

Resolution on the Situation of Human Rights in the Kingdom of Eswatini - ACHPR/Res.554 (LXXV) 2023

Jun 15, 2023

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 75th Ordinary Session, held in Banjul, The Gambia, from 3 to 23 May 2023;

RECALLING its mandate to promote human and peoples' rights and ensure their protection in Africa pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

UNDERSCORING the provisions of the African Charter and other regional and international human rights instruments to which Eswatini is a State Party, including the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;

CONCERNED about the failure of the Kingdom of Eswatini to implement the decision of the African Commission in Communication 251/2002 - Lawyers for Human Rights v Swaziland, and the recommendations in the reports adopted by the African Commission following the promotion missions to the country in August 2006 and March 2016 as well as the Commission's Concluding Observations and Recommendations for the Kingdom of Eswatini's Combined 1st to 9th Periodic Report 2001 to 2020 adopted in 2022;

FURTHER RECALLING Resolution ACHPR/Res.216(LI)2012 on the Human Rights Situation in the Kingdom of Swaziland, adopted during the 51st Ordinary Session, held in Banjul, The Gambia, from 18 April to 2 May 2012, which called on the Government of the Kingdom of Eswatini to respect the rights to freedom of expression, freedom of association, and freedom of assembly, and urged the Government to take all necessary measures to ensure the conduct of free, fair and credible elections in the country;

REITERATING Resolution ACHPR/Res.286 (EXT.OS/XVI) 2014 on Freedom of Expression in the Kingdom of Swaziland which called upon the Government to respect, protect and fulfill the rights to freedom of expression, freedom of association, and freedom of assembly as provided for in the African Charter, the Universal Declaration of Human Rights, the ICCPR and other international and regional human rights instruments; and to take necessary measures to stop all acts of harassment and intimidation carried out against human rights defenders and media practitioners working in the Kingdom of Eswatini, and to respect and guarantee their rights to freedom of opinion and expression.

FURTHER UNDERSCORING the fundamental importance of freedom of expression and information as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

DEEPLY CONCERNED about the violent killing of Thulani Maseko and allegedly many more other human rights defenders in Eswatini and the continuous allegations of the violations of the right to life, the right to dignity, the right to freedom of movement, the freedom of assembly, and the freedom of expression in general, enshrined under the African Charter;

TAKING INTO CONSIDERATION the civil unrest that erupted in June 2021 and the disproportionate use of force employed by the Government to quell the protests, including allegations of extrajudicial killings and summary execution of protesters, pro-democracy

activists, civil society leaders and human rights defenders, and the detention of political prisoners including two Members of Parliament, Mduduzi Bacede MABUZA and Mthandeni DUBE and the fleeing by others into exile;

DECIDES as follows:

1.Strongly condemns the brutal murder of prominent Swati human rights lawyer and political activist, Mr. Thulani Rudolf Maseko, at his homestead in Luhleko, Bhunya, Eswatini on 21 January 2023, allegedly by unidentified assassins, in the presence of his family, as well as the threats and violence against human rights defenders and activists in the Kingdom of Eswatini;

2.Calls upon the Government of the Kingdom of Eswatini to respect and protect the human rights and fundamental freedoms of the people of Eswatini, including the freedom of assembly, the freedom of association, the freedom of expression and access to information, including access to the internet and social media, and to comply with its human rights obligations under the African Charter and other relevant regional and international human rights instruments;

3.Urges the Government of the Kingdom of Eswatini to pursue avenues for civil discourse and constructive engagement, inclusive of all stakeholders, in order to create an enabling political climate for dialogue towards addressing the civil and political unrest in the country;

4.Calls on the Government of the Kingdom of Eswatini to refrain from any form of victimization, harassment, intimidation and targeting of human rights defenders, political parties, protesters, pro-democracy leaders and campaigners through the arbitrary use of the police and security forces;

5.Recommends to the Government to set up an independent panel of inquiry to conduct a thorough, transparent and expeditious investigation into the violence committed against human rights defenders, particularly the assassination of Thulani Maseko, which will identify the perpetrators and hold them accountable; and

6.Urges the Government to withdraw all politically motivated charges and release all political prisoners including but not limited to the two Members of Parliament, Mduduzi Bacede MABUZA and Mthandeni DUBE, and allow all in exile to unconditionally return to the country, including but not limited to MP Mduduzi SIMELANE.

Done in Banjul, The Gambia, 23 May 2023