



EUROPEAN PARLIAMENT

2014 - 2019

*Plenary sitting*

19.5.2015

B8-0483/2015

## 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))

**Cristian Dan Preda, Tunne Kelam, David McAllister, Claude Rolin, Bogdan Brunon Wenta, Jiří Pospíšil, Marijana Petir, Davor Ivo Stier, Therese Comodini Cachia, Andrej Plenković, Franck Proust, Giovanni La Via, Tomáš Zdechovský, Jarosław Wałęsa, Eduard Kukan, József Nagy, Ivan Štefanec, Monica Macovei, Pavel Svoboda, Jeroen Lenaers, Dubravka Šuica, Michaela Šojdrová, Jaromír Štětina, Brian Hayes, Roberta Metsola, Ramona Nicole Mănescu, Tadeusz Zwiefka**  
on behalf of the PPE Group

**B8-0483/2015**

**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 Statement of 30 July 2014 by the Spokesperson of the HR/VP on the sentencing of the Nation Magazine Editor Bheki Makhubu and Human Rights Lawyer Thulani Maseko,
  - having regard to the African Commission on Human and Peoples' Rights resolution 286 on Freedom of expression in the Kingdom of Swaziland,
  - having regard to the Local EU statement of 1 April 2014 on the recent arrest and continued detention of the Nation Magazine Editor Bheki Makhubu and Human Rights Lawyer Thulani Maseko,
  - having regard to the press release of 28 March 2014 by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the arrest of Mr. Thulani Rudolf Maseko and Mr. Bheki Makhubu,
  - having regard to the EU statement of 6 June 2014 on Zimbabwe at International Labour Conference,
  - having regard to the Constitution of the Kingdom of Swaziland, and notably article 24 which protects freedom of expression and opinion, including freedom of press and other media,
  - having regard to the African Charter on Human and Peoples' Rights,
  - having regard to the Cotonou Agreement,
  - having regard to Rule 135 of its Rules of Procedure,
- A. whereas following a series of critical articles against the integrity, the independence and the impartiality of the judicial system in Swaziland, Thulani Maseko, a prominent human rights lawyer and editor of an independent newspaper, was arrested and charged with contempt of court on 17 March 2014; whereas the day after, journalist Bheki Makhubu was equally arrested and charged with the same offence;
- B. whereas on 6 April 2014, the court ruled that the arrest warrants, charges and pre-trial detention were unlawful and Thulani Maseko and Bheki Makhubu were released; whereas two days after, both were arrested again after the authorities appealed the court decision;

- C. whereas on 17 July 2014, Thulani Maseko and Bheki Makhubu were convicted for contempt of court by the High Court of Swaziland and sentenced to two years of prison, a ruling which appears to be disproportionate compared to the ordinary 30-day sentence with the option to pay a fine for similar cases;
  - D. whereas the judge presiding the trial, Mpendulo Simelane, had been named in one of the articles published by Maseko's newspaper; whereas this leads to clear evidence of conflict of interest;
  - E. whereas following the publication of a letter on 17 March 2015, Thulani Maseko has been moved to solitary confinement for three weeks and denied visitors;
  - F. whereas the government of Swaziland is alleged to continuously arrest and imprison trade unionists, journalists, political activists and CSOs that have challenged government policy;
  - G. whereas a considerable number of Swazi laws still place restrictions on freedom of expression and access to information, and political parties have been banned since 1973; whereas media censorship and police impunity are prevalent in the country;
  - H. whereas in Swaziland opposition to the monarchy is severely punished; whereas many pro-democracy activists, including the leader of the main opposition movement PUDEMO, were arrested and charged with high treason and terrorism under the very criticised Suppression of Terrorism Act;
1. Is deeply concerned by the conviction and sentencing of Thulani Maseko and Bheki Makhubu directly related to their legitimate exercise of the right to freedom of expression and opinion;
  2. Stresses the Swazi authorities' responsibility to ensure that the charges and proceedings against Thulani Maseko and Bheki Makhubu are fully consistent with Swaziland's obligations to respect fundamental rights and the right to a fair trial before an independent and impartial court;
  3. Firmly condemns any forms of violation of the rights to freedom of expression, association and assembly, as well as the reported beatings, arbitrary arrest and torture of political and civil society activists; therefore calls on the authorities of Swaziland to take all necessary measures to stop all acts of harassment, surveillance and intimidation carried out against human rights defenders and media practitioners;
  4. Urges the authorities of Swaziland to immediately and unconditionally release all prisoners of conscience and political prisoners;
  5. Urges the government of Swaziland to respect, protect and promote the civil and political rights of its citizens, including the right to freedom of expression, as provided for in the African Charter, the Universal Declaration of Human Rights and other international and regional human rights instruments;

6. Recalls the commitment made by Swaziland under the Cotonou Agreement to respect democracy, the rule of law and human rights principles which include freedom of expression and freedom of the media;
7. Calls on the government of Swaziland to take concrete measures to guarantee plurality and democracy, and to establish a legislative framework allowing the registration, operation and full participation of political parties;
8. Stresses that the independence of the judiciary is a fundamental democratic principle;
9. Instructs its President to forward this resolution to the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the EEAS, and the Government and Parliament of Swaziland.