



Inter-Parliamentary Union  
For democracy. For everyone.

## Eswatini

*Decision adopted unanimously by the IPU Governing Council at its 216th session (Geneva, 23 October 2025)*



Members of the Royal Eswatini Police Service (REPS) monitor affiliates of the Trade Union Congress of Eswatini (TUCOSWA) as they sing political slogans in central Manzini, on 28 October 2021 during a pro-democracy protest. Michele Spatari - AFP

SWZ-02 – Mduduzi Bacede Mabuza  
SWZ-03 – Mthandeni Dube  
SWZ-04 – Mduduzi Gawuzela Simelane

### Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate

### A. Summary of the case

Parliamentarians Mr. Mduduzi Bacede Mabuza and Mr. Mthandeni Dube were arrested on 25 July 2021. A third parliamentarian, Mr. Mduduzi Simelane, fled the country before an arrest warrant, which still remains valid, could be implemented. Mr. Mabuza and Mr. Dube were charged with the contravention of section 5(1), read in conjunction with section (2)(2)(a) -(d) and (i) of the Suppression of Terrorism Act 2008 (as amended), two alternative counts under the Sedition and Subversive Activities Act of 1938, and two counts of murder. The Accused No. 1 is, in addition, charged with contravention of regulation 4(3)(b), read in conjunction with regulation 4(8) of the

### Case SWZ-COLL-01

**Eswatini:** Parliament affiliated to the IPU

**Victims:** Three independent members of parliament

**Qualified complainant:** Section I.1(b) of the Committee Procedure (Annex I)

**Submission of complaint:** January 2022

**Recent IPU decision:** October 2024

**IPU missions:** Mission by the IPU Secretary General (February 2025); trial observation (November 2022; February 2024)

**Recent Committee hearing:** Hearing with the delegation of Eswatini at the 148th IPU Assembly in Geneva (March 2024)

### Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the House of Assembly (February 2025)
- Communication from the complainant: March 2025
- Communication to the authorities: Letter to the Speaker of the House of Assembly (February 2025)
- Communication to the complainant: March 2025

Disaster Management Act, No. 1 of 2006. They each entered a plea of not guilty in respect of all charges. The accused made several bail applications, which were all rejected.

The legal action against the parliamentarians was taken against the background of calls for political reform that started circulating on various platforms across Eswatini in May 2021, with the aforesaid three parliamentarians also advocating for these changes. To prove that these members of parliament had the mandate from their constituencies to make this call resulted in a series of petitions being delivered to parliament in support of the call for change. Protesters were calling for constitutional and political reforms, lamenting the Government's reported failure to deliver basic services to its citizens, demanding responses to socioeconomic challenges, and invoking alleged ill-treatment by police. Petitions were delivered to various *tinkhundla* centres (constituencies), predominantly by young people, to their members of parliament as an endorsement of the call for constitutional and political reforms. These calls were heightened during protests against alleged "police brutality" following the death of a University of Eswatini law student, Mr. Thabani Nkomonye. On 24 June 2021, the then acting Prime Minister, Deputy Prime Minister, Mr. Themba N. Masuku, issued a ban on the delivery of these petitions, saying that this was "a conscious decision to maintain the rule of law and de-escalate tensions that had turned the exercise into violence and disorder". Protesters continued to deliver petitions in spite of the ban and were blocked by the police. The parliamentary authorities state that numerous acts of violence were reported during the delivery of petitions, which were orchestrated by the protesters in some of the constituencies. This led to the authorities banning the physical delivery of petitions to the constituencies but leaving the door open for the petitions to be sent by e-mail.

In its report released at the very end of June 2021 regarding the events that had occurred earlier that month, the Eswatini Commission on Human Rights and Public Administration (the Commission) – which is Eswatini's national human rights institution – found that human rights violations and abuses had been perpetrated during the unrest.

According to the complainant, the charges against Mr. Mabuza, Mr. Dube and, potentially, Mr. Simelane serve as reprisals and aim to silence them, given that they have been at the forefront of the aforesaid demands for democratic reforms in Eswatini, an absolute monarchy led by King Mswati III for over 30 years, where political parties are not legally recognized. The parliamentary authorities deny that they have been targeted for exercising their freedom of expression.

Mr. Rahim Khan, an attorney and former acting chief magistrate in Botswana, with over 40 years of legal experience, was appointed by the IPU to attend and follow the final trial proceedings against Mr. Mabuza and Mr. Dube, namely those which took place from 8 to 10 and 14 to 16 November and on 13 December 2022.

On 1 June 2023, the judge found them guilty of all charges, except for the charge related to the COVID-19 regulations with respect to Mr. Mabuza, and reserved sentencing for a hearing in December 2023. This hearing was subsequently postponed, with new hearings that took place from 20 to 22 February and on 26 March 2024.

The IPU trial observer, upon reviewing the verdict, stated that "if we examine the statements attributed to them (Mr. Mabuza and Mr. Dube) by the learned judge, a careful analysis in fact does not reflect criminal intent. Throughout the evidence as appears in the record, there is no exhortation on the Swazi public to rise up in insurrection, overthrow the Monarchy and establish a government of the people. In fact, the accused are very deferential towards the Monarchy, almost religiously so. The entire case rests on the response by the accused to the declaration by the government that it was banning the filing of petitions and for the appointment of the Prime Minister by election. The incidents of civil unrest occurred on 24 June 2021. It is abundantly clear from the gravamen of the charges, that the accused were no way near the scene of the crime. It is the effect of what they stated that reflects what the State says is the foundation of their criminal conduct: that they encouraged people in their public statements to disobey the lawful appointment of the Prime Minister and in the process encouraged civil disobedience. But, with respect, how can civil disobedience be equated with terrorism and sedition? There was no armed insurrection, no taking up of arms with revolutionary slogans against the State, no intentional destruction of the most visible manifestations of state power. How encouraging people to disobey the government on the issue of denying the filing of petitions automatically led to arrests for terrorism without showing a direct link between rhetoric and causation is difficult to appreciate".

On 15 July 2024, the judge in the case sentenced Mr. Mabuza and Mr. Dube to prison terms of 25 and 18 years, respectively. Mr. Mabuza has appealed the sentence.

According to the complainant, on 22 September 2022, the two detained parliamentarians were assaulted by prison guards who entered their cells. It is alleged that on 29 September 2023, Mr. Mabuza was again beaten by a correctional services officer. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly (March 2024), the Eswatini delegation provided an undated document containing information on an internal inquiry that showed that there had never been an assault against Mr. Mabuza and Mr. Dube.

Since the protests broke out in Eswatini in 2021, the Southern African Development Community (SADC) and other international partners have strongly encouraged the Eswatini authorities to conduct a meaningful, substantive and inclusive national dialogue to discuss options for democratic and institutional reforms. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly, the Eswatini delegation stated that the national dialogue had since been concluded and had been very successful and that the relevant ministries were now tasked with adopting the corresponding implementation plans.

At the same hearing, the Eswatini delegation stated that the IPU trial observer had not been impartial, that their national justice system was intact and proper, and that the judge who had ruled in the case was very experienced and had taken all relevant facts into account. The delegation said that Mr. Mabuza and Mr. Dube have the right to appeal the verdict and said that the charges against them concerned events that took place when Eswatini was very much in lockdown due to the COVID-19 pandemic regulations being in place and that in the course of the events in 2021 the lives of more than 30 people had been lost. The delegation also said that if Mr. Mabuza and Mr. Dube had been genuinely interested in pushing for the direct election of the Prime Minister, they should have chosen to achieve this outcome through their work in parliament, rather than by interacting with citizens outside of parliament and inciting them to violence.

At the invitation of the authorities of Eswatini, the IPU Secretary General travelled to Eswatini from 20 to 26 February 2025 to meet with the King and other relevant national authorities to discuss avenues to promote a resolution of the case. During his visit, the IPU Secretary General was allowed to meet with the two former parliamentarians in detention in the absence of any witnesses. What transpired from the meetings with the authorities is that, according to them, the appeal filed by Mr. Mabuza's legal counsel had not been registered because legal counsel had not yet submitted its heads of argument. The authorities, including the King, stated that there was a Commission of Mercy which offered a channel for pardons to be considered and proposed to the King by the Commission. In their meeting with the IPU Secretary General, both former parliamentarians expressed their appreciation for the work undertaken by the IPU and supported any efforts made on their behalf to obtain their release, with Mr. Dube explicitly stating that he was seeking a pardon. Mr. Mabuza also said that he would be pleased to seek alternative remedies, including clemency. The IPU Secretary General intervened with the King and other relevant national authorities to consider facilitating such a pardon as quickly as possible, which the authorities stated they would look into.

On 20 June 2025, the King publicly acknowledged and welcomed Mr. Dube's formal apology, praising the gesture and calling forgiveness a core Christian value. In October 2025, the King of Eswatini granted a royal pardon to Mr. Dube. Arrangements are being made for him to be released and rejoin his community. The IPU Secretary General has been invited by the authorities of Eswatini to return to Eswatini to attend these events.

The complainant states that there has been no progress in the handling of the appeal for Mr. Mabuza. It maintains that under the Rules of Procedure of the Supreme Court, the heads of appeal may only be submitted once the Chief Justice of the Supreme Court has fixed a hearing date and the registrar has informed the parties accordingly. The complainant adds that, in the continued absence of any action by the Chief Justice and the registrar, the defence counsel is unable to advance the proceedings.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the parliamentary authorities for the arrangements made during the visit of the IPU Secretary General to Eswatini in February in 2025, which allowed him to engage with all the stakeholders in this case, in particular with the King of Eswatini; and *appreciates* in this regard the efforts by the authorities to ensure full access for the Secretary General to Mr. Dube and Mr.

Mabuza in detention;

2. *Welcomes* the decision taken by the King of Eswatini to grant a royal pardon to Mr. Dube; *appreciates* that Mr. Dube will be released shortly and that the Secretary General has been invited to return to Eswatini to attend his release; and *requests* the Secretary General to use the opportunity of his return visit to explore prospects for a speedy settlement of Mr. Mabuza's situation as well;
3. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant;
4. *Requests* the Committee to continue examining the case and to report back to it in due course.