



**MEDIA RELEASE**  
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**CENTRE FOR HUMAN RIGHTS CALLS ON SOUTH AFRICAN GOVERNMENT  
TO ENGAGE SWAZILAND GOVERNMENT ON ENCROACHMENT OF FREE EXPRESSION**

The Centre for Human Rights, Faculty of Law, University of Pretoria, learnt with great disappointment that Thulani Maseko and Bheki Makhubu have been sentenced to terms of two years' imprisonment each, without the option of a fine. The magazine and published were fined E100 000 (USD10 000). These sentences confirmed our worst fears. We therefore reiterate our call to the South African government to take diplomatic and other steps to exert pressure on the government of Swaziland to release Thulani and Bheki. We further urge the government to engage with the Swaziland government about its encroachment of free expression.

The crime these two men committed was to criticize the arbitrary conduct by a Judge – who happens to be the Chief Justice of the country. Using the offence of contempt of court to stifle and punish free expression is the hallmark of an undemocratic and closed state, which Swaziland undeniably is. The conviction and harsh sentence should be understood within the broader political context, in which the rule of law has largely been replaced by royal rule, and in which the independence of the judiciary has been compromised.

In his statement from the dock, during the trial, Maseko also placed the matter in this broader political context, calling for a constitutional monarchy: "We deny that the call for a constitutional monarchy is a call to overthrow the monarch in Swaziland. We are calling for a system of government where democratic governance can and will co-exist with a monarchy whose powers are properly limited by law ... so that nobody is above the law, but the law, is the ruler ...".

The sentence imposed is gravely disproportionate. It must be one of the longest imprisonment terms ever imposed for contempt of court under a common law jurisdiction. It should also be taken into account that the two men had already been detained for some four months while awaiting trial.

Further recourse now lies in the Court of Appeal. Let us hope that moderation and reason will prevail. We urge that the two men be released pending the finalization of their appeal.



Prominent Swazi human rights lawyer and graduate Thulani Maseko is a University of Pretoria graduate, having completed the Centre's Master's programme in Human Rights and Democratisation in Africa. Bheki Makhubu is editor of the *The Swazi Nation* magazine.

We call on the South African Government to engage with the Swaziland Government in a sustained dialogue on the release of the two men, nature of political repression, and the need for meaningful reform in that country.

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