

Confirmation

Submission ID# 85af1b23-2bb1-481c-ac64-5cb02c7c3524

Submission Date# 15-07-2026



Thank you for your submission.

INCIDENT NAME

XENOPHOBIC ATTACKS IN SOUTH AFRICA

INVESTIGATION

Not Related to a Listed Situation or Preliminary Examination

START DATE OF INCIDENT

1/1/2025

END DATE OF INCIDENT

7/15/2026

CONTACT NAME

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LANGUAGE

English

LOCATION OF INCIDENT

Factual Summary

COMMUNICATION TO THE OFFICE OF THE PROSECUTOR

INTERNATIONAL CRIMINAL COURT

TO:

The Office of the Prosecutor

International Criminal Court

Oude Waalsdorperweg 10

2597 AK The Hague, The Netherlands

FROM:

1. Dr. Palgrave Boakye-Danquah

Former Government Spokesperson on Governance and Security, Republic of Ghana

Human Rights Advocate

1. Mr. Emmanuel Kotin

Counter-Terrorism and Security Analyst

[Africa Centre for Security and Counter Terrorism]

DATE: July 15, 2026

RE: REQUEST FOR PRELIMINARY EXAMINATION AND INVESTIGATION INTO ALLEGED CRIMES AGAINST HUMANITY ARISING FROM XENOPHOBIC ATTACKS AND EXTRAJUDICIAL KILLINGS OF CIVILIANS AND FOREIGN NATIONALS IN THE REPUBLIC OF SOUTH AFRICA

I. INTRODUCTION

We, the undersigned, respectfully submit this communication pursuant to Article 15 of the Rome Statute, urging the Office of the Prosecutor to commence a preliminary examination into allegations of crimes against humanity committed in the Republic of South Africa.

The communication concerns a pattern of widespread and systematic attacks directed against civilians, particularly foreign nationals and African migrants, in the context of recurrent xenophobic violence in South Africa from [2015 to 2026]. We allege that there has been a failure of state authorities to prevent, investigate, and prosecute these acts, amounting to acquiescence and potential state responsibility.

II. BACKGROUND AND CONTEXT

The Republic of South Africa has experienced repeated episodes of xenophobic violence targeting nationals of other African countries and other foreign nationals. These attacks have resulted in:

1. Unlawful killings of civilians and foreign nationals
2. Widespread destruction of property, looting, and displacement
3. Physical assaults, torture, and inhumane treatment
4. Hate speech and incitement by public officials and in public spaces

Despite public condemnations, we allege that state organs have failed to take adequate and timely measures to prevent recurrence, protect victims, and hold perpetrators and those in command accountable.

III. ALLEGED CRIMES

We submit that the acts described may constitute Crimes Against Humanity under Article 7 of the Rome Statute, specifically:

- Article 7(1)(a): Murder
- Article 7(1)(k): Other inhumane acts intentionally causing great suffering
- Article 7(1)(d): Deportation or forcible transfer of population

We further allege command responsibility under Article 28 of the Rome Statute, as senior state officials, including His Excellency President Cyril Ramaphosa (President of South Africa), have failed to exercise proper control over state security forces and to prevent or punish these crimes.

The scale and repetition of these attacks, and the perceived impunity, bears resemblance in gravity to other situations the Court has addressed involving heads of state, such as those of Idi Amin of Uganda and Charles Taylor of Liberia, where failure to protect civilian populations resulted in international accountability.

IV. JURISDICTION AND ADMISSIBILITY

1. Jurisdiction: The Republic of South Africa ratified the Rome Statute on 27 November 2000. The alleged crimes fall within the Courts temporal, territorial, and subject-matter jurisdiction.

2. Admissibility: We contend that national proceedings have been insufficient to address the pattern of crimes and alleged failures at the highest levels of government. Therefore, the case is admissible under Article 17.

V. PRAYERS

In light of the above, we respectfully request that the Office of the Prosecutor:

1. Commence a preliminary examination into the situation in the Republic of South Africa regarding xenophobic violence and alleged crimes against humanity.
2. Summon and question His Excellency President Cyril Ramaphosa and other relevant state officials to determine the extent of command responsibility.
3. Open a formal investigation if a reasonable basis exists to believe crimes within the Court's jurisdiction have been committed.

VI. CONCLUSION

South Africa is a beacon of democracy in Africa. Silence in the face of repeated attacks on fellow Africans undermines the very values of Ubuntu and Pan-Africanism. We submit this petition not in hostility, but in pursuit of justice, accountability, and the protection of human dignity for all persons on African soil.

We stand ready to provide further information and evidence to assist the Office.

Respectfully submitted,

Dr. Palgrave Boakye-Danquah

Former Government Spokesperson on Governance and Security

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Mr. Emmanuel Kotin

Counter-Terrorism and Security Analyst

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Evidence List

FILE NAME	EXTENSION	SIZE
COMMUNICATION TO THE OFFICE OF THE PROSECUTOR.docx	docx	20.55 KB