

To: THE PRESIDENCY

c/o: Ms Malebo Sibiyi & Mr Mike Louw

Per Email: malebo@presidency.gov.za; presidentrsa@presidency.gov.za

**And To: SPEAKER OF THE NATIONAL ASSEMBLY: HONOURABLE MS NOSIVIWE
MAPISA-NQAKULA**

Per Email: speaker@parliament.gov.za

**THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: MINISTER RONALD
LAMOLA**

c/o: Ms Zanele Ndlovu and Mr Bruce Sarela

Per Email: ZaneNdlovu@justice.gov.za; BSarela@justice.gov.za

**DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: DEPUTY
MINISTER JOHN JEFFERY**

Per Email: jjeffery@justice.gov.za; jmhlarhi@justice.gov.za

THE MINISTER OF POLICE: MINISTER BHEKI CELE

c/o: Ms Sharon Gaehler

Per email: GaehlerSMK@saps.gov.za

**THE CHAIRPERSON OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION:
PROFESSOR BONGANI MAJOLA**

Per email: bmajola@sahrc.org.za; ckisoon@sahrc.org.za

**COMMISSIONER AND CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS: DR SOLOMON AYELE DERSSO**

Per email: solomon.dersso@gmail.com; idowu-ojoa@africa-union.org

**THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS
DEFENDERS: PROFESSOR MARY LAWLOR**

Per email: lawlorm4@tcd.ie

**THE UNITED NATIONS SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR
ARBITRARY EXECUTIONS: DR MORRIS TIDBALL-BINZ**

Per email: hrc-sr-eje@un.org; eje@ohchr.org

RE: Civil Society organisations condemn the South African government for allowing the targeting of Abahlali baseMjondolo human rights defenders. We call for urgent national intervention for investigations and protection of Abahlali baseMjondolo members at risk.

9 September 2022

Dear Mr President, Honorable Speaker, Honorable Ministers and Honorable Mandate-Holders,

For the past 17 years, members of Abahlali baseMjondolo (Abahlali), the largest social movement representing the interests of shack dwellers and the poor in South Africa, has been systematically targeted with harassment, repression, and assassination for advocating for access to land, adequate housing, basic services and for the dignity of informal settlement residents. The movement has been subjected to unlawful police raids, coordinated mob attacks, and targeted assassinations by hitmen. On at least one occasion – the killing of Thuli Ndlovu – two councillors of the African National Congress (ANC) were found to be behind the attacks and were convicted in 2016. In other killings, local ANC leaders have also been implicated. Over the years, at least 24 leaders of the movement have been threatened and killed, hundreds have been injured and thousands displaced from their homes. In the past year, the eKhenana Commune in particular, has become the site of intensified violence and has fallen victim to political violence and state-sanctioned harassment as well as state inaction in the face of such attacks. We call for an immediate end to such attacks and call for accountability for those killed!

In the early hours of Saturday morning, 20 August 2022, two professional hitmen entered the eKhenana commune in Cato Manor and assassinated the elected chairperson of the community committee and prominent Abahlali youth leader, Lindokuhle Mnguni. The night Mnguni was killed was the first time he had slept in his home in months as he had been forced into hiding due to constant threat on his life. Mnguni, who was 28 years old at the time of his death, was shot several times and died at the scene. His partner, Sindiswa Ngcobo, was fortunate to survive after being shot three times. She too is a member of Abahlali baseMjondolo. Lindokuhle Mnguni was targeted because his activism exposed and challenged a dangerous underworld of housing corruption in the area which implicated police officials as well as local politicians connected to the ANC. His commitment to defending the human rights of shack dwellers throughout the country and being a voice of the poor has cost him his life.

The assassination of Lindokuhle Mnguni follows the assassinations of Ayanda Ngila on 8 March 2022, who was the deputy chairperson of the eKhenana branch, Nokuthula Mabaso, on 5 May 2022, who was a prominent leader in Abahlali's Women's League as well as within eKhenana. Nokuthula Mabaso a state witness to Ayanda Ngila's murder, was playing a vital role on in the ongoing investigations. These assassinations have robbed Abahlali baseMjondolo and the community of eKhenana of compassionate and selfless leaders who committed themselves to bettering the lives their community and others living in poverty. They were well-respected and loved by the movement and their families. Since the establishment of eKhenana in 2018, at least eight people have been killed.

Over the past year, at least a dozen leaders from eKhenana and Abahlali baseMjondolo's leadership have been arrested and detained repeatedly for charges ranging from assault, conspiracy to commit murder and murder although none of the prosecutions have resulted in a conviction. Mnguni had been arrested in March 2021 and unfairly denied bail for six months

alongside Landu Mtshazi and the late Ayanda Ngila; their case was eventually dropped when the witness recanted her testimony. They were arrested again in January 2022 with another community leader, Maphiwe Gasela, and released over a month later from Westville Prison. These incidents as well as other attacks on the Commune have been documented in [a report](#) submitted to the South African Human Rights Commission by an accredited monitor of the commission.

During the COVID-19 lockdown in 2020, the eThekweni municipality carried out unlawful evictions at the settlement despite the moratorium on evictions instituted in terms of the State of Disaster regulations as well as an interdict against any further evictions in eKhenana, granted in February 2019. Even after a settlement was reached in April 2020, when the community approached the High Court for an urgent interdict, eThekweni's Anti-Land Invasion Unit allegedly fired live ammunition into the settlement leaving eKhenana resident, Yamkela Vezi, injured with a gunshot wound to the hip. She had to be rushed to hospital for urgent care.

Abahlali baseMjondolo have been targeted for disrupting local systems of patronage and for demanding the universal human right to adequate, well-located, habitable shelter as well as access to land in the city. Their assertion of the dignity of all people, especially the poor, is seen as a threat to this patronage system. A number of leaders from eKhenana and the movement have had to leave their homes and take on costly security measures for their safety. Their lives have been disrupted and they are at constant risk because of these vested local political interests. Prior to the assassinations in eKhenana, Abahlali leaders Thembinkosi Qumbelo (2013), Nkululeko Gwala (2013), and Sifiso Ngcobo (2018) were all assassinated following numerous threats. When the movement has called the police for assistance or to open criminal cases, officers have been slow to act, at best, and, in some cases, have refused to assist. Other than the single assassination of Thuli Ndlovu, there has been no accountability.

In 2017, Abahlali baseMjondolo gave evidence at the Moerane Commission established by then KwaZulu-Natal Premier Willies Mchunu to investigate political violence in KwaZulu-Natal since 2011. In 2018, the Commission's [report](#) was released, and its findings affirmed many of Abahlali's submissions regarding the inflammatory and inciteful language of political figures and the failures and manipulation of the criminal justice system by political leaders to achieve their own political ends. In particular, the report found that:

“There was evidence that criminal elements are recruited by politicians to achieve political ends, resulting in a complex matrix of criminal and political associations that also lead to the murder of politicians [and] that language used by politicians is sometimes provocative and incites violence, contributing to the murder of politicians.”

It also found that:

“There was ample evidence before the Commission that acts of omission and commission by the police, through incompetence or political manipulation, has led to a loss of public confidence in the criminal justice system but especially the police services and security

agencies in general, including crime intelligence, national intelligence, and the specialised policing and prosecution agencies.”

One of the recommendations from the report were that:

“The State take immediate measures to ensure that institutions of the entire criminal justice system are immediately depoliticised and the political manipulation of these agencies to meet political ends is immediately brought to an end and public measures be taken to instil confidence in the public that the State is acting vigorously, expeditiously, and without fear or favour.”

We understand that an inter-Ministerial Committee on political killings in KwaZulu-Natal was established in 2018 to investigate all political killings in the province following its appointment by President Cyril Ramaphosa. A multi-disciplinary Task Team was then established comprising the South African Police Service (SAPS), the National Prosecuting Authority (NPA) with the support of the State Security Agency (SSA) and Correctional Services. There has been no evidence that any of the assassinations of Abahlali baseMjondolo members have ever been investigated by this Task Team.

According to the Minister of Police Bheki Cele, political killings in KwaZulu-Natal have declined. However, Abahlali baseMjondolo’s experience demonstrates that such violence against its members has only intensified. There is an urgent need for intervention at the national level to protect other leaders currently at risk, and ensure that transparent, independent and expeditious investigations are conducted. Without such action, Abahlali baseMjondolo members and other activists in the area will continue to be targeted and killed. Such violence against movements and organisations like Abahlali baseMjondolo is an indication that South Africa’s constitutional democracy and the freedoms we fought so hard for are under attack.

We condemn the attacks and murders of Lindokuhle Mnguni, Nokuthula Mabaso, Ayanda Ngila and the many other leaders and members of Abahlali baseMjondolo. We also reject, in the strongest terms, the abuse of the criminal justice system to target and harass members of Abahlali baseMjondolo as a way of stifling their struggle for land and other basic socio-economic necessities. Such efforts to intimidate and deter members of the movement are a cold attempt to silence the poorest and most marginalised in South Africa.

Therefore, we, the undersigned civil-society organisations, in support of Abahlali baseMjondolo and the plight of all grassroots organisations, call for:

1. The multi-disciplinary Task Team of the inter-Ministerial Committee on political killings in KwaZulu-Natal, with the support of the Hawks and the Special Investigating Unit (SIU), urgently investigate the recent and past assassinations of members of Abahlali baseMjondolo and the possible link between these killings and local political and private actors with interests in housing developments and allocation within the eThekweni municipality, with the eventual aim of arresting all key figures implicated.

2. Minister Ronald Lamola and Minister Bheki Cele intervene to ensure the protection of all Abahlali baseMjondolo leaders and members at risk either because of their role as a key witness to crime or their role as a leader in the community.
3. The South African Human Rights Commission urgently institutes its own independent investigation into the violence and assassinations witnessed in eKhenana and the actions of the Anti-Land Invasion Unit, eThekweni housing officials, eThekweni Metropolitan Police and the Cato Manor SAPS in facilitating the repression since 2018. We ask that the SAHRC reach out to international human rights bodies (particularly the Office of the High Commissioner for Human Rights) that have specific experience with regards to the targeting of human rights defenders.
4. The South African Government to invite the United Nations OHCHR Special Rapporteur on Human Rights Defenders to do a country visit to South Africa.

The housing and land crisis in South Africa is one that continues to rise in the face of slow state-led interventions on the one hand, and widespread criminalisation on the other. We cannot afford to deny the link between this crisis, persistent housing corruption and the repression of progressive organisations that seek to expose this. Protection of the front-line defenders of human rights is needed now.

Yours faithfully,



Nomzamo Zondo
Executive Director

This letter has the endorsement of the following organisations and individuals:

Organisations



1. A Growing Culture (AGC)



2. Active Citizens Movement (ACM)



3. Afesis Corplan



4. African Policing Civilian Oversight Forum (APCOF)



5. African Water Commons Collective



6. Ahmed Kathrada Foundation

7. All India Union of Forest Working People (AIUFWP) (INDIA)



8. Alternative Information & Development Centre



9. Amadiba Crisis Committee



10. Amandla.mobi



11. Amnesty International SA



12. Anti-Repression Collective



13. Bertha House



14. Bertha Philanthropies



15. Botshabelo Unemployed Movement



16. Center for Constitutional Rights (USA)



17. Centre for Environmental Rights



18. Centre for Faith & Community



19. Centre for Social Change, University of Johannesburg



20. Centre for Sociological Research & Practice (CSRP), University of Johannesburg



21. Centre for Urbanism and Built Environment Studies



22. Chennai Solidarity Group (India)



23. Church Land Programme



24. Climate Justice Charter Movement



25. Consortium for Refugees and Migrants in SA (CoRMSA)



26. Cooperation Jackson (USA)



27. Cooperative and Policy Alternative Centre



28. Corruption Watch



29. Council for the Advancement of the South African Constitution (CASAC)



30. Daraja Press



31. Dullah Omar Institute, University of the Western Cape

32. Earth Africa



33. Earth Watch (Pty) Ltd



34. End Water Poverty



35. Equal Education



36. ESCR-Net (International Network for Economic, Social and Cultural Rights)



37. Focus On The Global South

38. Food Sovereignty Alliance (India)



39. Friends of the Earth SA



40. Friends of the Earth, England, Wales, and Northern Ireland



41. Grassroots Global Justice Alliance (USA)



42. Groundwork



43. Gun Free South Africa



44. Helen ~~Suzman~~ Foundation

Housing Assembly



45. Housing Assembly



46. Human Rights Defenders' Alert (India)



47. Indian Social Action Forum (India)



48. Initiative for Strategic Litigation in Africa



Inner City Resource Centre

49. Inner City Resource Centre



50. InsideOut NPC



51. Institute for Justice & Democracy in Haiti



52. Institute for Poverty, Land and Agrarian Studies



53. Institute for Security Studies



54. International Alliance of Inhabitants



55. International Labour Research and Information Group



56. International-Lawyers.org (Switzerland)



57. International Forum (Denmark)



58. Intlungu YaseMatyotyombeni Movement



59. Inyanda Land Rights Movement



60. Isandla Institute



61. Just Associates (JASS), Southern Africa



62. Justice Coalition of Religious, West India



63. Kairos Center for Religion, Rights and Social Justice (USA)



64. Lawyers for Human Rights



65. Legal Resources Centre



70. Masibuyisane



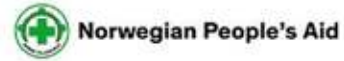
76. Neighbours



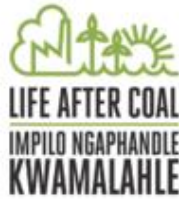
66. Liesbeek Action Campaign



71. Meadowlands Community Forum



77. Norwegian People's Aid



67. Life After Coal



72. My Vote Counts



78. Observatory Civic Association



68. London Renters Union



73. National Alliance of People's Movements (NAPM) (India)



One to One

79. Agency of Engagement



74. National Association of Artisanal Miners



80. Organisation Undoing Tax Abuse



69. Market Users Committee



81. Oskhotheni Networking Forum



75. Ndifuna Ukwazi

82. Pakistan India Peoples' Forum for Peace & Democracy



83. Paschim Banga Khet Majoor Samity (India)



84. #PayTheGrants

85. Peasant Struggle Committee (किसान संघर्ष समिति) (India)



86. Pietermaritzburg Economic Justice & Dignity Group



87. Planact



88. Poor Flat Dwellers Movement



89. Project Empower



90. Proyecto de Derechos Econ



91. Public Affairs Research Institute



92. Reclaim the City



93. Refugee Social Services



94. Right 2 Know



95. Right 2 Protest



96. Rural Women's Assembly



97. Singabalapha Movement



98. Social Justice Coalition



99. Socio-economic Rights Institute



100. Solifonds



106. Southern African Green Revolutionary Council



Springfield Civic and Ratepayers Association

107. Springfield Civic and Ratepayers Association



ADR

Swiss Apartheid Debt and Reparations Campaign

108. Swiss Apartheid Debt and Reparations Campaign



109. The Assembly of the Unemployed



110. The Back to Work Campaign



101. South Africa Development Fund



102. South African Federation of Trade Unions



103. South African Food Sovereignty Campaign

South Durban Community Environmental Alliance



104. South Durban Community Environmental Alliance



Southern Africa Human Rights Defenders Network

105. Southern Defenders



111. The Forge



112. The Interim



PATHWAYS

...empowering people's power for just, living societies, without poverty...

113. The Pathways Institute

114. The Rangmatipadar Adivasi Commune (India)



triangle project

115. The Triangle Project

Thousand Currents

116. Thousand Currents



117. Treatment Action Campaign



118. Tricontinental



119. Trust for Community Outreach and Education



120. Tshisimani Centre for Activist Education



121. #United Behind



122. United Front (Johannesburg Region)



123. Urban Futures Centre



124. Vishwa Jyoti Communications (India)

125. Where are the women (India)



126. Witzenberg Justice Coalition



127. Women's Legal Centre



128. Womin African Alliance



129. Workers World Media Productions



130. Yetu Collective



131. International Commission of Justists (ICJ)



132. Passover Community Building Organisation



133. Westside Park Community Crisis Committee

Individuals

1. Justice Zakeria Mohammed Yacoob, retired judge of the Constitutional court of South Africa
2. Marie Huchzermeyer, Professor in the School of Architecture & Planning at the University of the Witwatersrand
3. Julian Brown, Associate Professor in the Politics Department at the University of the Witwatersrand
4. Dr Richard Ballard
5. Zachary Levenson, Professor of Sociology at the University of North Carolina at Greensboro (USA) and a Senior Research Associate at the University of Johannesburg (SA)
6. Sandra Liebenberg, Professor of Human Rights Law, University of Stellenbosch Law Faculty
7. Deepchund Ramchurren
8. Jared Sacks, Columbia University (USA)
9. Matt Birkinshaw, SOAS (UK)
10. Nigel Gibson, Emerson College (USA)
11. Dr Dale T. McKinley
12. Eric Stover, Professor and Faculty Director, Human Rights Center, University of California, Berkeley (USA)
13. Professor Karl von Holdt
14. Dr Kerry Chance, University of Bergen (Norway)
15. Patrick Bond, Distinguished Professor of Sociology, University of Johannesburg.