

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL ZAF 1/2025
(Please use this reference in your reply)

16 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human right to a clean, healthy and sustainable environment and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 55/2 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the reported repeated death threats and killing attempts since 2013 targeting a human rights defender in South Africa.**

[REDACTED] is a land rights defender [REDACTED], who has been opposing the start of a mining operation [REDACTED] due to the impacts it has on the community and their land.

We have previously raised concerns regarding the killing of a woman human rights defender and an environmental and land rights leader opposing the expansion of a coal mine in ZAF 3/2020. We regret not receiving a reply from your Excellency's Government to this communication.

According to the information received:

In 2013, [REDACTED] reportedly received information from members of the community that three hitmen, allegedly hired [REDACTED], were mandated to kill [REDACTED]. Thanks to the mobilisation of the community, the hitmen were stopped. [REDACTED] was reportedly targeted because [REDACTED] human rights activism was believed to be disturbing the work of the company. The incident was reported to police, but no action was reportedly taken.

[REDACTED] 2022, during a meeting held [REDACTED] with businesspeople, [REDACTED] was reportedly again referred to as disturbing the work of the company and as someone that must be eliminated. The threat did not materialize reportedly thanks to the support of community members and acquaintances of the human rights defender, who would also be affected by the operations of the company and reportedly informed the human rights defender about the potential risks [REDACTED] was facing.

██████████ 2024, ██████████ were approached by a young person, who started asking questions to the human rights defender and reportedly pointed a gun at ██████████. After a brief confrontation, the attacker allegedly fired several gunshots against ██████████. The human rights defender was not hit and reportedly managed to escape.

██████████ 2024, a suspect was reportedly arrested and put in custody. However, the human rights defender has allegedly not yet been called to testify.

██████████ 2025, a meeting was scheduled to take place ██████████. Allegedly, businessmen participating in the meeting showed up with guns and asked where ██████████ was. The human rights defender had decided not to attend the meeting for safety reasons. A ██████████

██████████ has reportedly been in hiding since ██████████ 2024, due to the threats received and the attempts on ██████████ life, which the human rights defender fears might reoccur. Allegedly, ██████████ ██████████ had been warned that ██████████ would be killed by December 2024. No protection has reportedly been provided to the human rights defender by the police.

The information received suggests that the threats against the human rights defender are not isolated incidents, and other land rights activists opposing mining activities have been facing similar attacks, threats and acts of intimidation. While some of these incidents remained unpunished, those who recently threatened ██████████ were reportedly arrested and are in custody, awaiting to appear before the court for the third time in May 2025.

Without prejudging the accuracy of these allegations, we would like to express our most serious concern about the reported death threats and killing attempts targeting ██████████ because of ██████████ legitimate human rights work on the protection of the rights of the community, including land rights and their right to a clean, healthy and sustainable environment, and because of the exercise of ██████████ right to freedom of expression in opposition to the mining operations in the area. These threats and attacks may pose a real risk to the human rights defender's life. We are alarmed that ██████████ ██████████ had to go into hiding for fear of ██████████ life, safety and security. We are also particularly concerned about the repeated character of these threats since 2013, as well as about reports that the attacks against ██████████ ██████████ are not isolated incidents. These acts have a chilling effect on the ability of human rights defenders, including those protecting their land and livelihoods, to carry out their legitimate work without fear of intimidation or reprisals.

In her report to the Human Rights Council in 2020, the Special Rapporteur on the situation of human rights defenders highlighted the link between the killing of human rights defenders and death threats, noting that “[n]ot all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by

death threats. However, many killings are preceded by a threat.”

We would like to stress your Excellency’s Government’s obligation to act with due diligence under international human rights law to investigate the incidents and hold perpetrators to account. We call for an independent and impartial investigation into the incidents reported above and for steps to be taken to prevent further acts of intimidation and reprisals of land rights defenders and all those who are defending the right to a healthy environment in South Africa. We also call for immediate police protection to ensure [REDACTED]’s safety.

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

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken by your Excellency’s Government to conduct an effective, prompt, impartial and independent investigation into the reported death threats and killing attempts targeting [REDACTED], with a view to ensure accountability for these incidents. If no investigation has been carried out, please explain why.
3. Please provide detailed information on measures which have been put in place and are planned to be undertaken to ensure the protection of [REDACTED] from further threats and attacks. Please also provide details on the specific measures that have been put in place to ensure that human rights defenders, in particular land rights defenders operating in remote areas, can carry out their legitimate work in a safe and enabling environment, without fear of threats or intimidation by both state and non-state actors.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable
environment

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by South Africa on 10 December 1998, which provide that everyone has the right to life, which shall be protected by law, and security of the person, and the right to freedom of opinion and expression. The same rights are enshrined in articles 3 and 19 of the Universal Declaration of Human Rights.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

The Committee further noted that prosecuting journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated information of legitimate public interest that does not harm national security is not compatible with paragraph 3 of article 19 of the ICCPR. Additionally, the Committee underlines that "defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression" (para. 47).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in

specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

In its resolution 12/16, the Human Rights Council called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (A/HRC/RES/12/26).

Furthermore, we would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6(b), which states that everyone has the right to freely publish, impart or disseminate views, information and knowledge to others on all human rights and fundamental freedoms;
- Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.