

The Honourable Nkosinathi Nhleko MP
Minister of Police
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231 Pretorius Street, Pretoria
By email: monahengamelia@saps.gov.za
By fax: 012 393 2820

Lieutenant General Khomotso Phahlane
Acting National Commissioner: South African Police Service
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19 May 2016

URGENT

Dear Minister Nhleko and Lieutenant General Phahlane

URGENT REQUEST FOR A REPORT ON PROGRESS IN THE POLICE INVESTIGATION OF THE KILLING OF SIKOSIPHI 'BAZOOKA' RHADEBE, AND FOR POLICE PROTECTION FOR THE PEOPLE OF AMADIBA, PONDLOLAND, WILD COAST

1. At approximately 19h30 on 22 March 2016 Sikosiphi "Bazooka" Rhadebe, human rights activist and chairperson of the Amadiba Crisis Committee (ACC), was shot by two gunmen outside his home in Mdatya village, Amadiba. He died on the scene shortly after the shooting.
2. The ACC is a group of Amadiba community members who are representing their community in its decade long opposition to the mining of titanium on the Xolobeni sand dunes by an Australian mining company, Mineral Commodities Limited, through its local subsidiary Transworld Energy and Minerals Resources, as well as the South African National Roads Agency Limited's project to build an N2 toll highway through the area, which is intended to be used in the transport of the mined minerals. The ACC is asserting the community's right to determine a development path that does not include mining, but rather long-term sustainable agriculture and eco-tourism.
3. The ACC believes that Mr Rhadebe's death was an assassination. At approximately 18h00 on 22 March 2016, not long before his death, Mr Rhadebe phoned Ms Nonhle Mbuthuma, secretary of the ACC, and told her that he was aware of a "hit list" of opponents to the mining. According to Mr Rhadebe, his name was first on the list; hers was second; and Mr Mzamo Dlamini, the deputy chairperson of the ACC, was third. Approximately an hour and a half later two men arrived at Mr Rhadebe's house in a hijacked car, masquerading as police officers. Mr Rhadebe was executed outside his house in front of his wife and young child.

4. As far as we are aware, approximately two months after the assassination of Mr Rhadebe, no arrests have been made, and no reports on progress made in the investigation, if any, have been made public.
5. On Saturday, 2 April 2016, two journalists from *The Citizen* newspaper and two ACC members were badly beaten after the funeral of Mr Rhadebe. The group was attacked by an angry mob armed with knobkerries, machetes, a spade and rocks. Although local South African Police Service (SAPS) officers arrived at the scene while the perpetrators were present and brandishing their weapons, they refused to arrest any of the perpetrators, choosing instead to confiscate the camera and cell phone of *The Citizen* photographer. As far as we are aware, there have been no arrests pursuant to this attack, although the identities of the perpetrators are known.¹
6. The aforesaid is but one example of the norm of biased conduct by the local SAPS. The ACC and anti-mining community members have reported targeted night-time police raids where officers have refused to identify themselves or to furnish search warrants, as well as a general unwillingness by the local SAPS to respond to their call-outs. As a result, we understand that the ACC and anti-mining community members are fearful of the local SAPS, believing them to be aligned to the pro-mining elements, and do not trust them to protect them against the very real threat of violence that they face.
7. Given the events that preceded Mr Rhadebe's killing and violent events like the incident described above, as social justice and public interest organisations we continue to be extremely concerned about the safety of other activists and supporters of the ACC (including in particular Ms Nonhle Mbuthuma and Mr Mzamo Dlamini).
8. Against this background, we request your urgent intervention to ensure:
 - 8.1. the efficient and professional investigation by the SAPS and/or the Directorate for Priority Crime Investigation ("the Hawks") of the killing of Mr Rhadebe and that the perpetrators are caught and prosecuted as a matter of urgency;
 - 8.2. that a report on the progress in the investigation is made public;
 - 8.3. immediate and adequate SAPS protection from further violence be provided to all ACC activists and supporters, and their families; and
 - 8.4. the urgent investigation by the Independent Police Investigative Directorate of the allegations of intimidation and biased conduct by the SAPS in connection with the mining at Xolobeni and associated conflict.

Kindly acknowledge receipt, and provide us with a substantive reply by no later than 2 June 2016.

Signed by:

Centre for Applied Legal Studies

Centre for Environmental Rights (please direct your reply to this organisation on behalf of those listed here: 2nd Floor, Springtime Studios, 1 Scott Road, Observatory 7925 or fax 086 730 9098)

Centre for Human Rights (University of Pretoria)

CorruptionWatch

Equal Education Law Centre

¹ <http://www.citizen.co.za/1059659/bazooka-funeral-mob-attacks-journalists-anti-mining-activists/>

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Lawyers for Human Rights

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SECTION27

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