



UNIVERSAL PERIODIC REVIEW
SUBMISSION FOR ESWATINI
(SWAZILAND)

NGO Submission

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Prepared and submitted by:

The Human Rights Foundation
Center for Law and Democracy

Human Rights Foundation
350 Fifth Avenue, Suite 6500
New York, NY 10118

ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF for the Universal Periodic Review (UPR) of the Kingdom of Swaziland (*hereinafter* Eswatini)¹. In this submission, HRF evaluates Eswatini's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights. These include the ongoing curtailment of the freedoms of assembly and expression, particularly targeting regime dissenters, freedom of the press, as well as extrajudicial killings, torture, and ill-treatment.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent UPR of Eswatini by the United Nations (UN) Human Rights Council took place on November 8, 2021.² A total of 222 recommendations were made to Eswatini, with the regime accepting 156 and noting 66.³

¹ On King Mswati III's 50th birthday (April 19, 2018), he unilaterally announced the change of the country's name to Eswatini. Given that this decision was made without public consultation, HRF considers it lacks legitimacy.

² *Report of the Working Group on the Universal Periodic Review Eswatini*, OHCHR (Nov. 2021), 2, <https://docs.un.org/en/A/HRC/49/14>.

³ *Eswatini – The Universal Periodic Review* [Infographic], OHCHR (2022), https://www.ohchr.org/sites/default/files/2022-05/UPR39_Eswatini_infographic.pdf.

2. Despite Eswatini accepting a high number of recommendations from the previous UPR, grave human rights violations persist.
3. As a UN Member State, Eswatini has committed to protecting, promoting, and respecting the individual rights and fundamental freedoms laid out in the UDHR. Eswatini has also ratified the ICCPR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and its Optional Protocols, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁴
4. Two of the most common recommendations by UN Member States were that Eswatini should ratify particular international conventions.⁵ Despite the number of States that made these recommendations, Eswatini has yet to ratify: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the Convention for the Protection of All Persons from Enforced Disappearance.
5. More broadly, Eswatini has also failed to ratify several optional protocols, and, where applicable, to recognize individual complaint mechanisms under core treaties, including the International Covenant on Economic, Social and Cultural Rights, the ICCPR, CAT, CEDAW, and CRC.⁶
6. Domestically, the Constitution of the Kingdom of Swaziland (*hereinafter*, the Constitution), drafted in 2005 after pro-democracy protests in the 1990s and 2000s, formally enshrines the protection of human rights (*see infra*, *Eswatini's National Framework for Protecting Human Rights*). Despite these constitutional guarantees, the state has failed to guarantee the enjoyment of these fundamental rights and freedoms in practice.

⁴ *Ratification Status for Eswatini*, UN Human Rights Treaty Bodies (consulted on February 17, 2026), https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=167&Lang=EN.

⁵ *Report of the Working Group on the Universal Periodic*, Human Rights Council (Jan. 7, 2022), <https://docs.un.org/en/A/HRC/49/14>.

⁶ UN Human Rights Treaty Bodies, *supra* note 4.

ESWATINI'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

7. Eswatini's Constitution⁷ contains several key provisions relating to the protection of its citizens' fundamental rights and freedoms.
8. In relation to freedom of expression and freedom of the press, the Constitution states in *Section 24(1) and (2)*:
 - (1) *A person has a right of freedom of expression and opinion.*
 - (2) *A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media, that is to say -*
 - (a) *freedom to hold opinions without interference;*
 - (b) *freedom to receive ideas and information without interference;*
 - (c) *freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons); and*
 - (d) *freedom from interference with the correspondence of that person.*
9. In relation to freedom of assembly and association, the Constitution states in *Section 25(1) and (2)*:
 - (1) *A person has the right to freedom of peaceful assembly and association.*
 - (2) *A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of peaceful assembly and association, that is to say, the right to assemble peacefully and associate freely with other persons for the promotion or protection of the interests of that person.*
10. In relation to the right to life, the Constitution states *Section 15(1)* :
 - (1) *A person shall not be deprived of life intentionally save in the execution of the sentence of a court in respect of a criminal offence under the law of Swaziland of which that person has been convicted.*
11. In relation to torture and ill-treatment, the Constitution states in *Section 18(1) and (2)*:
 - (1) *The dignity of every person is inviolable.*

⁷ Eswatini 2005 Constitution, Const. Project (2005), https://www.constituteproject.org/constitution/Swaziland_2005.

(2) *A person shall not be subjected to torture or to inhuman or degrading treatment or punishment.*

POLITICAL BACKGROUND

12. King Mswati III has ruled Eswatini, a small landlocked nation in Southern Africa with a population of 1.2 million people,⁸ since 1986, following the death of his father, King Sobhuza II.⁹
13. Before the 2005 constitution, Eswatini was governed by the 1973 Proclamation by King Sobhuza II,¹⁰ which repealed the independence Constitution, banned political parties,¹¹ and centralized all executive, legislative, and judicial powers in the monarch.¹²
14. Although the 2005 constitution introduced formal reforms, it largely preserved this concentration of authority: The King appoints the prime minister (all of whom so far have come from the royal family), selects many members of parliament, can dissolve the parliament at will, exercises broad veto powers, and enjoys immunity from prosecution.¹³ The Tinkhundla system allows limited local election constituencies (tinkhundla), which are smaller than districts. However, these elections operate within strict parameters that preclude any meaningful challenge to royal authority. Candidates cannot campaign on party platforms, as political parties are not recognized, and the system ultimately reinforces monarchical rule rather than providing genuine democratic representation.¹⁴
15. King Mswati III's de facto absolute monarchy is marked by the suppression of civil liberties, restrictions on freedom of expression and assembly, and the systematic

⁸ *Population, total – Eswatini*, World Bank Group (2024), <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SZ>

⁹ *Swaziland profile - leaders*, BBC (May 6, 2015), <https://www.bbc.com/news/world-africa-14095704>.

¹⁰ *Proclamation By His Majesty King Subhuza II 12th April 1973*, International Commission of Jurists (2014), <https://www.icj.org/wp-content/uploads/2014/06/sz1973proclamation.pdf>.

¹¹ *Attacks on Justice - Swaziland*, International Commission of Jurists (2012), 1, <https://www.icj.org/wp-content/uploads/2012/04/Swaziland-Attacks-on-Justice-Publication-2008.pdf>.

¹² *Id.* at 2.

¹³ *Eswatini 2005 Constitution*, Const. Project (2005), Sect. 10, https://www.constituteproject.org/constitution/Swaziland_2005.

¹⁴ *BTI 2024 Country Report – Eswatini*, Bertelsmann Stiftung (2004), 8, https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2024_SWZ.pdf.

persecution of pro-democracy activists, politicians, and journalists.¹⁵ Meanwhile, the King has consolidated power and accumulated vast personal wealth, in stark contrast to the poverty faced by much of the population.¹⁶

16. In 2021, widespread pro-democracy protests erupted, sparked by the death of student Thabani Nkomonye,¹⁷ and grew into widespread demands for reform and an end to absolute monarchy.¹⁸ Security forces responded with lethal violence, killing over 70 protesters and arresting hundreds more.¹⁹ This unrest, the most significant in decades, reflected deep frustration with inequality, corruption, and political repression,²⁰ which has since intensified through ongoing arrests and targeted killings.²¹

FREEDOM OF THE PRESS

17. Although the Constitution formally guarantees freedom of the press, a range of media laws are routinely invoked to curtail that right in practice. Material can be banned if it is critical of the government, “prejudicial” to public order, or portrays the King’s forces unfavorably.²² These laws have been widely criticized as excessively broad and

¹⁵ *Eswatini: Freedom in the world 2025*, Freedom House (2025), <https://freedomhouse.org/country/eswatini/freedom-world/2025>.

¹⁶ Bertelsmann Stiftung (2004), *supra* note 14, at 7.

¹⁷ *Eswatini the System is Broken – Pro-democracy and Anti-Police Brutality Protests*, Amnesty International (Nov. 16, 2021), <https://www.amnesty.org/en/latest/campaigns/2021/11/eswatini-the-system-is-broken/>.

¹⁸ *Eswatini: Respect Rights While Policing Protests*, Human Rights Watch (July 1, 2021), <https://www.hrw.org/news/2021/07/01/eswatini-respect-rights-while-policing-protests>.

¹⁹ Amnesty International, *supra* note 17.

²⁰ “You’ll Die Waiting for Justice” *Impunity for Security Forces Abuses in June 2021 Unrest in Eswatini*, Human Rights Watch (Oct. 30, 2025), <https://www.hrw.org/report/2025/10/30/youll-die-waiting-for-justice/impunity-for-security-forces-abuses-in-june-2021>.

²¹ *Eswatini: Freedom in the world 2022*, Freedom House (2023), <https://freedomhouse.org/country/eswatini/freedom-wormstld/2022>.

²² Campaign for Free Expression, *Dark Days in Eswatini: Reflections on the Aftermath of the Violent Upheavals in Eswatini in June 2021*, September 2021, 25, https://freexpression.org.za/wp-content/uploads/2021/09/Dark_Days_digital_version-21-Sept.pdf.

restrictive, affording the regime sweeping discretionary powers and enabling de facto censorship.²³

18. King Mswati III exercises significant influence over most media outlets in the country. Independent media and journalists are frequently targeted for their critical reporting, often facing intimidation and costly legal challenges intended to obstruct their work, restrict freedom of expression, and effectively criminalize press activity. For instance, on February 22, 2022, a delivery vehicle belonging to the *Times of Eswatini*, was hijacked and set on fire.²⁴ The outlet's editors claim the attack was intended to intimidate the newspaper and discourage critical reporting.²⁵
19. On February 8, 2023, the National Commissioner issued an injunction prohibiting *Times of Swaziland* from reporting about Sibusiso Nxumalo, alleged to be affiliated with the opposition group Swaziland International Solidarity Forces (SISF).²⁶
20. The regime has also taken a series of repressive measures against *Swaziland News*, one of the country's only independent newspapers. In June 2022, Prime Minister Cleopas Dlamini designated the newspaper and its editor-in-chief, Zweli Martin Dlamini, as "terrorist entities," accusing them of inciting violence and attempting to overthrow the "legitimate government."²⁷ Former regime spokesperson Alpheous Nxumalo also instructed public officials not to comment when approached by the news outlet.²⁸ In January 2024, Mswati III also accused *Swaziland News* of promoting opposition group SISF, describing it as a terrorist entity.²⁹
21. On August 13, 2024, the Prime Minister filed a defamation lawsuit before the High Court of South Africa against *Swaziland News*, editor Zweli Dlamini, and its web host,

²³ *Id.*

²⁴ Reporters Without Borders, *Eswatini*, RSF Country Reports, <https://rsf.org/en/country/eswatini>.

²⁵ *Id.*

²⁶ Wendy Magagula, *Press Freedom Under Attack: National Commissioner Stops Times of ESwatini from Reporting about Underground Forces Court Case*, Swaziland News (February 8, 2023), <http://www.swazilandnews.co.za/fundza.php?nguyiphi=3822>.

²⁷ *BTI 2024 Country Report – Eswatini*, Bertelsmann Stiftung (2024), https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2024_SWZ.pdf.

²⁸ MISA, *The State of Press Freedom in Southern Africa 2025*, UNESCO, 34, <https://unesdoc.unesco.org/ark:/48223/pt0000393618>.

²⁹ Reporters Without Borders, *supra* note 24.

Avulekha Amazulu (PTY) Ltd.³⁰ In the lawsuit, the Prime Minister sought an order compelling *Swaziland News* to provide seven working days' notice before publishing any articles critical of the regime, the Prime Minister, or the royal family — a requirement that would have significantly undermined the outlet's ability to report effectively and in a timely manner. However, on September 27, 2024, the court dismissed the application and ordered the Prime Minister to pay the respondents' legal costs.³¹

FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION

22. Despite constitutional guarantees, the rights to freedom of expression, peaceful assembly, and association remain severely restricted in Eswatini. Pro-democracy civil society organizations and political movements face systematic repression.³² Draconian legislation, most notably the 1938 Sedition and Subversive Activities Act (Sedition Act)³³ and the 2008 Suppression of Terrorism Act (STA),³⁴ are routinely invoked to criminalize dissent, protest activity, and political organizing perceived as challenging monarchical authority.³⁵
23. On July 25, 2021, approximately 20 heavily armed police officers arrested Members of Parliament Mduduzi Bacede Mabuza and Mthandeni Dube in Manzini and Mankayane, respectively.³⁶ Their arrests followed speeches delivered during the 2021 pro-democracy

³⁰ Acting Prime Minister v. Swaziland News (Pty) Ltd & Others (1643/21) [2024] ZAMPMBHC 72 (September 27, 2024), available at <https://www.saflii.org/za/cases/ZAMPMBHC/2024/72.pdf>.

³¹ *Ibid.*

³² *Freedom in the World 2023: Eswatini*, Freedom House (2023), <https://freedomhouse.org/country/eswatini/freedom-world/2023>.

³³ Sedition and Subversive Activities Act 46 of 1938 (eSwat.), available at <https://eswatiniilii.org/akn/sz/act/1938/46/eng@1998-12-01>.

³⁴ Suppression of Terrorism Act 3 of 2008 (eSwat.), available at <https://eswatiniilii.org/akn/sz/act/2008/3/eng@2017-08-25>.

³⁵ *HRC58: ICJ statement on the use of counterterrorism laws to suppress dissent in Venezuela and Eswatini*, ICJ (March 12, 2025), <https://www.icj.org/hrc58-icj-statement-on-the-use-of-counterterrorism-laws-to-suppress-dissent-in-venezuela-and-eswatini/#:~:text=In%20Eswatini%2C%20the%20Suppression%20of,expression%2C%20association%20and%20peaceful%20assembly>.

³⁶ *Eswatini: Detained MPs must be immediately released and all charges against them dropped*, Amnesty International (October 19, 2021), <https://www.amnesty.org/en/latest/news/2021/10/eswatini-detained-mps-must-be-immediately-released-and-all-charges-against-them-dropped/>.

protests, in which they called for democratic reforms.³⁷ In June 2023, both were convicted on charges including terrorism and sedition, as well as the unrelated murders of Siphosetsu Mntshali and Thando Shongwe.³⁸ On July 15, 2024, Mabuza and Dube were sentenced to 25 and 18 years' imprisonment, respectively.³⁹ On November 5, Dube was conditionally released under strict limitations on his speech, movement, and political activities, including a prohibition on public speaking and media engagement. Mabuza remains imprisoned.⁴⁰

24. The regime has systematically repressed and criminalized student activism. In February 2022, security forces responded to university protests over scholarships and hostel fee refunds by arresting and allegedly torturing several student union leaders.⁴¹ On January 31, 2022, plainclothes security officers detained Colani Maseko, then president of the Swaziland National Union of Students (SNUS), on charges of sedition and malicious damage to property for allegedly removing photographs of Mswati III from a university campus.⁴² On May 17, 2022, military forces reportedly detained and tortured him again in connection with his activism.⁴³ On July 31, 2025, the prosecution withdrew the case against him due to insufficient evidence.⁴⁴

25. On January 16, 2024, police arrested Menzi Bongeka Bhembe on terrorism charges linked to his peaceful student organizing, including alleged support for the banned opposition movement People's United Democratic Movement (PUDEMO) and the

³⁷ Lakshita Kanhiya, *Eswatini: A call for justice amidst repression in Africa's absolute monarchy*, Global Campus of Human Rights, <https://www.gchumanrights.org/preparedness/eswatini-a-call-for-justice-amidst-repression-in-africas-absolute-monarchy/>.

³⁸ Nokukhanya Musi, *Eswatini's pro-democracy movement undeterred as MPs sentenced to prison*, VOA (July 18, 2024), <https://www.voanews.com/a/eswatini-s-pro-democracy-movement-undeterred-as-mps-sentenced-to-prison-7703430.html>.

³⁹ *Eswatini: Authorities must quash convictions and sentences of former MPs*, Amnesty International (July 16, 2024), <https://www.amnesty.org/en/latest/news/2024/07/eswatini-authorities-must-quash-convictions-and-sentences-of-former-mps/>.

⁴⁰ *Eswatini: Further information: Former MP pardoned; other still detained: Mduduzi Bacede Mabuza, Mthandeni Dube*, Amnesty International (January 26, 2026), <https://www.amnesty.org/fr/documents/afr55/0625/2026/en/>.

⁴¹ *Eswatini (formerly Swaziland) - Events of 2022*, Human Rights Watch (2023), <https://www.hrw.org/world-report/2023/country-chapters/eswatini-formerly-swaziland>.

⁴² AFP, *Eswatini Activist Arrested For Destroying King's Photo*, Barron's (January 31, 2022), <https://www.barrons.com/news/eswatini-activist-arrested-for-destroying-king-s-photo-01643646307>.

⁴³ *Allegation Letter to the Government of Eswatini* (Ref. AL SWZ 2/2022), UN Human Rights Council Special Procedures (26 July 2022), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27445>.

⁴⁴ Swazi Media Commentary, *Swaziland --- Case Against Former SNUS President Colani Maseko Withdrawn Due to Insufficient Evidence*, Facebook (July 31, 2025), <https://www.facebook.com/groups/142383985790674/posts/24786350664300664/>.

distribution of political pamphlets.⁴⁵ After being denied bail on September 30, 2025, Bhembe remains in detention.⁴⁶

26. On February 1, 2024, Gabie Ndukuya, President of SNUS, was reportedly abducted by state police after attending a meeting with officials from the Mbabane Municipality and senior police officers to seek authorization for a “Jobs and Scholarships for All” protest march.⁴⁷

27. On April 11, 2025, police violently dispersed a vigil at the University of Eswatini held in memory of a student who had died by suicide.⁴⁸ Officers reportedly fired rubber bullets at students and detained several participants, including Kwanele Fakudze, a student activist leader, along with two others.⁴⁹

EXTRAJUDICIAL KILLINGS, TORTURE, AND ILL-TREATMENT

28. Despite constitutional guarantees and ratification of the CAT, widespread reports document violence targeting dissidents, protesters, and activists who support democratic views or criticize the monarchy. Journalists covering these cases have allegedly faced ill-treatment, including torture.⁵⁰ Armed agents routinely harass, intimidate, surveil, threaten, and attack lawyers in politically sensitive cases, especially those defending pro-democracy clients.⁵¹ Police offer little protection, and courts fail to investigate serious

⁴⁵ *Eswatini: Student activist jailed under terrorism law: Menzi Bongeka Bhembe*, Amnesty International (February 9, 2026), <https://www.amnesty.org/en/documents/afr55/0681/2026/en/>.

⁴⁶ *Id.*

⁴⁷ Colani Khulekani Maseko, *Eswatini Students Union President Gabie Ndukuya abducted by King Mswati's police ahead of “Jobs and Scholarships for all” protest*, Swaziland News (February 1, 2024), https://www.swazilandnews.co.za/fundza.php?nguyiphi=5977&fbclid=IwAR3dnqbeIO0NnHfqQNmL8nb5dkH0jC3NOCITSORMbWZUMy6_q1VrBT39G3k

⁴⁸ Swaziland National Union of Students, *The assault, brutality, and abduction of students demanding justice is nonsensical!*, Facebook (April 11, 2025), <https://www.facebook.com/61555317262828/posts/the-assault-brutality-and-abduction-of-students-demanding-justice-is-nonsensical/122209261682177242/>.

⁴⁹ *Id.*

⁵⁰ Campaign for Free Expression, *supra* note 22, at 20-33.

⁵¹ *Eswatini: Independent lawyers under increasing threat in a repressive climate*, ICJ (2025), <https://www.icj.org/resource/eswatini-independent-lawyers-under-increasing-threat-in-a-repressive-climate/>.

crimes like attempted assassinations or extrajudicial killings, reinforcing impunity and concerns over judicial independence.⁵²

29. The leadership of Eswatini's largest opposition group, PUDEMO, has faced repeated attacks. On April 4, 2022, unknown individuals firebombed the car of Secretary General Wandile Dlodlu.⁵³ That same month, suspected state agents firebombed the home of national organizer Penuel Malinga and Xolile Dlamini-Malinga, President of PUDEMO Women's League.⁵⁴ In October 2022, four armed men fired over 48 bullets inside their bedroom and burned their car.⁵⁵ On January 8, 2023, they survived another assassination attempt,⁵⁶ when hitmen presumed to be state agents fired 35 bullets into their bedroom.⁵⁷
30. On December 7, 2022, individuals following human rights lawyer Maxwell Nkambule pulled alongside his vehicle on the Big Bend–Siteki road and opened fire.⁵⁸ Nkambule, who represented activists charged under the STA, narrowly escaped.⁵⁹ In the following months, plainclothes police officers persistently harassed him, surveilling his home, both in person and with a drone.⁶⁰ Police refused to investigate the incidents or provide

⁵² "No Situation is Permanent": Repression, intimidation, harassment and killing of lawyers in Eswatini, ICJ (Feb. 2025), <https://www.icj.org/wp-content/uploads/2025/01/FINAL-No.-Situation-Is-Permanent-February-2025.pdf>

⁵³ Times of Eswatini, Martínez Hermanos, *PUDEMO Secretary General Wandile Dlodlu's bakkie which is valued at around E150 000 was petrol bombed outside his compound at Msunduzi, Mbabane at around 11:45 pm yesterday night*, Facebook (April 5, 2022), <https://www.facebook.com/TimesofEswatini/videos/538913870922268/>.

⁵⁴ *Urgent Action: Justice For Killing of Human Rights Lawyer*, Amnesty International (February 6, 2023), <https://www.amnesty.org/en/wp-content/uploads/2023/02/AFR5564012023ENGLISH.pdf>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Zweli Marin Dlamini, *PUDEMO Women's League President Xolile Dlamini-Malinga attacked by State agents at night, 28 bullets fired*, Swaziland News (January 9, 2023), <https://www.swazilandnews.co.za/fundza.php?nguyiphi=3662>.

⁵⁸ *Attacks and Targeting of Pro-Democracy Activists Continue*, CIVICUS Monitor (June 30, 2023), <https://monitor.civicus.org/explore/attacks-and-targeting-of-pro-democracy-activists-continue/>.

⁵⁹ *Assassination attempt on Eswatini lawyer Maxwell Nkambule: harassment must end*, Lawyers for Lawyers (March 10, 2023), <https://www.lawyersforlawyers.org/statement-on-the-assassination-attempt-and-harassment-of-eswatini-lawyer-maxwell-nkambule/>.

⁶⁰ *Id.*

protection,⁶¹ forcing him into exile.⁶² While the Eswatini regime denies involvement, rights groups widely characterize the attack as state-sponsored.⁶³

31. On the night of December 27, 2022, unidentified individuals abducted Muzi Mmema, Secretary General of the pro-democracy movement Swazis First Democratic Front in Eswatini (SFDF), from his home.⁶⁴ The next day, his body was found with gunshot wounds to the chest.⁶⁵ In June 2024, SFDF released a statement commemorating victims of the 2021 crackdown and described Mmema's death as a regime-orchestrated killing.⁶⁶
32. On February 7, 2023, armed plainclothes policemen forcibly entered the home of Mvuselelo Mkhabela, a student and member of the Communist Party of Swaziland (CPS), and arrested him, along with fellow CPS member Bongzi Mamba.⁶⁷ Police allegedly tortured and interrogated them in custody before releasing them the following day, after members of their community protested outside the station.⁶⁸ The raid took place two days after Mkhabela and Mamba had led a local anti-monarchist protest, calling on the regime to lift the ban on political parties and release political prisoners.⁶⁹
33. On January 21, 2023, unknown gunmen shot and killed Thulani Maseko, a prominent Swazi human rights lawyer who headed the pro-democracy political coalition Multi-Stakeholder Forum in his home in Luyengo, Mbabane.⁷⁰ Hours before Maseko was

⁶¹ *Id.*

⁶² *Id.*

⁶³ *ESWATINI: Liswati lawyer Maxwell Nkambule was the victim of an assassination attempt because of his defense of pro-democracy activists*, International Observatory of Lawyers (March 8, 2023), <https://protect-lawyers.org/en/case/maxwell-nkambule/>.

⁶⁴ Amnesty International, *supra* note 55.

⁶⁵ *Id.*

⁶⁶ *Swazis First Remembers It'S Deputy Secretary General Muzi Mmema, Lawyer Thulani Maseko who were Allegedly Killed by Tinkhundla Regime* Africa Press (June 3, 2024), <https://www.africa-press.net/eswatini/all-news/swazis-first-remembers-its-deputy-secretary-general-muzi-mmemalawyer-thulani-maseko-who-were-allegedly-killed-by-tinkhundla-regime>.

⁶⁷ Pavan Kulkarni, *Shot and tortured by police, Communist Party of Swaziland's Mvuselelo Mkhabela escapes, calls for continued anti-monarchist resistance*, Peoples Dispatch (March 10, 2023), <https://peoplesdispatch.org/2023/03/10/shot-and-tortured-by-police-communist-party-of-swazilands-mvuselelo-mkhabela-escapes-calls-for-continued-anti-monarchist-resistance/>.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Murder of Human Rights Defender and Lawyer Thulani Rudolf Maseko*, Front Line Defenders, <https://www.frontlinedefenders.org/en/case/murder-human-rights-defender-and-lawyer-thulani-rudolf-maseko>.

killed, King Mswati III said in a public address that those calling for democratic reform in the country would be “dealt with”⁷¹ and that “people should not shed tears and complain about mercenaries killing them.”⁷² The Swazi regime has not conducted a credible and independent investigation into the assassination, despite repeated urging of UN experts,⁷³ Eswatini’s regional⁷⁴ and international partners, and over 390 civil society organizations.⁷⁵ His widow, Tanele Maseko, has since faced harassment and surveillance, including arrest and confiscation of her phone on March 27, 2024.⁷⁶

34. An independent civil society organization that spoke with HRF documented multiple cases of torture and severe violence by warders against political prisoners. On September 29, 2023, warders reportedly stripped, beat, and stabbed former MP and pro-democracy activist Mduduzi Bacede Mabuza while he was held incommunicado in pre-trial detention. Former MP Mthandeni Dube has also reportedly suffered ill-treatment, including torture and food deprivation.⁷⁷ In 2024, warders severely beat political prisoners Hoshoba Shonwe, Musa Kunene, Ncamiso Mabuyakhulu, Sibusiso Nxumalo, and Philani Sihlongonyane, causing grave injuries, including partial loss of vision.⁷⁸

35. Acts of transnational repression targeting political dissidents who have fled Eswatini due to persecution have also been reported. On September 26, 2024, Mlungisi Makhanya, president of PUDEMO, was poisoned in his home in Pretoria, South Africa,⁷⁹ shortly

⁷¹ *Eswatini: One year after Thulani Maseko’s killing, justice remains elusive*, Amnesty International (January 22, 2024), <https://www.amnesty.org/en/latest/news/2024/01/eswatini-thulani-masekos-killer-roam-free-a-year-on/>.

⁷² *Eswatini: Over 390 orgs call for an investigation into the murder of activist, Thulani Maseko*, CIVICUS (April 13, 2023), <https://www.civicus.org/index.php/media-resources/news/6356-eswatini-over-390-orgs-call-for-an-investigation-into-the-murder-of-activist-thulani-maseko>.

⁷³ *Eswatini: UN experts commemorate human rights defender Thulani Maseko, deplore lack of accountability for his killing*, OHCHR (January 22, 2024), <https://www.ohchr.org/en/press-releases/2024/01/eswatini-un-experts-commemorate-human-rights-defender-thulani-maseko-deplore>.September

⁷⁴ *Statement by His Excellency Dr. Hage G. Geingob, President of the Republic of Namibia, and Chairperson of the SADC Organ on the killing of Mr. Thulani Rudolf Maseko in Eswatini*, SADC (Jan. 25, 2023), <https://www.sadc.int/fr/node/4750>.

⁷⁵ CIVICUS, *supra* note 73.

⁷⁶ *Eswatini: Authorities must stop harassment and intimidation of Tanele Maseko*, Amnesty International (March 28, 2024), <https://www.amnesty.org/en/latest/news/2024/03/eswatini-authorities-must-stop-harassment-and-intimidation-of-tanele-maseko/>.

⁷⁷ Information obtained by HRF.

⁷⁸ *Id.*

⁷⁹ *Wycliffe Muia, Eswatini opposition leader poisonous in South Africa - party*, BBC (September 25, 2024), <https://www.bbc.com/news/articles/c1wndygyqgpo>.

after announcing a planned pro-democracy protest in October.⁸⁰ Makhanya had previously fled to South Africa after his home was firebombed in September 2022.⁸¹ Swazi police have failed to investigate either incident.⁸²

RECOMMENDATIONS

36. HRF calls on Eswatini's regime to:

- a. Commit to ratifying international human rights instruments, including, but not limited to, the Optional Protocol of the Convention against Torture, the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Convention for the Protection of All Persons from Enforced Disappearance;
- b. Respect, protect, and uphold constitutional and international guarantees of freedom of expression, freedom of the press, and the right to peaceful assembly and association, ensuring that individuals, including activists, journalists, lawyers, critics, and opposition groups, can speak out, report, and protest peacefully without fear of censorship, reprisals, arbitrary arrest, detention, violence, or extrajudicial killings;
- c. Repeal or amend overly broad laws, particularly those relating to counterterrorism, sedition, and public order, to prevent their arbitrary use as tools to suppress peaceful political dissent, independent journalism, and free expression;
- d. Immediately release all individuals arbitrarily detained for exercising their fundamental rights to freedom of expression, peaceful assembly, and association, and ensure all detainees are treated humanely and in line with international standards; and
- e. Protect citizens within and outside the country, and ensure prompt, thorough, and independent investigations into all alleged extrajudicial killings, including those

⁸⁰ *Democracy Tracker - Eswatini*, International IDEA, <https://www.idea.int/democracytracker/country/eswatini>.

⁸¹ *South Africa: Authorities must conduct an effective investigation into the alleged poisoning of Eswatini opposition leader Mlungisi Makhanya*, ICJ (Oct. 3, 2024), <https://www.icj.org/south-africa-authorities-must-conduct-an-effective-investigation-into-the-alleged-poisoning-of-eswatini-opposition-leader-mlungisi-makhanya/>.

⁸² *Residence of Swazi pro-democracy leader bombed by alleged state-sponsored hit-squad*, Peoples Dispatch (September 21, 2022), <https://peoplesdispatch.org/2022/09/21/residence-of-swazi-pro-democracy-leader-bombed-by-alleged-state-sponsored-hit-squad/>.

reportedly targeting regime critics, activists, and political opponents, to hold perpetrators accountable and address politically motivated patterns of violence.