27 November 2026

Ms G. Romero
United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association
Palais des Nations
CH-1211 GENEVA 10
Switzerland
Per e-mail: hrc-sr-freeassembly@un.org

Ms A. Bolaños Vargas
United Nations Special Rapporteur on the situation of Human Rights Defenders
Office of the United Nations High Commissioner for Human Rights
8–14 Avenue de la Paix
1211 GENEVA 10
Switzerland
Per e-mail: hrc-sr-defenders@un.org

Mr L. Maldonado Gutiérrez
United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
OHCHR-UNOG
8–14 Avenue de la Paix
1211 GENEVA 10
Switzerland
Per e-mail: hrc-sr-freedex@un.org

Dear Special Rapporteurs

REQUEST FOR A JOINT COMMUNICATION CONCERNING PROPOSALS ON CITIZENSHIP DEPRIVATION AND HIGH TREASON IN RESPONSE TO CIVIL SOCIETY ADVOCACY

AfriForum is a South African civil rights organisation with approximately 300 000 active members and special consultative status with the United Nations (UN) Economic and Social Council since 2020.*

Its work focuses on the peaceful promotion and protection of constitutional and internationally recognised human rights, particularly the cultural, language and other rights of Afrikaners as a minority community, as well as broader minority rights. Through constitutional litigation, public advocacy and engagement with domestic and international institutions, AfriForum undertakes activities consistent with the internationally recognised role of human rights defenders, as reflected in the 1998 UN Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally

* Registered as the Afrikaanse Forum vir Burgerregte (English lit. Afrikaans forum for civil rights)

recognised human rights and fundamental freedoms (Declaration on Human Rights Defenders).[1]

AfriForum respectfully requests the urgent attention and intervention of the UN. This communication draws the attention of the Special Procedures mandate holders to statements that were made during proceedings of the South African Parliament's Portfolio Committee on International Relations and Cooperation on 7 October 2026 (hereinafter referred to as *the Committee*). During these proceedings, the Committee Chairperson, Mr Supra Mahumapelo, expressly identified AfriForum and other South African civil society organisations, asserting as fact that they have been misleading in their international advocacy. He further proposed that legislative steps should be taken to provide for the deprivation of South African citizenship and the expansion of legal provisions to secure charges of high treason to be sustained, in the circumstances he presented before the Committee.

Against this background, this communication requests that the mandate holders independently assess the statements and proposals in light of AfriForum's concerns that they may constitute intimidation or give rise to potential reprisals against human rights defenders, while also posing a risk of unjustified restrictions on the rights to freedom of expression and association. In particular, the request seeks an assessment of the risks of the potential alarming effect such statements and proposals may have on legitimate civil society activities and international human rights advocacy.

AfriForum will monitor any proposed legislation and supplement this communication should circumstances escalate.

Parliamentary proceedings of 7 October 2026

During the Committee's meeting on 7 October 2026, Mr Mahumapelo expressly identified AfriForum along with other organisations in discussions concerning their engagement with institutions and political representatives in the United States.[2]

The Chairperson recommended that the Committee, through the Department of International Relations and Cooperation, consider strengthening legislation governing the conduct of "South African citizens who go to any country in the world".[3] Mr Mahumapelo in particular accused AfriForum and other organisations of misrepresenting domestic conditions and mobilising international opposition to South African government policies. He stated that these organisations were "mobilising the US against their own country" and "plainly lying about their country."

AfriForum unequivocally rejects these unfounded allegations. The organisation's international advocacy is grounded in legitimate concerns regarding South African government policies, including the Expropriation Act 13 of 2024 and its implications for private property rights.

Of particular concern is Mr Mahumapelo's invocation of Section 8(2) of the South African Citizenship Act 88 of 1995 in connection with the possible deprivation of South African citizenship. AfriForum regards the suggestion that citizens could face such consequences for

engaging in peaceful international advocacy as a serious threat to the exercise of constitutionally and internationally protected rights.

Mr Mahumapelo went on to state:[4]

> So I want to suggest to the Committee that we suggest collectively to the Minister that we must explore strengthening the law to strip off the citizenship of individuals who are South Africans and go all over the world to mislead the world about their country so that South Africa can become either skunk or a pariah in the eyes of the rest of the world. So that's the first proposal I want to make in the context of Section 8, Subsection 2, Subsection B, which gives powers to the Minister of Home Affairs. So, the legal people can look at it and later we can look as to whether it is viable or not. Secondly, I'm suggesting that within this review of the law, the aspects of high treason will have to be looked at because in the law there's a lacuna; there's a vacuum. It is not explicit with regard to this conduct of the South African citizens who have gone to the US and mobilised against their own country. And I must make it clear we will never be opposed to anyone going anywhere in the world to associate with whoever they want to associate with. But if you go all over the world and mobilise against your own country, it becomes something else. Because our Constitution as the Minister has indicated earlier allows individuals, organisations, groupings and other to petition the government to protest to take the government to the courts. Those rights are protected in the South African Constitution. So when people go above board and they do what these four organisations have done, we cannot call upon the South African people to take up arms against them. We can only use the rule of law to tighten up the situation.

Mr Mahumapelo maintained that the South African government should not regard itself as powerless to respond to the conduct of its own citizens and asserted that the government has "total control over South African citizens."[5] He further referred to Afrikaners specifically and stated that they are "having it nice here in South Africa" and are "protected by the Constitution."[6] When these remarks are read alongside his proposals, they raise concerns about the extent to which government powers might be directed at citizens who engage in international advocacy, particularly those who advocate for the rights and interests of the Afrikaner community.

In a subsequent statement of 19 October 2026, Mr Mahumapelo denied that he had proposed the deprivation of citizenship "arbitrarily" merely for holding different political views and characterised the matter as a policy question concerning organisations that engage with foreign governments.[7] AfriForum submits that this clarification does not reconcile his earlier proposals with the protection of peaceful international advocacy. The statement also repeated the false allegation that organisations that lobby foreign governments spread misinformation that harms the country.

Statements by other committee members

Other committee members expressed support for the Chairperson's proposals. Ms R. Nalumango from the African National Congress (ANC) supported strengthening the law to address conduct she regarded as treasonous and called for the prosecution of citizens who travelled abroad to criticise the South African government, stating, with reference to AfriForum and Solidarity, that "they need to be prosecuted so that they must know that there

will be consequences when any South African citizen goes out of this country and go and badmouth their country."[8]

Mr W. Douglas of the uMkhonto weSizwe Party (MKP) referred to a treason complaint brought against AfriForum and characterised efforts to obtain foreign pressure against contested South African policies as treasonous. Dr K. Litchfield-Tshabalala (MKP) similarly suggested that South Africans who make damaging or false claims about the country abroad could be committing treason. A representative of the Economic Freedom Fighters, Ms N. Mhlongo, also falsely accused AfriForum of treasonous conduct.[9] Mr M.S. Moela and Ms A. Kumbaca, both members from the ANC, also supported the Chairperson's proposals.[10]

Absence of supporting evidence

Of particular concern is that the allegations directed at AfriForum during these parliamentary proceedings were made without the presentation of supporting evidence. AfriForum was also not allowed an opportunity to state its position before the Committee. Neither the Minister nor the Committee Chairperson identified specific statements, documents, recordings or any verifiable material demonstrating that AfriForum had disseminated false information, promoted claims of a so-called "white genocide" or engaged in conduct intended to undermine South Africa's international relations.[11, 12] Nor was any evidence presented establishing that AfriForum's international advocacy constituted treasonous conduct or otherwise exceeded the bounds of constitutionally protected expression and association.

Nevertheless, these allegations were raised in discussions about the possible deprivation of citizenship, the strengthening of legislation and the application of laws relating to high treason. As a civil rights organisation, AfriForum has a duty to blow the whistle on threats to private property rights, incitement of violence against minorities and racially discriminatory legislation. This watchdog role is now being falsely equated with "spreading misinformation" or high treason. AfriForum submits that the dissemination of serious accusations in an official parliamentary setting risks not only damaging its reputation but also stigmatising the organisation and discouraging the legitimate exercise of constitutionally protected rights.

These developments should also be considered against criminal complaints reportedly laid in 2025 by the MKP against AfriForum and representatives of the broader Solidarity Movement, as Mr Douglas mentioned. The Directorate for Priority Crime Investigation was reported to have opened four dockets concerning allegations of high treason. Opening an investigative docket is not a decision to prosecute, nor does it establish that an offence occurred. According to information available to AfriForum, the complaints implicate its CEO, Mr Kallie Kriel, and other leaders of the Solidarity Movement.[13]

Constitutional and international human rights protections

AfriForum submits that peaceful engagement with foreign governments and international institutions constitutes protected expression and legitimate human rights advocacy. Threats of citizenship deprivation or prosecution for high treason in response to such activities raise serious legal concerns, particularly where no evidence has been presented that the activities involve unlawful conduct. The Chairperson's proposals must therefore be assessed against the following constitutional and international human rights protections:

a) Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa provides the primary legal framework for assessing the constitutionality of the proposed punitive measures. Sections 16 and 18 guarantee freedom of expression and freedom of association, respectively.[14] These protections extend, in principle, to peaceful international advocacy, including engagement with foreign stakeholders, governments and international institutions on matters of public interest.

Section 20 further provides that no citizen may be deprived of citizenship. Accordingly, the proposal to invoke Section 8(2)(b) of the South African Citizenship Act 88 of 1995, as cited by Mr Mahumapelo, must be assessed against this constitutional guarantee. Although Section 8(2)(b) concerns South African citizens who also hold the citizenship or nationality of another country, its application remains subject to constitutional scrutiny. In this regard, the Constitutional Court's judgment in *Democratic Alliance v Minister of Home Affairs* reinforces the constitutional significance of citizenship, although the Court's order specifically concerned Section 6(1)(a) of the Act rather than Section 8(2)(b).[15]

Furthermore, Section 36(1) of the Constitution requires any limitation of constitutional rights to be "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom."[16] Section 39(1)(b) also requires courts to consider international law when interpreting the Bill of Rights.[17] Consequently, proposals to impose citizenship-related sanctions or pursue criminal charges in response to peaceful international advocacy must be evaluated against both South Africa's constitutional protections and the applicable international human rights framework.[18]

b) UN Declaration on Human Rights Defenders

The 1998 UN Declaration on Human Rights Defenders reinforces the legitimacy of peaceful human rights advocacy, including engagement with international organisations and mechanisms. Article 5(c) recognises the right to communicate with non-governmental and intergovernmental organisations, while Article 6 protects the right to seek, receive and disseminate information concerning human rights.

Of particular relevance, Article 9(4) recognises the right of individuals and organisations to access and communicate with competent international human rights mechanisms, including the United Nations Special Procedures. Article 12(2) further calls upon states to protect individuals against violence, threats, retaliation, pressure and other arbitrary action arising from the legitimate exercise of their rights.

Against this framework, the Chairperson's proposals raise concerns about potential intimidation and retaliation against individuals and organisations engaging in lawful international human rights advocacy. Even in the absence of implementation, the prospect of punitive measures may discourage legitimate engagement with international institutions and undermine the protections envisaged by the Declaration.[19]

c) Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) further supports these principles. Article 19 recognises the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas regardless of national borders.[20] This protection is particularly relevant to individuals and organisations communicating concerns about domestic human rights conditions to international audiences.

Article 15(2) further establishes that no person shall be arbitrarily deprived of their nationality.[21] Although the Declaration is not itself a binding treaty, these provisions provide important international human rights standards against which proposals to impose citizenship-related consequences for peaceful international advocacy may be assessed.

Accordingly, measures that seek to penalise individuals for communicating human rights concerns beyond South Africa's borders, particularly by threatening deprivation of citizenship, raise concerns about both freedom of expression and protection against arbitrary deprivation of nationality.[22]

d) International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR), to which South Africa is a party, establishes binding international obligations concerning freedom of expression and association. Articles 19 and 22 protect these rights and permit restrictions only where they are prescribed by law, pursue a legitimate aim and satisfy the requirements of necessity and proportionality.[23]

The United Nations Human Rights Committee's General Comment No. 34 provides further guidance on the interpretation of freedom of expression under Article 19. Paragraph 30 cautions against the misuse of treason and national-security laws to suppress information of legitimate public interest. Paragraph 38 additionally emphasises the importance of uninhibited public debate concerning public figures and matters of public concern.[24]

These principles are directly relevant to proposals to invoke high-treason provisions against individuals or organisations engaged in peaceful international advocacy. Where such advocacy involves the lawful communication of information, criticism of government conduct or engagement with international institutions, the mere fact that it may be politically contentious or critical of the state does not, without more, establish grounds for criminal liability.

Any proposed prosecution must therefore be supported by evidence satisfying the applicable elements of an offence and must comply with constitutional and international human rights requirements.[25, 26]

Taken together, these instruments recognise and protect peaceful international human rights advocacy. AfriForum submits that the proposed punitive measures, in the absence of substantiated unlawful conduct, raise serious constitutional and international human rights concerns. Although the measures have not been implemented, their potential chilling effect on legitimate advocacy supports the requests for intervention set out below.

AfriForum respectfully requests that the relevant UN Special Rapporteurs:

1. examine the statements and surrounding circumstances to determine whether they raise concerns about intimidation or reprisals against human rights defenders;
2. seek clarification from the government of South Africa concerning any contemplated citizenship-related or criminal measures that are directed at organisations that engage in peaceful international advocacy;
3. request assurances that no person will be subjected to arbitrary citizenship deprivation or criminal prosecution solely for exercising internationally protected human rights;
4. encourage the South African government to affirm the legitimacy of peaceful civil society engagement with international institutions and foreign governments publicly; and
5. consider issuing a communication to the government of South Africa and requesting an official response.

The concerns that are raised by these parliamentary statements extend beyond AfriForum to the ability of human rights defenders in South Africa to engage in peaceful international advocacy without fear of intimidation or punitive legal consequences.

AfriForum thanks the Special Rapporteurs for their attention to this matter and would welcome the opportunity to provide any further information that they may require.

Yours sincerely



Mr W.G. Human

Deputy CEO

AfriForum

werner.human@afriforum.co.za

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