



PERMANENT MISSION OF THE KINGDOM OF ESWATINI
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NOTE VERBALE No. 88 / 2026

The Permanent Mission of the Kingdom of Eswatini to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to transmit the responses to the Joint Communication from the Special Procedure Branch referenced AL SWZ 1/2026.

The Government of the Kingdom of Eswatini regrets the delay in submitting the responses and wishes to convey its sincere apologies. The delay was due to circumstances beyond the control of the Government.

The Permanent Mission of the Kingdom of Eswatini to the United Nations Office and other International Organizations in Geneva, take this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 01 September 2026



To: Special Procedure Branch
United Nations Office of the High Commissioner for Human Rights
OHCHR



KINGDOM OF ESWATINI

**RESPONSE TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL ON INVESTIGATIONS INTO THE DEATH OF MR. THULANI
MASEKO**

2026

A. Introduction

1. The Government of the Kingdom of Eswatini presents the following responses to the questions raised in the joint communication from the Special Procedures of the United Nations Human Rights Council (UNHRC) in its correspondence dated 29 April 2026 (reference AL SWZ 1/2026). The communication was issued by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association. It concerns investigations relating to the death of human rights defender, Mr. Thulani Maseko.
2. In the aftermath of the 2021 civil unrest, Eswatini faced a challenging rise in crimes with alleged political motivations. The tragic incidents included the loss of prominent individuals such as a chief, Mr Thulani Maseko, law enforcement officers, and other members of the public.
3. The Royal Eswatini Police Service (REPS) is mandated by the Constitution Act 1 of 2005 and the Police Service Act 22 of 2018 to prevent and detect crime, maintain public order, preserve peace and protect life and property. Following the increase of murder cases in the aftermath of the unrest, investigation of all such cases were initiated. In several cases, progress has been made, with suspects now awaiting trial. However, there are some cases where breakthroughs remain pending, such as that of Mr. Maseko.
4. Regarding Mr. Maseko's case, the REPS was restricted in accessing critical evidence at the crime scene. Additionally, while the police sought interviews with witnesses, logistical challenges occasionally affected the ability to conduct uninterrupted interviews. Mrs. Tanele Maseko experienced significant trauma following the death of her husband, which affected investigators' ability to obtain a detailed statement. REPS remains committed to seeing this case resolved and calls upon the cooperation of all potential witnesses to enable progress.

(a) Provide any additional information and/or comment(s) on the allegations (referring to new allegations/information contained in the communication)

5. The Government notes the concerns raised regarding the alleged failure to interview specific individuals in connection with the investigation into the death of Mr Maseko. The Government wishes to clarify that the investigation remains active and ongoing and that due process is being observed in accordance with national and internationally recognised standards. Interviews are guided by evidentiary requirements and procedural safeguards to ensure that the investigation is

comprehensive, impartial and legally sound. Further, the government underscores that investigative authorities retain the discretion to determine the appropriate sequencing of interviews.

6. According to investigations, it was established that there were only three eyewitnesses present at the scene during the incident and these were Mrs. Tanele Maseko and the couple's two minor children.
7. As part of the investigation, REPS identified Mrs. Tanele Maseko as a material witness and undertook a number of measures to obtain her cooperation. Repeated efforts were made to arrange an interview with her; however, these efforts were unsuccessful. During the course of the investigation, information available to the Police indicated that she was, for a period, no longer residing in the Kingdom of Eswatini.
8. The inability to obtain information from a material witness has presented challenges to certain aspects of the investigation. Investigators also sought access to electronic devices believed to contain information that could assist in establishing the circumstances surrounding the incident.

(b) Provide details and results of the investigation referred to in Eswatini's response of 6 February 2023;

9. As indicated in paragraph 7 above regarding the investigators' challenges, Mrs Maseko continues to withhold information which may be relevant to the ongoing investigation. She is the only individual that can provide further clarification regarding the circumstances surrounding the incident.
10. Despite efforts to obtain additional information, no further clarity has been provided regarding the events that allegedly preceded the death of her husband. Mrs Maseko has to date not fully cooperated with the police to provide a formal statement, which may assist in determining the cause and circumstances of her husband's death.
11. There are various available channels of communication through which Mrs Maseko could have engaged with the relevant authorities, including written correspondence or electronic communication, should she be unable to attend in person. Her continued failure to cooperate through any available means has hindered efforts to bring the investigation to a proper and timely conclusion.

(c) Provide details of any judicial or other inquiries carried out

12. The REPS has undertaken a range of investigative measures in accordance with applicable domestic law and established investigative procedures. In early 2024, investigators requested that Mrs. Maseko voluntarily provide her mobile telephone, together with the mobile telephone belonging to the late Mr. Thulani Maseko, to facilitate forensic examination. The objective was to determine whether the devices contained information capable of assisting investigators in reconstructing the events preceding the incident and identifying any persons responsible.

13. Following unsuccessful attempts to obtain the devices voluntarily, the Police secured possession of the mobile telephones for investigative purposes. Mrs. Maseko subsequently instituted urgent legal proceedings in March / April 2024 challenging the seizure of the devices and sought their return. She contended that the devices had been taken without her consent and lawful authority. The High Court granted the application and ordered that the devices be returned. The REPS complied fully and promptly with the Court order.
14. The judicial proceedings and subsequent return of the devices affected the scope of the intended forensic examination. Nevertheless, the investigation has continued through other available investigative avenues.

(d) Please explain why a number of potential witnesses were not interviewed in the investigation into the murder of Thulani Maseko.

15. The investigation established that the persons present at the scene during the incident were Mrs. Maseko and the couple's two minor children. The Police experienced difficulties in obtaining comprehensive witness statements during the initial stages of the investigation as Mrs. Maseko experienced significant trauma as mentioned in paragraph 4 above.
16. The two children, who were minors at the time of the incident, were also considered to have been traumatised. In accordance with applicable legal safeguards governing interviews of minors, any interview would require the consent and participation of a parent or legal guardian. In the absence of such cooperation, investigators were unable to conduct interviews with the children.
17. To date, the investigation has not identified evidence establishing the presence of any additional eyewitnesses at the scene. Similarly, the REPS has not found evidence substantiating allegations that two unidentified individuals had been drinking at a nearby establishment prior to the incident or that they made inquiries concerning Mr. Maseko's whereabouts, a visit to the homestead by a man and a suspicious vehicle seen around the area. These allegations have not been corroborated by the evidence obtained during the investigation.

(e) Explain why Police officers allegedly took an hour to respond to the murder of Mr. Thulani Maseko and why no roadblocks or checkpoints were set up in the aftermath.

18. The REPS disputes the allegation that there was an undue delay in responding to the incident. According to official operational records, officers responded promptly upon receiving notification of the incident. The information was immediately communicated through the established command

structure, including the Crime Desk, and disseminated to Police Stations and Police Posts across the country. In addition, stop-and-search operations and roadblocks were established at various locations as part of the immediate operational response aimed at locating suspects and gathering information relevant to the investigation.

(f) Indicate whether the Government will allow for an independent international investigation into the case.

19. The Government remains committed to ensuring that the investigation into the murder of Mr. Maseko is conducted thoroughly and in accordance with the law. Further, the Government is open to cooperation with international law enforcement partners and other appropriate international mechanisms where such cooperation is consistent with the Constitution and the domestic legal framework and respects the country's sovereignty.

20. In this regard, the Government welcomes technical assistance, the exchange of expertise, and other forms of collaborative support that may contribute to the effective investigation of the matter. The Government has had engagement with the African Commission on Human and Peoples' Rights concerning this case and remains receptive to continued dialogue and cooperation through appropriate institutional channels.

Conclusion

21. The investigation into the death of Mr. Thulani Maseko remains ongoing. The REPS continues to pursue all available investigative leads with a view to establishing the facts surrounding the incident and identifying those responsible. The Government remains committed to fulfilling its obligations under domestic law and international commitments.