

Mandates of the Independent Expert on the enjoyment of human rights of persons with albinism; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: AL
ZAF 2/2015:

3 September 2015

Excellency,

We have the honour to address you in our capacities as Independent Expert on the enjoyment of human rights of persons with albinism; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 28/6, 26/12 and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged abduction, killing and dismembering of Ms. Thandazile Sqongwani Mpunzi. Ms. Mpunzi was a 20 year old South African (Zulu) woman with albinism.

According to the information received:

On 5 August 2015, Ms. Thandazile Sqongwani Mpunzi was reported missing in Phelandaba village in Kwa-Zulu Natal, South Africa. A search was undertaken by the local chief and the ward council in close cooperation with the community and the police. On 16 August 2015, the remains of the dismembered body of Ms. Mpunzi were found in a shallow grave in Phelandaba. It is reported that most of her body parts and her skin were missing. Her clothes were found nearby in a community house.

Four men, including a minor, were arrested in relation to Ms. Mpunzi's killing and dismembering. To date, they have appeared twice before the Manguzi Magistrate's Court on 18 August 2015 and 25 August 2015. The next court appearance is scheduled for 13 October 2015. In addition, the Albinism Society of South Africa has lodged a complaint to the Commission of Gender Equality.

While noting the prompt reaction of your Excellency's Government in identifying suspects and bringing them before the justice system, serious concerns are expressed about the alleged abduction, killing and dismembering of Ms. Mpunzi, a young woman with albinism, as these acts appear to have had the purpose of using, or selling for use,

her body parts for witchcraft purposes. In this context, further concerns are expressed about the physical and mental integrity of persons, including women with albinism who are at risk of attacks resulting in death and mutilation, as well as in the trafficking of body parts.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please provide detailed information on, and where available the results of, the investigation, medical and other forensic examinations, and judicial or other inquiries carried out in relation to this case, as well as on the criminal charges laid against the alleged perpetrators.

3. Please provide the full details of any protective measures and when applicable redress mechanisms put in place by your Excellency's Government to ensure the physical and mental integrity and security of persons, including women, with albinism.

4. Please provide information on comprehensive strategies adopted by the national authorities to prevent abduction, killing and dismembering of persons with albinism, including awareness raising campaigns and education programmes, training of professionals dealing with survivors and potential victims.

5. Please provide updated disaggregated data on the cases of abduction, killing and /or dismembering of persons with albinism registered in South Africa, as well as the number of prosecutions and convictions, and compensation to victims.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we encourage your Excellency's Government to continue applying due diligence in investigating and prosecuting the abduction, killing and dismembering of Ms. Mpunzi, as well as to take all necessary interim measures to prevent the re-occurrence of such alleged violations, protect the life, physical and mental integrity of persons, including women with albinism, and to fight against the trafficking of body parts.

It is our intention to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to

indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Ikponwosa Ero
Independent Expert on the enjoyment of human rights of persons with albinism

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to recall the fundamental principles as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the United Nations Declaration on the Elimination of Violence against Women to which your country is a party.

We wish to draw your Excellency's Government's attention to Articles 3 of the Universal Declaration of Human Rights and 6 (1) of the International Covenant on Civil and Political Rights, ratified by your Government on 10 December 1998, which guarantee the right of every individual to life and security and not to be arbitrarily deprived of life.

Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

Finally, we would like to bring to your Excellency's Government's attention article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, ratified by south Africa on 15 December 1995, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, whether perpetrated by a State official or a private citizen, in public or private life.