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International Centre for Trade Union Rights

*Centro Internacional para los Derechos Sindicales
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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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CC:

Association of Mineworkers and Construction Union (AMCU)
National Union of Mineworkers (NUM)
Office of the United Nations Special Rapporteur on the rights to freedom
of peaceful assembly and of association
International Trade Union Confederation (ITUC)

February 2018

Your Excellency,

The International Centre for Trade Union Rights is writing to express its grave concerns about the latest in a spate of murders of trade unionists in South Africa.

ICTUR understands that on 18 January 2018, unknown gunmen shot the branch chairman of the National Union of Mineworkers (NUM) at Eastern Platinum Mine, a unit of Lonmin, at his home in Bapong village, near Brits. He subsequently died in hospital; it is understood that the miner's wife was also shot and injured in the attack.

This latest murder is deeply troubling. Since the police massacred 34 striking miners at Marikana on 16 August 2012, the killings of trade unionists on the platinum belt have occurred with disturbing frequency. At least six members of the Association of Mineworkers and Construction Union (AMCU) were killed in North West Province between July and November last year: Tholakele Dlunga, Mvelisi Biyela, Zingisa Mzendana, Malibongwe Mdazo, Mohahu Daniel Maseko and Mpeke Nonyana.

As noted in our previous letter (December 2017), no one has been held to account for these murders to date – nor have any police be convicted for the 2012 killings. Last year, AMCU's leadership stated that the murders of their members constituted a "concerted attack" on their union, a "carefully planned, well-funded hit program". Speculation that the violence is the

product of inter-union rivalry does not alter the government's responsibility to take immediate and effective action to investigate and remedy these crimes. ICTUR notes that the leadership of both unions (AMCU and the NUM) have condemned in the strongest terms the climate of violence in the area and repeatedly called upon the authorities to investigate.

The principles of freedom of association are enshrined in the International Labour Organisation Conventions 87 and 98, which South Africa has ratified. The murders of trade unionists constitute the most egregious violation of these rights. Following the interpretation of the ILO's Committee on Freedom of Association, the rights of workers can only be "exercised in a climate that is free from violence... and it is for governments to ensure that this principle is respected" (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, Fifth Edition, 2006*, paras. 42-45). Failure to hold guilty parties to account creates a culture of impunity, 'which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights' (ILO Digest, paras. 42-45, 46, 48 and 52).

ICTUR again calls on the government to immediately investigate the circumstances around each of these killings, and to take all necessary measures in order to protect the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director