

DOYEN OF FREE EXPRESSION, HUMAN RIGHTS SLAIN IN ESWATINI

CFE calls for a full and independent investigation to bring the culprits to justice

Statement from the Campaign for Free Expression

January 23, 2023.

The assassination of Thulani Maseko, a prominent human rights lawyer and fierce advocate for freedom of expression eSwatini at his home on the evening of Saturday January 21, 2023 has attracted a chorus of condemnation and grief both internally and abroad about the political state of affairs in this kingdom.

Fifty-two-year-old Maseko died on the spot in front of his wife and two children.

The assassination represents a new phase in the political conflict between pro-democracy activists and supporters of the eSwatini establishment, fuelling already existing tensions.

“When lawyers are under attack for doing their work, it is an attack on all citizens and their rights to protection under the law. It is an attack on democracy itself,” said Anton Harber, CFE executive director.

“If this situation is not addressed, and if the demands for political reforms continues to be ignored, then there will be a real danger of an escalation of anger and violence,” he said.

CFE calls for a thorough and independent investigation into the brutal killing, as well as the intervention of SADC to ensure that his killers and those who gave the order to kill him be brought to justice. The authorities must take steps to ensure the safety of activists and lawyers, and their freedom to campaign for democracy, CFE said.

Maseko was chairman of the eSwatini’s Multi-Stakeholder Forum (MSF), a coalition of political parties, trade unions, civic organisations and political activists who have been pushing for democracy in Africa’s last absolute monarch.

He was also one of the leaders of the proscribed People’s United Democratic Movement (Pudemo).

Maseko was a senior member of Lawyers for Human Rights Swaziland and the Southern Africa Human Rights Defenders Network.

The brutal killing comes at a time when eSwatini is engulfed in political strife following the unprecedented civil unrest in June 2021 which left close to 100 civilians dead and many more injured, some permanently, at the hands of state security forces.

Since then, a clandestine band of citizens forces has emerged which has launched sporadic attacks on members of the security forces, some fatal, in retaliation for what pro-democracy proponents have described as the state sponsored clampdown on people demanding freedom and basic human rights.

International bodies including the European Union, have called on King Mswati III and the government to expedite preparations for a national dialogue for the people to thrash out the way forward for the political future of the country, with a view to usher in reforms.

European Union foreign policy spokesperson Nabila Massrali said: “The EU calls on the authorities to ensure the safety of all citizens, including political activists. This tragic loss comes in a row of killings, arson attacks and other violent acts, which have destabilised the country over the past months.”

Throughout his career as a human rights lawyer, Maseko has had brushes with the state.

“He was the principal applicant and lawyer involved in setting aside by the High Court some clauses of the infamous Suppression of Terrorism Act and Sedition and Subversive Activities Act in 2016,” wrote the Southern Africa Litigation Centre (SALC) in a tribute.

SALC went on to say: “We call on SADC to urgently institute an independent judicial investigation into the killing of Thulani Maseko. We further call on the AU and SADC to immediately address the increasing targeting and assault of pro-democracy activists.”

In 2014 Maseko was arrested with Bheki Makhubu, the editor of The Nation, eSwatini’s only independent magazine, for what has been widely described as politically-motivated contempt of court charges.

Maseko was a columnist with The Nation magazine where he penned his last article just weeks before in the January 2023 edition.

The contempt of court charges stemmed from an article he wrote criticising the judiciary.

“On 17 July [2015], Thulani Maseko and Bheki Makhubu were convicted for ‘contempt of court’ by the High Court of Swaziland. Shortly after, they were both

sentenced to two years in prison. That sentence is much heavier than the 30-days sentence or 2,200 Euro fine that is common for the offence. The judge found, referring to the constitution, that the right of freedom of expression is not absolute but limited,” according to the Lawyers for Lawyers Organisation.

They spent 470 days in jail before the prosecution declared that the charges, prosecution and detention were unlawful in the first place, and the court ordered that they be released unconditionally.

Responding to the murder, Makhubu noted that in recent times Maseko wrote extensively about the need for a national dialogue and was relentless in his belief that this was the solution to this country’s problems.

“He never, in any article, advocated for violence. He was always about dialogue. That his calls for political change in the country should end so violently is most distressing. Violence never was and is not the solution to our problems. The response to his killing is testimony to the fact that we, as emaSwati, are just not familiar with what we’re doing to ourselves,” Makhubu said.

“Thulani and I were the same age, but he had only in recent years started his own family. To think that he leaves behind a child who is just starting school is reason enough to show how wrong this killing was. His wife is young, made a widow too early in life. For what?”

**The Campaign for Free Expressions is a non-partisan, non-profit organisation that defends and promotes free expression for all across southern Africa.*

Contact: Anton Harber, Executive Director

anton@harber.co.za

083-3039497