

Mandates of 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

Ref.: AL SWZ 1/2026
(Please use this reference in your reply)

29 April 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 53/4 and 59/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the reported failure to bring to justice the murderers of human rights defender Thulani Maseko.

Mr. Maseko's killing was the subject of communication AL SWZ 1/2023. We thank you for your response dated 6 February 2023. We note that, according to your Excellency's Government's response, an investigation had been "instituted and Government [would] leave no stone unturned in finding his killers and bringing them and the criminals associated with them to justice".

We note with concern that this investigation has apparently not led to the conviction of any perpetrators of Mr. Maseko's murder, and would like to highlight new information received about the police's handling of the case.

According to the information received:

Mr. Maseko's wife, who was present at the time of the killing which took place on 21 January 2023, witnessed a single male shoot her husband dead. The perpetrator, whose face was not masked, then calmly walked away.

In the hours prior to the murder and in the immediate aftermath, there were a number of reported sightings of suspicious individuals and vehicles around Mr. Maseko's home.

A man reportedly visited the homestead and spoke with Mr. Maseko's sons, inquiring about Mr. Maseko and his wife's whereabouts. That same day between 5 p.m. and 5.30 p.m., a neighbour witnessed a suspicious vehicle driving around the area.

It is our understanding that neither Mr. Maseko's sons nor his neighbours were interviewed by police during the course of the investigation.

One of Mr. Maseko's family members reportedly witnessed a young man walking late at night from the direction of Mr. Maseko's home, subsequent to

the shooting. This family member was not interviewed by police during the course of the investigation.

Another relative of Mr. Maseko stated that two men and a woman “pretending to be drunk” arrived at a bar owned by Mr. Maseko’s family in a vehicle reportedly commonly used by Swazi security services. The three persons inquired as to the whereabouts of Mr. Maseko and his wife. This relative was not interviewed by police during the course of the investigation.

Furthermore, a police officer reportedly informed Mr. Maseko’s family that shortly before the night of Mr. Maseko’s murder, police officers stationed in Bhunya, the local police station, had received orders to ‘stand down’ if an unspecified ‘operation’ occurred. The officer reported that he later understood this ‘operation’ to refer to Mr. Maseko’s killing.

On the night of Mr. Maseko’s murder, it is reported that officers from Bhunya police station, located a 10-minute drive from Mr. Maseko’s home, took over an hour to arrive at the scene. In the hours following the murder, no roadblocks or checkpoints were set up in an effort to apprehend the perpetrator.

Without prejudging the accuracy of these allegations, we wish to express our utmost concern in relation to the apparent failures to investigate leads in the aftermath of Mr. Maseko’s killing. Without making any judgment as to the accuracy of the information made available to us, we would like to remind your Excellency’s Government of its duty to investigate, prosecute, and punish all violations of the right to life.

Investigations into potentially unlawful deaths must meet international standards, including the Revised United Nations Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)). Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details and results of the investigation referred to in the response, dated 6 February 2023, of your Excellency's Government to the communication sent by Special Procedures mandate holders in relation to the murder of Thulani Maseko;

3. Please provide details of any judicial or other inquiries carried out in relation to the murder of Thulani Maseko;
4. Please explain why a number of potential witnesses were not interviewed in the investigation into the murder of Thulani Maseko;
5. Please explain why police officers took an hour to respond to the murder of Thulani Maseko and why no roadblocks or checkpoints were set up in the aftermath;
6. Will the Eswatini government allow for an independent international investigation into Maseko's murder?

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of killings of human rights defenders, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the murder of Thulani Maseko.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 6, 19 and 22, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights (ICCPR), ratified by Eswatini on 26 March 2004, which guarantee the rights to liberty and security of person, freedom of opinion and expression, and freedom of association. These rights are also guaranteed under articles 3, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

In particular, we would like to draw your attention to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and article 6(1) of the ICCPR, which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

We wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights.¹

Furthermore, we recall that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.²

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing immunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates.³ Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future.

We also wish to recall the report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council on the subject of killings of and death threats against human rights defenders, in which she emphasized that there is no more a direct attack on civil society space than the killing of human rights defenders.⁴

1 Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://docs.un.org/en/CCPR/C/GC/36>

2 Ibid.

3 Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://docs.un.org/en/CCPR/C/GC/36>

4 A/HRC/46/35

The report by the former Special Rapporteur on the situation of human rights defenders to the General Assembly on the subject of impunity for human rights violations committed against human rights defenders, notes with concern that the overwhelming majority of violations– with killings being one of the most prevalent - unpunished. The negative impact of such impunity is manifold, as it denies victims access to justice, but also generally weakens the organizational movement the human rights defender was affiliated with, as other individuals are discouraged from participating, as well as detrimentally impacting society itself, as it obstructs access to the truth and prevents measures being taken to avoid the recurrence of these events.⁵

We would like to bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Additionally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations.

Article 6(a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms.

Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1].

5 A/74/159

We also refer to the African Charter on Human and Peoples Rights, which Eswatini ratified in 1995. Articles 2, 9, 10 and 11 protect the right to non-discrimination, freedom of expression and opinion, freedom of association and freedom of assembly.