

South Africa: No Arrests in Lesbian Murder Case Homophobic Violence Continues Unchecked in Townships May 2, 2011

(Johannesburg) - The murder of a 24-year-old lesbian activist from Kwa-Thema township in Gauteng appears to be the latest in an epidemic of brutal homophobic attacks, Human Rights Watch said today.

Noxolo Nogwaza was found murdered on April 24, 2011, in a vicious attack that seems to have been motivated by her sexual orientation. Nogwaza's face and head were completely disfigured by stoning, she was stabbed several times with broken glass, and the evidence suggests that she was raped. A beer bottle, a large rock, and used condoms were found on and near her body.

"Nogwaza's death is the latest in a long series of sadistic crimes against lesbians, gay men, and transgender people in South Africa," said Dipika Nath, researcher in the lesbian, gay, bisexual, and transgender rights (LGBT) program at Human Rights Watch. "The vicious nature of the assault is a potent reminder that these attacks are premeditated, planned, and often committed with impunity."

Human Rights Watch said that the government should immediately issue a public statement condemning the attack and the police should step up investigations to apprehend Nogwaza's killers.

On the night of April 23, Nogwaza went to a bar in Tsakane, a township neighboring Kwa-Thema, with a female friend. Some men in the bar propositioned her friend, which led to a verbal altercation between Nogwaza and the men. Her friend left the bar and Nogwaza herself was last seen by an acquaintance soon after the fight. Her body was discovered in an alley not far from the bar at approximately 9:00 a.m. on the 24th of April. No witnesses to the attack have come forward; some of the people who live along the alley where her body was found told the police that they heard screams late at night, but no one went out to investigate or called the police. A case has been registered at Tsakane Police Station but the police have yet to make any arrests.

Nogwaza was an active member of the Ekurhuleni Pride Organizing Committee (EPOC), which has organized LGBT pride marches for Kwa-Thema and nearby townships in Ekurhuleni district since 2009. Members of EPOC are well known in the community for being lesbian, gay, and transgender, and some have faced harassment and attacks as a result of their visibility. EPOC activists report that physical and sexual attacks often go unreported. There is rampant verbal abuse and threats against people on the grounds of their gender expression and sexual orientation in Kwa-Thema, Duduza, Vosloorus, Tsakane, and other townships in Ekurhuleni.

Nogwaza's family and EPOC activists organized a prayer gathering outside Nogwaza's house on Saturday, April 30, which was attended by activists from different parts of Johannesburg. Activists report overhearing threatening and insulting

comments against lesbians from some young men who had mingled in the crowd; they fear that some of the perpetrators may have been among the mourners.

"Police and other South African officials fail to acknowledge that members of the LGBT community are raped, beaten, and killed simply because of how they look or identify, and they are attacked by men who then walk freely, boasting of their exploits," said Nath. "If the police and other state officials do not act swiftly, it will only be a matter of time before they have to account for their failure to the family and friends of the next lesbian who is beaten and killed in Kwa-Thema"

Human Rights Watch said that the attack against Nogwaza was eerily reminiscent of the rape and murder of another activist, Eudy Simelane, in Kwa-Thema, in April 2008. Both were "out" as lesbians in the community, both were tortured and sexually assaulted before being killed, and the bodies of both were dumped in public places.

Two of the perpetrators in Simelane's case were found guilty and given prison sentences in 2009; the question of bias in the motive - whether Simelane was targeted because she was a lesbian - was quashed by the presiding judges. However, LGBT rights activists maintain that this and hundreds of other crimes against lesbians, gay men, bisexual, and transgender people across South Africa are crimes of hate.

EPOC activists working with the Coalition of African Lesbians also maintain that Nogwaza was tortured, raped, and killed because she was a lesbian. They are determined not to allow the question of Nogwaza's sexual orientation to disappear as the case progresses through the criminal justice system.

"Lesbians, transgender men and women, and gay men in Kwa-Thema and other townships are acutely aware of the chasm between their constitutionally guaranteed rights and their everyday experience of violence," said Nath. "It is literally a matter of life and death for the LGBT community that state officials bring the perpetrators of this and other crimes against this community to justice."

There are currently at least five ongoing cases of sexual and physical assault against lesbians in different magistrate-level courts in the country, in which the survivors were targeted because of their sexual orientation and/or gender expression.

The extent and nature of the wounds on Nogwaza's body suggest that there was more than one perpetrator, and activists fear that potential witnesses are being intimidated or are refusing to come forward for fear of being targeted by the perpetrators. They also fear for their own safety as they hold daily marches to protest the crime, follow up with the police, and attempt to find witnesses.

"Like sexual assaults of women in general, rapes and other violence against lesbians and gender non-conforming people have reached epidemic proportions in South Africa," said Nath. "If the South African government is committed to protecting the rights of all people equally, leaders must address the specific motives targeting the LGBT community in these crimes."