

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL ZAF 4/2025

(Please use this reference in your reply)

4 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders 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 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 **alleged legal harassment, intimidation and surveillance of whistleblower Ms. Patricia Mashale by members of the South African Police Service (SAPS)**.

Ms. **Patricia Mashale** is a whistleblower and former employee of the South African Police Service (SAPS) in the province of Free State. For almost two decades, she has denounced corruption within SAPS, and in 2022 was awarded the Blueprint for Free Speech Special Recognition Award.

According to information received

In 2018, whilst working as a Senior Clerk for the South African Police Service (SAPS) in the province of Free State, Ms. Patricia Mashale made a protected disclosure to her commanding officer that police officials were allegedly selling illegal firearms, set to be destroyed, to criminal syndicates. When there was no response to her report, Ms. Mashale reported the issue to the SAPS National Commissioner at the time, who in 2020 referred the case to the head of the Priority Crimes Division in SAPS in Free State. A task team was therein appointed to investigate the complaint. Ms. Mashale soon discovered though that her identity had been revealed, and the investigation was halted. At the time of writing, it is yet to be re-opened.

In January 2021, Ms. Patricia Mashale prepared a dossier on alleged corruption in the SAPS in Free State, in response to a request by the SAPS National Commissioner. The dossier included allegations against senior officials of irregular appointments, promotions and the misappropriation of state resources within the SAPS Free State. However, the individuals who had been named in the dossier were allegedly made aware of its contents and the allegations against them therein. Ms. Mashale's identity as the drafter of the dossier was reportedly exposed to those individuals, following which she reportedly began to be subjected to harassment and threats at her workplace. There was also reportedly an attempt to initiate an expeditious disciplinary process against her.

In February 2021, the South African Human Rights Commission found that Ms. Mashale's disclosures were protected under the Protected Disclosures Act,

which provides protections for whistleblowers. This finding ceased the disciplinary process against Ms. Mashale at her workplace.

In August 2021, one of the individuals named in the dossier prepared by Ms. Mashale, the SAPS Commissioner for Free State, filed a request for a protection order against her before the Family Court, accusing her of harassment under the Protection from Harassment Act 17. Due to the significant stress she was under because of the harassment she was subjected to at her workplace in relation to the dossier, Ms. Mashale confused the date for the hearing at the Family Court, going to the Court the day after the scheduled hearing. She was informed that during the hearing the previous day a protection order against her had been granted. Ms. Mashale immediately applied for a rescission of the order.

In October 2021, Ms. Mashale's personal phone was seized by Colonel van der Merwe of the SAPS Free State, reportedly in response to a court order as part of the investigation into the protection order against her. The court order appeared to Ms. Mashale to be fraudulent, and so she initiated a complaint at the Park Road SAPS station. Nonetheless, the personal phone of Ms. Mashale remained in possession of the SAPS and at the time of writing, has never been returned to her.

In November 2021, Ms. Mashale and her family members – including her children – became aware they were being surveilled by officers of the SAPS. In one incident, Ms. Mashale's car, being driven by her adult son and with her younger son as a passenger, was reportedly followed by three cars, with officers clearly visible in one of the three. Ms. Mashale was reportedly left very distressed by the incident and took sick leave from work. Her digital communications were also reportedly subjected to surveillance, with her bank warning her about the disclosure of her personal data.

In January 2022, a misconduct case was brought against Ms. Mashale in her workplace. This stemmed from her reportedly bringing the police force into disrepute by publicly calling for the removal of the management of the SAPS in Free State. Ms. Mashale was informed that the misconduct hearing would be chaired by an individual who had been implicated in the practices about which she had blown the whistle.

On 26 February 2022, Ms. Mashale attended the misconduct hearing with her union representative and requested that the chair recuse himself due to the conflict of interest. The chair refused to do so, and Ms. Mashale left the misconduct hearing. Ms. Mashale was dismissed from her job in connection with the misconduct case and reportedly was not paid her salary for that month or granted any of the entitlements she was due.

In February 2022, Ms. Mashale reportedly received information which indicated that the SAPS Commissioner for Free State intended to bring criminal charges against her. Following this, she went into hiding, given that her home was reportedly being subjected to frequent surveillance. Some of the vehicles carrying out the surveillance of Ms. Mashale's home were identified as

belonging to the Directorate for Priority Crime Investigation (DPCI) of the SAPs, also referred to as “the Hawks”.

In May 2022, Ms. Mashale continued to attend remand dates at the Family Court in relation to the harassment charge and protection order brought against her by the SAPS Commissioner for Free State, who reportedly arrived to the court with armed officers in SAPS vehicles. This is despite the fact that the case was brought by the SAPS Commissioner in his personal capacity, not in his capacity for SAPS. The judge ordered that the case be transferred to the Regional Court, reportedly stating that it was not clear why the matter had been brought before the Family Court.

In the same month, Ms. Mashale and her husband were interviewed by the South African Broadcasting Corporation (SABC) for a two-part series on police corruption in Free State province as part of the “Cutting Edge” programme. The first part of the programme aired in July 2022, with the second instalment, in which Ms. Mashale and her husband were featured, due to air the following week. Before the second part was aired, however, the legal representatives of the Free State SAPS wrote to the SABC about the contents of the first programme, following which the broadcaster agreed to check the second instalment before airing it, thus postponing it until early September.

On 14 September 2022, the Regional Court denied Ms. Mashale’s rescission application for the protection order against her requested by the SAPS Commissioner for Free State.

On 15 September 2022, the second programme was aired, despite appeals by Ms. Mashale’s representatives to SABC to postpone it, fearing that she would face further reprisals once it was aired.

On 16 September 2022, a reportedly sizeable contingent of police from the Operational Response Team went to the family home of Ms. Mashale and stated their intent to arrest her husband, accusing them both of having violated the protection order in the harassment case against Ms. Mashale as a result of messages they had sent in a WhatsApp group about the SAPS Commissioner for Free State. However, Ms. Mashale’s husband was not in the house at the time. Their children who were present in the house reportedly demanded that the officers show an arrest warrant, however none was shown.

On 20 September 2022, Ms. Mashale and her husband appeared in court on criminal charges of having violated the protection order. However, due to amendments to the Protection from Harassment Act 17, the two were charged under the Domestic Violence Amendment Act 14 (2021). Both were granted bail by the court.

On the evening of 5 November 2022, Ms. Patricia Mashale’s car, which she was being driven in by her son-in-law, was pursued by a black pick-up truck. The vehicle had reportedly been surveilling Ms. Mashale’s home, where she had spent the day with her sick child, before leaving to return to her place of hiding. Ms. Mashale’s vehicle managed to lose the black pick-up truck.

Following this incident, during her next remand hearing in mid-November, Ms. Mashale explained to the judge her fears for her safety, as she deemed the incident on 5 November 2022 to be an attempt to kidnap or kill her. In accordance with this, the judge granted Ms. Mashale permission not to appear for the remand in-person hearings, as long as her lawyer was present. Ms. Mashale therefore did not attend the remand hearing in January 2023 and was represented by her lawyer without issue.

In March 2023, the judge presiding over the remand hearing for Ms. Mashale reportedly refused to accept that a previous judge had allowed her lawyer to represent her and ordered her to be present. The judge would reportedly not allow Ms. Mashale to attend the hearing virtually, and rejected arguments about her safety, ultimately issuing an arrest warrant for her.

After Ms. Mashale's previous lawyer was reportedly struck off the roll, her new lawyer managed to obtain the transcripts of the remand hearing in November 2022 and demonstrated that the judge had ordered that she did not need to appear in court, due to concerns over her safety.

On 17 August 2023, Ms. Mashale appeared in court, where the investigating officer in her case ordered her to go to the police station with him to have the arrest warrant against her withdrawn.

From October 2023, there were reportedly a number of delays in the proceedings in the case against Ms. Mashale.

The case against Ms. Mashale proceeded throughout 2024. Significantly, a Colonel for Free State SAPS reportedly conceded during cross-examination that the order to seize Ms. Mashale's phone in October 2021 had been fraudulent, allegedly issued under the instruction of the SAPS Commissioner for Free State.

On 31 July 2024, the Bloemfontein Magistrate's Court acquitted Ms. Mashale and her husband of the charge of harassment.

On 11 November 2024, the Deputy National Police Commissioner sought an Interim Order against Ms. Mashale in response to remarks she had made about him on social media in response to interviews she had watched that alleged he had received funds from individuals involved in criminal enterprises. The Interim Order, issued by the Johannesburg High Court, was reportedly sought in order to prevent Ms. Mashale from publishing what he alleged were defamatory statements. The return date for the order was 5 December 2024, which provided Ms. Mashale with the opportunity to advance reasons as to why the Interim Order should not be finalized. Ms. Mashale deleted all the social media posts and appealed the Interim Order.

At the end of 2024, the SAPS Commissioner for Free State lodged a civil defamation claim against Ms. Mashale, her husband, and the SABC in connection with the television programme aired in 2022.

In January 2025, Ms. Mashale was unofficially informed that the head of the SAPS Crime Intelligence Division (CID) had reportedly issued an arrest warrant for her and one other person who also advocates against police corruption, and that their phones would be seized.

The day after she was made aware of the reported arrest warrant against her, a SAPS CID vehicle was reportedly spotted near the home of Ms. Mashale and shortly after, an attempt was made to break in through the gate, which resulted in the gate being badly damaged. Ms. Mashale had noted the license plate number of the vehicle, which reportedly showed a Durban KZN registration.

On 23 February 2025, a newspaper falsely named Ms. Mashale as a “mastermind” in threats against a detective leading the prosecution case for the murder of a high-profile soccer player. Ms. Mashale is part of a group that has been supporting the family of the soccer player in their efforts to seek justice. The newspaper article made reference to a case allegedly being opened against Ms. Mashale by the Directorate for Priority Crime Investigation (DPCI). When clarification was sought from the head of the DPCI on this matter, no further information or clarification was received.

On 6 July 2025, the Police Commissioner for the province of KwaZulu-Natal made allegations during a press conference that the country’s criminal justice system was compromised as the result of infiltration by criminal syndicates into the police, judicial, parliamentary, political, intelligence, and law enforcement structures. In response to these allegations, the Deputy National Police Commissioner took a leave of absence, and President Cyril Ramaphosa established the Judicial Commission of Inquiry into Criminality, Political Interference, and Corruption in the Criminal Justice System, also referred to as the Madlanga Commission. In addition, an 11-member Ad Hoc Parliamentary Committee was established to investigate the same allegations. The intentions of the individual who made the allegations are reportedly somewhat disputed, and questions have also been raised regarding the necessity of and vested interests in the Ad Hoc Parliamentary Committee.

On 8 August 2025, the Bloemfontein High Court overturned the Interim Order brought against Ms. Mashale by the Deputy National Police Commissioner. The court stated that he had not denied the accusations made by Ms. Mashale, who had argued that her comments were in the public interest and that she had no alternative but to raise them on social media, given her repeated attempts to raise them with the authorities but with no response.

On 17 September 2025, the Madlanga Commission officially began its public hearings.

On 7 October 2025, the Ad Hoc Committee began its hearings. Since then, Ms. Mashale’s name has been explicitly mentioned by the Chairperson of the Police Portfolio Committee during the hearings, where he is also reported as saying that those who spread information should be imprisoned in Pollsmoor Prison. In addition to this, the Former Minister of Police, against whom Ms. Mashale has previously made allegations of corruption, is also recorded as

having mentioned her name explicitly during the hearings and that she should be arrested.

It has been reported that Ms. Mashale will be called to testify before both the Madlanga Commission and the Ad Hoc Parliamentary Committee. At the time of writing, Ms. Mashale remains in hiding due to concerns about her safety and surveillance of her home. Therefore, she has reportedly stated that in order to testify before either body, she would need to receive assurances regarding her safety.

Without wishing to prejudge the accuracy of these allegations, we wish to express our concern regarding the alleged legal harassment of Ms. Mashale over a number of years by high-ranking members of the South African Police Service (SAPS) and other members of government with responsibility for policing, through strategic lawsuits against public participation (“SLAPPs”), which would appear to be in retaliation for her legitimate activities as a whistleblower, to denounce corruption related to provincial and national policing.

This is not only concerning for the fact that it constitutes a serious misuse of the law for the purpose of the self-interest of high-ranking police and government officials, but also the fact that such legal harassment, as well as the intimidation and related surveillance she and her family have allegedly been subjected to, have had a significant impact on her physical safety and security, her financial security and that of her family, and her mental health. These acts have led her to go into hiding for a number of years in order to preserve her own safety and security.

Whilst Ms. Mashale may be able to provide valuable testimony to the Madlanga Commission and Ad Hoc Parliamentary Committee, we are concerned by the reported comments by high-ranking officials who have explicitly named and threatened her in their own testimony to both bodies. Therefore, should Ms. Mashale be called to testify before either body, that her safety and security be guaranteed is of critical importance, throughout the whole process.

We are also concerned by information which would indicate that Ms. Mashale’s exposure of corruption in SAPS Free State led her to dismissal, and that she is yet to receive financial compensation owed to her or to be reinstated within SAPS in another role.

Furthermore, and as highlighted by the UN Special Rapporteur on the situation of human rights defenders in her report to the General Assembly regarding human rights defenders working against corruption, retaliation against whistleblowers who expose corruption has a significant chilling effect on potential whistleblowers, compounded by the fact that safeguards to protect whistleblowers are either weak or non-existent (A/HRC/49/49, paras. 77, 82). We recall that attacks on whistleblowers constitute an assault on freedom of expression as well as on access to information, which is a critical right for democracy, transparency and accountability.

The former UN Special Rapporteur on the right to freedom of expression has also underscored in reporting to the UN General Assembly that in accordance with article 19 of the ICCPR, which emphasizes that freedom of expression applies to

information and ideas of all kinds, whistleblowers not only enjoy the right to impart information, but their legal protection when publicly disclosing information rests especially on the public's right to receive it (A/70/361, para. 5).

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 detailed information regarding the measures taken to ensure the safety and physical and psychological integrity of Ms. Patricia Mashale in connection with her legitimate human rights activities to expose corruption. If no such measures have been taken, please provide detailed information regarding the basis of this decision.
3. Please indicate the measures taken to promptly and impartially review any judicial proceedings and administrative or police investigations currently open against Ms. Mashale and close them should they be found unsubstantiated.
4. Please provide information regarding progress or results of any investigations, judicial or otherwise, established into the allegations of corruption against members of the SAPS that have been made by Ms. Mashale.
5. Please provide information regarding the relevant legal and policy protections in place to ensure the safety and security of whistleblowers and human rights defenders who expose corruption within the South African Police Service (SAPS) and other state bodies. If no such protections or policies exist, please provide information as to why.
6. Please provide information regarding the measures taken to ensure the safety and security of whistleblowers who are called to testify as part of either or both the Madlanga Commission and the Ad Hoc Parliamentary Committee.

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.

We may 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. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

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 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by South Africa on 10 December 1998, which guarantee the rights to privacy and freedom of opinion and expression.

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 and includes not only the exchange of information that is favorable, but also that which may criticize, shock, or offend.

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, and restrictions must always be "the least intrusive instrument among those which might achieve their protective function" ([CCPR/C/GC/34, para. 34](#)).

In its general comment No. 34, the Human Rights Committee, interpreting article 19, 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" (para. 11). The Committee further 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).

Article 19 not only guarantees the right to impart information and ideas of all kinds, but also the right to receive it. The Committee has indicated that this extends to information held by all public bodies, whether legislative, executive or judicial, and it applies to other entities when they are carrying out public functions (paras. 7 and 18.) Freedom of expression, including the right to access information, "is a necessary condition for the realization of the principles of transparency and accountability, which are in turn essential for the promotion and protection of human rights" (CCPR/C/GC/34, paragraph 3). "Article 19 sets forth a right of access to information

held by public bodies” and, consequently, "in order to give effect to the right of access to information, States parties should actively pursue the incorporation into the public domain of government information that is of public interest. States parties should make every effort to ensure easy, rapid, effective, and practical access to such information" (paragraphs 18 and 19).

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly emphasized the importance of access to information and transparency as fundamental pillars for peace, democracy, and development, as well as the fundamental role that this right plays in the enjoyment of other rights (A/68/362, paras. 18, 19, 20, and 89; E/CN.4/1998/40, para. 12; E/CN.4/1995/32, para. 135). Along these lines, the Special Rapporteur has recommended and encouraged States to review their regulatory and institutional frameworks, mechanisms, and tools to guarantee and promote the right to access information and transparency in the most comprehensive and full manner possible.

The Special Rapporteur has also highlighted that “the right to receive information advances several principles that underlie and animate human rights as it advances the individual’s ability to seek out information of all kinds, allowing the development of opinions protected against interference under article 19 (1) of the Covenant and it encourages participation in public affairs, which is independently protected by article 25 of the Covenant. It encourages accountability, increasing the costs for those who might engage in wrongdoing” (A/70/361, para. 5).

We also wish to make reference to the United National Convention against Corruption, according to article 34 which, each State party shall take measures to address the consequences of corruption. If a violation of human rights can be determined as a consequence of corruption, the State is obliged to ensure that appropriate measures are undertaken.¹ Article 13 of the Convention stresses that each State party shall take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, NGOs and community-based organizations, in the prevention of and in the fight against corruption as well as to raise public awareness regarding the existence, causes and gravity of, and the threat posed by, corruption.

Finally, 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 (commonly known as the Declaration on Human Rights Defenders) reaffirms already existing human rights and fundamental freedoms and frames them in a way relevant to the legitimate work of human rights defenders:

- Article 1 provides that everyone has the right to promote and strive for the protection of human rights and fundamental freedoms;
- Article 2 states that each State has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;

¹ A/HRC/28/73, para. 32.

- Article 5 affirms the right to meet or assemble peacefully;
- Article 6 states that everyone has the right to know, seek, obtain and receive and hold information about human rights and fundamental freedoms and freely to publish, impart or disseminate to others views, information and knowledge;
- Article 8 refers to the right to submit to governmental bodies and agencies concerned with public affairs criticism and proposals for improving their functioning; and
- Article 12 states that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and 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 those rights.