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

CC: Mr. Willies Mchunu, Premier of KwaZulu/Natal
Mr. Mxolisi Kaunda, MEC for Transport and Community Safety
KwaZulu/Natal
South African Human Rights Commission
Ms. Zandile Gumede, Mayor of eThekweni Municipality, Durban
Mr. Fikile Mbalula, Minister of Police, Republic of South Africa
Mr. Nkoana-Mashabane, Department of International Relations and
Cooperation, Republic of South Africa
Mr. Michel Forst, UN Special Rapporteur on the situation of human rights
defenders
Ms. Leilani Farha, UN Special Rapporteur on adequate housing
Mme. Reine Alapini-Gansou, Special Rapporteur on Human Rights
Defenders of the African Commission on Human and Peoples' Rights

5 December 2017

**Request for urgent investigation into the murder of Sibonelo Patrick Mpeku,
and urgent action to protect human rights defenders**

ESCR-Net -- The International Network for Economic, Social and Cultural Rights is the largest global network of organizations and advocates devoted to achieving economic, social and environmental justice through human rights, consisting of over 280 organizational and individual members in more than 75 countries.

We write to express our profound collective concern at the killings of, and ongoing threats and attacks perpetrated against, community leaders in the informal settlements in and around Durban, eThekweni municipality, in the province of KwaZulu-Natal in South Africa. Many of the human rights defenders under attack are leaders of the national social movement of shack-dwellers, Abahlali baseMjondolo (Abahlali), which is a valued member of ESCR-Net.

Murder of Sibonelo Patrick Mpeku

We denounce in the strongest possible terms the recent murder of the grassroots leader and human rights defender, Sibonelo Patrick Mpeku. Mr. Mpeku, 32 years old, was chairperson of the local Sisonke Village branch of Abahlali base Mjondolo, and a member of Abahlali's KwaZulu/Natal Provincial Council. He worked to defend the rights of his community members to adequate housing, political participation and essential services.

According to reports received, on Sunday, 19 November 2017, at approximately 11:00pm, Mr. Mpeku was seized by unknown men while he was sleeping in his

ome (shack) in the informal settlement of Sisonke Village, Lamontville, municipality of eThekweni, province of KwaZulu-Natal and subsequently dragged outside his shack and killed. His body was discovered, covered with stab wounds and blood, by neighbours one hour later. It was subsequently witnessed by leaders of Abahlali, as it was left for more than 15 hours before it was removed from the crime scene by police.

We understand that, since the launch of the Sisonke Village branch in November 2014, Mr. Mpeku had faced ongoing intimidation and death threats (including via text messages and phone calls warning that he would be punished for engaging in human rights work with his community) from individuals linked to local officials of the governing political party. These threats were reported, in writing, to the area councillor, the ward committee, the Lamontville Police Station and offices of the governing political party, but no response as received. To date, no arrests have taken place with respect to Mr. Mpeku's murder.

Killing within longer-term context of retaliation against shack-dweller human rights work

Mr. Mpeku's murder took place at a time when participation in community affairs has reportedly become an increasingly dangerous activity in eThekweni. We are advised that, earlier on the day of his death, Mr. Mpeku attended a meeting organized by a local resident named Fiza Madlala. During that meeting, as Mr. Madlala addressed the participants in the meeting, an individual holding a knife reportedly approached and stabbed him, in plain view of the other participants, which led to his subsequent death.

Further, Abahlali leaders report that they face continued human rights violations, including being regularly denied work opportunities and access or benefit from the distribution of affordable public housing (known as RDP houses) as an apparent form of punishment for speaking against corruption in the housing sector and exposing high ranking politicians. The very fact that shack-dwellers are organising outside the dominant political party appears to be an important factor in the wave of threats and attacks that these grassroots human rights defenders have faced.

In this context, we are further concerned to learn that several Abahlali leaders have been subjected to serious threats and intimidation, including those from Sisonke Village and Asiyindawo in Lamontville, Silver City in uMlazi, Cato Manor and Bhambayi in Inanda, and in Clare Estate and New Castle in Northern KwaZulu-Natal. We are particularly concerned about the security of two community leaders from Lindelani (Durban) who have allegedly been compelled to go into hiding after serious threats against them from local politicians linked to dominant political parties. We understand that local community leaders have learned of an alleged collusion by members of two political parties in Lindelani to "eliminate" Abahlali organisers.

Since 2013, we are advised that at least seven housing rights activists and members of Abahlali have been killed while mobilizing to defend the human rights of their communities, including a two-week-old baby, Jayden Khoza. In December 2014, ESCR-Net [sent a letter](#) to the South African government to raise concern about the assassination of woman human rights defender, Thuli Ndlovu, in similar circumstances; and on 13 June 2017, Abahlali mourned the death of Samuel Hlouele, who was shot to death by the Land Invasion Unit of the Durban Metro area. Several other activists have been shot either by the police or eThekweni municipality's Land Invasion Unit, leading to several of them becoming disabled.

We are deeply disturbed at the ongoing pattern of threats, attacks, intimidation and killings – and the impunity, which has accompanied these acts – against the community leaders of informal settlements in and around Durban, KwaZulu/Natal. We urge the political and legal authorities of South Africa to take all necessary steps to end this wave of violence and to ensure that justice is

accessible, and to address the underlying systemic and structural human rights issues resulting in such retaliation against communities living in poverty.

Urgent requests in accordance with South Africa's human rights obligations

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. As such, South Africa is bound to uphold, among other obligations: the right to life; freedom from cruel, inhuman or degrading treatment or punishment; freedoms of expression and assembly; and the right to remedy for violations. South Africa is also party to the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to an adequate standard of living, including adequate housing and the continuous improvement of living conditions; rights which Mr. Mpeku worked to defend in his community. We also note the UN Declaration on the Rights of Human Rights Defenders (as recalled in the 2017 Resolution on Human Rights Defenders in Africa: ACHPR/Res.376 (LX) 2017), 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 light of the gravity of the above-mentioned situation, and the human rights obligations guaranteed by South Africa under international and national law, we respectfully request that the South African government:

- 1) Ensure a prompt, fair and impartial investigation into the murder of Mr. Mpeku, and the attacks against and murders of other local Abahlali based Mjondolo leaders and community members, including seeking information from Abahlali representatives and others with knowledge of the incidents, and guarantee that the perpetrators will be brought to justice;
- 2) Take urgent measures to protect all shack-dwellers and their community leaders in South Africa from all threats, acts of intimidation and violence in connection with their human rights work;
- 3) Consistent with the work of Mr. Mpeku, undertake all necessary steps to address underlying systemic and structural human rights issues, including the elimination of corruption in the allocation of public housing, forced evictions and unlawful demolitions affecting residents in informal settlements and shantytowns, and ensure that the human rights of all South Africa's shack-dwellers are respected, protected and fulfilled; and
- 4) In light of the apparent practice of denying access to housing and work opportunities, among other human rights impacts, as a form of punishment for community organizing and efforts to participate in public affairs outside of the dominant political party, ensure that the human rights of all persons are provided without discrimination of any kind, including due to perceived or actual political party affiliation.

Finally, we respectfully request that you keep us apprised of any steps taken with regard to this case, and we remain available for constructive dialogue to support the implementation of the above requests.

Sincerely,



Chris Grove, Executive Director