

21 January 2020

Mr M. Forst
Special Rapporteur on the situation of human rights defenders
Commission on Human Rights
United Nations
C/o Office of the High Commissioner for Human Rights
Palais Wilson
Geneva
Switzerland
1200

Dear Mr Forst

THE SOUTH AFRICAN GOVERNMENT'S ATTACK ON A HUMAN RIGHTS DEFENDER

I write this letter on behalf of AfriForum, a South African civil rights organisation with more than 235 000 members in January 2020, which makes us the largest civil rights organisation in South Africa, as well as on the African continent. AfriForum is a non-governmental organisation – registered as a non-profit company – with the aim of protecting the rights of minorities.

According to the Declaration on human rights defenders AfriForum qualifies as an organisation that contributes to the effective elimination of violations of human rights and fundamental freedoms of peoples and individuals by –

- creating awareness of a variety of human rights violations in South Africa and supporting victims of human rights violations through legal support and trauma counselling;
- holding the South African government accountable when it violates or seeks to violate the human rights protected by the country's Constitution; and
- lobbying for sound, transparent and responsible government policymaking and good governance.

This letter serves as a formal complaint against Cyril Ramaphosa, the current President of the Republic of South Africa, as well as Lindiwe Sisulu, the former South African Minister of International Relations and Cooperation, for their attempts to discredit AfriForum as a human rights defender and, in doing so, impairing the work that our organisation is doing to promote human and civil rights in South Africa.

As you know, the mandate on human rights defenders is broad and stipulates that the Special Rapporteur's main roles include:

- seeking, receiving, examining and responding to information on the situation of human rights defenders;



- establishing cooperation and conducting dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration; and
- recommending effective strategies better to protect human rights defenders and follow up on these recommendations.

Following a tweet about South Africa by United States' President Donald Trump, Mr Ramaphosa – in an interview with Bloomberg on 26 September 2018 while on a visit to the United States of America (USA) – claimed that President Trump had been misinformed about South Africa and continued to deny the existence of these problems. He stated: “There are no killings of farmers, or white farmers in South Africa. There is no land grab in South Africa.” (See https://www.youtube.com/watch?v=tUn1_XYNW40.)

This statement by Mr Ramaphosa was in response to a visit to the USA by delegates of AfriForum in May 2018 to garner support and promote awareness in the USA of expropriation without compensation, and the prioritisation of farm murders.

Article 6(b) and (c) of the Declaration on human rights defenders determines the following:

Everyone has the right, individually and in association with others:

...

- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others' views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

States are further primarily responsible for ensuring the rights and protection of human rights defenders, as determined in various human rights instruments (especially the United Nation's (UN's) Declaration on human rights defenders) and as reiterated in many resolutions of the UN Human Rights Council and General Assembly. Mr Ramaphosa's statement on an international news channel can therefore be construed as an attempt to discredit AfriForum as a human rights defender.

AfriForum therefore humbly requests that the Special Rapporteur take the following actions against Mr Ramaphosa:

1. Obtain a commitment from Mr Ramaphosa and the South African government that it will effectively protect AfriForum as a human rights defender;
2. Hold Mr Ramaphosa and the South African government responsible for his alleged attempt at discrediting AfriForum's efforts to raise international awareness about gross human rights violations in South Africa – particularly against minorities; and
3. Request Mr Ramaphosa to retract his statement on an international platform.

South Africa faces a myriad of issues. However, two issues that are of particular concern to AfriForum as a civil rights organisation that protects the rights of minorities are the issues of the brutal farm murders (especially those who belong to minority groups), and expropriation of property without compensation by the government, as well as the accompanying issue of illegal land grabs. According to AfriForum's research and reports from the organisation's various branches throughout the country, there was a significant increase in land grabs in 2019, following the ruling ANC's announcement of their policy of expropriation without compensation. A total of 59 land grabs took place in 2019 and it is important to note that this figure only reflects reported cases. The inability or unwillingness of the local authorities to deal with these land grabs – which are illegal according to the country's laws – even prompted AfriForum to distribute a guide to local police stations on how to manage land grabs. According to various South African economists and agricultural unions, land grabs hold various negative economic consequences, such as the devaluation of property prices, disinvestment and the immigration of skilled citizens. Land grabs also violate the rights of property owners to own private property.

AfriForum regards farm murders and land grabs as serious violations of human rights. The organisation believes that these issues should be condemned by all influential role-players and governments worldwide who believe in the protection of human rights. AfriForum's liaison visits to the USA in 2018 and 2019 (as well as one planned for 2020) are part of an active campaign to create awareness in the USA through liaising with government officials, meetings with several think tanks and representatives in Washington, D.C., as well as media appearances, most significant of which was an interview on Tucker Carlson Tonight (see <https://www.youtube.com/watch?v=l76v4JW2BtQ>). As South Africa is a beneficiary of the African Growth and Opportunity Act (AGOA) of the USA, it is important that the USA government is aware of critical issues in South Africa. AfriForum therefore sought to bring this information under the attention of the US government by sending delegates to the USA to provide the US government with the necessary information should they decide to respond with policy decisions. The trip also served as a valuable opportunity to receive advice from international experts on how to deal with these issues.

During a parliamentary question and answer session on 8 May 2018 (while AfriForum's delegates were in the USA on their awareness campaign), President Ramaphosa said in Parliament and also tweeted: "To those who are want [sic] to go around the world & mobilize the international community against their own country, we are saying come back home for inclusive dialogue." (See <https://twitter.com/presidencyza/status/993845624004018177>). AfriForum's visit also aimed to create awareness abroad of farm murders and attacks. AfriForum's CEO, Kallie Kriel, said at the time that if President Ramaphosa was serious about dialogue, he would have to ensure that the voices of minority communities would also be taken seriously and were not excluded or ignored, as had been the case in the past. Shortly thereafter, the South African Minister of International Relations and Cooperation, Lindiwe Sisulu, further responded to AfriForum's liaison tour to the USA by accusing the USA President and AfriForum of spreading "blatant lies" and "misinformation" about South Africa. (See

<https://www.news24.com/SouthAfrica/News/dont-exaggerate-sisulu-asks-afriforum-20180515>
and <https://ewn.co.za/2018/08/27/sisulu-slams-those-spreading-lies-about-sa-s-land-reform>.)
This was followed by a liaison tour by the South African President to the USA to “tell the truth”
about South Africa.

During AfriForum’s awareness tour to the USA, we conservatively calculated the number of farm murders and employed meticulous attention to detail and well-researched and sourced facts.

The fact that the South African President and government choose to ignore the crises of farm murders and land grabs locally is very worrying, but it is unacceptable that the South African President blatantly denies the existence of these crises in the international sphere. The attempts by the South African President’s spokespeople to contextualise his statements in South Africa after his return did nothing to rectify the damage that was done on international platforms.

AfriForum appreciates your time and we hope to hear from you soon.

Kind regards



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