

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; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Ref.: AL ZAF 2/2026

(Please use this reference in your reply)

27 April 2026

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; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolutions 52/4, 55/2, 53/4 and 52/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the assassination of woman human rights defender, Ms. Fikile Ntshangase, an environmental and land rights leader opposing the expansion of a coal mine in the region of KwaZulu-Natal.

Ms. Fikile Ntshangase was a land and environmental woman human rights defender and Vice-Chairperson of a sub-committee of the Mfolozi Community Environmental Justice Organisation (MCEJO). MCEJO has been engaged in a longstanding dispute with Tendele Coal Mining Limited (hereinafter "Tendele") over the expansion of mining operations bordering on community homesteads and a national park. Tendele is a local subsidiary of Johannesburg-based Peptim Limited, which has owned and operated a coal mine in Somkhele, in KwaZulu-Natal, since 1997. Ms. Ntshangase was murdered in her home Ophondweni in KwaZulu-Natal province on 22 October 2020.

Ms. Ntshangase's murder was the subject of communication [ZAF 3/2020](#) sent to your Excellency's Government 9 December 2020. We regret no response was received. We note that during the Special Rapporteur on human rights defenders' interactive dialogue at the 58th session of the Human Rights Council in 2025, the South African representative stated that Ms. Ntshangase's killing "is currently being investigated" and that "the perpetrators will face the full might of the law."

As of March 2026, we understand that no-one has been arrested or charged in relation to Ms. Ntshangase's murder.

According to the information received:

The South Africa Police Service (SAPS) in Kwamsane assigned the murder investigation case number 174/10/2020. The only eyewitness to Ms. Ntshangase's killing, her then-13-year-old grandson, described three hitmen approaching the homestead. He positively identified one of the hitmen

from a photo presented to him by police. Forensic examination of her body and of recovered bullets suggests a contract killing by highly skilled persons.

SAPS alleged investigative failures

Over the course of almost four years, SAPS officers were unable to apprehend any of the three suspects or make any meaningful breakthroughs on the authorship of her murder, claiming all three suspects had died. The Director of Public Prosecutions in Kwamsane declined to prosecute a case for murder in August 2025.

Following a review of Ms. Ntshangase's case file, police docket 174/10/2020, there appear to be a number of irregularities in the police investigation.

During the course of SAPS' investigation between 2020 and 2025, officers interviewed multiple individuals of interest. They also identified three hitmen, Mpilo Ndiwa, Sikle Zwane, and Fano Dube, real name Sanele Mali Dube.

Fano Dube was positively identified from a photo presented to Ms. Ntshangase's grandson by the Investigating Officer (IO). Police then focused on tracking this individual, Fano Dube, having received information of his movements from a former suspect-turned-informer.

SAPS appear to have made no attempt to verify the whereabouts of either of the other two other individuals, [REDACTED] and [REDACTED]. Police informers notified SAPS in February 2021 that [REDACTED] had been killed. However, no attempts were made to verify [REDACTED] death nor [REDACTED] whereabouts for over four years. Informers would later tell SAPS that [REDACTED] had also died, closer to 2025 when the investigation was closed. There exists no confirmation of his death.

At various points between May and July 2021, police located the whereabouts of the suspect [REDACTED] through information provided by informers but had been unable to act due to "manpower issues". [REDACTED] was also tracked through his uncle in October 2021, who agreed to surrender him but days later refused to cooperate. SAPS threatened to bring an obstruction case against [REDACTED], but did not, and appear not to have pursued the case further. There appears to have been no attempt to use methods other than informer networks, such as mobile phone tracking, to trace the suspect.

SAPS officers also received authorisation to request data from South African telecommunications providers regarding 11 phone numbers of persons of interest to the case. They also sent two mobile phones belonging to Ms. Ntshangase that were recovered at the scene for forensic analysis. Though this analysis was apparently carried out, the results are missing from the police record.

Forensic officers removed six bullets from Ms. Ntshangase's body; these form part of the ballistics evidence surrendered to SAPS in the days following her death. SAPS lost track of the evidence, which had not been assigned to an

analyst and was ‘kept at reception’ and then lost. Only part of the evidence has been recovered, and no record exists of any analysis performed, within the police docket reviewed.

Refusal to consider case transfer to DPCI

The Directorate of Priority Crime Investigations (DPCI), also known as the Hawks, has a mandate to prevent, combat and investigate national priority offences, focusing on serious organised crime, serious commercial crime and serious corruption. Police forces nationwide can refer cases to the Hawks for investigation, as can other specialised investigation bodies and the President.

Kirsten Youens, an attorney representing Ms. Ntshangase’s organisation MCEJO, wrote to the Directorate of Priority Crime Investigations (DPCI) on two occasions, in April and October 2025, requesting that the DPCI take up the murder investigation, given SAPS KwaZulu-Natal’s evident lack of progress.

No satisfactory response was received. In its response to Ms. Youens’ October 2025 letter, the DPCI appear to have addressed the letters as formal complaints and simply passed them downward to the provincial commissioner of KwaZulu-Natal to deal with.

This does not inspire confidence in SAPS commitment to investigating Fikile’s murder. It is evident that a fresh approach with specialist investigative capacity is required to ensure that all those responsible for this crime are held accountable.

Without prejudging the accuracy of these allegations, we wish to express our utmost concern in relation to the apparent failures in the investigation of Ms. Ntshangase’s murder. In this regard, we would like to remind your Excellency’s Government of its duty to investigate, prosecute, and punish all violations of the right to life. We are concerned that the alleged failures of the SAPS in investigating this killing raise questions about SAPS’ commitment to bringing the perpetrators and intellectual authors of the crime to justice.

Investigations into potentially unlawful deaths must meet international standards, including the Revised United Nations Manual on the Effective Prevention of ExtraLegal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)). Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

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 comment on whether SAPS attempted to track the other suspects identified in this case, [REDACTED] and [REDACTED], or to confirm their deaths.
3. Please comment on the efforts made to identify the intellectual authors of the murder of Ms. Ntshangase.
4. Please comment on the efforts made by SAPS KwaZulu-Natal, if any, to seek additional resources or collaboration from other SAPS units in Ms. Ntshangase's murder case, particularly in Gauteng.
5. Please comment on why SAPS do not appear to have pursued forensic telecommunications evidence in Ms. Ntshangase's case, and why no record is made of this in the police docket.
6. Please comment on why the investigation of Ms. Ntshangase's murder has not been transferred to the DPCI.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of killings of human rights defenders, and in the event that the investigations support or suggest the allegations in the murder of Ms. Fikile Ntshangase 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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate
standard of living, and on the right to non-discrimination in this context

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, 19 and 22, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights (ICCPR), ratified by South Africa on 10 December 1998, which guarantee the rights to liberty and security of person, freedom of opinion and expression, and freedom of association. These rights are also guaranteed under articles 3, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

In particular, we would like to draw your attention to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and article 6(1) of the ICCPR, which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

We wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights (CCPR/C/GC/36).

Furthermore, we recall that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents (CCPR/C/GC/36).

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing immunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates (CCPR/C/GC/36). Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future.

We also wish to recall the report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council on the subject of killings of and death threats against human rights defenders, in which she emphasized that there is no more a direct attack on civil society space than the killing of human rights defenders (A/HRC/46/35). The report by the former Special Rapporteur on the situation of human rights defenders to the General Assembly on the subject of impunity for human rights violations committed against human rights defenders, notes with concern that the overwhelming majority of violations – with killings being one of the most prevalent – unpunished. The negative impact of such impunity is manifold, as it denies victims

access to justice, but also generally weakens the organizational movement the human rights defender was affiliated with, as other individuals are discouraged from participating, as well as detrimentally impacting society itself, as it obstructs access to the truth and prevents measures being taken to avoid the recurrence of these events (A/74/159).

We would like to bring to your attention the fundamental principles set forth in 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 we would like to refer to articles 1 and 2 of the Declaration, which 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. Additionally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- Article 6(a), which provides for the right to know, seek, obtain, receive and hold information about 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.

We wish to recall that the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. These resolutions underscore that all States have a duty to respect, protect, and fulfill this right for present and future generations. As such, environmental protection is not only a matter of policy, but a binding human rights obligation, central to the enjoyment of related rights to life, health, water, food, housing, culture, and development.

In addition, the International Court of Justice, in its Advisory Opinion on the Obligations of States in respect of Climate Change of 23 July 2025, in its article 393 clarified that the human right to a healthy environment is a precondition and essential for the enjoyment of all human rights, and therefore fundamental for States in order to fulfill their obligation to guarantee the enjoyment of all human rights.

We wish to refer to the Framework for environmental, social and human rights impact assessments of the Special Rapporteur on the human right to a clean, healthy and sustainable environment (A/80/187), which clarifies States' obligations regarding environmental impact assessment processes, recalling that they are mandatory under

customary international law, as the International Court of Justice has also concluded. States must facilitate public participation by strengthening marginalized groups' capacity to engage, adapting to social, economic, cultural, marginalization, geographical and gender characteristics and reducing obstacles and power imbalances between affected communities and implementers. It highlights that States must ensure that affected communities and the public have timely, meaningful participation in all stages of environmental, social and human rights impact assessment processes, as international law, jurisprudence and guidelines systematically agree. States must also ensure protection for individuals and organizations advocating for human rights and the environment and environmental human rights defenders, ensuring their safe participation without fear of persecution or harm.

In addition, we also wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework Principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, Principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 8 reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.