

22 May 2020

For attention: Mr Vusi Mthembu
Coordinator
KZN Community Safety & Liaison Portfolio Committee
MTHEMBUV@kznleg.gov.za

Dear Mr Mthembu

Re: Urgent request for virtual meeting with GET and MCEJO and our legal representatives

This is an urgent communique to inform the Portfolio Committee for Community Safety and Liaison, KZN, of the escalating threats, intimidation and acts of violence that have been taking place in Somkhele/Mpukunyoni, rural farming communities bordering the Hluhluwe iMfolozi Park (HiP). The request is made by the Global Environmental Trust (GET) an NGO promoting the wise use of the natural environment to ensure that biodiversity is maintained for the wellbeing of all, and by Mfolozi Community Environmental Justice Organisation (MCEJO) a grassroots organisation committed to protecting their ancestral land for current and future generations.

The situation in Somkhele/Mpukuyoni has a long history dating back to 2007 but, in the last few weeks, the violence and threats have reached untenable levels with gunmen threatening the lives of MCEJO activists and Ophondweni residents resisting pressure by Tendele Coal Mining (Pty) Ltd to make way for the expansion of the open cast coal mining operations. A strong group within the so-called Directly Affected Community (DAC) are rejecting the meagre compensation the mine has paid to Somkhele residents in the past and are refusing to make way for the mine.

By drawing your attention to this violence, we are requesting a virtual meeting as soon as possible. Participants from our side will include representatives of various organisations working with the Somkhele/Mpukunyoni community, GET/MCEJO's legal representatives, and a community/MCEJO representative. Unfortunately, it will not be possible for more community representatives to participate in the meeting given the limited connectivity in Somkhele/Mpukunyoni. Please acknowledge receipt of this letter.

Violent attacks and threats during April to date include:

1. On 7 April, Mr Msweli (cell number 060 5474696 who used to be a ward councillor in KwaMyeki, another mining affected community in Mpukunyoni) visited Mr Mdletshe (0820645380), Ms Mthethwa (0798709582) and Mrs Buthelezi (0646707838). Mr Msweli's story varied slightly among the three people but, in essence, he said that there will be a shooting between the Ophondweni DAC and the employees of the mine who are being retrenched. This is because these families are amongst the DACs who are refusing to sign agreements with Tendele mine to move off their land for the mine to expand. Mr Msweli

indicated that the gunmen are employees of the mine who do not want to lose their jobs as well as Ophondweni residents hoping to be employed by the mine when it expands. Affidavits are available from these three people. From the affidavits it can be assumed that he was sent by Ophondweni's pro-mining Nduna, Mr LX Mkhwanazi.

2. On the evening of Friday, 17th April 2020, two armed gunmen entered the home of Sabelo Dladla, a young leader with the Mfolozi Community Environmental Justice Organisation (MCEJO) and an applicant in the two court cases MCEJO currently has against Tendele Coal mine, the Minister of Mineral and Energy and nine others - one in the Supreme Court of Appeal and another in the North Gauteng High Court. The gunmen asked if he was Sabelo. He told them he was not and that Sabelo was away. They then tied him up and assaulted him before entering his widowed mother's bedroom. When they asked her and Sabelo's young niece where Sabelo was, they also said he was away. The gunmen then searched the house for valuables and took mobile phones and binoculars. They also demanded whatever money the family had. Then they left. A case of armed robbery was opened with the KwaMsane Police Station. No arrests have been made. Sabelo and his family have had to go into hiding. This is not the first time Sabelo has had to flee for his life.
3. At 22h00, Friday, 24 April 2020, Ms Mthethwa, who had been visited by Mr Msweli, heard a diesel engine outside her house. She looked out of the window and a van with no lights was driving slowly past. As she dropped the curtain, bullets were fired through the window. She ran to her bedroom and bullets were fired through that window too. Her daughter and granddaughter were on the bed and dropped to the floor to protect themselves and bullets hit the walls inside the room just above the bed. The granddaughter is only 2 years old. The gun used was a rifle. 19 cartridges were found at the scene. Case number: KwaMsane 215/04/2020. Instructions were issued by Mary de Haas, Peace Monitor for KZN, to have the docket transferred to another police station because of concern that the docket will be "lost".
4. On 27 April 2020, Mr Jobe, who is also resisting being relocated, was called by one of his family members to tell him that the Endomini family are plotting to get rid of him because he is an 'obstacle between them and money'. The threats or intended act seems to be orchestrated by the Ophondweni Nduna, Mr LX Mkhwanazi, who is using relatives of Mr Jobe who want to sign the agreement with Tendele mine and want to replace him in the negotiations. Mr Jobe is afraid for his life.
5. On 29 April 2020, Sabelo Dladla comes out of hiding to assist with the distribution of food parcels organised by ALL RISE. He distributed 150 food parcels to 7 villages. That evening he was informed that he will have to appear before the Mngeza traditional council for distributing food parcels because MCEJO is not allowed in the area. That night gunshots were fired outside the vacated Dladla homestead. They were heard and reported by neighbours.

6. In the afternoon of 6 May 2020, Mr Mdletshe received an anonymous message from stating that the attackers want the Ophondweni residents to be relocated “so that we can go back to work as we are being retrenched from the mine. If you are stubborn, we are going to shoot all the breadwinners we want who are working so that we all starve. Don’t forget we know all of them and where they are working.”
7. At 18h50 6 May 2020, Sabelo Dladla received a call from neighbours that a suspicious car was spotted parking at the homestead’s driveway. It drove past and came back again and stopped outside the Dladla homestead. No clear description could be given because it was already dark.

All these attacks, threats and intimidation have been reported to the relevant regional DMR officials who do not respond. It has landed with Mary de Haas, the Violence Monitor for KZN, to intervene. Early in April she wrote to the KwaMsane and Mtubatuba SAPS alerting them to the likelihood of violence in Ophondweni and asking for regular patrols. Again, after the shooting in Ophondweni, she phoned the police. There appears to be little interest on the part of the police to protect citizens whose lives are on the line. For their part, Ophondweni residents do not trust the police and see little point in reporting threats and attacks to the police. No arrests of the perpetrators have been made and the intimidation and violence directed towards Somkhele residents is allowed to continue.

We thank you for your attention to this urgent matter. We trust that it will be prioritised to ensure that lives of innocent people are not unnecessarily sacrificed to satisfy the demands of people with murderous intent.

A kind reminder to please acknowledge receipt of this letter.

Yours sincerely



Ms Sheila Berry
Global Environmental Trust (GET)

Mr Ellias Muntukabani Sikhosana
Chairperson: Mfolozi Community
Environmental Justice Organisation (MCEJO)

cc. Youens Attorneys
Sifiso Dladla (GET Trustee)
Sinegugu Zukulu (GET Trustee)
Sabelo Dladla (MCEJO Treasurer)