



This open letter comprises the following 3 Annexures:

Annexure 1 – Why our persecuted South African minorities need Refugee status or SHP

Annexure 2 – BEE the myth and discrimination of Affirmative Action in Employment

Annexure 3 – The origins of South Africa's farm murder epidemic ARTICLE

Distribution list of the original letter which makes up part of this paper was compiled on the 4th of July and was sent to:

The Hon P. Dutton MP

The Hon D. Coleman MP

Members of the Senate

Members of the House of Representatives

Members of the Australasian / South African Community



Annexure 1

Why our persecuted South African minorities deserve Refugee or Special Humanitarian Protection



Since 2017, our growing concern about the plight of persecuted minority South Africans due to the rising tide of targeted racially motivated attacks and murders in urban and farming communities is alarming.

Apart from the killings, the minorities are also exposed to discriminatory Affirmative Action (AA), Employment Equity (EE) including Black Economic Empowerment (BEE) legislation and practices that seriously restricts minority men and woman from access to their basic means of survival due to “race based job market quotas” precluding them from unrestricted and gainful employment that is free and fair.

International Media silence has been deafening followed by the South African (SA) government leadership **denials of the growing genocide**. This resulted in the author undertaking a personal mission to research and collate data **(in an unbiased manner)** through independent investigation and ascertain the true status quo and learn if; persecution, discriminatory practices, degrading treatment, marginalization of a minorities is really taking place and to gauge the level to which cruel and barbaric attacks and murders as reported in social media were accurate.

An Asylum Seeker / Refugee’s credibility and fear must then be evaluated against objective information on the conditions in the country of origin, therefore **reliable** country-of-origin information has become an essential output in this endeavour.

At Springbok Relief, we have undertaken that painstaking research and **offer objective and reliable country-of-origin information** to any government, the media or other charities that is *not tarnished* by the political manipulation of the SA government nor its ‘inept and corrupt national security / policing services’, nor by a few radicalized right wing entities that through their misguided agenda have unfortunately overstated some facts, in the past.

‘After 18 months of diligent research, the was evidence compiled, analysis was conducted and upon review of the collated facts, the subsequent insights were harrowing!’

So, after sharing these findings with many deeply concerned minority South Africans who desperately wish to ensure their safety and escape persecution, the need to share our research and evidence in a responsible manner became paramount, whilst supporting our minority countrymen and assist those in need has now become overwhelming for our Australasian South African Community.



Understanding the why

When analysis commenced based on reliable statistics from 1994 through to 2017 and the political transformation that was underway in South Africa over the period were overlayed, coupled with political rhetoric from leading figures in major parties, the escalation in attacks and “perpetuation of the Black Liberation struggles² strategic objectives” with its associated acts of violence, the chart below tells of a distressing reality that is irrefutable.

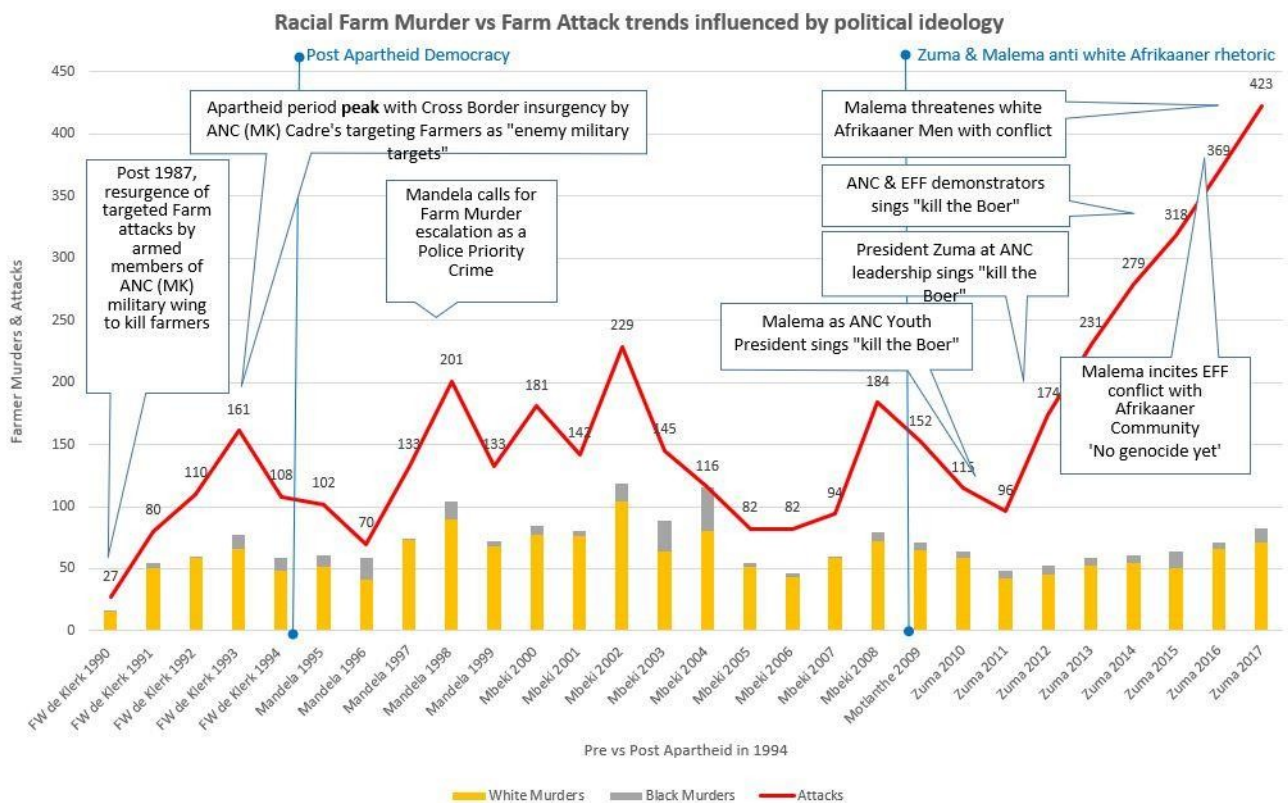


Article by James Myburgh; 'The origins of South Africa's farm murder epidemic' clearly proves the struggle in 2019 is the perpetuation of the pre-1994 "Liberation Struggle".

¹Springbok Relief has Sworn Declarations from current serving SAPS Officers outlining rampant corruption, inept services and

substandard policing practises that is available to the Department of Immigration as 'objective and reliable country-of-origin information'.

² Reference Appendix 3 - The origins of South Africa's farm murder epidemic ARTICLE



The escalating attacks and murder of our South African minority is a perpetuation of the "Black Liberation Struggle" campaign oppressing the nations minorities.

The IRREFUTABLE evidence strongly indicates the following;

1. There are active, well planned and executed **race motivated attacks and killings** of ethnic minorities,
2. There are escalating levels of alarming **politically motivated hate** speech being perpetuated by politicians in public **encouraging racial discrimination / mistreatment** and oppression by their supporters of the government (the ruling African National Congress party ANC) whilst the Official Opposition (the DA) remains silent,
3. The ANC leadership including leaders of the 3rd largest party, the Economic Freedom Fighters and other political movements like the Blank Land First sing songs like **"Kill the Boer"**, **"One Settler, one Bullet"** and **"cut the throat of whiteness"**, calling for the genocide of the minority. This is clearly ethnic and racial hate intimidating minorities and placing them at real risk that radicalised followers act upon the 'chants' of their leadership.
4. That South Africa is the **"Rape capital of the world"** and that minority females are preferentially targeted during kidnappings, home invasions and during crimes of opportunity as a form of intimidation and gender supremacy.
5. That the **South African Police (SAPS)** are **corrupt, dysfunctional** and either unable and or unwilling to satisfactorily protect minorities from urban and farm attacks / murders whilst **military personnel and serving police constabulary are complicit** through the supply of arms, ammunition, signal jamming equipment to 'rogue kill squads'.
6. That in some reported cases, SAPS and military personnel are the **perpetrators of home invasions and murders of minorities** (particularly the Afrikaaner), nationwide.



7. That the **SAPS are incorrectly classifying attack and murder statistics** resulting in a decrease in the “reportable” number of targeted incidents perpetrated against minorities which aids the governments agenda of denial³.
8. There is **race based persecution** of minorities through legislative AA, EE, BEE practices that are systematic and discriminatory.

³ Cyril Ramaphosa still denies that these tragedies exist – 9 farm attacks including 4 farm murders in 6 days in South Africa: SA News.com 09/10/2018



The 5 UN Refugee criteria

As the Minister is well aware, the UNHCR Refugee criteria specifies that one has to have a well-founded fear of persecution. That person must fear serious harm because of their:

1. race*, or
2. religion, or
3. nationality*, or
4. membership of a particular social group*, or
5. political opinion.



Race: UNHCR guidelines state; ‘Minority groups are more likely to be persecuted than majorities, but this is not always the case: for example, in apartheid South Africa, the racial majority was oppressed by the minority’.

- How sad and ironic it is that 26 years after apartheid was rescinded, the once oppressed majority is **now systematically oppressing its own minority!**

Nationality: UNHCR guidelines state; ‘As a ground for refugee status also extends to groups of people defined through their ethnic, cultural or linguistic identity, regardless of whether this difference has been formalized legally’.

- In the SA context we have the Afrikaner and the Coloured with their own unique ethnic composition and a shared association, cultural heritage and linguistic nuance. These beautiful cultures with blended linguistic flair was once prized and nurtured pre-1994.
- Regrettably, this is not the case today and these ‘groups of people’ are persecuted due to their identity including state based institutional and corporate workforce practices that exclude them from some 80% of the national workforce based entirely on racial quotas of “Black 80.2% vs white 8.4% vs Coloured 8.8% vs Indian / Asian 2.5%” set at national and regional levels. This has resulted in ‘pervasive social re-engineering, nationwide’.

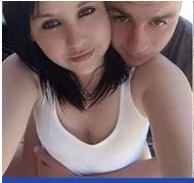
Membership of a particular social group: UNHCR guidelines state; ‘The Convention ground applies where an applicant belongs to a **group of persons who share a common characteristic**, or who are **perceived as a group by society**.’

It goes on to state; ‘**innate** – such as race, caste, kinship ties, linguistic background’ and also, ‘**Unchangeable** – for example, because it relates to the individual’s past history’.

* At Springbok Relief, we assert that in the SA context;

i) *inate*: the Afrikaner and Coloured community groups share a common innate linguistic background and kinship ties even prior to the apartheid era as there are genetic ancestry bonds between the groups both sharing the Afrikaans language.

ii) *inate and unchangeable*: **whites** (irrespective of their English or Afrikaans mother tongue) are collectively perceived by the majority of society, comprising 80% ethnic Africans, as being “Afrikaners or Boer” **are responsible as Apartheid Oppressors** and the cause of all that histories evil. Even victims of race motivated murder, born after the end of apartheid have been executed for the ‘sins of the father’, eg: Johanco Fleischman 19 and Jessica Kuhn 23.



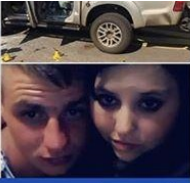
Daily Mail

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NEWS

Robbers execute white couple in 'racist attack' after teenager and his girlfriend run out of fuel and are left stranded on South African motorway

Johanco Fleischman, 19, and girlfriend Jessica Kuhn, 23, were executed in cold blood as they waited on a motorway bridge for a family friend to bring them a can of diesel to get them going.



past the car and murmured a racial insult at Fleischman before opening fire.


The two witnesses told cops the Toyota Hilux had run out of diesel on the N12 West near Benoni some 20 miles east of Johannesburg and butcher Johanco had called a friend for help.


As they waited for rescue they said three men walked past the car and then walked back hissing the word 'umhulungu' at Johanco - a derogatory phrase for a white man.

One of the men then pulled a revolver without warning and fired at least nine bullets, hitting Johanco several times in the body.

As he slumped into the road the gunman leaned into the cab and killed Jessica with a single shot to the head.

Incident occurred
27 May 2019
in broad daylight
with NO provocation





Nsonowa Magwaza

@NMag_CT

These two young people were brutally murdered when their car ran out of petrol. This is not only a criminal act, but a politically motivated one as well. Our politicians have blood on their hands, since they keep on calling for the killing of white people!

Born after Apartheid ended, yet they pay for the 'sins of the father' in brutal racist execution.

- The EFF have publicly stated that “Reconciliation is over” and the Black African Revolution is here and now.

iii) *inate*: **Afrikaners or Boer are perpetually blamed publicly** by ANC, EFF and BLF leadership at national and provincial levels for the failures of ANC governments state) and national service delivery as residual effects of ‘apartheid’. An index of security, governance, prosperity and welfare indicators shows South Africa slumped to 88th out of 178 nations in 2018 from 31st in 2006, according to an analysis of the country’s prospects by Eumomix.

- This, some 26 years after apartheid was abolished, it continues to be the *politically expedient* excuse to the masses even though rapid and pervasive social re-engineering across state institutions and the commercial workforce are dominated by the previously disadvantaged. The “whites” are to blame⁴, so the disgruntled and impoverished masses fuelled by political hate speech now **disproportionately vent their anger** and disillusionment **against a group of persons who share a common characteristic** and who are **perceived as a ‘group’ by that society!**

Springbok Relief is therefore willing, through its extensive research and data collated to provide reliable **‘fact-based insight’** that serious harm to the minority based upon their *race / nationality* and *membership of a particular social group* is in effect in the “once Rainbow nation”.

We unequivocally REJECT official denials and formal objections voiced by the representatives of the SA government that race based murder, low intensity genocide and persecution of minorities is NOT happening.

We also unequivocally REJECT official country-of-origin information provided by the SA government as it is notoriously inaccurate, understated and biased, and is NOT as ‘authoritative’ as one would hope, for it is our respectful assertion that the Ministers department *cannot reasonably make an informed judgement* in any refugee application when the **basis of such an essential resource** is provided by the SA state and is **potentially flawed ...** due to political expediency, ruling party agenda and social prejudice.



Speaking at a Police briefing in 2018, Gen Sithole (National Commissioner of Police) told five hundred officers in attendance at a conference in Pretoria that *“if it wasn’t for white people there would be no crime in South Africa”*

⁴ “If it wasn’t for white people, there would be no crime in South Africa” – Gen Sithole National Commissioner of Police 2018



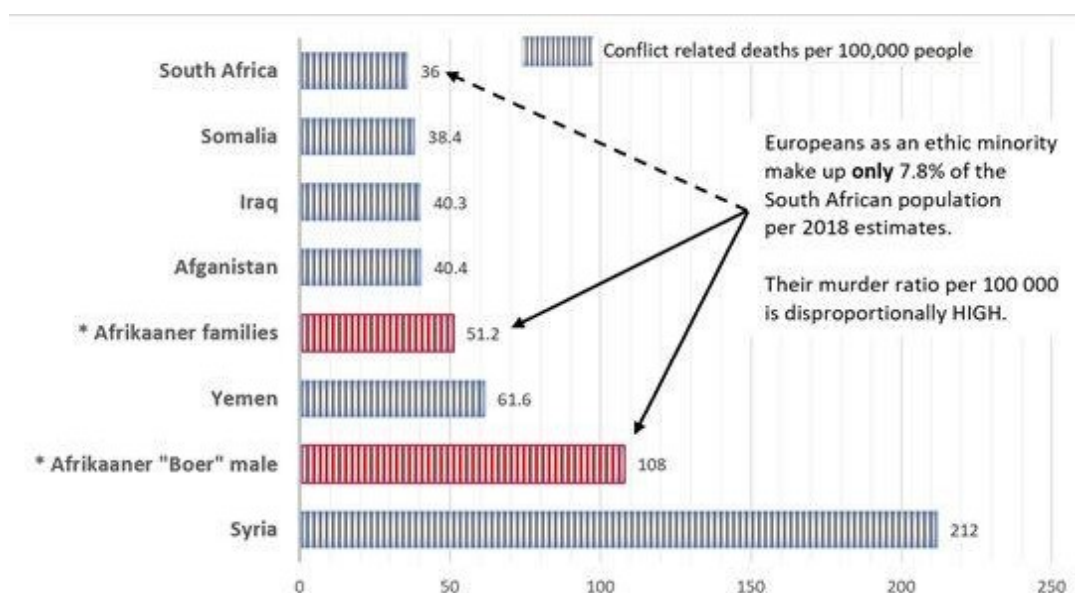
1951 Convention criteria

Therefore, according to the 1951 Convention, a number of criteria is being met by many members of the South African minority and qualify as a refugee (*these are some of the pertinent criteria in the SA context*):

- **Well-founded fear of persecution,**
- For **reasons of race**, religion, **nationality**, **membership of a particular social group**, or political opinion),
- Is unable or, **owing to such fear, is unwilling to avail himself of the protection of that country,**
- **Owing to such fear, is unwilling to return to their home country. Well-founded Fear of Persecution**

The subjective element: fear by definition, is a state of mind and hence a subjective condition, which will depend on the individual's personal and family background, his or her personal experiences, and the way in which he or she interprets his or her situation. *In practice, any expression of unwillingness ** to return (to your home country) is normally **sufficient** to establish the "fear" element of the refugee definition.*

** At Springbok Relief, we support those who are unwilling to return to SA due to the intolerable levels of the risk to life that our people face which is *higher than that in know war zones* like Somalia, Iran, Afghanistan and even Yemen.



Source data: BBC, SAPS, UNODC, IISS, TAU, StatsSA

The murder ratio in **Australia is 4.7 per 100 000**. As an African in South African its at 36 per 100 000 but as a person identified as "Afrikaner / Umlungu" its 51.2 per 100 000 BUT if you're that '**Boer / Farmer / Settler**' it is an astonishing **108 per 100 000**.

The objective element: well-foundedness, whether or not the fear is "well-founded" is assessed in the context of the situation in the applicant's country of origin and in light of his or her personal circumstances. Experiences of family members and/or other persons with a comparable profile are also be relevant.

A Refugee's credibility and his or her fear must then be evaluated against *objective information**** on the conditions in the country of origin, therefore **reliable country-of-origin information** is an essential resource in this regard.

*** At Springbok Relief, respectfully asserts again that **objective and reliable country-of-origin information** may not be as reliable as one would desire from SA official sources.



Fundamental Rights

When determining whether particular acts amount to persecution, decision-makers are aware that under international human rights instruments, '*States may never legitimately restrict certain fundamental rights*'. These are referred to as "non-derogable".

- These include #1) *a right to life*, #2) *a right to freedom from torture or cruel degrading treatment* and #3) *a right to basic means of survival*.
-



It is understandable that not every violation of an applicant refugee's human rights or instance of discrimination or harassment is serious enough to be considered persecution. However, in general, **serious violations of non-derogable** (fundamental) **rights would normally constitute persecution** ****. Serious breaches of other rights would generally also be considered persecution, particularly if these have a systematic or repetitive element.

**** At Springbok Relief, we believe three such **non-derogable rights of our minority are being violated**, namely;

#1) as the murder rates in SA for targeted minorities are abnormal and the statistical ratio per 100 000 murders (51 and 108 for Afrikaaner families) constitute a **serious threat** to their **right to life**, minority South Africans requesting protection need serious consideration.

- Note also that these ratios do NOT include urban home invasions where there is a rise in murder.

#2) Far too many victims of urban and farm attacks report that mothers and daughters are routinely sexually assaulted and or gang raped. There are reports that males have being sexually assaulted too.

The violating and **degrading act of rape** is far too often **accompanied by torture** and prolonged **cruel brutalization** with hot irons, sharpened broomsticks have been inserted into genitalia, beatings, burns, pouring petrol down victims' throats (*to name a few*) which is clearly inhumane and degrading treatment. Therefore, our minorities are in desperate need of protection from torture and cruel or degrading treatment.

#3) "*access by minorities to their basic means of survival*". In the case of the AA, EE and BEE legislation, this right has been seriously infringed upon as they are both systematic and repetitive in nature.

Gender

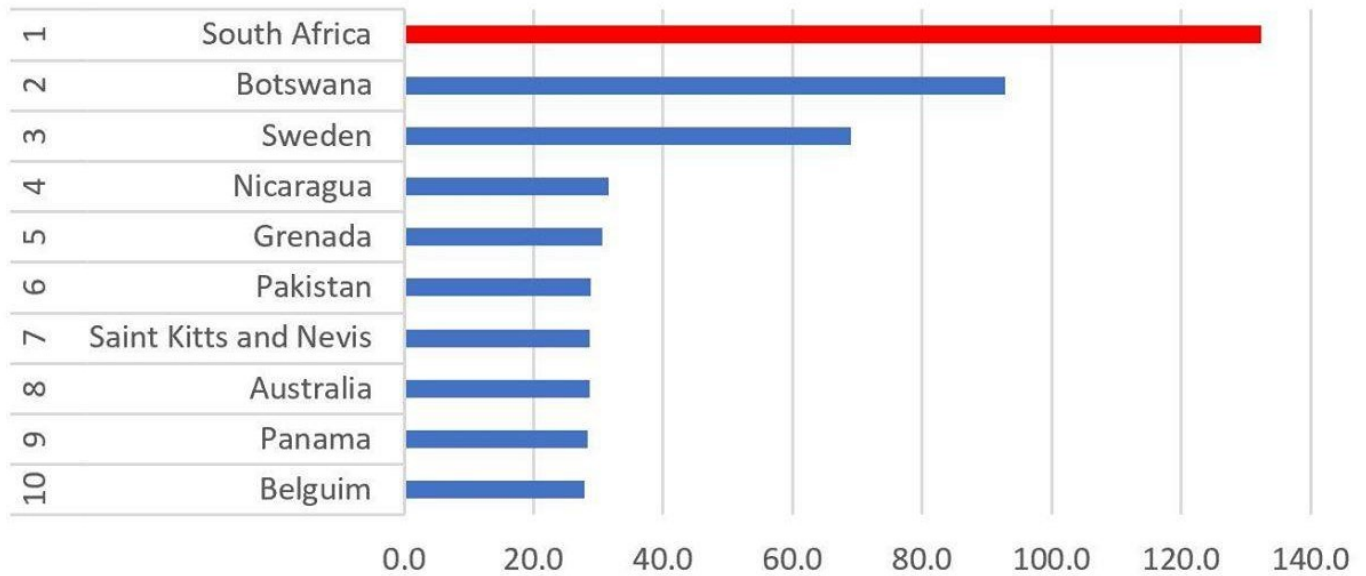
According to the UNHCR guidelines; "A person's gender may seriously affect the reasons **why** and the **form** in which she could suffer persecution". We assert that the '**form** which persecution takes (for example sexual violence and rape of women)' and the fact that "*the way in which these shape the power relations between men and women*" is clear in the construct that sexual violence and rape of woman in SA is the highest in the world and occur predominantly when minorities are attacked during home invasions****, many hijacking and kidnapping.

- Within the sub Saharan context, the dominance of the African male is culturally reinforced through traditional values and unquestionable within their social construct. This is a contributing factor to *SA being the rape capital of the world*. Their cultural influence upon "africanised predictors" is equally prevalent when understanding their psyche of entitlement who see white women as "leisure snacks when I get horny" (Siphiwe Keneth).



2018 - Top 10 Countries with the Highest Rape Rates

(ratios per 100 000)



South Africa the "Rape capital of the world" - 2018



Note: Per EU Qualification Directive, Article 9.2 (a) & (f), ‘The Directive importantly **recognises that acts of persecution can take the form of acts of a gender-specific nature** and “acts of physical and mental violence, including acts of sexual violence”.

***** Springbok Relief asserts that the unusually cruel, excessively violent and brutal manner in which so many women within the minority community have been sexually assaulted and or gang raped is a form of i) male sexual race dominance, ii) intimidation against the minority and iii) political retribution (EFF claim Reconciliation is over) notably when sexual violence has taken place in front of injured and dying husbands as terrorised children are forced to witness, often resulting in family member execution after the degrading act is concluded.

AA and EE in relation to the SA Constitution

The South African Constitution provides for equal human, political and social rights to all individuals regardless of race, ethnicity or language.

- Section 9.3 of the Bill of Rights in the Constitution of the Republic of South Africa states that the “state may not unfairly discriminate directly or indirectly” on grounds including race, colour, ethnic or social origin, culture or language. A subsection of the same section further states that “**discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair**” and sections of the Bill of Rights and the broader Constitution also states that ‘the nation’ is committed to ensuring redress for past racially discriminatory policies.

Springbok Relief has reviewed this and is able to provide examples of instances where the Constitutional obligations have not been fulfilled (*even the constitutional Court in SA affirmed this*) and assert that discrimination in section 9.3 subsection (3) continues and is widespread and is systematically used as a ‘legal loophole’ whilst constituting a **serious violation of a non-derogable right** (*a right to basic means of survival*) and **constitutes persecution**.

- Although the Courts has upheld the ruling that discrimination in the AA and EE context based on “**race quotas**” **is discriminatory and is of a significant nature that it precluded access to the workforce, based on race**, state institutions and major corporations generally only comply after a protracted and expensive court ordeal.
 - Regrettably, the average minority citizen does not have the incentive nor financial means to undertake protracted litigation, so the practice of discriminatory ‘race quota’ continues, is systemic and nationwide.
- 2019 Amendments to the Broad-based Black Economic Empowerment (B-BBEE) Amendment Bill **finally eliminates all white people from South African job market**. “*The definition of black people is now clear and aligned with the Constitution*”. By removing white women from the B-BBEE legislation, through the amendment, it “*closes many loopholes in the current BEE Act – a move that is long overdue*”, said Andile Tlhoale of the Presidential BEE Advisory Committee.



SOUTHAFRICATODAY.NET

White people now finally excluded from the South African job market.

2019 Amendments to the Broad-based Black Economic Empowerment (B-BBEE) Amendment Bill eliminates all white people from job market.

Further insight into the complexities and challenges that AA, EE, BEE practices are outlined in Annexure 2.



Granting of Refugee status

According to the UNHCR guidelines, the *threshold of persecution is clearly met* if the *applicant's enjoyment of fundamental human rights* – for example, access to the basic means of survival – *is seriously restricted*.

Collectively, the serious violations of #1, #2 and #3 (Fundamental Rights) above are uncomfortable truths for the SA government.

These clearly infringe **cumulatively** on South African minority asylum seekers and refugees' fundamental rights, so those seeking protection deserve priority UNHCR Refugee status and or Special Humanitarian Protection as envisaged by the Hon Mr MacPhee, the then Minister for Immigration in 1981 when he introduced the Special Humanitarian Protection (SHP) to the House and stated, "*It will enable Australia to provide a humanitarian response, outside formal refugee programs, in instances of substantial discrimination or human rights violations against oppressed minorities anywhere in the world by governments irrespective of their political persuasion*"

Cumulative Grounds for refugee status and or SHP

Moreover, *discriminatory measures which, taken separately, would not amount to persecution, may have the combined effect of rendering the situation for the applicant intolerable*****. **This would be considered persecution on "cumulative grounds"**

**** At Springbok Relief, we stand by our evidence that minorities in SA are being **persecuted**. The statistical analysis, our testimonials and declarations, our collated mainstream and social reports, our investigative evidence of SAPS dysfunctional capability and collusion, even our review of the BEE, AA, EE practices show **systemic discriminatory practices** based upon a model of "race based quotas" which the **SA Courts defined as inequitable and constitutionally unlawful**.

We assert that on the basis of 'fact and fairness', the cumulative circumstances minorities (the Afrikaner, Indian and Coloured communities) experience is **intolerable** and those seeking protection deserve urgent UNHCR Refugee or SHP protection.

Complimentary Grounds for refugee status

Complementary protection enables asylum seekers **who do not meet the refugee definition but nevertheless face real and serious dangers to claim refuge** under human rights law. It has been part of Australian law since 2012 and is reflected in section 36(2A) of the *Migration Act 1958* (Cth).

International human rights law precludes countries from sending people to places where they face a **real risk** of being **arbitrarily** (*defined as 'on the basis of random choice or personal whim'*) deprived of their life, tortured, or exposed to other cruel, inhuman or degrading treatment, for instance.

- In this way, human rights law 'complements' protection under the Refugee Convention.

Springbok Relief assert that minorities who are onshore in Australia face real risk of the under-noted if returned to South Africa;

- **arbitrarily** deprived of life, (*Home invasions of minorities routinely and now more frequently hijacks, result in the murder of the occupants as attacks involve firearm discharges and knives or panga's*)
- **arbitrarily** tortured, (*home invasions generally result in brutal torture and treatment*)
- **arbitrarily** exposed to other cruel, inhuman or degrading treatment. (*Home invasions result in severe sexual violence [gang rape is common] with is degrading, whilst children and the elderly are brutalised in unusual and an indescribably cruel manner, as parents are beaten and hacked or shot*)

Section 36(2B) sets out three exceptions, stating that there is no 'real risk' of significant harm if a person can;

- 1) **safely relocate to another part of the country;**
- 2) if an authority within the country can provide protection; or
- 3) if the risk is faced by the population generally and not by the non-citizen personally.



The South African Police Services

In the current climate of fear and mistrust, our minorities have no confidence in the efficiency of the SA Police as force capable of providing an adequate level of protection nationally. Their fears are not unfounded as the security forces have been exposed to scandal after scandal, dysfunctional services, atrocious corruption, reports of European ladies arrested for DUI offences being raped by officers in their local prison cell and the list goes on.

Apart from evidence in Springbok Relief's possession that fellow Offices have stated anonymously to mainstream investigative journalists that SAPS members are complicit in farm and urban attacks, and now even in the murder of minorities is extremely alarming.

Therefore, it is **no longer** reasonable to expect that there is an effective authority in South Africa that can provide dependable and responsive protection for its persecuted minorities.

This was reinforced in late 2018 by the National Commissioner of Police, Gen Sithole where; twice he stated in Parliament (it's on public record), **"the SAPS mandate is overstretched ... it's impossible to fulfil"**.

This implies that **nowhere in the country is it possible for police to fulfil their mandate**. In addition, Springbok Relief has in its possession the following evidence in support of its assertions;

- a) Statement from serving Officers of the SAPS affirming corruption and racism,
- b) Evidence of dysfunctional SAPS conduct,
- c) Evidence of ineffective policing,
- d) Evidence of gross neglect and woeful service delivery irregularities,
- e) Evidence of case records falsification and or crime misclassification,
- f) Reports of prejudice and apathy towards minorities, and even
- g) Reports of collusion by members of the force with organised criminal activity and most alarming,
- h) Evidence of covert participation in farm attacks ...

Springbok Relief therefore assert respectfully yet **UNEQUIVOCALLY that there is no longer any effective nor satisfactory authority in SA** that can provide **sustained** protection as based on statistical analysis of the disproportionate murder ratios of European minorities per 100 000, the facts are irrefutable.

Conclusion

Springbok Relief affirm that persecuted minority South Africans wishing to avail themselves of the Asylum and or Refugee or SHP protection should be granted Protection on Humanitarian grounds, because;

1. Our European brethren face **cultural persecution** as 'Afrikaners' because of the 'sins of the father',
2. That South African minority Asylum Seekers are exposed to targeted killings and comply with the UNHCR and or SPH criteria as their non-derogable **right to life** is seriously infringed upon,
3. They face both arbitrarily and targeted race-based violence at a ratio disproportionate to the majority of the South African populous and they are exposed to **cruel and inhuman treatment** resulting in the Protection criteria being sufficiently met,
4. That our female minorities are predisposed to acts of a gender-specific nature where they are targeted and subsequently exposed to **serious acts of physical and mental violence**, particularly **acts of a sexual violence** as a disproportionately high level of home invasions result in brutal sexual assault, rape and also gang rape. For South Africa is 'the rape capital of the world'.
5. That our minority Asylum Seekers satisfy criteria within the UNHCR criteria where systemic discriminatory practices oppress their non-derogable **right to a basic means of survival** which constitutes a serious violation of that right and is defined as persecution.
6. That **Cumulative Grounds** as defined in the UNHCR Criteria and even where applicable in SPH terms, is sufficiently met to grant protection for persecuted minorities,
7. That there are instances where some applicants are specifically threatened, so based on **Complementary Grounds**, there are sufficient examples where those targeted, should be granted our protection,
8. That our Asylum Seekers residing in Australia should not be repatriated due to the Commonwealths **non-refoulement obligations** that ensure our persecuted minorities are not at risk of a specific type of harm, which they will be, if forcibly returned to South Africa.