

SA must put pressure on Swaziland to open society

 By [Anton Harber](#)

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I think SA should recall its ambassador to Swaziland and threaten to close our borders with the country. I am not joking. We need to put more pressure on our neighbour to start taking its own constitution seriously and show respect for human rights and development.

What has sparked my anger is the jailing of journalist Bheki Makhubu and lawyer Thulani Maseko for articles they had written. They received two-year sentences for contempt of court, which is what the Swazi authorities call writing about controversial court cases, such as the one where a traffic inspector was detained without trial because he had the temerity to issue a ticket to the chief justice's driver.

Makhubu is a magazine editor, known to be strong in his views, and respected among his colleagues. His magazine, *The Nation*, was also ordered to pay a crippling R100,000 fine.

There is no suggestion that he got the story wrong - just that he irked the authorities, particularly a chief justice who has been known to summon and threaten journalists.

Lawyer Caroline James of the Southern African Litigation Centre, who has followed the case closely, says the judgment defines contempt of court so widely that it will restrict coverage of all trials, "making all court reporters criminals".

'Serious consequences'

In her diplomatic language, she says, "this is out of synch with international practice and will have serious consequences for those hoping to hold the already impervious Swaziland judiciary to account". I could think of stronger ways to put this.

The severity of the sentence is going to have a chilling effect on journalism in that country. Although the two will lodge an appeal, they are likely to have served much of their sentence before the case is even heard.

They have already been in prison for four months, detained as "flight risks" by the chief justice in a hearing in his chambers without their legal representatives. Given the conduct of the Swazi judiciary, one cannot hold out much hope for a fair hearing at the appeal.

The concern here is not just for the two men and lofty notions of free speech. It is that Swaziland is not going to be able to address its severe issues of poverty unless there is public debate and discussion over what needs to be done, and unless there is some way of holding King Mswati accountable for his apparently lavish spending. This is a country where two-thirds

of the population is living on less than \$1 a day (according to its own finance minister), and Mswati holds - and spends - vast wealth on trust for the nation.

While these issues are in the hands of the Swazi people, SA has enormous - perhaps decisive - influence over its small neighbour. We need to use this influence to encourage a move towards democracy, an opening up of this society, and an end to the jailing of journalists and lawyers for doing their work.

Tribute to Nat Nakasa

Nat Nakasa, whose remains were brought home for reburial this week, symbolises the tragic waste of apartheid. As a brilliant young writer, he was making a powerful mark on South African journalism when he won a Nieman Fellowship to study at Harvard in the US. Refused a passport, he faced an impossible choice: forsake the opportunity or leave on an exit permit. He chose the latter, and found himself at the end of the year homesick and with nowhere to go. It appears that he committed suicide.

A recent tribute by Deputy President Cyril Ramaphosa is a reminder of what makes a good journalist: "Nakasa ... was a free thinker, who did not fit easily in any box, and was able to travel between different worlds. His ideas and his writings were often uncomfortable or discomfiting for those reading them, black and white ... (He wrote from) an individual and quite idiosyncratic perspective."

At a time when there is a great deal of pressure for journalists to fall into line, it is worth remembering that Nakasa is remembered and honoured because he was original, outspoken and did not fall into anyone's line. And he wrote with elegance and wit.

ABOUT ANTON HARBER

Anton Harber, Wits University Caxton Professor of Journalism and chair of the Freedom of Expression Institute, was a Weekly Mail (now Mail & Guardian) founding editor and a Kagiso Media executive director. He wrote Diepsloot (Jonathan Ball, 2011), Recht Malan Prize winner, and co-edited the first two editions of The A-Z of South African Politics (Penguin, 1994/5), What is Left Unsaid: Reporting the South African HIV Epidemic (Jacana, 2010) and Troublemakers: The best of SA's investigative journalism (Jacana, 2010).

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