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Swaziland: Newspaper editor threatened with jail amid media crackdown

A hefty fine imposed against a newspaper editor convicted of contempt in Swaziland and the authorities' threat to imprison him are further proof of the southern African kingdom's increasingly aggressive crackdown on independent media and freedom of expression, Amnesty International said.

The Swaziland High Court on Wednesday convicted Bheki Makhubu, editor of *The Nation* – one of Swaziland's last independent publications - on two counts of contempt of court in connection with the publication of two articles that questioned the independence of the country's judiciary.

The editor was sentenced to pay a fine equivalent to nearly US\$45,000 - if he fails to pay half of it within three days he will face two years' imprisonment.

“The sentence against Makhubu simply criminalizes non-violent expression of opinion on an issue central to the ongoing crisis of the rule of law in Swaziland,” said Mary Rayner, researcher on Swaziland at Amnesty International.

“Over the last few years, we have documented how the Swaziland authorities have persistently attempted to keep journalists and activists from reporting on and addressing social and human rights issues.”

This latest act comes amid a recent resurgence of repression that has included arbitrary detention, use of excessive force against demonstrators and torture of detainees.

The court delivered its ruling against Makhubu more than a year after the case was heard.

“The Swaziland authorities must uphold their international obligations to respect the rights to freedom of expression and conscience which have clearly been violated in this case,” said Rayner.

Background Information

Since 2011 Swaziland has been on the verge of a crisis of the rule of law, affecting human rights, access to justice for victims of human rights violations and the ability of members of the judiciary to work impartially and independently.

This crisis was raised at the UN Human Rights Council's Universal Periodic Review of Swaziland's human rights record in 2012. At the end of that process, in March 2012, the government accepted recommendations to take “concrete and immediate measures” to guarantee the independence and impartiality of the judiciary. This has failed to happen.

Rulings in sensitive matters continue to appear to be affected by either the process of allocation of cases, or alleged overt interference in the decision-making by the presiding judicial officer. Critical issues

argued before the High Court were not taken into account in the case brought against Bheki Makhubu and The Nation, including that the Attorney-General had no jurisdiction to prosecute the case.

The simultaneous delivery of the guilty verdict and imposition of a harsh sentence heightens the suspicion that the charges and trial of the editor were politically driven, with the intention of crushing an independent critical media voice.