



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Urgent Action over eKhenana Land Defender Murders

Housing and Land Rights Network-Habitat International Coalition (HIC-HLRN), with its member organizations across the African continent, the Americas, the Middle East, Europe and Asia, stands in solidarity with those grieving the murder of South African land rights defenders Ayanda Ngila, who was shot and killed in broad daylight on Tuesday, 8 March, and Nokuthula Mabaso, who was shockingly assassinated by gunshot¹ in front of her children. HIC-HLRN calls for urgent action in the independent investigation of his death and the prosecution of the perpetrators. We also denounce the ongoing escalation of violence and arrests perpetrated against residents of informal settlements, including the recent killing by local police of eNkanini Occupation resident Siyabonga Manqele,² and urge an immediate halt to police-led violence.

Ngila and Mabaso were leaders of Abahlali baseMjondolo in the eKhenana Commune, a portion of land that is home to 109 families³ in the informal settlement of Cato Manor, near Durban. Members of the local ANC party are alleged to be responsible for both killings. Ngila and Mabaso are believed to be the 19th and 20th activists murdered⁴ since the establishment of the Abahlali baseMjondolo shack dwellers' movement in 2005, and the sixth and seventh members of eKhenana to be killed since the Commune's establishment in 2018.⁵

At the time of Ngila's murder, he was repairing a broken water pipe in the communal garden of eKhenana. During the attack, the perpetrators also attempted to kill⁶ Lindokuhle Mnguni, another of eKhenana's leaders. Two days prior, on Sunday, 6 March, eKhenana residents were attacked by men wielding axes and sticks. When residents contacted police, they were initially told that no one could assist them, allowing the perpetrators to escape without arrest.⁷ At least one of the men from this initial attack was identified as a participant in the murder of Ngila. Abahlali reports that police repeatedly refuse to assist activists who request protection, and refuse to press charges against perpetrators of violence.

People with alleged links to the ANC and local police have been repeatedly targeted Members of Abahlali, including leaders of eKhenana, for their work in advocating rights to land and basic services, with attacks in eKhenana increasing after they successfully prevented the municipality from evicting residents in 2021⁸. Residents have long faced ongoing violence, harassment, arbitrary arrests, evictions and intimidation to vacate the land, including during the pandemic moratorium on eviction,⁹ since the Commune's inception. In March 2021, police arrested three

of eKhenana's leaders (Ngila, Mnguni, and Landu Shazi) and charged them with a murder, only to have the charges withdrawn after being held in prison for six months. It is widely thought¹⁰ that the arrests were an attempt by authorities to intimidate Abahlali baseMjondolo and silence their work as activists fighting for the human right to adequate housing and basic services in eKhenana. Abahlali reports that more than 40 of their activists have been arrested on bogus charges in recent months.

According to HLRN's Violation Database, more than 94,000 people have been forcibly evicted¹¹ in South Africa since the ANC came to power in 1994.

We call on the South African authorities to ensure that the murders of Ayanda Ngila and Nokuthula Mabaso are immediately and thoroughly independently investigated and that all those responsible for this crime are held responsible and duly prosecuted. In particular, we call on the President of South Africa Cyril Ramaphosa, the Minister of Police and the Head of the National Prosecuting Authority to ensure justice and peace for the people of eKhenana and members of Abahlali baseMjondolo in other settlements.

We call for an immediate halt to ongoing acts of violence and intimidation toward the community of eKhenana and all informal settlements, and for the broad protection of all land rights defenders in South Africa, in line with the UN General Assembly Declaration on Human Rights Defenders.¹²

We call on the South African Human Rights Commission and the Minister of Police to urgently investigate allegations of the involvement of police and various officials in intimidation, violence, bias and other forms of misconduct toward members of Abahlali baseMjondolo.

Endnotes:

¹ Abahlali baseMjondolo, "Nokuthula Mabaso was assassinated in eKhenana last night," 6 May 2022, <https://abahlali.org/node/17486/>

² Nokulunga Majola, "IPID to probe Durban police after two people shot in a week," *GroundUp* (15 March 2022), <https://www.groundup.org.za/article/ipid-investigate-cato-manor-police-after-two-residents-were-shot-week/>.

³ Willem Phungula, "Murder of Abahlali baseMjondolo leader, Ayanda Ngila, condemned," *Independent Online* (9 March 2022), <https://www.iol.co.za/dailynews/news/kwazulu-natal/murder-of-abahlali-basemjondolo-leader-ayanda-ngila-condemned-10d09168-7e73-44cb-a0d5-496aea4a38ec>.

⁴ Nomfundo Xolo, "Ayanda Ngila's murder devastates eKhenana," *New Frame* (9 March 2022), <https://www.newframe.com/ayanda-ngilas-murder-will-linger-in-ekhenana/>.

⁵ Socio-economic Rights Institute of South Africa, "Abahlali baseMjondolo suffers another assassination in eKhenana settlement," 9 March 2022, <http://www.seri-sa.org/index.php/latest-news/1207-press-statement-abahlali-basemjondolo-suffers-another-assassination-in-ekhenana-settlement-9-march-2022>.

⁶ Abahlali baseMjondolo, "eKhenana: A background provided in the context of the arrest of Mqapheli Bonono," 10 May 2021, <https://abahlali.org/node/17256/>.

⁷ Chris Makhaye, "Prominent land activist Ayanda Ngila gunned down in KZN — Abahlali points finger at ANC," *Daily Maverick* (8 March 2022), <https://www.dailymaverick.co.za/article/2022-03-08-prominent-land-activist-ayanda-ngila-gunned-down-in-kzn-abahlali-points-finger-at-anc/>.

⁸ Chris Makhaye, "Prominent land activist Ayanda Ngila gunned down in KZN — Abahlali points finger at ANC," *Daily Maverick* (8 March 2022), <https://www.dailymaverick.co.za/article/2022-03-08-prominent-land-activist-ayanda-ngila-gunned-down-in-kzn-abahlali-points-finger-at-anc/>.

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- ⁹ Pavan Kulkarni, "Violent evictions of South African shack dwellers continue amid lockdown," *Peoples Dispatch* (25 April 2020), <https://peoplesdispatch.org/2020/04/25/violent-evictions-of-south-african-shack-dwellers-continue-amid-lockdown/>.
- ¹⁰ Nokulunga Majola, "Murder charges dropped against activists after six months in prison," *GroundUp* (29 September 2021), <https://www.groundup.org.za/article/murder-charges-dropped-against-three-abahlali-basemjondolo-activists-after-six-month-imprisonment/>.
- ¹¹ Housing and Land Rights Network, *HLRN Violation Database*, http://hlrn.org/violationsearch.php#.Yi_dLrhIDSM
- ¹² UN General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," General A/RES/53/144, 8 March 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>.