

June 5, 2014

His Majesty King Mswati III
Lozitha
Kingdom of Swaziland

Your Majesty,

We write to express our concern about the state of freedom of expression, judicial independence, and the rule of law in the Kingdom of Swaziland.

The arbitrary arrests and detentions of human rights lawyer Thulani Maseko, independent journalist Bheki Makhubu, and several political activists, including Mario Masuku and Maxwell Dlamini, have demonstrated a disregard for legal procedures and basic human rights. In addition, the recent arrest warrants issued for three High Court judges signal a further deterioration of the rule of law. The most recent abuses of judicial independence and media freedom, coupled with the absence of a democratic system of governance and rampant abuse of state resources, are combining to cement the subjugation of the Swazi people.

We call upon you to:

1. Order the immediate release of all prisoners of conscience and political prisoners detained in Swaziland. Freedom of speech and freedom of expression are both protected by Swaziland's own constitution and by a host of international legal conventions.
2. Replace immediately Chief Justice Michael Ramodibedi whose actions lie at the root of the current crisis. Chief Justice Ramodibedi occupies this position unlawfully and in contravention of Swaziland's constitution, which mandates that a Swazi Chief Justice should have been appointed by 2012.
3. Take concrete measures that will restore public confidence in the judiciary and uphold the rule of law by:
 - a. Censuring or removing any judicial officer that acts outside his or her mandate and ensure that judges are not subject to harassment or intimidation, allowing them to fulfill their constitutional responsibilities impartially and fairly.
 - b. Reforming the membership and functioning of the Judicial Services Commission to ensure that judicial appointments are both transparent and merit-based, in accordance with Swazi law.
 - c. Ceasing the routine and unlawful arrest and harassment of members of civil society and the political opposition by the police and the judiciary.

Your Majesty, the world has taken a keen interest in Swaziland. If left unaddressed, these recent events will result in lasting damage to your country's standing with potential international investors and will lead to economic and political isolation.

Those that have signed this letter stand in resolute solidarity with the people committed to creating a more democratic Swaziland. We urge your government to begin meaningful discussions with the growing number of citizens and independent organizations that are demanding their basic freedoms and calling for democratic reform in Swaziland. These concerned citizens have our unequivocal support.

We hope that you and your government will join that movement to secure the best possible future for all of Swaziland.

Sincerely,

Archbishop Emeritus Desmond Tutu
Freedom House
Democratic Governance and Rights Unit, Faculty of Law, University of Cape Town
Media Institute of Southern Africa-Swaziland
Robert F. Kennedy Center for Justice and Human Rights

Artists for Democracy in Zimbabwe
Beatrice Mtetwa, International human rights lawyer
Bulawayo Agenda (Zimbabwe)
Carlos Portales, Director of the Program on International Organizations,
Center for Human Rights and Humanitarian Law at the American University
CIVICUS: World Alliance for Citizen Participation
Claudio Grossman, Dean, American University Washington College of Law
Combined Harare Resident's Association (Zimbabwe)
Constituent Assembly of Civil Society in Swaziland
Counseling Services Unit (Zimbabwe)
Crisis in Zimbabwe Coalition
David Coltart, Senator & former Education Minister in Zimbabwe
Diane Orentlicher, Professor of Law, American University
Election Resource Centre (Zimbabwe)
Frans Viljoen, Director of the Centre for Human Rights, University of Pretoria
Freedom of Expression Institute in South Africa
Friedrich Ebert Stiftung Swaziland
Front Line Defenders
Gays and Lesbians of Zimbabwe
Golden Misabiko, Congolese human rights defender
Grace to Heal (Zimbabwe)
Hadar Harris, Executive Director, Center for Human Rights & Humanitarian Law,
American University
Human Rights Foundation
Human Rights Institute of South Africa
Jorge Araya, Human Rights Attorney, Switzerland
Kristi Rudelius-Palmer, co-director, Human Rights Center and the Humphrey

Fellowship Program, University of Minnesota

Laurence Burgogue-Larsen, Professeur, a l'Ecole de Droit de la Sorbonne

Lawyers for Human Rights-Swaziland

Mandla Hlatshwayo, Prominent Swazi activist and businessman living in exile in South Africa

Media Monitoring Project of Zimbabwe

Padideh Ala'I, Director, Humphrey Fellowship Program, American University

Paulo Ilich Bacca Benavides, Lecturer in Law, Pontificia Universidad Javeriana

SADC Lawyers Association

Sarah Joseph, Director, Castan Centre for Human Rights Law, Monash University

Serge Yondou, Founder, Africa Center for Strategic Studies

Southern Africa Litigation Centre

The Helen Suzman Foundation (South Africa)

The Malawi Law Society

Victory Siyanqoba Trust in Zimbabwe

Women of Zimbabwe Arise

Zimbabwe Human Rights Association

Zimbabwe Human Rights NGO Forum

Zimbabwe Lawyers for Human Rights

Zimbabwe Young Women's Network for Peace Building