

#Defend Our Defenders

Memorandum for protection of Human Rights Defenders in South Africa

Date : 22 October 2024

Venue: The Union Buildings, South Africa

To : President of the Republic of South Africa (**Honourable Mr President Ramaphosa**)
The Minister of Police of South Africa (**Honourable Mr Senzo Mchunu**)
The Minister of Justice of South Africa (**Honourable Ms Thembisile Simelane**)

The Honourable President of South Africa, the Minister of Police, the Minister of Justice, the Portfolio Committee on Police, and the Portfolio Committee on Justice and Constitutional Development, we invite you to receive this memorandum.

We address you as the coalition for the Human Rights Defenders with 81 associated non-governmental organisations (NGOs), community-based organisations (CBOs) and networks who are concerned about acts of intimidation and killings of activists and front-line defenders protecting human rights.

Killings of Human Rights Defenders in South Africa is increasing and requires urgent attention and action from the officials mentioned above.

On October 19, 2023, we formally requested the aforementioned duty bearers to protect our Human Rights Defenders through a Memorandum delivered at the SAPS Headquarters in Pretoria. After receiving the memorandum, the Department of Police responded vaguely, only requesting a list of unresolved cases of Human Rights Defenders but failed to make any follow-up on the cases or address the other concerning issues raised in our memorandum. In the case of the Presidency and the Ministries of Police and Justice, we received no response.

In light of the above we find that there has been a **failure on the part of the authorities and our government** to protect the lives of those who struggle to ensure our hard-fought freedoms enshrined in the Constitution and in international law are upheld. We seek to bring to your attention once again, the deplorable incidents that have occurred where lives have been lost and which continue, apparently with impunity due to this failure. We call on you to act with urgency to stop the killings and intimidation in communities.

In this year alone, two human rights defenders, Mbekiseni Dladla and Sibusiso Hlogwane were gunned down and killed in the Melmoth area for their activism against the iron ore mine imposed on them by Jindal Steel.

Abahlali BaseMjondolo is a community organisation dealing with land, housing and other social justice issues which affect shack dwellers throughout the country. The organisation has lost 24 of its members – shot and killed – since 2009. Only five

of the twenty-four activists have received justice through the arrest and sentencing of the killers. This means 21 of those cases are yet to receive justice. The organisation has members in five provinces: the Eastern Cape, Western Cape, Mpumalanga, Gauteng and KZN.

In March 2016, Bazooka Hadebe, an activist opposing a proposed titanium mine in Xolobeni, in the Eastern Cape, was shot eight times, in his own house in front of his family, by two men posing as police officers. He was protecting his family's farming and grazing land which the proposed mine was set to take away from them, thus depriving them of their livelihoods. Bazooka's killers are still at large.

On 22 October 2020, in the north of KwaZulu-Natal, in the Somkhele community, a community activist MaFikile Ntshangase, was shot and killed, execution-style, by five men, in her home in front of her 13-year-old nephew for having opposed the expansion of the Somkhele coal mine. This incident shook the entire community of Somkhele, the country, and the international community. Activists and community members in Somkhele and the surrounding areas are still living in fear. Today marks four years since the murder of MaFikile and still the killers have not been arrested. View her daughter speaking out about the impact of this treachery [here](#).

In August 2021, Babita Deokaran, Former Chief Director: Financial Accounting at the Gauteng Health Department, was killed in front of her own home for exposing corruption within the department. Six perpetrators were prosecuted and sentenced to jail terms, but where are the masterminds who orchestrated the killing? We need full justice.

In August 2023, another land rights activist was gunned down in a mining-affected area of the North-West. Jomo Keromeng was shot 16 times by two men in his own home in front of his mother and child, while fighting for rights of the poor and the vulnerable people in the Sefikile village of the North-West.

In July 2023 Dorothy Mmushi, former Eskom Forensic Middle Manager, is currently receiving death threats for exposing corruption in Eskom. In South Africa there are more 100 people who are facing death threats and intimidation for protecting the rights of the poor communities, more particularly in mining-affected communities.

Patricia Morgan-Mashale, a former SAPS staff and whistleblower for the corruption by the top SAPS officials has been in hiding for a while avoiding being killed for exposing corruption. In one of her interviews she said, "I know I am going to be killed by the police".

The UN's Declaration on Human Rights Defenders of 1998, emphasizes and encourages the protection of Human Rights Defenders by the government. The Draft Declaration on Human Rights Defenders by the African Commission on Human and People's Rights also encourages protection of Human Rights Defenders.

It is important for the government to recognize that Human Rights Defenders are agents of justice – they sacrifice their lives for the wellbeing of their fellow community members, while performing a responsibility which should be borne by

the government – which has a Constitutional obligation to protect the rights of its citizens.

In November 2022, the South African government was reviewed on the increasing killing of Human Rights Defenders including whistle-blowers in the Universal Periodic Review (UPR) of the United Nations Human Rights Council. South Africa acknowledged and accepted the recommendations made by other States in the United Nations' UPR that the government should develop a legal framework implement to protect the Human Rights Defenders.

We, as civil society organisations, want to work with government along with other stakeholders to achieve these goals to protect the dignity of our country.

We hereby make the following demands to the President of the Republic of South Africa, the Minister of Police, and the Minister of Justice:

- **Development of legislation to protect Human Rights Defenders**

The Human Rights Defenders are playing an important role in promoting and protecting our human rights. They are contributing towards protection of our constitution and our hard-fought democracy. As such they must be regarded as essential social services providers and heroes of in society who deserve a special protection from all spheres of the government. As per the recommendations in the United Nations' UPR process, we need specific legislation/model law that recognizes and protect the human rights defenders in our country.

We urge for this process to include the affected groups on the ground and NGOs who work on social justice issues in the discussion to identifying the relevant legislation until the implementation.

- **Public condemnation of the killing of the Human Rights Defenders**

Human Rights Defenders and whistle-blowers are intimidated and killed while striving to protect the rights of others. But the government we have never heard the government making a statement discouraging the killing and abuse of Human Rights Defenders. We hardly heard words of discouragement from the President, the Minister of Police, including the local government, when Mam'Fikile Ntshangase was killed in 2020, when Abahlali BaseMjondolo were killed every month, when Bazooka Radebe was killed in his own house.

We would like the government to know that by being silent, they are encouraging the killers to continue with their bloodthirsty activities.

We request the government to publicly start condemning the killings of the Human Rights Defenders as a matter of urgency. The government must start a campaign that will publicly discourage the killing and abuse of Human Rights Defenders. The process must include all affected groups to ensure its effectiveness in achieving its objectives.

- **Urgent arrest of the Killers of Human Rights Defenders**

Most killers of Human Rights Defenders are still at large. The wheels of justice are proving to be slow when it comes to justice for Human Rights Defenders. In most

instances, the police do not take criminal cases reported by Human Rights Defenders seriously, hence many reported cases of killing of Human Rights Defenders are still pending.

We demand of the Minister of Police to make those cases a priority by initiating special investigations to secure arrests of the killers. This process must provide a report back to the affected groups on the progress of the investigation and arrests must be made.

Expected date of responses

We request that the President, Minister of Police, and Minister of Justice to respond to our request within 30 working days, that is by the **30th of November 2024**.

We appreciate that the South African government should be willing to protect and recognize the Human Rights Defenders as manifested in the United Nations' Universal Periodic Review (UPR) on South Africa and is willing to take every necessary step ensuring that its citizens are protected.

We request that the President and relevant arms of government explore the possibility of South Africa becoming a signatory to the [Escazú Agreement](#) an initiative in international legislation to protect the rights of Environmental and Human Rights defenders against the impunity from which international corporates benefit.

South Africa is one of the countries that commands respect in the global community for respecting human rights, and for living and practicing the principles of democracy.

Signatures

1. _____
The President of South Africa or duly authorized official

Authorized convenor

2. _____
The National Minister of Police or duly authorized official

Authorized convenor

3. _____

The Minister of Justice and Correctional Services of South Africa or duly authorized official

Authorized convenor

NGOs Supporting the HRD gathering

1. Abahlali BaseMjondolo
2. ActionAid
3. Greenpeace
4. Human Rights Institute of South Africa (HURISA)
5. All Rise
6. Centre for Environmental Rights (CER)
7. Earthlife Africa, Johannesburg
8. Human Rights Watch
9. Global Environmental Trust
10. GroundWork, Friends of the Earth South Africa
11. Khuthala Environmental Care Group
12. Life After Coal
13. Mining and Environmental Justice Community Network of South Africa (MEJCN SA)
14. MS Project
15. Mfolozi Community Environmental Justice Organization (MCEJO)
16. Natural Justice
17. Phola Environmental Justice Alliance (PEJA)
18. Highveld Environmental Justice Network (HEJN)
19. Rights to Protest (R2P)
20. South Durban Community Environmental Alliance (SDCEA)
21. South African Human Rights Defenders Network (SAHRDN)

22. Sukumani Environmental Justice (SEJ)
23. Vaal Environmental Justice Alliance (VEJA)
24. Vukani Environmental Movement (VEM)
25. WoMin
26. Womxndla
27. Dzomo Lamupo
28. Mulambwe Community Women's Network
29. Mulambwane Community Women's Network
30. Matjoba Young Women's Organisation
31. Women of Change
32. Bopanang Women's Organisation
33. Ithuteng Community Organisation
34. Mahlodi Community Organisation
35. Westside Park Community Crisis Community
36. Amadiba Crisis Committee
37. Zion Healthcare Association of South Africa
38. Clean Environment
39. InTouch Youth Development and Community Justice
40. Soweto Electricity Crisis Committee
41. Amnesty International
42. Lawyers for Human Rights
43. Centre for Legal Studies
44. Ubuntu Cultural Heritage Foundation NPC
45. New Church
46. Buitumelo Concerned Citizens
47. KwaThema Working Group
48. All Nations Community Centre
49. Promise Drop-In Centre
50. Zama Zama
51. We Strive to Live
52. Eugene Meck Foundation

53. Siphumelele Older People Organisation
54. Khulamandla
55. Zalisidinga
56. Clean Touch Administrative Services
57. Lesedi Lethabo Community Centre
58. Eteleng Pele Community Services
59. Earth Child Creatives Hub and Projects
60. Sizanani Home Based Caregiver Project
61. Abomama Bomme in Business eKasi
62. Palm Springs Green
63. Africanmake
64. Eyethu Sonke Organisation
65. Soweto Cultural Senior Citizens
66. Serapeng Sabasadi
67. Parents, Family and Friends of South African Queens
68. 350.org
69. Zamdela Air Quality Monitoring Committee
70. Lechabile Letsatsi
71. Vukuzenzele foundation
72. Botle bahlao
73. SAMANCO Ex-workers
74. Alliance for Rural Democracy (ARD)
75. Middelburg Social and Environmental Justice Alliance (MSEJA)
76. Justice and Peace
77. Mabola Alternative Committee
78. Environmental Justice Foundation (EJF)
79. Oxfam
80. Legal Resource Centre (LRC)
81. South African Climate Action Network (SACAN)