

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Swaziland: Amnesty International condemns the convictions of editor and human rights lawyer for exercising freedom of expression**

The conviction in the High Court yesterday of a respected magazine editor and a human rights lawyer for their criticism of the judiciary and the country's political authorities is an attack on freedom of expression and deepens the crisis in the rule of law in the southern African kingdom, Amnesty International said.

Amnesty International considers Bhekithemba Makhubu and Thulani Maseko to be prisoners of conscience, arrested, detained and subjected to an unfair trial merely for exercising their right to freedom of expression. The Swaziland authorities must release them immediately and unconditionally.

Bhekithemba Makhubu, editor of Swaziland's monthly news magazine *The Nation* and human rights lawyer Thulani Maseko were convicted on two charges of contempt of court by Justice Mpendulo Simelane in the High Court in Mbabane, Swaziland, on 17 July. The charges arose from two articles published in *The Nation* magazine in February 2014. The magazine and Swaziland Independent Publishers were also convicted, adding to the repressive consequences of the ruling. Sentencing was postponed.

Both men have already spent 119 days in remand custody after being arbitrarily arrested in March this year. The arrests were conducted under defective warrants issued by the Chief Justice Michael Ramodibedi. They were denied access to their lawyers and to the bail court and remanded in custody after summary proceedings held behind closed doors. On this unlawful basis they were brought to trial on two charges of contempt of court.

The convictions yesterday followed a grossly unfair trial. Prior to judgment being handed down in court, the Minister of Justice reportedly had a meeting with the presiding judge in his chambers. During the course of the trial the presiding judge had declared in open court the trial to be 'sui generis' (outside the normal law and procedures) in response to objections to the proceedings from the defence lawyers.

The trial judge displayed open hostility at times to the accused and their supporters in court. He refused to accept an application for his recusal, despite the fact that the issues before the court involved him, in so far as he was named in one of the articles. Indeed, in delivering judgment he introduced evidence relating to the incident described in the article. He was acting, in effect, as witness and judge in his own cause.

The court proceedings were also held with an intimidating police presence and with incidents of arrests of some supporters of the two accused.

The conviction of Bhekithemba Makhubu will automatically trigger the implementation of a suspended sentence which was handed down by the Supreme Court on 30 May. The ruling was a result of his appeal against High Court conviction and sentence on two similar charges.

### **Background Information**

The men were detained in March 2014 after The Nation published two articles by Thulani Maseko and Bheki Makhubu in February this year, in which they raised concerns about judicial independence and political accountability in Swaziland. They were charged with contempt of court and remanded in custody after highly irregular legal proceedings. On 18 March Amnesty International condemned those proceedings as a violation of international human rights standards and with no basis in Swaziland's domestic law. Despite the courageous ruling of Judge Mumcy Dlamini on 6 April which led to the brief release of the two men from custody, they were re-arrested, remanded back in custody on 10 April and then subjected to unfair trial proceedings on contempt of court charges culminating in yesterday's judgment.

For more information

Swaziland: Free editor and human rights lawyer jailed after summary proceedings (News Story, 18 March 2014)

<http://www.amnesty.org/en/news/swaziland-free-editor-and-human-rights-lawyer-jailedafter-summary-proceedings-2014-03-18>