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Africa - Swaziland

Legal farce

Writers get two-year jail terms for contempt of court

25 July 2014

Reporters Without Borders deplores the two-year jail sentences that writers **Bheki Makhubu** and **Thulani Maseko** finally received today for contempt of court.

The judge in charge of the case, Mpendulo Simelane, said the sentences were intended as "a deterrent not only to the appellants to abstain from similar behaviours in the future but also to others who may have a like-minded scheme in contemplation."

He also deplored the growing tendency of the two journalists to write "scurrilous articles that have the propensity of tarnishing the reputation, authority and dignity of the courts."

"*This sentence is unfortunately not a big surprise as it was passed by a court that acted as plaintiff and judge at the same time,*" Reporters Without Borders said.

"*We condemn both the sentence and the position that the judge took as regards the journalists. All news providers are threatened by this decision, which Judge Simelane openly declared to be a warning to the media.*"

The more than 100 days that Makhubu and Maseko have already spent in detention will be deducted from the time they have to serve.

18.07.2014 - Judge criticized in articles finds two writers guilty of contempt

Editor and writer still held after more than 100 days in detention **Bheki Makhubu**, the editor of the political monthly *The Nation*, and **Thulani Maseko**, a human rights lawyer who writes for the magazine, were found guilty of contempt of court yesterday for articles critical of the judge who issued yesterday's verdict.

Reporters Without Borders condemns this shockingly unfair decision in Africa's last monarchy by a judicial system that claims to be independent but is not.

No sentence has so far been passed on Makhubu and Maseko and it is unclear what it might be. The two men have already spent more than 100 days in detention since their second arrest in April. According to some legal experts, the maximum sentence for this offense is between 30 and 90 days.

According to a human rights lawyer interviewed by the South African paper *Mail & Guardian*, there are suspicions that a verdict of three years had been fixed from the beginning. Some witnesses say they have seen the Minister for Justice and Constitutional Affairs leave judge Simelane's chambers right before the verdict.

But, as one local media activist said, "application of the law is far from fully guaranteed here."

"*This conviction is completely absurd,*" said Cléa Kahn-Sriber, the head of the Reporters Without Borders Africa desk. "*Makhubu and Maseko have been convicted of criticizing irregularities in the judicial system by a man who is plaintiff and judge at the same time.*"

"*The way these proceedings have been conducted is proof of the accuracy of the articles for which they have been convicted. This is clearly a political verdict designed to gag Swaziland's only independent publication. It will also send a chilling message to all other Swazi journalists. We call on the authorities to end this judicial farce and to drop the charges against Makhubu and Maseko.*" Makhubu and Maseko [were first arrested on 8 March](#) on the orders of Chief Justice Michael Ramodibedi, who was named in one of the critical articles, published in February and March.

[Another judge, Mumcy Dlamini, released them on 7 April](#) on the grounds that their arrest warrant was illegal. But Mpendulo Simelane, a judge who had also been named in the articles, returned them to jail the next day.

In his ruling, Judge Simelane said freedom of expression was not an absolute right in Swaziland, which is ranked 156th out of 180 countries in the [2014 Reporters Without Borders press freedom index](#).

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