



BY AIRMAIL

His Majesty the King of Swaziland,
Head of State and Chief of Armed forces,
MSWATI III,
Royal Palace,
MBABANE, **SWAZILAND**

Email: hello@kingofswaziland.com

Amsterdam, 13 June 2014

Subject: Arrest and detention of Thulani Maseko

Your Majesty,

I am writing to you on behalf of Lawyers for Lawyers (L4L), an independent and non-political Dutch foundation which supports lawyers who are threatened or suppressed in the execution of their legal profession all over the world. L4L is committed to ensuring the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. In that context, Lawyers for Lawyers respectfully would like to express its grave concern about the situation of our colleague, human rights lawyer Mr. Thulani Maseko.

Mr. Thulani Maseko and journalist Bheki Makhubu were arrested on 17th March 2014 after Chief Justice Ramodibedi had issued a warrant for their arrest on charges of criminal contempt of court. The charges arise from articles written by Thulani Maseko and Bheki Makhubu in February and March 2014, in which they questioned circumstances surrounding the arrest of government vehicle inspector, Vincent Gwebu. The vehicle inspector had been arrested and charged with contempt of court after he had arrested the driver of a High Court Judge. The articles also raised questions about the integrity, impartiality and independence of the Swaziland judiciary in relation to the Gwebu case.

The legality of the arrest, detention and charges against Thulani Maseko and Bheki Makhubu was successfully challenged before High Court Judge Mumcy Dhlamini, resulting in their release from custody for two days. However, the men were rearrested and detained when the State appealed Judge Mumcy Dhlamini's ruling.

Lawyers for Lawyers calls for the immediate release of Thulani Maseko and Bheki Makhubu and calls on the authorities in Swaziland to ensure that the charges and proceedings against Thulani Maseko and Bheki Makhubu are fully consistent with Swaziland's obligations to respect the rights to freedom of expression and to a fair trial before an independent and impartial court, as enshrined under the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and elaborated under the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.



Lawyers for Lawyers also urges your government to recognize the valuable role played by lawyers and to promote and support their work in line with the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990.

Paragraph 23 of the Basic Principles on the Role of Lawyers states that lawyers, like other citizens, are entitled to freedom of expression. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

Lawyers for Lawyers

Adrie van de Streek
Executive director

Letters concerning the same topic were sent to:

- Prime Minister of Swasiland, Mr. Barnabas Sibusiso DLAMINI
- Minister of Justice of Swasiland, Senator Mr. Sibusiso SHONGWE
- Acting Principal Secretary to the Ministry of Justice of Swasiland, Mr. Siboniso MASILELA
- Secretary to Cabinet and Head of the Public Service of Swasiland, Mr. Mbuso C. DLAMINI
- Attorney General of Swasiland, Mr. Majahenkhaba DLAMINI

Copies of this letter were sent to:

- H.E. Mr. Mahlaba Almon MAMBA, Counsellor, Permanent Mission of the Kingdom of Swaziland to the Office of the United Nations in Geneva
- H.E. J.M. Nhleko, Ambassador Extraordinary and Plenipotentiary, Head of the Mission; Embassy of the Kingdom of Swaziland