

118TH CONGRESS
2D SESSION

S. RES. 174

Condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. COONS (for himself, Mr. RISCH, Mr. BOOKER, Mr. SCOTT of South Carolina, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 12, 2023

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

APRIL 15, 2024

Considered, amended, and agreed to

RESOLUTION

Condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

Whereas Eswatini, one of the world's last absolute monarchies, is ruled by King Mswati III, who has been in power for more than 36 years, and exercises ultimate authority over all branches of the national government and effectively controls local and national governance through his influence over traditional chiefs and the selection of

House of Assembly candidates and control over the national electoral system;

Whereas human rights and democracy advocates in Eswatini have faced repression and persecution, including arbitrary arrests, detention, and torture, and have faced on political gatherings and restrictions on their civil liberties, including with respect to expression, assembly, and freedom of the press;

Whereas the Government of the Kingdom of Eswatini has used laws such as the Suppression of Terrorism Act of 2008, and the Sedition and Subversive Activities Act of 1938, to suppress free speech and stifle criticism of the monarch;

Whereas, from June to October 2021, the country witnessed nationwide demonstrations against security sector abuses, with protests evolving into demands for democratic reforms;

Whereas King Mswati III's government employed excessive force and arbitrary arrests and detention, as well as internet shutdowns, to repress pro-democracy protests and related advocacy activities, restrict the activities of human rights advocates, and impose blanket bans on peaceful protests;

Whereas official sources note security forces in Eswatini responded with violence against protestors, reportedly killing more than 46 people, injuring more than 245, and detaining or arresting hundreds of others, although the international community suggests the true death toll is higher;

Whereas the Government of the Kingdom of Eswatini detained two members of parliament on spurious charges

for more than 18 months under the Suppression of Terrorism Act, and charged them with terrorism and murder for allegedly encouraging pro-democracy protests and calling for a democratically elected prime minister and other reforms;

Whereas regional human rights organizations continue to receive reports of lawyers and judges being harassed, threatened, and intimidated for their actual, alleged, or suspected support of the ongoing pro-democracy movement, in contravention of their constitutional rights;

Whereas, following a visit to Eswatini by Southern African Development Community (SADC) delegates in November 2021, King Mswati III agreed to provide for a national dialogue to address the civil unrest structured in the format of a sibaya, a royally-convened and -controlled traditional civic consultative forum, but since then has ignored widespread demands of the pleas of citizens, opposition politicians, civil society, and the regional and international community for a genuine consultative forum inclusive of diverse political views, while continuing the government's crackdown on dissenting voices;

Whereas, in October 2021, United Nations Secretary-General Antonio Guterres called on the Eswatini authorities to ensure that the people of Eswatini are able to exercise their civil and political rights peacefully;

Whereas reports indicate that the Government of the Kingdom of Eswatini has contracted with international security companies to train government security forces to respond to violence in the country, resulting in increased intimidation against dissenting voices;

Whereas Thulani Maseko, a prominent human rights lawyer, Chairman of the Multi-Stakeholder Forum, an organization comprised of various civil society groups calling for constitutional reforms in Eswatini, and a champion of social justice, routinely criticized King Mswati III for undermining judicial independence and called for a more democratic legal system in Eswatini;

Whereas, in 2014, Thulani Maseko and fellow human rights advocate Bheki Makhubu were charged and sentenced to two years in prison for writing and publishing an article that criticized the country's Chief Justice and drew attention to the lack of independence of Eswatini's judicial system;

Whereas, on June 30, 2015, Thulani Maseko and Bheki Makhubu were acquitted and released after Eswatini's supreme court found that they had been wrongly convicted;

Whereas Thulani Maseko made an immense contribution to the advancement of justice and human rights in Eswatini and, more broadly, throughout southern Africa, including through fact-finding missions, including to Zimbabwe, Mozambique, and Malawi, where he reported on the deterioration of civic space;

Whereas, on January 21, 2023, Thulani Maseko was shot and killed by an unknown gunman at his home in Luyengo, Mbabane, in front of his wife and children;

Whereas the assassination of Thulani Maseko occurred amid a rise in Swazi government intimidation of King Mswati III's critics, many of whom have called for political reforms in Eswatini, and an overall escalation of violence in the country, including the killings of members of the

security forces and attacks on traditional leaders, as well as state security force element attacks on and legal harassment of pro-democracy advocates;

Whereas the United States Department of State, multilateral organizations such as the SADC, the African Union, and the European Union, as well as the human rights community, including Amnesty International and Human Rights Watch, have called for a full and transparent investigation into Mr. Maseko's murder;

Whereas, on January 25, 2023, the Department of State delivered a statement underscoring United States condemnation and broader global condemnation of Mr. Maseko's murder, the need for an impartial and transparent investigation and accountability for those responsible for his killing, nonviolence on all sides, and tangible movement on a credible, inclusive national dialogue;

Whereas the Government of the Kingdom of Eswatini has failed to announce progress on an independent investigation to identify and bring to justice those responsible for Thulani Maseko's murder; and

Whereas a failure to investigate the unlawful killing of Thulani Maseko and to bring the perpetrators to justice would be a violation of Eswatini's obligations as a State Party to the International Covenant on Civil and Political Rights: Now, therefore, be it

Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the brutal murder of Thulani
3 Maseko and the worsening cycle of political violence
4 and instability in Eswatini;

1 (2) expresses deep concern about reports of
2 continued human rights violations against the people
3 of Eswatini, and the harassment of advocates for
4 human rights and democratic practice and constitu-
5 tionalism in Eswatini;

6 (3) calls on the Government of the Kingdom of
7 Eswatini to—

8 (A) undertake a full, transparent, and im-
9 partial criminal investigation into the assassina-
10 tion of Thulani Maseko and hold perpetrators
11 accountable;

12 (B) cease surveilling and intimidating
13 human rights activists fighting to protect fun-
14 damental freedoms;

15 (C) uphold freedoms of peaceful assembly
16 and expression, as well as corresponding rights
17 in the Eswatini constitution;

18 (D) expeditiously initiate pre-dialogue
19 preparations and announce a firm date by
20 which a credible, inclusive dialogue on constitu-
21 tional and political reform will begin starting
22 prior to scheduled September 2023 elections;

23 (E) engage in good faith in a credible, in-
24 clusive national dialogue to address long-
25 standing demands for democratic reforms; and

1 (F) fully staff and empower a full com-
2 plement of Commission of Human Rights and
3 Public Accountability (CHRPA) human rights
4 investigation staff, install an appointed Com-
5 missioner, make CHRPA fully independent
6 from the Ministry of Justice and other govern-
7 ment interference in line with commitments to
8 treaty conventions and the Paris Principle, and
9 take action to address CHRPA's recommenda-
10 tions;

11 (4) calls on the Office of the United Nations
12 High Commissioner for Human Rights to conduct
13 an independent investigation into Mr. Maseko's as-
14 sassination and human rights violations in Eswatini;
15 and

16 (5) encourages the Secretary of State and the
17 Administrator of the United States Agency for
18 International Development to—

19 (A) maintain and expand support for jour-
20 nalists, human rights advocates, and the rule of
21 law and media freedoms in Eswatini; and

22 (B) encourage the SADC to take action to
23 address the political and human rights crisis in
24 Eswatini, including by working to convene a
25 credible consultative forum inclusive of diverse

- 1 political views and civil society to address issues
- 2 related to political space and democratic re-
- 3 form.

