

---

*Le Président*  
The President

---

**His Majesty King Mswati III  
Head of State and Chief of Armed forces  
Royal Palace, Mbabane  
Kingdom of Swaziland**

**Brussels, 16 September 2014**

Re: Concerns regarding the conviction of a lawyer, Mr Thulani Maseko

Your Majesty,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concern over the situation of a lawyer, Mr Thulani Maseko. Mr Maseko was convicted of 'contempt of court' by the High Court of Swaziland and was sentenced to two years in prison. We understand that the normal punishment for 'contempt of court' is a 30-day prison sentence or a fine of 2 200 Euros. According to the information that we have received, Mr Maseko's conviction seems to be related to his critical statements in several journal articles in response to the arrest of a government vehicle inspector, Vincent Gwebu, the driver of a High Court judge, for a traffic violation. In the articles, Mr Maseko and Mr Bheki Makhubu, a journalist, questioned the integrity, impartiality and independence of the Swaziland judiciary.

After their initial arrest in March 2014, the legality of the arrest, detention and charges against Mr Maseko were challenged before High Court Judge Mumcy Dhlamini, which resulted in their release from custody. Two days later, however, he was re-arrested and detained when the State appealed Judge Dhlamini's ruling.

In this context, the CCBE wishes to draw to your attention the following Principle of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE respectfully urges you to release Mr Maseko and ensure that the charges and proceedings against Mr Maseko are fully consistent with Swaziland's obligations to

respect the rights to freedom of expression and to a fair trial. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Swaziland are able to express themselves freely and to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.

I look forward to hearing from your Majesty.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI  
President