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## **International Centre for Trade Union Rights**

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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:**

Nelisiwe Mildred Oliphant, Minister of Labour

Virgil Seafield, Deputy Director General, Labour Policy and Industrial  
Relations

Thembinkosi Mkalipi, Chief Director: Labour Relations

Clément Nyaletsossi Voule, United Nations Special Rapporteur on the  
rights to freedom of peaceful assembly and of association

Trade unions: SAMWU, COSATU, ITUC

### **March 2019**

Dear President,

The International Centre for Trade Union Rights is gravely concerned  
about the recent murders of two trade union leaders in South Africa.

ICTUR understands that on 30 January 2019, Roland Mani, deputy  
provincial secretary of the SA Municipal Workers' Union (SAMWU) in  
Limpopo, was shot dead at Tshishahulu Thohoyandou. Earlier in January,  
Tshililo Tshimangadzo Mositho, the former provincial chairperson of  
SAMWU in Limpopo, was shot at his home in Makwarela, Thohoyandou.  
He was hospitalised and later died of his injuries. Both union leaders were  
employed by the Vhembe District Municipality, one of the municipalities  
that unlawfully invested millions of public funds into the VBS Mutual  
Bank.

According to SAMWU and COSATU, both union leaders had been  
outspoken in campaigns demanding accountability for those implicated in  
the VBS scandal and calling for their arrests. Another outspoken union  
leader, SAMWU provincial secretary Patrick Aphone, was targeted in  
November 2018 when two unidentified gunmen fired bullets at his home in

Ga-Kgobokwane village. Thabang Maupa – an ANC councillor and open critic of those implicated in the VBS scandal – was murdered in November. SAMWU has reported that as a result of the latest murders, other union officials fear for their lives and have gone into hiding. It is understood that the Limpopo Provincial Commissioner has announced a task team to investigate the killing of Roland Mani.

These latest assassinations are extremely alarming. The victims' active criticism of the VBS scandal, in which members of the governing ANC have also been implicated, strongly suggests that their murders were politically motivated. The climate of endemic lethal violence and intimidation against trade unionists in South Africa has been escalating for many years. Still, no one has been held to account for the police massacre of 34 striking miners at Marikana on 16 August 2012, or the other killings of trade unionists on the platinum belt, where violence has continued over many years, including a spate of murders of trade unionists in 2017 and early 2018. These incidents demand urgent action.

**ICTUR wishes to remind the government of its obligations concerning the principles of freedom of association, enshrined in the International Labour Organisation Conventions 87 and 98, both of which South Africa has ratified.** The ILO's Committee on Freedom of Association has expressly called for the institution of independent judicial inquiries to investigate incidents of murder or violence against trade unionists, 'in order to shed full light, at the earliest date, on the facts and the circumstances in which such actions occurred and in this way, to the extent possible, determine where responsibilities lie, punish the guilty parties and prevent the repetition of similar events' (*Freedom of Association: Compilation of decisions of the Committee on Freedom of Association*, ILO, 6th Edition, 2018, paras. 81-89, 94). Failure to protect against such acts or hold guilty parties to account creates a culture of impunity, 'which can only reinforce a climate of fear and uncertainty highly detrimental to the exercise of trade union rights' (*Freedom of Association*, paras. 90, 96-99, 102, 106).

**ICTUR calls upon the government to take all measures necessary to ensure that effective investigations into these murders, and the attack on Patrick Aphone, are carried out promptly and independently, that those responsible are held to account and that adequate remedies are provided to the victims and their families. ICTUR further calls on the authorities to address urgently the deteriorating state of trade union rights in South Africa, and to ensure that workers are afforded adequate protection in the exercise of their fundamental rights to organise and defend 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 horizontal line extending to the right.

Daniel Blackburn, Director