



EUROPEAN PARLIAMENT

2014 - 2019

---

*Plenary sitting*

---

19.5.2015

B8-0475/2015

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Swaziland, the case of human rights activists Thulani Maseko and Bheki Makhubu  
(2015/2712(RSP))

**Ignazio Corrao, Fabio Massimo Castaldo, Rolandas Paksas**  
on behalf of the EFDD Group

**B8-0475/2015**

**European Parliament resolution on Swaziland, the case of human rights activists  
Thulani Maseko and Bheki Makhubu  
(2015/2712(RSP))**

*The European Parliament,*

- Having regard to the International Covenant on Civil and Political Rights (ICCPR),
  - Having regard to the African Charter on Human and Peoples' Rights (ACHPR),
  - having regard to the Universal Declaration of Human Rights of December 1948
  - Having regard to the EEAS Statement by the Spokesperson on the sentencing of the Nation Magazine Editor Bheki Makhubu and Human rights Lawyer Thulani Maseko of 30 July 2014
  - Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States of the one part, and the European Community and its member States, of the other part, as last amended (the ACP-EU Partnership Agreement)
  - Having regard to the Special rapporteur of the African Commission on Human and Peoples' right statement of 28 March 2014
  - Having regard to its rules of procedure,
- A. Whereas human rights lawyer Thulani Maseko and editor-in-chief of the Nation magazine Bheki Makhubu were arrested on 17 and 18 March respectively on charges of criminal contempt of the court for publishing articles which questioned a case pending before the High Court of Swaziland,
- B. Whereas they were detained after a summary proceeding in the Chief Justice's chambers and were remanded in prison for seven days without appearing before an open court,
- C. Whereas Mr. Maseko and Mr. Makhubu were released on 6 April following a High court judgment but where re-arrested shortly after and then sentenced to two years of imprisonment, without the alternative option of a fine,
- D. Whereas Thulani Maseko has been placed in solitary confinement after a letter he had written circulated on the Internet on March 2015; whereas he has now filed an application in the Swaziland High Court to have the decision declared

unconstitutional; whereas no date has been announced for his High Court hearing,

- E. Whereas freedom of expression is protected under Section 24 of the Constitution of the Kingdom of Swaziland, the International Covenant of Civil and Political Rights and the African Charter on Human and Peoples' Rights, which Swaziland has ratified
1. Affirms that Mr. Makhubu and Mr. Maseko are prisoners of conscience, arrested and detained merely for exercising their right to freedom of expression; calls on the Swaziland authorities to put an end to the continued judicial harassment against them,
  2. Denounces Mr. Maseko and Mr. Makhubu's trials as unfair and not complying with international standards on the right to a fair trial; notes that some of the fair trial guarantees that have been breached include the right to be tried by an independent and impartial tribunal, the right to a public hearing, the right to legal counsel, the right to the presumption of innocence and the right to bail,
  3. Believes that Mr. Maseko and Mr. Makhubu's sentences are unreasonably severe and aimed at sending a message to those who might contemplate future criticism of Swaziland's judiciary,
  4. Calls on the government of Swaziland to immediately and unconditionally release Mr. Maseko and Mr Makhubu, uphold the constitutional right to freedom of expression and to honour its international human rights commitments
  5. Calls on the UN Working Group on arbitrary Detention (UNWGAD) to issue an opinion regarding the lawfulness of the continued incarceration of Thulani Maseko and Bheki Makhubu,
  6. Calls upon the Swaziland authorities to respect and promote freedom of expression, in line with the country's Constitutional and international and regional human rights obligations; reminds that Swaziland, under the ACP-EU agreement, committed to the respect of democracy, the rule of law and human rights principles which include freedom of expression and freedom of the media,
  7. Urges the government of Swaziland to reform the legal System, in particular by reviewing its statutes to ensure that policing, prosecution and sentencing comply with continental and international treaties, which the government has signed and promised to implement,
  8. Instructs its President to forward this resolution to the Commission, to the Council, to the External Action Service, to the Members States and to the Swaziland authorities.

