

**SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

163 Nelson Mandela Road PO Box 4245  
Rosestad building, 4<sup>th</sup> floor Bloemfontein  
Bloemfontein 9300  
9300

Tel.: 051 447 1130

Fax: 086 620 8096



**25<sup>th</sup> October 2024**

Mr Moshe Lefuma

Per email: mosslefuma@gmail.com

**Ref: FS/2425/0138VM**

(Please quote our reference number in all correspondence)

**RE: CLOSURE LETTER ON SERVICE DELIVERY COMPLAINT AGAINST MUNICIPALITIES  
WITHIN THE FREE STATE PROVINCE**

1. The above matter has reference.
2. The South African Human Rights Commission ('**Commission**') is a state institution established to support constitutional democracy. The Commission is mandated to protect and assess the observance of human rights in South Africa. The Commission is obliged and empowered by the South African Human Rights Commission Act, 40 of 2013 to *inter alia* investigate allegations of human rights violations, mediate, or conciliate where appropriate, and litigate.
3. We wish to advise you that the Commission has received your complaint (**Complainant**) and has investigated this Complaint and concluded as follows:
  - 3.1 During its investigation the Commission sent an allegation letter to the Municipality and conducted inspections relating to your complaint and found that the alleged violations were indeed on-going.

Together, respecting and realising human rights.

**Chairperson:** AC Nissen; **Commissioners (Full-Time):** P Ntuli; ENB Khwinana; WH Boshoff;  
T Madlingozi. **Commissioners (Part-Time):** S Makoasha, AA Gungubele; **Chief Executive Officer:** V Mkhize

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- 3.2 During the process of these investigations the Municipality was not responsive to the requests for further information relevant to the investigations.
- 3.3 Several attempts were initiated by the Commission to have the Municipality respond to its correspondence and requests for meetings to address your complaint, but the Municipality remained nonresponsive to these requests.
- 3.4 The Commissions pursuant to the Municipality nonresponse to attend your complaint articulated in the allegation letter, the Commission exercised its investigative powers as stipulated in **section 15 (1) (b) of the South African Human Rights Commission Act 40 of 2013.**
- 3.5 In exercising its powers as provided in the Act supra, the Commission initiated a Provincial Hearing on the State of service delivery within the local government.
- 3.6 This hearing was initiated as a result of the non-responsiveness of the various Municipalities whilst human rights violations were continuing.
- 3.7 The Commission gave notice in terms of the section mentioned in par 3.4 above where all Municipality was invited to furnish the Commission with written reports on the state of service delivery within the Municipality and were further required to provide oral submissions during the hearing.
- 3.8 This hearing was hosted in Bloemfontein and was livestreamed for members of the public on Commissions YouTube platform which members of the public has access to.
- 3.9 During this hearing which took place from the 25<sup>th</sup> of March 2024 till the 28<sup>th</sup> of March 2024 the evidence presented by the Municipal representatives depicted a clear view that there were human rights violations as alleged in your complaint

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- 3.10 On the last day of the hearing the commission held a press briefing addressed by Commissioner Boshoff as the Commissioner allocated to the Free State Province supported by the Acting Provincial Manager Mr Modise.
- 3.11 In this press conference the Commissioner advised the public and members of the media that the Commission will compile a report which will indicate its findings and recommendations.
- 3.12 The report is still being compiled and will soon be released, made public and made available to the Complainants who can access it on our website.
- 3.13 Having aforesaid, the Commission will proceed to close this file and place it under monitoring unit, which will follow up to ensure compliance with Commissions findings and recommendations that will be released at a later stage with corrective measures directing Municipality to address to these violations.
- 3.14 In terms of article 10.1.4 of the South African Human Rights Commission complaints handling procedures, a complaint is considered concluded, In the case of a referral where the Commission determines to monitor the matter, and which may be reopened by the Commission where required.
- 3.15 Kindly be advised further, that decision, by the Commission may be challenged through courts by way of judicial review should you be dissatisfied with the decision. An application for judicial review must be made within 180 days of the date on which you became aware of the decision (or could reasonably be expected to have become aware of the decision). A person who seeks judicial review after this period will not be successful, unless a court is satisfied that it is “in the interest of justice” to allow the review.

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**Violet Masike**

**Legal Officer: Free State Province**

**South African Human Rights Commission**

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