



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

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TO: Jacob Zuma, President of the Republic of South Africa

CC: Lindiwe Sisulu, Minister of Human Settlements
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Leilani Farha, UN Special Rapporteur on adequate housing as a component of the
right to an adequate standard of living, and on the right to non-discrimination in
this context
Philip Alston, UN Special Rapporteur on extreme poverty and human rights
Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary
executions

5 December, 2014

Your Excellency:

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and advocates devoted to achieving economic, social and environmental justice through human rights, consisting of over 270 organizational and individual members in 70 countries.

We are writing to express our profound concern regarding the recent wave of alleged assassinations, threats, arbitrary detentions and other acts of violence and intimidation against leaders of Abahlali baseMjondolo, a member of ESCR-Net. Abahlali baseMjondolo (Abahlali) is a movement of shack dwellers of South Africa which campaigns to improve the living conditions of low income people living in informal settlements on the outskirts of South Africa's major cities, in particular in relation to the right to adequate housing, access to essential services, and protection from forced evictions.

We are informed that, on 29 September 2014, Thuli Ndlovu was murdered in her home, in the KwaNdengezi, Ward 12 (ePitoli section) KwaZulu-Natal province by an armed assailant who fired seven bullets at close range while she was resting with her one-year-old child, Freedom, and Sphe Madlala, an 18-year-old neighbor who had visited the family in order to help Ms. Ndlovu's daughter with her studies. Ms. Ndlovu, who was 36 at the time of her death, was a leader of Abahlali engaged in investigations regarding allegations of corruption, undemocratic and illegal conduct by the Councilor of Ward 12, relating to the distribution of public housing units under the Reconstruction and Development Programme. Reportedly, to date, no official investigation has been launched into the killing, and a reporter at a local newspaper in Durban admitted to shack dweller leaders that newspaper staff had been instructed not to cover the story of her funeral. In addition, a neighbor of Ms. Ndlovu, who was also shot during her attack, expressed to Abahlali

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leaders a fear that he would be targeted as a witness to the crime while he was in the Intensive Care Unit. Despite these concerns, the provincial police allegedly refused to provide a protective detail at the hospital or to transfer him to another medical facility where he would enjoy greater security.

Ms. Ndlovu's murder was the most recent in a series of violent acts perpetrated this past year against shack dweller leaders who have been struggling to defend the human rights of residents of South Africa's informal settlements. For example, last year, we learned of the murder of three other community leaders affiliated with Abahlali: Thembinkosi Qumbela, Nkululeko Gwala and Nqobile Nzuzwa, who were organizing to resist forcible evictions in the Cato Crest settlement, also in KwaZulu-Natal. More housing activists, including Bulelwa Makhwenkwana and Nkosinathi Mngomezulu, have allegedly been shot and wounded by eThekweni Municipal Land Invasion Unit, the law enforcement unit tasked with carrying out evictions and demolitions in settlements that have been deemed illegal. On 13 November 2014, four housing activists in KwaNdengezi, Thobeka Nzimande, Nqobile Ntuli, Mphakamiseni Ngubane and Wiseman Ngubane were arrested and charged with Public Violence and Malicious Damage to Property, a crime that they are said to have committed in September 2014 (Case 308/09/2014). The prosecutor who opened these charges allegedly works closely with Mduduzi Ngcobo (known as Nqola), the Councillor of Ward 12.

Several Abahlali leaders have also reported receiving numerous death threats via telephone calls and SMS messages, as well as in-person during conversations with municipal authorities. For example, we are informed that in mid-September 2014, Ndabo Mzimela, Abahlali baseMjondolo Secretary General, received a call from the Mayville Police Station Commissioner asking Mr. Mzimela how badly he had been shot and whether he managed to survive the attack; a particularly chilling inquiry, given that he had not, in fact, been attacked at that time. The Commissioner then called him to his office where he reportedly threatened Mr. Mzimela, suggesting that if he continues with his community work, he will die like others who were killed before (with reference to Mr. Gwala, Mr. Qumbela and Mr. Nzuzwa). The Commissioner said that he had received instructions to check on Mr. Mzimela by the KZN Provincial Police Commissioner.

On 16 September 2014, at 16:00, Abahlali leadership attended a meeting with the Member of the Executive Council (MEC) for Human Settlements and Public Works, Ravi Pillay, ostensibly to discuss issues involving human settlements with political leaders of the city. The meeting, however, allegedly was used by Mr. Pillay and local ANC officials to intimidate Abahlali representatives. Specifically, the ANC accused Abahlali of being funded by foreign agencies for the purpose of creating riots and political instability in South Africa. The Abahlali leaders were then informed that they will face the consequences of their decision to vote against the ruling party in the general elections in May 2014. One local ANC leader, who runs sheeben (pubs) and a taxi service, allegedly threatened Mr. Mzimela, warning that blood would be spilt. Abahlali leaders report that Mr. Pillay did not reprimand the officials who made threats against them, and he did not pledge to protect them from further acts of violence. In several instances, threats such as these have been sufficiently severe to warrant Abahlali leaders to be compelled to relocate away from their homes and communities, in fear for their lives.

We are concerned that the killings of Ms. Ndlovu, Mr. Gwala, Mr. Qumbela and Mr. Nzuzwa, as well as the other instances of violence, threat, intimidation, and unlawful or arbitrary arrests and detention, come in reprisal for the activities of Abahlali baseMjondolo to defend and promote the human rights of residents of South Africa's informal settlements. Further, we note with great concern the apparent unwillingness by South Africa to fulfil its positive obligations both to prevent fatalities and violence from occurring (where the authorities have notice of particular situations and fail to act reasonably to prevent it), to carry out effective investigations into killings and other acts of violence, to ensure that perpetrators are brought to justice, and to provide an effective remedy for persons who are victims of a human rights violation. We wish to express our unequivocal collective condemnation of all such acts against leaders of Abahlali baseMjondolo and the apparent impunity with which these acts are being carried out, and we collectively appeal that all steps be taken to respect, protect and fulfil human rights in the country.

In this connection, we wish to recall that South Africa is a party to both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, and, as such, is bound to uphold, among other obligations: the right to life; freedom from cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest or detention; freedoms of expression and assembly; and equal protection of the law. The Constitution of the Republic of South Africa further reinforces these obligations, and also includes the right to adequate housing. We also note the UN Declaration on the Rights of Human


Rights Defenders (as recalled in the Resolution on Human Rights Defenders in Africa) which establishes the obligations, among others, to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her actions to defend and promote human rights and to conduct prompt and impartial investigations of alleged violations of human rights. In addition, we recall that South Africa is party to the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities, all of which set out obligations relevant to the activities of, and reprisals against, Abahlali baseMjondolo. Finally, as South Africa has signed the International Covenant on Economic, Social and Cultural Rights and has made a number of public announcements regarding its intention to ratify this instrument, we suggest that this gives rise to a legitimate expectation by those within its jurisdiction that the State will make every attempt to act in accordance with the rights set out therein.

Accordingly, we collectively call on the Government of South Africa, including all levels of government relevant to the situation described above, to:

1. Immediately cease all threats, acts of intimidation, violence, and unlawful or arbitrary arrests against shack dwellers and their organizational leaders in South Africa;
2. Provide effective protection for leaders of Abahlali baseMjondolo against any unlawful acts and human rights violations;
3. Launch effective, independent, prompt and impartial investigations into all alleged crimes that have been perpetrated against shack dweller leaders, particularly the murder of Ms. Ndlovu, and ensure that the perpetrators are brought to justice and that victims are provided with effective remedies; and
4. Undertake all necessary steps to eliminate corruption in the allocation of public housing, forced evictions and unlawful demolitions affecting residents in informal settlements and shantytowns and to ensure that the human rights, including adequate housing and dignity, of South Africa's shack dwellers are guaranteed and protected.

Finally, please keep us apprised of your efforts to respect, protect and fulfill the human rights of shack dwellers and the members of Abahlali baseMjondolo.

On behalf of ESCR-Net,



Chris Grove,

Director

ORGANIZATIONAL MEMBERS OF ESCR-NET

Asia-Pacific

1. Alternative ASEAN Network on Burma (Altsean-Burma), Thailand
2. Asia Pacific Forum on Women, Law and Development (APWLD), Thailand
3. Asian Human Rights Commission (AHRC), Hong Kong
4. Asian Forum for Human Rights and Development (FORUM-ASIA), Thailand
5. Asian Institute for Human Rights (AIHR), Thailand
6. Center for Economics, Social and Cultural Rights Promotion (ESCR-PRO), Thailand
7. Centre for Human Rights and Development (CHRD), Mongolia,
8. Centre for the Sustainable use of Natural and Social Resources (CSNR), India
9. Commonwealth Human Rights Initiative Organization (CHRI), India
10. Defend Jobs Philippines, Philippines
11. Dignity International, Malaysia
12. Education and Research Association for Consumers Malaysia (ERA Consumers), Malaysia,
13. Economic, Social and Cultural Rights Asia (ESCR Asia), Philippines
14. Equitable Cambodia, Cambodia
15. Ekta Parishad, India
16. EnGendeRights Inc., Philippines
17. Forum for the Protection of Public Interest (Pro Public), Nepal
18. Human Rights Law Network, India
19. Human Rights Law Resource Centre (HRLRC), Australia
20. Indigenous Peoples' International Centre for Policy Research and Education (TEBTEBBA), Philippines
21. Indonesian Legal Aid Society Association (Perkumpulan MBH), Indonesia
22. International Women and Mining Network (RIMM) India
23. International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), Malaysia
24. Mahila Sarvangeen Utkarsh Mandal (MASUM), India
25. MINBYUN-Lawyers for a democratic society, Republic of Korea
26. mines, minerals & PEOPLE (mm&P), India
27. Mission Naya Nepal, Nepal
28. National Center for Advocacy Studies (NCAS), India
29. National Fisheries Solidarity, Sri Lanka
30. Office of Human Rights Studies, Mahidol University, Thailand
31. Pakistan Fisherfolk Forum, Pakistan
32. Posco Pratirodh Sangram Samiti (PPSS), India
33. Programme on Women's Economic, Social and Cultural Rights (PWESCR), India,
34. Samata, India
35. Social and Economic Rights Action Center-Indonesia (SiDAN), Indonesia
36. Southeast Asian Council for Food Security and Fair Trade (SEACON), Malaysia,
37. Sahmakum Teang Tnaut (STT), Cambodia
38. Sustainable Development Foundation, Thailand
39. Thailand Burma Border Consortium (TBBC), Thailand
40. Video Volunteers, India
41. World Forum of Fisher People (WFFP), Pakistan
42. Zi Teng, China

Latin America and the Caribbean

43. Afro-Colombian National Movement CIMARRON, Colombia
44. Asociación Civil por la Igualdad y la Justicia (ACIJ), Argentina
45. Asociación Comité de Familiares de Víctimas de Violaciones a los Derechos Humanos "Marianella García Villas" (CODEFAM), El Salvador
46. Asociación Q'ukumatz, Guatemala
47. Centro de Apoyo Comunitario Trabajando Unidos (CACTUS), Mexico
48. Centro de Archivos y Acceso a la Información Pública (CAInfo), Uruguay
49. Centro de Asesoría Laboral del Perú (CEDAL), Perú
50. Centro de Capacitación y Desarrollo de la Mujer y la Familia (CECADEM), Bolivia
51. Centro de Derechos Económicos y Sociales (CDES), Ecuador
52. Centro de Derechos Humanos y Ambiente (CEDHA), Argentina
53. El Centro de Derechos Humanos de la Montaña "Tlachinollan" (CDHM Tlachinollan), Mexico
54. Centro de Estudios Aplicados a los Derechos Económicos Sociales y Culturales (CEADESC), Bolivia

55. Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia), Colombia
56. Centro de Estudios Legales y Sociales (CELS), Argentina
57. Comisión Colombiana de Juristas, Colombia
58. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C. (CMDPDH), Mexico
59. Centro Mexicano de Derecho Ambiental A.C. (CEMDA), Mexico
60. Confederación Campesina del Perú (CCP), Perú
61. Conectas Direitos Humanos, Brazil
62. Coordinadora Andina de Organizaciones Indigenas (CAOI), Peru
63. The Democracy Center, BoliviaDesarrollo, Educación y Cultura Autogestionarios Equipo Pueblo A.C., Mexico
64. EQUIS: Justicia para las Mujeres, Mexico
65. Estudio Para La Defensa De Los Derechos De La Mujer (DEMUS), Perú
66. Federação dos Orgãos de Assistência Social e Educacional (FASE), Brazil
67. Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO), Argentina
68. Frente Autentico del Trabajo (FAT), Mexico
69. Fundación Emmanuel Internacional (FEI), Dominican Republic
70. FUNDAR. Centro de Análisis e Investigación, México
71. Instituto de Estudios Legales y Sociales del Uruguay, Uruguay
72. Instituto de Formación Femenina Integral (IFFI), Bolivia
73. Instituto de Estudos, Formação e Assessoria em Políticas Sociais (PÓLIS), Brazil
74. Instituto de Liderazgo Simone de Beauvoir (ILSB), Mexico
75. Instituto Latinoamericano de Servicios Legales Alternativos (IL SA), Colombia
76. Justiça Global (JG), Brazil
77. Movimento dos Atingidos por Barragens (MAB), Brazil
78. National Union of Domestic Employees (NUDE), Trinidad and Tobago
79. Observatorio de Derechos de los Pueblos Indígenas (OBDPI), Chile
80. Observatorio de Política Social y Derechos Humanos de INCIDE Social, Mexico
81. Otros Mundos, Mexico
82. Plataforma Dhesca Brasil, Brazil
83. Programa DESC, Universidad Diego Portales, Chile
84. Programa de Justicia Global y Derechos Humanos, Colombia
85. Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA), Venezuela
86. Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC), Mexico
87. Terra de Direitos, Brazil
88. The Project on Organizing, Development, Education, and Research (PODER), Mexico
89. Tierraviva a los Pueblos Indígenas del Chaco, Paraguay
90. Tribunal de Mujeres y Derechos Económicos, Sociales y Culturales, Colombia

Middle East and North Africa

91. Al-Mezan Center for Human Rights, Palestine
92. The Democracy and Workers' Rights Center in Palestine (DWRC)
93. Multi-Initiative on Rights: Search, Assist, Defend (MIRSAD), Lebanon
94. Egyptian Center for Housing Rights (ECHR), Egypt
95. Egyptian Initiative for Personal Rights (EIPR), Egypt
96. Habi Center for Environmental Rights, Egypt
97. Habitat International Coalition-Housing & Land Rights Network (HIC-HLRN), Egypt
98. Arab NGO Network for Development (ANND), Lebanon
99. Land Center for Human Rights (LCHR), Egypt
100. People's Health Movement (PHM), Egypt

Sub-saharan Africa

100. Abahlali baseMjondolo Movement, South Africa
101. ActionAid International, South Africa
102. Action Contre l'Impunite Pour Les Droits Humains (ACIDH), Democratic Republic of Congo
103. Action for Social Rights (AfsOR), Sierra Leone (formerly Youth Movement for Peace and People's Rights)
104. African Centre for Democracy and Human Rights Studies (ACDHRS), The Gambia
105. Aliança para Promoçao do Desenvilmento da Comunidade de Hoji Ya Henda, Angola
106. Association of Environmental Lawyers of Liberia (Green Advocates), Liberia
107. Association for the Reconstruction and Development of the Moko-oh People, Cameroon (AFTRADEMOP)
108. Association Nigerienne de Défense des Droits de l'Homme (ANDDH), Niger
109. BAOBAB for Women's Human Rights (BAOBAB), Nigeria
110. Butere Focused Women in Development (BUFOWODE), Kenya

111. Centre for Applied Legal Studies (CALs), South Africa
112. Centre for Economic, Social and Cultural Rights (Hakijamii), Kenya
113. Centre d'Information Juridique/Femme Justice Aide (CIJG/FJA), Republic of Guinea
114. Center for Minority Rights Development (CEMIRIDE), Kenya
115. Chiadzwa Community Development Trust (CCDT), Zimbabwe
116. Citizens for Justice, Malawi
117. Collectif des Femmes du Mali (Le COFEM), Mali
118. Community Law Centre (University of the Western Cape, South Africa), South Africa
119. Conscience International, (f/k/a People Against Injustice-PAIN), The Gambia,
Eastern Africa Coalition for ESCR (EACOR), Kenya
120. Federation of Women Lawyers (FIDA Kenya), Kenya
121. Femmes Cote d'Ivoire Experience (FCIEX), Cote d'Ivoire
122. Foundation for Human Rights and Democracy (FOHRD), Liberia
123. Foundation for the Conservation of the Earth, (FOCONE), Nigeria
124. Human & Environmental Development Agenda (HEDA), Nigeria
125. International Centre for Reproductive Health and Sexual Rights (INCREASE), Nigeria
126. Initiative for Social and Economic Rights (ISER), Uganda
127. Justice, Development & Peace/Caritas Commission, Nigeria
128. Karimjong Community Child Welfare Initiative (KACOCl), Uganda
129. Kebetkache Women Development & Resource Centre, Nigeria
130. Kenya Human Rights Commission (KHRC), Kenya
131. Kenya Land Alliance (KLA), Kenya
132. Kituo Cha Sheria (Center for Legal Empowerment), Kenya
133. Labour, Health and Human Rights Development Center (LHAHRDEV), Nigeria
134. Legal Resources Centre (LRC), South Africa
135. Legal Resources Centre Organization (LRC), Ghana
136. Maison de Droits de l'Homme du Cameroun, Cameroon, (MDHC)
137. Masimanyane Women Support Center, South Africa
138. Mazingira Institute, Kenya
139. Minority Rights Group International (MRGI), Uganda
140. Mouvement pour le Progres de Roche Bois (MPRB), Mauritius
141. Movement for the Survival of the Ogoni People (MOSOP), Nigeria
142. Nairobi Peoples Settlements Network (NPSN), Kenya
143. Natural Resources Alliance of Kenya (KeNRA), Kenya
144. Network Movement for Justice and Development (NMJD), Sierra Leone
145. Observatoire Congolais des Droits de l'Homme (OCDH), Congo-Brazzaville
146. Ogiek Peoples Development Program (OPDP), Kenya
147. Rencontre pour la Paix et les Droits de l'Homme (RDPH), Congo-Brazzaville
148. SECTION27, South Africa
149. Shelter Forum (SF), Kenya
150. Sierra Leone Network on the Right to Food (SiLNoRF), Sierra Leone
151. Social and Economic Rights Action Center (SERAC), Nigeria
152. Socio-Economic Rights Foundation (SRF), Kenya
153. Socio-Economic Rights Institute of South Africa (SERI), South Africa
154. Socio Economic Rights Initiative (SERI), Nigeria
155. Sœurs Unies à l'œuvre (SUO), Benin
156. South Africa Human Rights Non-Governmental Organization Network, Tanzania Chapter,
(SAHRINGON-TZ) Tanzania
157. Spaces for Youth Development and Social Change (Spaces For Change – S4C), Nigeria
158. Stakeholder Democracy Network, Nigeria
159. Uganda Environmental Education Foundation (UEEF), Uganda
160. Waso Trustland Project, Kenya
161. Women in Law and Development in Africa (WiLDAF)-Ghana
162. Women and Law in Southern Africa Research and Educational Trust, WLSA, Zambia
163. Yiaku Peoples Association, Kenya
164. Zimbabwe Environmental Law Association (ZELA), Zimbabwe
165. Zimbabwe Women Lawyers Association, Zimbabwe

Canada and United States

166. Accountability Counsel, United States
167. Association for Women's Rights in Development (AWID), Canada
168. Canadian HIV/AIDS Legal Network, Canada
169. Center for Constitutional Rights (CCR), United States
170. Center for Economic and Social Rights (CESR), United States
171. Center for Reproductive Rights (CRR), United States

172. Center for Women's Global Leadership (CWGL), United States
173. Center of Concern, United States
174. Centre for Equality Rights in Accommodation (CERA), Canada
175. Charter Committee on Poverty Issues (CCPI), Canada
176. Corporate Accountability International, United States
177. EarthRights International (ERI), United States
178. Environmental Defender Law Center (EDLC), United States
179. Global Action on Aging, United States
180. Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), United States
181. Harvard Project on Disability (HPOD), United States of America
182. Heartland Alliance for Human Needs & Human Rights, United States
183. Human Rights Tech, United States
184. Inclusive Development International (IDI), United States
185. Institute for Justice & Democracy in Haiti (IJDH), United States
186. International Accountability Project (IAP), United States
187. The Jus Semper Global Alliance (TJSGA), United States
188. Media Mobilizing Project (MMP), United States of America
189. MiningWatch Canada, Canada
190. National Economic and Social Rights Initiative, (NESRI), United States
191. People's Movement for Human Rights Learning (PDHRE), United States
192. Poverty Initiative, United States
193. The Program on Human Rights and the Global Economy (PHRGE), United States
194. Social Rights Advocacy Centre (SRAC), Canada
195. Take Back the Land, United States
196. Western Shoshone Defense Project (WSDP), Neve Sogobia/United States
197. WITNESS, United States
198. Women's Economic Agenda Project (WEAP), United States

Europe

199. Advocates for International Development (A4ID), United Kingdom
200. Amnesty International (AI), United Kingdom
201. Avocats Sans Frontières (ASF), Belgium
202. Bretton Woods Project (BWP), United Kingdom
203. Bulgarian Gender Research Foundation, Bulgaria
204. Bulgarian Helsinki Committee (BHC), Bulgaria
205. Child Rights Information Network (CRIN), United Kingdom
206. CORE (Corporate Responsibility Coalition), United Kingdom
207. Economic and Social Rights Academic Network UK-Ireland (ESRAN-UKI), United Kingdom
208. European Anti Poverty Network (EAPN), Belgium
209. European Roma Rights Center (ERRC), Hungary
210. Fédération internationale des droits de l'Homme (FIDH), France
211. Food First Information and Action Network (FIAN), Germany
212. Front Line – The International Foundation for the Protection of Human Rights Defenders, Ireland
213. Global Basic Income Foundation, Netherlands
214. Human Rights Centre at the School of Law, Queens University Belfast, United Kingdom
215. Interchurch Organisation for Development (ICCO), Netherlands
216. International Centre for the Legal Protection of Human Rights (INTERIGHTS), United Kingdom
217. International Commission of Jurists (ICJ), Switzerland
218. Institute for Agriculture and Trade Policy (IATP), Switzerland
219. Občan, demokracia a zodpovednosť (ODZ) / Citizen, Democracy and Accountability (CDA), Slovakia
220. Red Internacional de Derechos Humanos (RIDH), Switzerland
221. Rights and Accountability in Development (RAID), United Kingdom
222. Right to Education Project (RTE), United Kingdom
223. World Organization Against Torture (OMCT), Switzerland
224. WaterLex, Switzerland

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14. Sarmila Shrestha, Nepal, Justice for All

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Middle East and North Africa

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42. Vincent Calderhead, Canada, Nova Scotia Legal Aid

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44. Claire Mahon, Switzerland, Legal Consultant
45. Luisa Nardi, Italy, Sant'Anna School of University Studies and Doctoral Research

46. Magdalena Sepúlveda Carmona, Switzerland, UN Special Rapporteur on extreme poverty and human rights
47. Yves Lador, Switzerland, Earthjustice
48. Evelyne Schmid, Switzerland, The Graduate Institute of International and Development Studies
49. Andrea Dabizzi, Italy, OSCE Mission to Bosnia and Herzegovina, Human Rights Section