

CASE STUDY

South Africa



South Africa hosts hundreds of thousands of refugees, asylum seekers, and diaspora members, largely from other African countries. Despite a well-known trend of transnational repression and intermittent diplomatic and legal responses, South African authorities are largely ill-prepared to address the threat at scale due to administrative problems, issues with policing, preoccupation with other domestic security issues, and conflicting foreign policy goals. Xenophobia directed at migrants compounds many of these problems and reduces the political will to address them.

Best practices in South Africa's response to transnational repression:

- Courts routinely **protect the right to asylum**, providing an important safeguard against refoulement and degradation of the rights afforded to people in the migration system.
- A joint project with the Office of the UN High Commissioner for Refugees (UNHCR) is in place to **clear the asylum application backlog** by 2024.
- The government has demonstrated it is capable of **creating accountability for transnational repression** through the application of domestic criminal law and by expelling diplomats.

Refugees in Cape Town asked the UNHCR to intervene on their behalf after they said they no longer felt safe in South Africa due to high levels of crime and xenophobia. Photo credit: Rodger Bosch/AFP via Getty Images.

Introduction

On January 1, 2014, Patrick Karegeya was found dead in his hotel room. A former ally of Rwandan president Paul Kagame and head of Rwandan intelligence, Karegeya fled Rwanda to South Africa in 2007, where he co-founded the opposition Rwanda National Congress (RNC). Though Karegeya's family and allies immediately suspected that he had been assassinated by the Rwandan government, it was not until 2019 that South Africa opened the inquest into Karegeya's murder that eventually led to arrest warrants being issued for two government-linked Rwandan individuals.¹

revealed plans by officials from the government of Swaziland to assassinate Zweli Martin Dlamini, a Swazi journalist living in exile in South Africa.

While the South African government demonstrates a degree of awareness about transnational repression, particularly in the Rwandan case, authorities largely appear to lack the political will or capacity to address the problem comprehensively. The South African security response to transnational repression is hampered by structural gaps and underlying problems with police conduct and community relations, as well as competing foreign policy considerations. Asylum seekers and refugees face a complex bureaucracy that may take years to navigate, and a recent update to refugee law restricts diaspora activism.

Additionally, xenophobia directed towards refugees and migrants is entrenched in security and migration practices, rendering both spheres of government less helpful to potential victims of extraterritorial targeting. Politicians often use foreigners as scapegoats for South Africa's socioeconomic problems and promigrant policies are politically unpopular. Foreign nationals have been denied access to and systematically intimidated in hospitals, schools, and employment.⁴ 2019 saw a notable wave of xenophobic violence, which left thousands displaced and over a dozen dead.⁵ Law enforcement has typically not held perpetrators of xenophobic violence accountable⁶ and the March 2019 National Action Plan to combat xenophobia has had little impact.⁷ The baseline lack of security and inability to rely on government protection in a xenophobic environment creates a hospitable environment for transnational repression.

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With strong constitutional protections for human rights and a reputation as a leader on democracy and human rights in the region, South Africa is an appealing destination for those seeking refuge.² It draws a sizable number of refugees from the African continent, notably from Somalia, the Democratic Republic of Congo, and Ethiopia.³ Despite its role as a regional human rights leader, South Africa fails to offer adequate protections. Karegeya's assassination is still the most high-profile instance of transnational repression in South Africa to date and Rwanda exiles remain at risk, but people of other nationalities may be targeted as well. In 2021, secret recordings

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Security

Violent attacks on individuals are the most blatant manifestation of transnational repression, but it also violates people's rights more broadly. South Africa's security apparatus bears partial responsibility for addressing the threat that transnational repression poses to individual and national security. However, the government's security response suffers from an acute lack of both capacity and political will. Authorities demonstrate some awareness of transnational repression, but broader insecurity, problems with policing, and conflicting foreign policy goals contribute to gaps in South Africa's ability and willingness to hold perpetrators of transnational repression accountable.

Insecurity and underlying problems with policing

Domestic security challenges overshadow extraterritorial threats in South Africa. The State Security Agency (SSA), which is responsible for domestic and foreign threats to national security, lists terrorism, sabotage, subversion, espionage, and organized crime among its national security priorities; specific mention of foreign state activities is absent.⁹ Police and security forces are particularly preoccupied by violent crime. Insecurity obscures transnational repression, and responding to it can be more challenging when the criminal justice system is overwhelmed by other complaints. The 2021 murder of Rwandan opposition politician Seif Bamporiki illustrates this problem. Bamporiki, an RNC official, was shot dead in Cape Town while delivering a bed to a client. He was killed in a neighborhood with high rates of violent crime and the following day South African police described the killing as a robbery.⁹ However, numerous details cast doubt on this assessment: RNC members are among those most aggressively targeted by the Rwandan government, the client reportedly pursued Bamporiki's service for some time and specifically requested that he make the delivery, the man in the truck with Bamporiki was uninjured, and the assailants reportedly used a silencer, which is unusual in armed robberies.¹⁰ High rates of violent crime may provide convenient cover for transnational repression and reduce the likelihood that authorities devote additional scrutiny to potential incidents.

Structural problems also render South Africa's security system ill-equipped to prevent and respond to transnational repression. Information sharing between South African

security and intelligence services is handled inconsistently,¹¹ despite the existence of some information sharing structures, such as the National Intelligence Coordinating Committee.¹² Ad hoc information sharing risks omission, lack of follow-up, and an inability to alert the relevant parts of the government to potential cases of transnational repression. Likewise, outreach to diaspora and vulnerable groups is not systematized and law enforcement is not trained to respond to transnational repression.

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The poor relationship between police and communities also contributes to an environment conducive to transnational repression. Corruption is endemic in South African policing,¹³ which can expose vulnerable individuals to greater risk. In one recent example concerning a plot by Swazi government officials to assassinate exiled journalist Zweli Martin Dlamini in South Africa, clandestine recordings captured Swazi General Jeffrey Shabalala seeming to suggest that the government would bribe or compensate South African intelligence agents who shared Dlamini's location. (The recordings' release appeared to have halted the plans against Dlamini.)¹⁴

While creating new mechanisms for reporting incidents of transnational repression, improving information sharing across government agencies, and training law enforcement would address acute gaps in South Africa's handling of threats posed by foreign governments, those steps would ultimately have limited impact unless underlying problems in South African law enforcement were also addressed. A history of violence, corruption, and xenophobia leaves a legacy of fear of and lack of trust in South African police, making it less likely that individuals will report concerns about transnational repression to law enforcement.¹⁵ Still more potential targets might be disincentivized

from reporting incidents to police due to a lack of legal immigration status, official identity documents, or fear of deportation.

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Relationship with foreign governments

South Africa's foreign policy considerations, including a desire for closer relations with states in the region, limit the government's responsiveness to transnational repression. This tension is most apparent in South Africa's treatment of transnational repression perpetrated by the Rwandan government.

In 2014, South Africa expelled three Rwandan diplomats in response to an attack on the Johannesburg home of RNC cofounder General Kayumba Nyamwasa.¹⁶ Later in 2014, South African courts found four individuals guilty of a 2010

assassination attempt against Nyamwasa, describing it as a politically motivated attack.¹⁷ Public diplomatic responses and application of criminal law are both important mechanisms for accountability. At other times, South Africa has appeared to temper its response to transnational repression in service of diplomatic relations. Under pressure from Kigali to extradite Karegeya and Nyamwasa in 2011 and wanting to preserve good relations with Kagame, the South African government proposed resettling the two exiles to Haiti. This solution—which Karegeya and Nyamwasa rejected—would have allowed South Africa to wash its hands of their fate without officially cooperating with or defying Kigali.¹⁸

The Nyamwasa diplomatic tiff also came shortly after Karegeya's assassination. Karegeya's family and other observers have speculated that the slow progress on investigating Karegeya's assassination reflects the South African government's hesitancy to damage relations with Kigali.¹⁹ The inquest began in 2019, five years after the assassination occurred, and several months later resulted in arrest warrants for two Rwandans accused of the murder.²⁰ Slow and inconsistent responses to Rwandan transnational repression undermine the impact of such inquests. The entanglement of transnational repression and South African-Rwandan diplomatic relations leaves the future of accountability—and security of Rwandans in South Africa—in doubt, particularly as South Africa and Rwanda work to normalize diplomatic relations, including announcing new plans for cooperation in June 2021.²¹

Migration

Transnational repression is inherently tied to migration. Not only have targets of transnational repression, by definition, crossed borders, but people in migration systems experience legal precarity that heightens their vulnerability to transnational repression. The exact number of refugees and asylum seekers in South Africa is unknown. In its 2020 report, the UNHCR identified 76,754 refugees and 173,502 asylum-seekers in South Africa.²² These numbers underrepresent the scale of immigration to South Africa, as there are many more unregistered refugees.

People seeking refuge in South Africa encounter an overwhelmed migration system that appears designed to prevent their acquisition of status. South Africa has strong formal legal protections for refugees and asylum seekers. Asylum seekers are protected from refoulement—the return of persons to a country where there is reason to believe they would face persecution—and from being refused entry to South Africa,²³ and refugees are afforded constitutional protections and the right to employment and healthcare, among others.²⁴ However, the rights of refugees and asylum seekers are sometimes violated in practice.

Limiting political engagement in diaspora

New regulations on the implementation of the Refugees Amendment Act came into force on January 1, 2020, reneging on protections and rights afforded to refugees. The regulations make it easier to exclude asylum seekers from eligibility or enjoyment of certain rights and they introduce various political activities as grounds for revoking refugee status eligibility. Crucially, refugees can lose their status for participating “in any political campaign or activity related to his or her country of origin whilst in the Republic without the permission of the Minister.” This provision effectively outlaws diaspora activism.²⁵ Protest and activism in exile are a demonstration of democratic engagement that play a key role in documenting abuse, advocating for change, and connecting with people in the country of origin. Diaspora activists are squarely within the population that is most vulnerable to transnational repression, and losing immigration status due to their activism would make them still more vulnerable.

The regulations also allows withdrawal of refugee status if diaspora members seek any consular services or apply for any official documents—such as requesting birth

certificates—from their state of origin.²⁶ Visiting the origin state’s diplomatic premises is also grounds for cessation of status. Contact with embassies and diplomatic staff is a risk factor for transnational repression but using it as grounds for revoking refugee status is a disproportionate measure that puts refugees at risk of refoulement.

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Tightening the restrictions on migrants aligns with broader patterns of xenophobia and anti-immigrant sentiment in South Africa. However, the reforms reportedly came amid pressure on the South African government to restrict the political activities of dissidents from the DRC, Rwanda, and Zimbabwe.²⁷ The provision against political activities is a boon to states that would like to see their diasporas in South Africa refrain from political activities. In effect, it codifies what they seek to achieve through transnational repression. Rwanda’s minister of foreign affairs and international cooperation welcomed the decision to implement the new regulations, saying, “This law will put an end to subversive activities against Rwanda by these anti-Rwanda terror groups.”²⁸ His mention of terror groups is suggestive of the Rwandan government’s relationship with the RNC.

The original Immigration Act had already opened the door to restricting individuals engaged in political activity. The act denies residence to any individual “who is or has been a member of or adherent to an organization or association utilizing crime or terrorism to pursue its ends.”²⁹ Given the extent to which repressive governments leverage accusations of terrorism to harm their exiles, such a general provision without clear safeguards is at risk of exploitation; Freedom House found that a majority of victims of physical transnational repression globally are accused of terrorism by their origin-state governments.³⁰ This is particularly salient in South Africa, as the Rwandan government commonly uses accusations of terrorism in its campaign against dissidents.³¹ The lack of training on transnational repression and inconsistent competence of South African immigration officials and law enforcement raises concerns of refoulement under this exclusion.

A system not up to the task

The recent affronts to refugee rights come against a backdrop of administrative burdens and failures in South Africa's refugee system. The Department of Home Affairs (DHA) is responsible for refugee management, with refugee reception offices (RROs) and its staff of refugee status determination officers serving as the primary points of contact for asylum seekers. The asylum process is arduous and riddled with unrealistically tight deadlines.³² After submitting their applications for asylum, applicants are granted an "asylum seekers permit," which must be renewed every six months until a decision is reached.³³ A mere four percent of applicants receive refugee status.³⁴

The short timelines and repeated renewals required by South Africa's immigration bureaucracy is particularly untenable given the extent to which the system is overburdened. At the end of 2018, the last year for which data was available, South Africa had 184,200 pending asylum applications, the highest number of any country on the continent; the second highest was Egypt, with 68,200 applications.³⁵

A 2019 study of people from the Democratic Republic of Congo seeking asylum in South Africa found that over 60 percent of interviewees had been in the asylum process for at least 10 years, and almost 80 percent had renewed their asylum papers over 15 times.³⁶ The multiyear backlog means asylum seekers are left in a vulnerable position, as they are forced to live for long periods without the rights and protections guaranteed by refugee status.³⁷ Temporary status, long periods of limited legal protection, and xenophobia make people less likely to report acts of transnational repression or threats to police out of fear of mistreatment or deportation. Corruption and administrative incompetence among migration officials increases the risk of refoulement,³⁸ including as an act of transnational repression.

Exacerbating the immigration system's capacity problems is the lack of political will to protect migrants. South Africa's government has taken numerous steps that appear designed to make applying for asylum more difficult. In 2011 and 2012, the DHA ended or reduced the processing of new asylum applications at three of its six RROs. South African courts have repeatedly ruled against these closures, but the DHA has not complied with orders to reopen fully functional RROs.³⁹ Seeking asylum became even more challenging during the COVID-19

pandemic. RROs closed as part of national lockdown that began in March 2020 and the government ceased accepted new asylum applications until setting up an online portal in April 2021.⁴⁰ Despite the government extending the timeline to renew expiring permits, asylum seekers were left in limbo. Delayed access to protection and potential bureaucratic challenges, including worsening administrative backlogs and difficulties accessing the online application, create an even more precarious environment for asylum seekers that will likely exclude some people from the asylum process altogether.

Those who are outside of the official refugee system have even less protection against transnational repression and other abuses. The number of unregistered refugees is unknown. Bureaucratic hurdles, extraordinarily long processes, and abusive practices are a strong disincentive for registered asylum seekers to remain in South Africa's migration system. The DHA reported 946,314 inactive asylum seekers, or asylum seekers who had not renewed their permits, and 37,305 inactive refugees as of 2017.⁴¹ Though inactive asylum seekers and refugees are still protected by law, in practice they are at risk of deportation and are even less likely to report transnational repression to law enforcement.⁴²

Despite these hurdles, parts of the South African government provide a more optimistic outlook for migration. Courts provide an important safeguard against refoulement and can help safeguard against further degradation of protections that could increase the legal precarity of people in the migration system. South Africa's court system consistently upholds the right to seek asylum, as seen in the orders for the DHA to reopen RROs. Courts have also upheld asylum seekers' right to work, confirmed that dependents of asylum seekers and refugees can receive legal status, and ruled against other government bodies, such as the DHA, for misapplying refugee law or applying it in a way that violated the law's intent.⁴³

In another positive step, in 2021, the UNHCR and the DHA agreed to a plan to solve South Africa's backlog of asylum applications. The Asylum Decisions Backlog Elimination Project aims to process over 150,000 pending cases by 2024. The UNHCR will provide \$7 million and technical support to achieve this goal and to "revamp the refugee management system."⁴⁴

Recommendations for the South African government:

- Support and fund civil society **outreach to educate at-risk diasporas** about their rights and how to recognize and respond to transnational repression.
- **Train law enforcement and immigration officials** on recognizing and responding to potential transnational repression.
- **Identify and document transnational repression as a distinct problem** and incorporate the risk of transnational repression into refugee status determination officers' assessment of asylum applications.
- **Consistently apply penalties for transnational repression.** Law enforcement should promptly investigate potential incidents and apply domestic criminal law as relevant.
- The government should **apply diplomatic penalties**, including expelling diplomats, condition non-humanitarian foreign aid, and raise the issue in bilateral discussions in response to incidents of transnational repression.
- **Ensure sufficient funding and personnel to accomplish Asylum Decisions Backlog Elimination Project** and to prevent asylum backlogs in the future.
- **Recognize that xenophobia exacerbates people's vulnerability to transnational repression** and review its impact on asylum, extradition, and deportation processes. Develop and execute a plan to address xenophobia's negative impacts.

About the Project

Defending Democracy in Exile: Policy Responses to Transnational Repression examines what is being done to protect exiles and diaspora members who are being intimidated and threatened by the governments from which they fled. This report assesses the responses put forward by the governments of countries where exiles and diasporas reside, by international organizations, and by technology companies.

It represents the culmination of the second phase of our research into transnational repression. It combines an analysis of the policies of nine host countries, interviews with members of diasporas targeted by transnational repression who reside in the United States, interviews with staff at technology companies, and data on 735 physical, direct transnational repression incidents that occurred between 2014 and 2021. With this report, we aim to advance the ongoing conversation among members of the general public, civil society, media, and policymakers on countering this practice.

Over a 16-month period, we developed an original methodology for evaluating policy responses to transnational repression, trained and collaborated with 16 in-country analysts to gather data, and held two roundtables to review and refine our findings and recommendations. Collaboration with academics and civil society researchers around the world was integral to the success of this project.

Yana Gorokhovskaia and Isabel Linzer led the project and cowrote the final report and eight of the nine country reports. Research Associate Bochen Han provided research support and wrote one country report. Intern Paulina Song helped to catalog and vet incidents for the transnational repression database. The project was made possible through the generous support of the National Endowment for Democracy.

Our data collection and coding methods can be viewed at <https://freedomhouse.org/report/transnational-repression/about-acknowledgements>. Data is available on request through the research@freedomhouse.org email account. Please use the subject line “Transnational Repression Data Request.”

This report builds on the findings of *Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression*—the first global study of this dangerous practice—which Freedom House released in February 2021. The first phase of our research sprang from our engagement with academic researchers dedicated to examining transnational repression.

Finally, none of this would have been possible without exiles from Syria, Iran, Saudi Arabia, India, Egypt, Rwanda, Russia, China, Turkey, Vietnam, Equatorial Guinea, and Ethiopia who agreed to speak with us about their experiences of transnational repression. Their courage and resilience are an inspiration.

Endnotes

- ¹ Lewis Mudge, “Rwandans Charged With Murder of Exiled Critic,” Human Rights Watch (HRW), September 13, 2019, <https://www.hrw.org/news/2019/09/13/rwandans-charged-murder-exiled-critic#>; Michela Wrong, “Suspects In Murder Of Ex-Rwandan Spy Chief ‘Directly Linked To Kigali’ – Inquest,” *The Guardian*, April 18, 2019, <https://www.theguardian.com/world/2019/apr/18/south-africa-interfered-in-rwandan-spy-chiefs-case-inquest>; Michela Wrong, “Rwanda’s Khashoggi: Who Killed The Exiled Spy Chief?” *The Guardian*, January 15, 2019, <https://www.theguardian.com/news/2019/jan/15/rwanda-who-killed-patrick-karegeya-exiled-spy-chief>.
- ² Gwendolin Hilsa, “Fleeing to South Africa,” Deutsche Welle, September 5, 2019, <https://www.dw.com/en/fleeing-to-south-africa/a-18696070>; Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity,’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.
- ³ United Nations High Commissioner on Refugees, “Global Trends: Forced Displacement In 2018,” p. 47, <https://www.unhcr.org/5do8d7ee7.pdf>; Parliamentary Monitoring Group, “Question NW72 to the Minister of Home Affairs,” (July 8, 2019), <https://pmg.org.za/committee-question/11801/>.
- ⁴ Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity,’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.
- ⁵ HRW, “South Africa: Punish Xenophobic Violence,” September 13, 2019, <https://www.hrw.org/news/2019/09/13/south-africa-punish-xenophobic-violence>; “Freedom in the World 2021: South Africa,” Freedom House, <https://freedomhouse.org/country/south-africa/freedom-world/2021>.
- ⁶ HRW, “South Africa: Punish Xenophobic Violence,” September 13, 2019, <https://www.hrw.org/news/2019/09/13/south-africa-punish-xenophobic-violence>.
- ⁷ “Freedom in the World 2021: South Africa,” Freedom House, <https://freedomhouse.org/country/south-africa/freedom-world/2021>.
- ⁸ National Government of South Africa “State Security Agency (SSA),” Accessed May 9, 2022, <https://nationalgovernment.co.za/units/view/42/state-security-agency-ssa>.
- ⁹ Lynsey Chutel and Abdi Latif Dahir, “Rwanda Opposition Figure Is Killed in South Africa,” *New York Times*, February 21, 2022, <https://www.nytimes.com/2021/02/22/world/africa/rwanda-seif-bamporiki-killing.html>; “Exiled Rwandan Opposition Politician Shot Dead In Cape Town,” *The Guardian*, February 22, 2021, <https://www.theguardian.com/world/2021/feb/22/exiled-rwandan-opposition-politician-shot-dead-in-cape-town>.
- ¹⁰ “Rwandan Opposition Group Coordinator in SA, Seif Bamporiki, Killed In Cape Town,” News24, February 22, 2021, <https://www.news24.com/news24/southafrica/news/seif-bamporiki-rwanda-national-congress-coordinator-in-sa-killed-in-cape-town-20210222>; Lynsey Chutel and Abdi Latif Dahir, “Rwanda Opposition Figure Is Killed in South Africa” *New York Times*, February 22, 2021, <https://www.nytimes.com/2021/02/22/world/africa/rwanda-seif-bamporiki-killing.html>; Anna Maree, “South Africa Speechless Following Latest Murder Of Rwandan Dissident,” Africa Report, February 26, 2021, <https://www.theafricareport.com/68763/south-africa-speechless-following-latest-murder-of-rwandan-dissident/>; Rwandan Opposition Politician Shot Dead In Cape Town,” *The Guardian*, February 22, 2021, <https://www.theguardian.com/world/2021/feb/22/exiled-rwandan-opposition-politician-shot-dead-in-cape-town>.
- ¹¹ According to in-country analyst, November 2021.
- ¹² Republic of South Africa, “National Strategic Intelligence Act, 1994,” *Republic of South Africa Government Gazette*, December 2, 1994, Section 4, https://www.gov.za/sites/default/files/gcis_document/201409/act39of1994.pdf; Republic of South Africa, “General Intelligence Laws Amendment Act, 2013,” *Republic of South Africa Government Gazette*, July 23, 2013, https://www.gov.za/sites/default/files/gcis_document/201409/36695gon528.pdf.
- ¹³ Patrick Egwu, “South African Police Are Undertrained, Uncontrolled, and Deadly,” *Foreign Policy*, May 31, 2021, <https://foreignpolicy.com/2021/05/31/southafrica-police-brutality-julies/>; Sabeehah Motala, “The Terrible Consequences Of Police Corruption In South Africa,” Voices for Transparency, July 11, 2019, <https://voices.transparency.org/the-terrible-consequences-of-police-corruption-in-south-africa-294e6fd8922>.
- ¹⁴ Peter Fabricius, “Swazi Army Commander Resigns After Exposure Of Plot To Kill Editor,” *Daily Maverick*, August 23, 2021, <https://www.dailymaverick.co.za/article/2021-08-23-swazi-army-commander-resigns-after-exposure-of-plot-to-kill-editor/>.
- ¹⁵ Guy Lamb, “Safeguarding the Republic? The South African Police Service, Legitimacy and the Tribulations of Policing a Violent Democracy,” *Journal of Asian and African Studies*, 56, no. 1 (2021): 92-108, <https://journals.sagepub.com/doi/full/10.1177/0021909620946853>; “Freedom in the World 2021: South Africa,” Freedom House, <https://freedomhouse.org/country/south-africa/freedom-world/2021>; Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity,’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.
- ¹⁶ “South Africa Expels Rwanda Diplomats,” British Broadcasting Corporation (BBC), March 7, 2014, <https://www.bbc.com/news/world-africa-26492391>.
- ¹⁷ “Rwandan Nyamwasa Murder Plot: Four Guilty in South Africa,” British Broadcasting Corporation (BBC), August 29, 2014, <https://www.bbc.com/news/world-africa-28981317>.
- ¹⁸ Michela Wrong, *Do Not Disturb: The Story of a Political Murder and an African Regime Gone Bad*, (New York: Public Affairs, 2021), 87.
- ¹⁹ ISS Africa, “Are Rwanda and South Africa Irreconcilable?” September 10, 2019, <https://issafrica.org/iss-today/are-rwanda-and-south-africa-irreconcilable/>; Agence France Presse, “South Africa Wants Suspected Killers Of Rwanda’s Karegeya Extradited, Arrested,” Africa News, September 10, 2019, <https://www.africanews.com/2019/09/10/south-africa-wants-suspected-killers-of-rwanda-s-karegeya-extradited-arrested/>; “Joint Rwanda And S. Africa Team To Guide Efforts To Mend Relations,” *The East African*, June 15, 2021, <https://www.theeastafrican.co.ke/tea/news/east-africa/rwanda-south-africa-mend-relations-3437816>.

²⁰ Lewis Mudge, “Rwandans Charged with Murder of Exiled Critic,” HRW, September 13, 2019, <https://www.hrw.org/news/2019/09/13/rwandans-charged-murder-exiled-critic#>.

²¹ “Rwanda, South Africa Commit To Normalize Relations,” Igihe, June 5, 2021, <https://en.igihe.com/news/article/rwanda-south-africa-commit-to-normalize-relations>; “Joint Rwanda And S. Africa Team To Guide Efforts To Mend Relations,” The East African, June 15, 2021, <https://www.theeastafrican.co.ke/tea/news/east-africa/rwanda-south-africa-mend-relations-3437816>; Ministry of International Relations and Cooperation, “Joint Statement At The Conclusion Of The Working Visit To South Africa By Dr Vincent Biruta, Minister Of Foreign Affairs And International Cooperation Of The Republic Of Rwanda, 04 June 2021,” June 4, 2021, <http://www.dirco.gov.za/docs/2021/rwano604.htm>.

²² United Nations High Commissioner on Refugees, “Global Report 2020,” 2021, <https://www.unhcr.org/flagship-reports/globalreport/>.

²³ Republic of South Africa, “Refugees Act 1998,” *Republic of South Africa Government Gazette*, November 20, 1998, https://www.gov.za/sites/default/files/gcis_document/201409/a130-980.pdf.

²⁴ Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.

²⁵ Abu-Bakarr Jalloh, “South Africa: New Refugee Laws ‘Target Political Dissidents,’” *Deutsche Welle*, January 8, 2019, <https://www.dw.com/en/south-africa-new-refugee-laws-target-political-dissidents/a-51933065>; Republic of South Africa, “Refugees Amendment Act (33/2008),” *Republic of South Africa Government Gazette*, December 2019, <https://scalabrini.org.za/wp-content/uploads/2020/01/Regulations-Refugee-Amendment-Act-2018.pdf>

²⁶ Republic of South Africa, “Refugees Amendment Act (33/2008),” *Republic of South Africa Government Gazette*, December 2019, <https://scalabrini.org.za/wp-content/uploads/2020/01/Regulations-Refugee-Amendment-Act-2018.pdf>; Freedom House, “South Africa: Authorities Must Improve Treatment of Refugees and Asylum Seekers,” January 14, 2020, <https://freedomhouse.org/article/south-africa-authorities-must-improve-treatment-refugees-and-asylum-seekers>.

²⁷ Abu-Bakarr Jalloh, “South Africa: New Refugee Laws ‘Target Political Dissidents,’” *Deutsche Welle*, January 8, 2019, <https://www.dw.com/en/south-africa-new-refugee-laws-target-political-dissidents/a-51933065>.

²⁸ “South Africa Bars Refugees from Politics,” *The Herald*, January 10, 2020, <https://www.herald.co.zw/s-africa-bars-refugees-from-politics/>.

²⁹ Republic of South Africa, “Immigration Act 2002,” *Republic of South Africa Government Gazette*, May 31, 2002, https://www.gov.za/sites/default/files/gcis_document/201409/a13-020.pdf.

³⁰ Nate Schenkkan and Isabel Linzer, *Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression*, (Washington, DC: Freedom House, February 2021), https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_revo2021.pdf.

³¹ Nate Schenkkan and Isabel Linzer, *Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression*. (Washington, DC: Freedom House, February 2021), https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_revo2021.pdf.

³² United Nations High Commissioner for Refugees, “Help South Africa: Asylum & Refugee Status Determination”, accessed May 1, 2022, <https://help.unhcr.org/southafrica/welcome/asylum/>.

³³ Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.

³⁴ Fatima Khan and Nandi Rayne, “Country Fiche: South Africa,” *ASILE (Global Asylum and the European Union’s Role)*, October 2020, https://www.asileproject.eu/wp-content/uploads/2021/03/Country-Fiche_South-Africa_Final_Pub.pdf.

³⁵ United Nations High Commissioner for Refugees, “Global Trends: Forced displacement in 2018,” 47, <https://www.unhcr.org/5d08d7ee7.pdf>.

³⁶ Liesbeth Schockaert, Emilie Venables, Maria-Teresa Gil-Bazo, Garret Barnwell, Rodd Gerstenhaber, and Katherine Whitehouse, “Behind the Scenes of South Africa’s Asylum Procedure: A Qualitative Study on Long-term Asylum-Seekers from the Democratic Republic of Congo,” *Refugee Survey Quarterly*, 11, no. 1 (March 2020): 26–55, <https://academic.oup.com/rsq/article/39/1/26/5741662>.

³⁷ United Nations, “UNHCR And The Government Pledge To Clear The Asylum Backlog By 2024,” July 17, 2021, <https://southafrica.un.org/en/136315-unhcr-and-government-pledge-clear-asylum-backlog-2024>.

³⁸ Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.

³⁹ Scalabrini Center of Cape Town, “Press Release: Scalabrini Returns To Court For Cape Town Refugee Office Case,” May 11, 2021, <https://www.scalabrini.org.za/news/scalabrini-news/press-release-scalabrini-returns-to-court-for-cape-town-refugee-office-case/>; Scalabrini Center of Cape Town, “Supreme Court Of Appeal Rules Cape Town RRO Closure Unlawful,” September 29, 2017, <https://www.scalabrini.org.za/news/supreme-court-of-appeal-rules-cape-town-rro-closure-unlawful/>; Scalabrini Center of Cape Town, “The Cape Town Refugee Reception Office Closure Case, Explained,” March 20, 2018, <https://www.scalabrini.org.za/news/the-cape-town-refugee-reception-office-closure-case-explained/>.

⁴⁰ Kim Harrisberg, “Refugees Battle Digital Divide To Stay Documented In South Africa,” *Reuters*, March 10, 2022, <https://news.trust.org/item/20220306152304-mswzp>; Scalabrini Center of Cape Town, “Covid-19 Lock-Down: Important Information For Refugees And Migrants In South Africa,” https://www.scalabrini.org.za/news/covid_info/, accessed May 9, 2022; United Nations High Commissioner for Refugees, “Asylum & Refugee Status Determination,” <https://help.unhcr.org/southafrica/welcome/asylum/>, accessed March 14, 2022.

⁴¹ Fatima Khan and Nandi Rayner, “Country Fiche: South Africa,” *ASILE - Global Asylum Governance and the European Union’s Role*, October 2020, https://www.asileproject.eu/wp-content/uploads/2021/03/Country-Fiche_South-Africa_Final_Pub.pdf.

⁴² Fatima Khan and Nandi Rayner, “Country Fiche: South Africa,” *ASILE - Global Asylum Governance and the European Union’s Role*, October 2020, https://www.asileproject.eu/wp-content/uploads/2021/03/Country-Fiche_South-Africa_Final_Pub.pdf.

⁴³ Fatima Khan, Siphokazi Mbatani, and Charlotte Marais, “Trusting Democracy: The Law Can Work For Refugees But What The System Needs Is An ‘Injection Of Humanity’” *Journal of Asian and African Studies* 56, no. 1 (2021): 48-63, <https://journals.sagepub.com/doi/full/10.1177/0021909620946850>.

⁴⁴ United Nations, “UNHCR And The Government Pledge To Clear The Asylum Backlog By 2024,” July 17, 2021, <https://southafrica.un.org/en/136315-unhcr-and-government-pledge-clear-asylum-backlog-2024>; United Nations High Commissioner for Refugees, “Work To Revamp The Asylum System Begins In South Africa,” March 8, 2021, <https://reliefweb.int/report/south-africa/work-revamp-asylum-system-begins-south-africa>.

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