannot afford it.

Carien du Plessis is a freelance journalist and author with over two decades of experience, focusing on South African politics and foreign policy, as well as continental politics, elections and international summits. She writes for Daily Maverick, The Africa Report, Financial Mail, News24 and other. She has authored a book on South African politician Nkosazana Dlamini Zuma and co-authored another about the South African political context.

Obstacles that hinder journalism

Legal obstacles

For at least two decades there have been constant attacks on Swazi journalists, according to Tanveer Jeewa of the International Commission of Jurists.

Jeewa added that eSwatini’s current legislation does not comply with the commitment to freedom of expression and the press enshrined in the country’s Constitution and ratified by regional treaties and international conventions.

Article 24 (1) and (2) of the 2005 Constitution guarantees the right to freedom of expression, including freedom of the media. The article states that all people have the right to freedom of expression and opinion, and must not, except with their free consent, be hindered in the enjoyment of these rights, which include the freedom of the press and other media.

Freedom of expression and opinion is defined as the right to hold opinions without interference; to receive ideas and information without interference; to communicate ideas and information to the general public generally; or any persons or class of persons, without interference; and the freedom from interference with personal correspondence.

However, the Constitution’s article 24 (1) stipulates that these rights are subject to limitation if it “is reasonably required” in the interests of defence, public safety, public order, public
media and censorship

morality, public health and other factors.

Jeewa points that any legislation that unjustifiably limits these rights and those under regional and international law is unconstitutional.

She said “the most glaringly unconstitutional piece of legislation is the Sedition and Subversion Act 46 of 1938 (Sedition Act), which made it an offence to distribute a publication that might be considered critical of the king. This had led to the infringement of many journalists’ rights.

Under this colonial-era statute the police developed the practice of searching journalists on suspicion that they possess publications that fall within the scope of the Act.

Section 3(1) of the Act criminalises "seditionist intentions", defined as including “exacting inhabitants of Swaziland to procure changes in Swaziland other than by lawful means”, and “reigning disorder or disaffection”.

Section 3(2) of the Act specifically exempts from being treated as seditious a publication that shows the king has been misled or is mistaken, or which point out errors in the government or Constitution.

Jeewa believes it may be possible to challenge the constitutionality of the Sedition Act. "The Sedition Act heavily curtails the rights of the press in eSwatini to carry out their work impartially and keep the public informed," she said. "The Act also prevents the people in eSwatini from getting information on the current state of affairs in the country in an objective fashion."

The Suppression of Terrorism Act 11 of 2017 (an amendment of a 2008 Act) has also been used to silence dissenting voices. Two MPs, Bacede Mabuza and Mthandeni Dube, were charged under this law in July this year with allegedly inciting violent protest against the constitutionally established government of eSwatini. They were denied bail, and at the time of writing were still in detention pending a hearing.

In September 2016 the High Court ruled that sections of the Sedition Act and the Terrorism Act of 2008 were invalid as they infringed upon the constitutionally protected rights of expression, association and peaceful assembly. The Government appealed against the judgement in the same month. Five years later, the appeal is yet to be heard and the Acts are still in force.

The Terrorism Act was amended in 2017, but Amnesty International has criticised the amended legislation as violating the country's Constitution and obligations under international and regional human rights law.

The law of defamation was used against then editor of the Times of Swaziland Sunday, Bheki Makhubu, in 1999 after he called King Mswati III’s latest 18-year-old fiancée a high school “drop out” (he was summarily fired from the paper but the case never went to trial).

It was also used in 2005 by then Deputy Prime Minister Albert Shabangu against the Times of Swaziland (he lost when the E750 000 damages was appealed). "The incident has had a chilling effect on press freedom in Swaziland," Mabuza said at the time.11

Another 32 laws restrict the media in ways that could be extended to have the effect of censoring publications. These include the Books and Newspapers Act 20 of 1963, Cinematograph Act 31 of 1920, Proscribed Publications Act of 1968, Obscene Publications Act of 1927 and Swaziland Television Authority Act of 1983.

Thirty-two other laws restrict the media, including the Books and Newspapers Act 20 of 1963 (which requires print publications to be registered but which has in the past been used to justify banning the critical Swaziland Shopping newspaper citing that it had not been properly registered), Cinematograph Act 31 of 1920 (it prohibits the filming of various cultural gatherings and celebrations without consent from the Minister of Public Service and Information, who is empowered to proclaim an image or film objectionable “if he believes that picture represents scenes holding up to ridicule or contempt any member of the King’s naval, military or air forces”), Proscribed Publications Act of 1968 (it empowers government to ban publications if they are deemed “prejudicial or potentially prejudicial to the interests of defence, public safety, public order, public morality or public health”), Obscene Publications Act of 1927 and Swaziland Television Authority Act of 1983.12

Journalists may also be compelled to reveal confidential sources in terms of a subpoena under section 34 of the Magistrate’s Courts Act 66 of 1939. Section 10 of the Official Secrets Act 30 of 1968 empowers the commissioner of police to compel a person to furnish necessary information if he is satisfied that an offence has been committed under the Act.

Recently, there were concerns about the Computer Crime and Cybercrime Bill of 2017, which is broadly aimed at child pornography, identity theft, cyber terrorism and stalking. However, as it also targets “fake news that is damaging to the country”, critics argued that it could be used against online publications critical of the government or dissent on social media.

Swaziland News editor Zweli Martin Dlamini filed eSwatini in April last year when police said they were investigating him for sedition following the publication of two stories on his site about the king. He now publishes online from South Africa.

Dlamini had pushed back against the Bill and it was withdrawn, but it could be reintroduced at any time.

Welcome Dlamini, a journalist at the Times of eSwatini, said pre-publication interdicts have often been used to stop the newspaper from publishing stories. In 2019, for example, the Central Bank of eSwatini filed an urgent application for an interdict preventing The Times from publishing a story about the issuing of a licence to the Farmers Bank.13

Dlamini said the story would have reported that the Farmers Bank was investigated before the licence was granted; however, the Central Bank argued that eSwatini would be blacklisted by creditors and investors if such a report was published.

In 2019, for example, the Central Bank of eSwatini filed an urgent application to prevent The Times from publishing a story about the issuing of a licence to the Farmers Bank,13

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The bank has not started operating because "we don't know if that's true or not." The bank has not started operating because of problems dealt with in the original story, which the paper is still unable to publish.

In this case a confidentiality regulation, section 20(3) of the Central Bank Order, was used in court. In terms of this, it is "a criminal offence to disclose, reveal or publish any confidential material and/or any material that falls within the ambit of the security provisions that are applicable at the [Central Bank] undertaking."
Regulations introduced at the start of the Covid-19 pandemic to prevent the spreading of fake news also restrict reporting, although there have been no formal prosecutions to date. Under the regulations, anyone spreading a “rumour or unauthenticated information” regarding Covid-19 or measures by the government to address the pandemic is liable to five years in jail or a fine of E20 000 (R20 000).

Critics point out that rights enshrined in the Constitution mean little if they cannot find proper expression. Thulani Maseko, a human rights lawyer and founder of the Institute for Democracy and Leadership, remarked that “the fundamental problem in eSwatini is the lack of rule of law, which is the basis of all rights enshrined in the Constitution”.

Few Swazi judges are independent and willing to listen to arguments based on constitutional rights, he said. “Right now, there is a feeling that the courts are so compromised that it’s difficult to navigate whatever space you may have. A few judges have been quite courageous, but not so many. The courts are packed in favour of the system.”

The dual nature of the legal system, compounded of Roman-Dutch and Swazi customary law, makes it difficult to use the common law to enforce human rights such as freedom of expression.

Even though eSwatini has the three separate arms of government common to democracies, the executive, the legislature and the judiciary, all power is ultimately vested in the king. In theory, the prime minister is supposed to exercise executive authority.

However, Mswati holds supreme executive power and controls both the judiciary and parliament. He also personally appoints the prime minister, the Cabinet and two-thirds of the members of the Senate. “There is conflict between the Constitution as the supreme law and the traditional law-based system,” Maseko said.

Government spokesperson Sabelo Dlamini insisted that criticism of the king is not prohibited. “If you go through Swazi media or social media, you will find the king being criticised. What is unacceptable are fake stories or lies about the king, or anyone for that matter, spread to portray him in a bad light with no regard for the truth,” he said.

Dlamini said a recent example of fake news was the allegation that Mswati “fled the country last month at the height of street riots when he never did. This country respects the freedom of expression as enshrined in the Constitution. There is, however, a distinction between freedom of expression and propagating lies, hate and violence through disinformation.”

Human rights lawyer Thulani Maseko, freed after 15 months in jail, says “the fundamental problem is the lack of rule of law ... the courts are packed in favour of the system”

Intimidation and harassment

A panel of Swazi media practitioners told the Friedrich Ebert Stiftung in 2018 that the use of “cultural norms and practices” to curtail freedom of expression and the media in eSwatini makes it difficult for them to do their job properly and without fear.

“This fear is driven by the legislative framework and by cultural traditions that promote an ethos of silence and fear of authority. Due to this, journalists exercise self-censorship on pertinent national issues,” said the foundation’s Africa Media Barometer report.

Fear of falling foul of the law and incurring expensive court cases, or of falling out of favour with government ministers, which can also ultimately affect advertising revenue, also encourage journalists and editors to self-censor.

Veteran journalist Bhekisile Makhubu said a bullying attitude underlies much of the intimidation and harassment.

Since his release from prison in 2016, he said he has encountered less overt harassment, but is often excluded from government briefings. The access he formerly had to government leaders has also suffered in recent weeks, possibly because of the tense environment created by the protests.

“There was a time in this country when I could pick up the phone and talk to a Cabinet minister, for example on why we are not opening schools in the lockdown, but nowadays I get no indulgence,” he said.

As the government of eSwatini, we feel it is important to set the record straight. Our Constitution guarantees freedom of expression including freedom of the media. Freedom of the press gives the media the right to circulate news or opinions in print without censorship by the government.

I can confirm that eSwatini adheres to the Constitution, despite reports that we are a nation that persecutes journalists who criticise the government. This misconception has been peddled by a few individuals and we would like to dispel these myths.

We have long turned a blind eye to fake news reports regarding our Kingdom. In eSwatini, we are well aware of the constitutional reforms introduced by His Majesty King Mswati III in the 2005 Constitution. However, these reforms have not made their way into international media reports about the Kingdom. Fake news stories have gone out into the media realm and have been picked up by credible news outlets and reported as facts, often without independent verification. This fuels stereotypes about eSwatini, that frankly do not exist.

Our nation has seen significant growth in the area of press freedom and professional ethics from the conventional print media to the vibrant and fast-growing social media in recent years. The media industry is self-regulated through the establishment of the eSwatini Editors Forum and the eSwatini (National) Association of Journalists, where they have determined their own guidelines for ethical journalistic practice which is aligned to international standards. We are particularly proud that our nation makes room for media to report without fear or favour.

As the Government of eSwatini, we welcome and encourage media interest in our country, especially as we embark on the process of economic growth and encourage foreign investment. We do however urge those journalists to verify their stories and make sure that their source of information is indeed credible.

eSwatini Minister of Justice, Pholile Shikantu, in a statement on 29 May 2020, distributed by Vuma Reputation Management.
A number of instances of police harassment of journalists have also been documented. In April last year three journalists from news websites ran into trouble after criticising the handling of the Covid-19 pandemic by the king and the government. Police officers entered the home of Swati Newsweek editor Eugene Dube and seized his laptop, mobile devices and notebooks after he had published an opinion piece by a columnist headlined ‘King reckless on Swazi health’27 and an interview with the local Economic Freedom Fighters leader headlined ‘Removing king possible – EFF Swaziland’.24 Dube fled the country after being subjected to seven hours of interrogation. Police also went after the people who wrote the articles.31

Dube told the Committee to Protect Journalists (CPJ)20 that the police questioned him on why he had given a platform to the EFF, as well as telling him that the monarch is immune from criticism and he could face a charge of high treason.

In one of the offending articles, Mfonko Nkambule wrote that Mswati’s government has “failed to show the urgency needed to handle the Covid-19 pandemic”. He also said “dictatorships” are unsuitable for tackling challenges such as the Covid-19 pandemic because “they are not answerable to the Swazis because these Swazis do not have voting rights”.21

Commenting on the incident, Arnaud Froger, from the Africa desk of Reporters Sans Frontières, said: “The systematic harassment and intimidation of journalists who dare to criticise the king or his government pose a major threat to independent news production.” This could “encourage even more self-censorship and reduce access to reliable and credible information about the coronavirus crisis”.22

Government spokesperson Sabelo Dlamini insisted that Dube was in the wrong. In a statement to the CPJ,23 he alleged that Dube was operating an unregistered media outlet and had broken the law by reporting fake news about Covid-19.

The Covid regulations were similar to those introduced in South Africa at the time, Dlamini said, adding: “Journalists with integrity and ethical practices have no trouble abiding by these regulations.”

Johannesburg-based New Frame, which carried extensive reporting on eSwatini, was among the few foreign publications to report from inside the country.

Two instances of the torture or physical abuse of journalists by the Swazi police have been reported since 2020. The most recent is of the New Frame journalists, Magnificent Mukebele and Cebelihle Mbuyisa, who were interrogated in the Sigodwene police station and who describe their experiences below. New Frame had previously carried a number of stories on eSwatini by the journalists. Mbuyisa is originally from eSwatini.

New Frame sent a lawyer to negotiate the journalists’ release after they borrowed a smuggled phone and contacted the publication while in detention.

The CPJ’s Africa programme coordinator, Angela Quintal, said the authorities should investigate the abuse of the journalists in detention and ensure the responsible officers are held to account.27 “Instead of harassing, assaulting, and censoring reporters, the authorities must allow the press to cover the news safely and without restrictions, so the public can be served by accurate and timely information during this period of turmoil in the kingdom,” she said.

New Frame associate editor Monica Laganparsad said the journalists had been aware of the dangers, but because little information was coming out of eSwatini, it was not always possible to gauge the level of risk. “Magnificent had been spending time with activists on the ground. He was quite careful about who he was moving with,” she said. “My advice to them was, ‘If you see something threatening, get out of there’.”

The pair stayed in contact with Laganparsad throughout their assignment, sending messages and dropping location pins.
Soon after the news about their ordeal broke, when the two journalists had left the country, *New Frame* was contacted by Vuma Reputation Management. The company managed communications on behalf of the eSwatini government for about a decade, but released a public statement saying it had dropped the account in 2018 in response to public pressure not long after the protests. Soon after the news about their ordeal broke, when the two journalists had left the country, *New Frame* was contacted by Vuma Reputation Management. The company managed communications on behalf of the eSwatini government for about a decade, but released a public statement saying it had dropped the account in 2018 in response to public pressure not long after the protests.

Lagarparsad said *New Frame* declined Vuma’s offer to speak to the government because she felt it would be fruitless. “We don’t meet dictators,” she said. She declined a similar offer from the eSwatini Editors Forum because she distrusted them. “They had no clear interest in what we were trying to mend the narrative,” she said. She said that when Dlamini fled the country on 22 April last year “it was not because he was wanted by police for a charge of sedition. It was because he had failed to appear in court on the above-mentioned charges and the court had issued a warrant for his arrest.” Shakantu also said Dlamini was wanted on a common assault charge for a charge of sedition. It was because he had failed to appear in court on the above-mentioned charges and the court had issued a warrant for his arrest. She questioned Dlamini’s “ethics and integrity” and hinted that he did not believe his allegations against the police because he “has a history of fabricating stories”.

Shakantu threatened to lay a complaint with the Press Ombuds in South Africa, where Dlamini is based and where his website is registered, asking the Ombud “to look into a number of fake news articles published by *Swaziland News*, as they are in violation of the South African Press Code”.

In June the Supreme Court of eSwatini turned down an appeal by *Times of Swaziland* against a ruling that the naked couple had been defamed, but it did rule that the original damages of E350 000 to the man and E175 000 to the woman were too high. These were lowered to E150 000 each. The court said the pictures of the couple were unlawfully obtained, and were “not in the public interest” as they weren’t doing anything illegal, and even breached the paper’s own code of ethics.

Dlamini said he had approached eSwatini’s Human Rights Commission over the “gross violation of [his] human rights”, but without result. He said in an interview that the charges were fabricated, adding: “What they normally do is to put these charges to frustrate you.” Quintal said the eSwatini government has made no attempt to hold accountable those police officers who allegedly committed the offences against Dlamini in the king’s name. “You can try to discredit journalists, but you have to ensure that your government does the right thing,” she said, adding that there are no mechanisms in eSwatini for journalists to obtain redress.
from the internet blackout imposed in
without fear of interference and free
more easily relay their coverage
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arriving in eSwatini, but continued
out and come home.”

The team left three days after
arriving in eSwatini, but continued
reporting on the South African side
of the border. From there they could
more easily relay their coverage
without fear of interference and free
from the internet blackout imposed in
eSwatini (described on page 34).

Pro-government journalists
complained in turn about
intimidation by protesters. In a
briefing paper16 to the Southern
African Development Community’s
ministerial fact-finding mission, the
eSwatini Editors’ Forum complained
that “the news media industry,
journalism and truthful information
were among the casualties of the
 Carnage of violence.

The news media as an institution
was singled out as one of the pillars
of society and deliberately targeted
for destruction and disruption with
the objective of silencing established
and trusted sources of information
and alternative narrative to that of the
protest promoters.”

The forum complained that
journalists who did not agree with the
protesters’ objectives received death
threats, and that media operations
were disrupted. “Newspapers were
forced to stop publishing by threats
of arson and violence. Broadcasters
were forced to suspend their
news programmes. Since the start
of the turbulence, newspapers
had received letters, so they were
turning people back on the highway.
Journalists had to knock off early,”
Dlamini said. Print publications had
to close their operations for three days.
He said journalists who worked
for the Times were also targeted by
protesters and feared for their safety
because there were threats to burn
down the newspaper’s office building.
“We tried to be resilient,” he said,
“but even if we had printed, no shops
were opening. There was nobody to sell
to.” Distribution networks were not
functioning, so “if we’d printed we’d be
sitting with copies of our own papers”,
He said that the after protests
had subsided, the Times had tried
to strengthen its previously minimal
online presence, so that similar
problems could be overcome in future.
He said the newspaper managed to
publish some information online
during the protests by using an
independent service provider whose
services were not switched off.

Red tape

Foreign journalists wishing to
report from eSwatini have to
apply for media accreditation
to the Director of Information
and Media Development at least
four weeks in advance, according
to requirements published on the
government website15.

When the story about looting and
arson by protesters broke at the end
of June, many journalists complained
that they could not immediately
obtain accreditation. Caroline Dumay
from France24 said she received
accreditation a number of days after
applying.

Government spokesperson Sabelo
Dlamini said media accreditation
could be granted within a week in
cases of urgency, if the applicant
states the nature of the urgency. The
Immigration Act governs procedures
for entering the country for work
and business purposes and sets out
penalties for violations, he said.

Dlamini said one of the problems
with the New Frame journalists was that
they were not properly accredited.
They were “released with a warning
and advice that they need accreditation
to work in this country”.

The difficulties and waiting
times encountered in applying for
accreditation mean that journalists
generally do not apply.

New Frame’s Laganparsad
said “There was no functioning
government” during the protests and
no way of applying for accreditation.
She gave journalists typed and
stamped letters stating where they
work and that they were in eSwatini
with the editor’s authority.

When the journalists ran into
trouble, the South African government
was of little help. “I am still waiting
for Dirco (South Africa’s Department
of International Relations and
Cooperation) to contact me,” she said.

Newzroom Afrika’s Katopodis
said the station did not apply for
accreditation for its journalists because
it would have been a futile exercise.

Sophie Mokoena, foreign editor at
South Africa’s public broadcaster,
the SABC, said accreditation is important
but comes with risks. “Even when you
have accreditation, you are monitored,
even at the accommodation where
South African diplomats are limited in what they can do to help journalists because they “have to be seen not to be biased” by their host countries, Mokoena said, although there has been some value to reporting to the local embassy when journalists travel to a country on an assignment. The CPJ’s Angela Quintal said she was helped by the South African authorities when she and a Kenyan colleague, Muthoki Mumo, were arrested in Tanzania while on a networking and fact-finding mission to gauge media freedom in the country.

“I have no doubt that my Facebook SOS and tweet about our impending arrest contributed to our release,” she wrote. “The statement issued by CPJ, as well as a range of efforts to ensure government and diplomatic intervention, were also key. The solidarity from partner organisations, activists, human rights defenders, journalists, among others, was amazing. South African diplomats even escorted us to the airport to see that we left safely.”

Quintal, however, felt let down when the former minister of international relations, Lindiwe Sisulu, ignored her and her colleague’s account of the incident to the South African High Commission and accepted Tanzania’s false claim that they were detained for doing work while in the country on tourist visas.

“I was outraged,” she said. “I took it more personally than the Tanzanite newspaper’s ludicrous attempts to discredit us with a false and defamatory cover story, branding us as spies.”

Discourse spokesperson Clayson Monyela said South African journalists are entitled “to the same protection we offer to any South African when in distress, which is normal consular services”. 

Monyela said journalists should notify the local embassy when they work in a foreign country, and be given a briefing about what to do and not do. He said: “When you are in trouble with the law, we get in touch with you, we message you and find out what the issues are, and we get in touch with your family. All of that will be facilitated.”

He added that embassies can provide shelter for those who fear being arrested. “Writing a story as a journalist, you shouldn’t be arrested for that.”

It appears, however, that South African embassies defer to the local country’s laws on media freedom rather than applying South African standards. “If you work in a foreign country, unfortunately the laws of that country are applicable,” he said. This would be made clear in the briefing provided by the embassy to journalists.

He also said the South African embassy had tried to ensure the safety of Viaxen Soobramoney when they were in eSwatini covering the protests, saying that without their knowledge, embassy security personnel followed them in case they got into trouble.

“In general terms, a South African journalist is entitled to protection … If for some reason you’re victimised for doing your job, you would be entitled to protection.”

He said the SABC team informed the embassy before their arrival. The South African Government was worried about the situation in eSwatini: “We had the king instructing security people to shoot, so we had a plan to ensure their safety,” he said. The SABC team was covering a story that needed to be told.

Another media organisation reported using local stringers who operate under cover and do not declare their status as journalists because of the prohibitive red tape and safety fears. Others, such as Viaxen Soobramoney of Independent Newspapers, rely on lobby groups based in South Africa or contributors on the ground in eSwatini to verify information. “You should establish a network of fixers and contributors,”
The day after protesters began burning shops and businesses, internet connectivity went down, the worst shutdown the country has experienced

T he day after protesters began looting and burning shops and businesses, amid unconfirmed rumours that Mswati had fled the country, internet connectivity in eSwatini went down. It developed into the worst deliberate shutdown the country has experienced. MTN confirmed in an unadated statement issued on about July 2 that its subsidiary, MTN eSwatini, and other operators “received a directive from the eSwatini Communications Commission to suspend access to social media and online platforms until otherwise informed.”

The company said that after assessing the request, it had implemented the directive “in compliance with MTN’s licence conditions and in accordance with MTN’s group-wide Digital Human Rights due diligence framework.” It promised to engage with “the relevant stakeholders” to limit the impact of the blackout.

MTN spokesperson Nompilo Morofo said some weeks later that the shutdown had only applied to “social media and online messaging platforms” and that it took nine days for full internet services to be restored. Journalists reported to the CPJ at the time that the blackout, which initially shut down the entire internet and later only social media, disrupted their work. Mbongeni Mbingo, chairperson of the eSwatini Editors’ Forum, said the state-owned eSwatini Observer and the privately owned Times of Swaziland both failed to publish on June 30 and July 1 because of difficulties relating to the internet shutdown.

It also made it difficult for journalists working for foreign publications in the country to keep in touch with their editors, as described earlier. The executive director of the Southern African Litigation Centre, Anneke Meerkotte, wrote to MTN group chief executive Ralph Mugabha, cautioning him that private actors such as MTN, like states, had to refrain from human rights abuses.

“When internet services are shut down, citizens are unable to freely express themselves, journalists are unable to document the human rights abuses that occur, and this lack of expression and transparency allows for even more severe human rights abuses to be perpetuated,” she wrote.

“The rights to freedom of expression, freedom of opinion, and freedom of peaceful assembly and association are among the most fundamental human rights, enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Shutdowns further impact the economy and access to health services and education.”

Human rights activist Melusi Simelane stated his intention to sue the government over the shutdown, but dropped the case after the government lifted the restrictions. Simelane has, however, hinted that he will reinstate it if the same thing happens again.

Internet shutdowns are not unique to eSwatini and have been ordered in a number of countries to deal with dissent and protest. Some journalists say they have circumvented certain of the restrictions with the help of a VPN or by switching to another internet service provider.

The way forward

S olidarity between journalists, local and foreign, could help to keep the crackdown on the press in eSwatini on the agenda of bodies such as the African Union’s Working Group on Safety and Security of Journalists, said Misu’s Golden Maunga-Ndize. Organisations representing journalists should be putting pressure on the government and litigating on such issues as internet shutdowns, he added.

In January this year the African Union launched an online platform, managed by a South African former editor, Jovial Rantao, designed to track threats against journalists. The website, https://safetyofjournalistsinAfrica.africa/ is, however, difficult to navigate.

The SABC’s Sophie Mokoena suggested a strong media presence could protect journalists, on the principle that there is safety in numbers. “In eSwatini they are not used to foreign media, and it’s never had a strong international media contingent,” she said. This was in contrast with Zimbabwe, another repressive state but one with a slightly better media freedom ranking.

The public broadcaster’s team from Mzumalanga is often sent to cover eSwatini, which is too small and expensive to warrant its own bureau, she said.

For Swazi journalists, self-regulation through an institution such as an independent ombudsman could help professionalise journalism and reduce abuse. There have been complaints about the quality of some journalism in eSwatini, and the ethics of publications like Times of Swaziland when publishing pictures in 2014 obtained in private space when it’s not in the public interest, have been questioned. Yet there is currently no professional body to effectively deal with such issues.

Journalists and civil society actors have complained that bodies such as the eSwatini National Association of Journalists and the eSwatini Editors’ Forum have become ineffective. The Editors’ Forum has deferred to the government’s stance in the past, for example it deferred a decision by Minister of Information and Communication Technology, Princess Sikhanyiso Dlamini to invite a select group of editors to an off-record meeting to discuss “issues of public interest” in May.

It happened during the same time as protests over Thabani Skmbone’s death were intensifying. The Nation editor, Bheki Makhubu, who is generally critical of the government, was not invited, and it is not clear why, yet the forum didn’t find fault with this.

In chairperson, Mbingo, edits the pro-government eSwatini Observer. Welcome Dlamini, who chairs the eSwatini National Association of Journalists, said attempts to establish an Ombud’s office failed because of a lack of common purpose. “There’s this thing of not wanting to work together as media houses,” he said. “So no one wants to contribute to that office.”

He said an institution of this kind would benefit all journalists and that in the wake of the protests he hoped there would be efforts to revive it.

The CPJ’s Quintal said an independent regulator, like an independent ombuds, would provide a remedy for those aggrieved about news reports, instead of using criminal defamation and anti-terror laws against journalists. “If you have a problem with bad journalism, don’t use the criminal law. Use a self-regulatory mechanism that deals with bad journalism,” she said.

Janine Hills, who previously worked with Vuma Reputation Management in eSwatini, said training can help journalists report more accurately and credibly and reduce complaints. She added that a distinction should be maintained between the activities of journalists and activists, and that journalists who visit eSwatini should...
be mindful of its customs and the way things are done in the country. “Right now, everybody’s playing the role of activist. You overthrow the king and what then? You have to think very carefully about what to do,” she said.

Diplomats could also help to support journalists. Nicole Wilett, chief of staff at the Open Society Foundations, has suggested that foreign missions could amplify news reports from eSwatini. The United States, which has a large embassy in Mbabane, is not using its diplomatic leverage sufficiently, she said.47

Journalists working in eSwatini have always endured harassment and intimidation, which forced them to self-censor, but anecdotal evidence suggests the recent protests have made matters more difficult. The protests also meant that the media went quiet at a time when the country needed the story to be told. However, it appears that journalists from prominent international media houses are less at risk of brutal treatment by security forces. Makhubu, of The Nation, said it seemed the police did not believe that Cebelihle Mbuyisa and Magnificent Modubele were journalists, possibly because New Frame is not well-known in eSwatini. If he is right, the implication is that police assaults on non-journalists, such as activists, are common. John McDermott of The Economist said that as a foreign correspondent reporting in countries such as eSwatini, he has generally escaped unscathed. “It’s impossible to know for sure, but my suspicion is that in eSwatini and other potentially dangerous places, it is easier and safer to be a reporter for a prestigious international outlet than a South African one, and certainly a Swazi one,” he said.

Quintal said her experience had been similar. When she and a Kenyan colleague were abducted and interrogated by police in Tanzania, her Kenyan colleague, Muthoki Mumo, was treated more harshly than she was.48 “There is a total disregard for their own and other African journalists. They are treated abominably,” she said. “If you’re white and from an international organisation, you are generally treated well.” She also gave the example of the New York Times’s Zimbabwean correspondent Jeffrey Moyo, who was charged by police while his colleagues from abroad were picked up at their hotel and deported.

Human rights lawyer Thulani Maseko said brutality in eSwatini has escalated against activists and journalists alike. “It is worse because the authorities were hoping that after the violence of the past four weeks people would retreat and stand back. Instead, they are getting more and more involved in the protests and coming out openly and saying the system is bad,” he said. “They are getting more upset and more insecure, and more angry.”

Waiting and watching for signs of dissent ... the men and women in blue, armed with batons, ominous in Darth Vader-style helmets

Even though a “phase two” of the protests was supposed to kick in six weeks after the riots at the end of June, the unrest subsequently subsided. Some expressed fears that the eSwatini story is not being properly told, especially by journalists from outside the country who can report from a position of relative safety. Said Mokoena: “People are dying there and we are not doing justice to that story. By the time there’s a change of administration or government or democracy comes, we’re going to see these crimes, and we will regret it, and the world will ask us hard questions because we looked away.”
New Frame journalists recount their abuse and torture

Cebelihle Mbuyisa and Magnificent Mndebele were detained on Sunday, July 4 this year in eSwatini while investigating and reporting on the protests in the country against the last absolute monarchy in Africa. They were abused and tortured by security forces. This is their story, as told to the New Frame podcast:

On the first occasion, Cebelihle was stopped on his way to Makolokolo by a soldier.

The soldier shouted: “You think we like being here? You think we are playing?”

Then he shouted: “Stop!” I stopped, and by this time I was shaking. I was sitting on a bench and I fell but not all the way down. Straight on my knees.

The officer in charge of the questioning said: “No lies here, you think we are playing?”

After another question and before I could rise up and respond to the question, a kick in the abdomen by another officer to my right and then I crouched again. I am still not falling all the way down. I am still not going straight to the floor. After that it was blow after blow after blow after blow. It might have gone on for five minutes.

And then the officer in charge of the questioning says: “Cease fire!”

I think that is their language. I don’t know what it means but when he said that they stopped. They stopped and by this time I was shaking. I am shaking and so he says: “Tell us, who are you working for?”

And then I tell him I work for New Frame and I am a journalist. I am covering the protest. It is just normal journalism. I am at work. I am just working. And I have no agenda. I am not a member of any political party. I am just working.

Finally the police officer in charge of the questioning came over and went through my hair. They cover my face with plastic. Now I can’t breathe. I try to bite off the plastic. I try to shake so that I can get some air. You feel your lungs shrinking. You are witnessing your own murder.

“What are you hiding in your hair?”

He pulls my hair. Then comes down to my neck and just moves his hands around my neck uncomfortably, but he is not throttling me yet. Then he throttles me and then he lets go and then I get a chance to breathe. I am on the verge of tears. But I am smiling stupidly because I am in shock. And then a slap: “Is this funny? You are laughing?”

And then I fall again. Then he pulls me up by my hooded jacket and throws me on the bench. I fall on the bench and the bench comes after me because it is not secured. It falls on me and then they pull it off me and let it fall on me again. And then a slap after that. And after that it was kicks and slaps, and then I thought I was going to die. Magnificent received similar treatment. When he asked for a lawyer, the police officers became angry. They are like, “this is not South Africa. You left all your rights the minute you entered the Kingdom of eSwatini. So no lawyer is coming here.”

Then they made me face the wall where I have been sitting, and some exited the room. Then they strangled me and I was lying down and they were strangling me very very hard. Others had locked onto my legs. And then they were kicking me and punching. I am still conscious I am still aware of what is happening and then I see a plastic. It is transparent but it is quite thick. I tried to hold it and the minute I tried to hold it, one of the officers squeezed my genitals.

Then I see them covering my face with the plastic. Now I can’t breathe. I tried to bite off the plastic. I tried to shake so that I can get some air. You feel your lungs shrinking. And you are noticing that you are a victim and you witness your own murder which you are undergoing.

They bring up a second plastic to make sure that my face is completely sealed. They want to make sure that when they are done they will not be able to breathe. They are strangling me very very hard after me because it is not secured. It falls on me and then they pull it off me and let it fall on me again. And then a slap after that. And after that it was kicks and slaps, and then I thought I was going to die. Magnificent received similar treatment. When he asked for a lawyer, the police officers became angry. They are like, “this is not South Africa. You left all your rights the minute you entered the Kingdom of eSwatini. So no lawyer is coming here.”

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End notes

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Never has the army killed so many people, in cold blood

Swazi army abductions: a first-hand account from an anonymous source inside the country

The soldiers were pointing their rifles at a young man and shouting in SiSwati: “Ngena ngekhatsi! Ngena Ngekhatsi! (Get in!). The young man seemed to be begging for mercy

When eSwatini was burning in the last week of June this year, the state responded with unprecedented brutality.

The Umbutfo eSwatini Defence Force has long had a reputation for cruelty and bestiality, but has never previously killed so many people in cold blood and in broad daylight. The week of 28 June to July 4 was the bloodiest week in the country’s history.

The army is largely dormant — it has never taken part in combat or peacekeeping missions. In theory, its primary function is to protect the state from foreign threats. But since its formation in 1973, it has served largely as the private militia of the king and the royal family.

So when pro-democracy protests erupted in the country, challenging the legitimacy of King Mswati III and his royal clique, it was not surprising that it hit back with lethal force.

The government has confirmed 34 deaths, while human rights groups estimate that the security forces killed at least 70 people during the protests.

The authorities have taken no responsibility for deaths, and have instead propagated the false narrative that mercenaries invaded eSwatini and killed innocent people.

Video circulating on social media tell a different story. They show soldiers and policemen shooting at and brutalising civilians, and in some cases dragging them out of their homes and beating them.

Witnesses also talk of the security forces abducting and torturing suspected participants in the protests. These accounts, which the government disputes, are overwhelmingly supported by videos and photographs captured by citizen journalists.

During “bloody week” I personally witnessed soldiers abduct three young men, whom I did not know, from the balcony of my flat next to one of the major roads in a suburb of Mbabane.

The first abduction took place on Friday July 2 at about 8.30 in the evening. I was watching television when I heard several gunshots that were so loud it seemed that the shooting was happening at the entrance to my block of flats.

I turned down the volume of the TV and peeped through the window. As I gently pulled aside the curtain, another shot was fired and I instinctively ducked down. It was as if the shooter was aiming at me.

In that moment of terror, I remembered that that there was a balcony on the other side of my flat.

Walking bent over, I slowly opened the back door, slipped out and tiptoed towards the rear corner of the balcony. Peeping out, I saw a white Toyota Quantum parked in the road and, standing next to it, two men in army uniforms carrying automatic rifles.

Nearby, another uniformed figure was urinating in the street.

The two armed soldiers were pointing their rifles at a young man and shouting in SiSwati: “Ngena ngekhatsi! Ngena Ngekhatsi! (Get in!). The young man responded inaudibly, as if begging for mercy.

“Uphi lobhululu wakho?” (Where is your friend) shouted the other soldier.

I couldn’t hear whether the young men replied. But I saw him being bundled into the vehicle, which then drove off.

As I stood there stupefied, I heard footsteps and saw someone sneak out of trees next to the flat. It was a young man, who looked terrified and had obviously been hiding from the soldiers. He ran off into the darkness.

I have no idea what happened to this youngster. I just hope he is alive and well.

Two days later, on Sunday July 4, I witnessed the second abduction. It was around 6.45 in the evening and I had just returned from a friend’s house before the start of the curfew at 6pm.

In hindsight, it was the right
I could not see the faces of the people being bundled into the army vehicle, but I could tell they were male. The vehicle quickly drove off. While the men were being abducted, I tried to take a video but was stopped by my neighbour, who whispered: “Stop! You’ll get us killed. If they see that we’re recording them, they’ll come here and shoot us.” I put my phone away.

Then I remembered that the army vehicle had driven in the direction of my friend’s house, which got me worried. I immediately called my friend and warned him to turn down the volume of the music we had been circulating on social media. eSwatini’s two daily newspapers did not report the killing of protesters by the army. But soon afterwards one of the dailies published the names of 28 of the victims. This matched the government’s version, which claimed that 27 people had been killed, a figure that grew to 34.

The government has still not taken responsibility for the deaths. The Minister of Commerce, Industry and Trade, Manqoba Khuma, told the international media that some of the deceased died in fires started by the protesters, as well as repeating the allegation that mercenaries had invaded the country.

The confirmation that security force members had, indeed, killed protesters came about two months later in the form of a confession by a police officer, Sergeant Cebile Shongwe. Shongwe resigned on August 13, stating that her conscience would no longer allow her to serve a “heartless and cruel” system.

In a video posted on Facebook, she disclosed that soldiers had shot dead 14 protesters and incinerated their bodies by throwing them into a fire. A day after Shongwe’s confession, the Swaziland News published a leaked voice note of the army Commander Jeffrey Tshabalala admitting that soldiers had used live ammunition against protesters on the orders of King Mswati.

Shongwe has since fled the country, while the police are searching for her and have refused to accept her resignation. National Police Commissioner William Shongwe has called her “a bad apple”, saying the police are better off without her. The confirmation that security force members killed protesters and then incinerated their bodies by throwing them into a fire has shed a ray of hope for the families of victims.

Shongwe is still under investigation and faces the possibility of a heartless and cruel system. The government is also palming off the blame for the unrest on pro-democracy MPs. It claims peace has returned. But the families of victims have yet to find closure. They are still searching for their missing loved ones, in the hope of finding them alive. Hundreds are in hospital with serious injuries; hundreds more are in jail. eSwatini remains volatile.