

URGENT ACTION

HUMAN RIGHTS DEFENDERS UNDER THREAT

Sikhosiphi Rhadebe, land rights activist and chairperson of the Amadiba Crisis Committee (ACC), was shot dead in March. Shortly before his death he learnt that his name was on a ‘hit list’ and so were those of two other leaders of the ACC. There are concerns over how the investigation of Sikhosiphi Rhadebe’s murder is being handled and for the safety of the two ACC leaders and other anti-mining activists in Xolobeni.

Sikhosiphi ‘Bazooka’ Rhadebe was shot dead on 22 March 2016 by two men who had come to his residence in Lurholweni in Eastern Cape Province claiming to be police officers. He was in the company of his teenage son. Hours before his death, Bazooka learned he was at the top of a ‘hit list’. The next two names on the ‘hit list’ were those of other prominent ACC leaders, **Mzamo Dlamini** and **Nonhle Mbuthuma**.

At the time of his death, Bazooka was the Chairperson of the ACC, a community-led initiative to oppose the opencast mining of titanium and other heavy minerals on communal land in Xolobeni by a local subsidiary company of an Australian group, Mineral Commodities Limited (MRC). The ACC is concerned that the project will entail the eviction of hundreds of community members from their ancestral lands and lead to environmental damage, including pollution of the area’s water, with a negative impact on their right to an adequate standard of living, including access to safe drinking water. The ACC, which is made up of approximately 3,000 members has been working for the past ten years to protect these rights of the community which will be at risk if MRC’s local subsidiary is granted mining rights. As a result of their activities, ACC members have been threatened and assaulted by others, including community members, who support the mining initiative. Although the ACC has made complaints to the police against known assailants, there has been very little response from the police. After the murder of Bazooka, the remaining leadership of the ACC are deeply concerned about their safety.

Shortly after the murder, the investigation was taken over from local police by the Directorate for Priority Crimes Investigation (DCPI) in the South African Police Service, commonly known as the ‘Hawks’. Despite the attention of this specialized unit, there have been a number of shortcomings in the way that the investigation has been carried out, which raises questions about whether justice will be achieved for the Rhadebe family.

Please continue to write in English or your own language:

- Urging the Directorate for Priority Crimes Investigation (DCPI) to thoroughly investigate the killing of Sikhosiphi Rhadebe and provide regular feed back to his family on the progress of the investigation;
- Reminding South African authorities that as outlined in the UN Declaration on Human Rights Defenders, all states have a duty to prevent and investigate human rights abuses against human rights defenders, including violence, threats or any other arbitrary action as a result of the legitimate exercise of their work;
- Urging the South African police authorities to take all necessary measures to ensure that members of the Amadiba Crisis Committee (ACC) can carry out their legitimate work defending human rights in safety, without fear of harassment or attack, and to investigate the death threats against the ACC leadership.

PLEASE SEND APPEALS BEFORE 6 JULY 2016:

Eastern Cape Provincial Head: DCPI

Major General Nyameko Nogwanya

Directorate for Priority Crime Investigation

Old Allied Building, Cnr Oxford & Buxton

Streets, 5th Floor

East London, Eastern Cape, South Africa

Fax: +27 43 722 4572

Salutation: Dear Major General

National Head: DCPI

Lieutenant General Mthandazo Ntlemeza

Directorate for Priority Crime Investigation

Koedoe Building, 236 Pretorius Street,

PRETORIA, South Africa

Fax: +27 12 393 2156

Salutation: Dear Lieutenant General

And copies to:

National Police Commissioner

Lieutenant General Khomotso Phahlane

South African Police Service

Wachthuis, 229 Pretorius Street 7th Floor,

PRETORIA, South Africa

Email: natcomm@saps.org.za

Fax: +27 12 393 4147

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Xolobeni is located in Pondoland on South Africa's eastern coastline, popularly known as the 'Wild Coast'. The villages and the land in the proposed mining area all fall under the customary law jurisdiction of the Umgungundlovu community. The Umgungundlovu community forms part of the Amadiba Traditional Community and self-identifies as Indigenous.

Mineral Commodities Ltd (MRC), an Australian mining company has been seeking to mine almost 2,900 hectares of communal coastal land at Xolobeni through its local South African subsidiary, Transworld Energy and Minerals Resources (TEM) and its black economic empowerment partner, Xolobeni Empowerment Company (Xolco).

The land in question is held in trust by the South African government on behalf of local residents under communal land tenure. The community is claiming, in accordance with the UN Declaration on the Rights of Indigenous Peoples, that the government must seek its free, prior and informed consent before granting a mining licence to TEM. Despite the demands of community members, neither MRC nor the Department of Mineral Resources (DMR) have publicly accepted that the community has the right to free, prior and informed consent before any mining activities commence.

Approximately 600 people live within the proposed mining area and may be forced to leave if the mining application is granted, losing their homes and land which they rely on for their livelihoods and which has cultural significance for them. Many residents are also opposed to the mining because of the health risks associated with opencast mining and the environmental impact on their ancestral lands, which would include pollution of the area's water, with a negative impact on their right to an adequate standard of living. Other members of the community support the mining initiative, as they believe it will provide job opportunities.

In 2007, the Amadiba Crisis Committee (ACC) was formed to represent members of the local community who are opposed to mining and to block the mining licence applications. In 2008, TEM secured a mining licence from the DMR. After the ACC appealed this decision, the licence was revoked by the DMR. However, TEM still held prospecting rights, which expired in 2015. In March 2015, TEM applied for a new mining licence. The application is still pending. In March 2016, on behalf of the Umgungundlovu community's traditional leadership, the ACC and affected community members, lawyers acting for the community filed an objection to the application of TEM to mine in the area.

Opponents of the mining have faced significant intimidation and violence. On 28 May 2015, following threats against and assaults of mining opponents earlier that same month, members of the Umgungundlovu community sought and obtained an interdict in the Grahamstown High Court ordering certain named directors of Xolco and their associates to refrain from "intimidating, victimising, threatening, harassing and/or assaulting" community members. Although a case was opened with police, no progress has been made in the case. In December 2015, attacks continued, with shots fired at the homes of ACC members in Mdatya village and two opponents of the mining being hospitalised. The police released the suspects on bail in January 2016. The ACC and Umgungundlovu have complained that the police have not been willing to actively follow up on complaints that they have made or information that they have provided to police.

On 2 April 2016, pro-mining members of the community assaulted two journalists from a national newspaper along with members of the ACC who were accompanying them, when they tried to access the proposed mining area after attending Bazooka's funeral. No arrests have been made although the attackers are allegedly known.

Name: Sikhosiphi 'Bazooka' Rhadebe (m), Mzamo Dlamini (m) and Nonhle Mbuthuma (f)

Gender m/f: Both

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