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MACUA Responds to the Statement from DMRE and “All the State Respondents” Regarding the Stilfontein Humanitarian Crisis

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MACUA has taken note of the press statement released by the DMRE on 11 January 2025 “on behalf of all the state respondents”, in which they claim that MACUA is in contempt of court and that the DMRE decided independently to deploy Mine Rescue Services.

We confirm that no judgment or order has been made. The matter is currently under judicial case management by Honourable Madam Justice Tolmay, who graciously made herself available to monitor the situation to ensure that the rescue efforts proceed in line with the agreement by parties and of course with constitutional right being at the centre.

During the proceedings on 10 January 2025, it was noted that mine rescue services are expected to commence latest by Monday, 15 January 2025. Should these efforts not commence by Monday, the parties will return to court on Tuesday, 16 January 2025, for the court to make a final determination on the matter.

We sincerely apologise to the Honourable Court for this miscommunication.

Now, for the State agencies, there appears to be a distortion of events for as far the rescue operation is concerned. It is MACUA, through Lawyers for Human Rights, that approached the High Court of South Africa because these very state agencies were reluctant to save lives of the trapped miners.

We approached the High Court again to force these State agencies not to relegate their Constitutional duty and to commence with rescue operations without any further delay. However, these State agencies deployed delay tactics for **TWO MONTHS**. Even when Justice Mazibuko ruled in the contrary, we remained resolute and approached the Constitutional Court to order the State not to relegate its Constitutional obligation—whose outcome is yet to unfold.

Needless to remind the public that the Minister in the Presidency, Khumbudzo Ntshavheni, unashamedly said, “We are not sending help to criminals. We are going to smoke them out. They will come out. Criminals are not to be helped; criminals are to be prosecuted. We didn't send them there.”

The truth is that SAPS conducted their operation Vala Umgodi without any regard that there are poor people underground trying to make a living—and by closing the holes without notice, the intention was clear: to trap people underground and these calculated actions have led to the massacre that is unfolding in shaft 11 at Stilfontein.

If these state agencies had been committed to save lives, there would not have been a need for MACUA to approach the High Court of South Africa to force these State agencies— who sought to use starvation as a law enforcement— to allow food to be lowered down and to retrieve the trapped miners. SAPS has continuously distorted the narrative, claiming that the miners are “refusing” to come out when they are actually “trapped”.



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After months of silence and months of failing to take accountability for human rights massacre that has occurred in Stilfontein Shaft 11, the DMRE has finally found its voice.

While people were dying underground, the DMRE and the Minister of Mineral Resources hid in the shadows and opposed every effort made by MACUA and the community to start the rescue service and bring an end to the massacre.

In a reflection of our day-to-day experience with the DMRE (where they ignore communities and fail to deal with the compliance issues of mines), the DMRE has tried to argue that this was not a DMRE issue and was instead a police matter. Now, in a full about turn which exposes the murderous hypocrisy of a Government Department that is completely out of tune with the needs and cries of communities affected by mining has finally admitted, that they have the ultimate responsibility to effect the rescue mission.

While the DMRE were playing political games with the lives of the people trapped in Shaft 11, more than 100 have died. We have seen video footage of the vast extent of the deaths brought about by government inaction and neglect. We assure the South African Public that the full extent of this massacre will be exposed in due course.

We urge the DMRE to stop the political posturing and games and to focus on their mandate to work with us to ensure the safe retrieval of those trapped underground and then to work with us to ensure that the mining laws which have been so despicably abused and imposed on communities, are amended so that this kind of tragedy is never allowed to repeat itself.

In the end, someone will have to answer for this massacre and we call on the DMRE to stop trying to evade and deny its role and complicity in the massacre. We urge the DMRE to engender a spirit of truth and cooperation as a sign of respect for those who have died and their families. We also urge the DMRE to acknowledge that it has not ensured a more just mining sector, and that the task of remedying the laws which have failed us is now urgent and requires maturity from all concerned, but especially from those who wield the power to bring about change.

Our Constitution demands no less, and the suffering of mining affected communities, who have been abused and exploited by mining companies for centuries under the watch of the state, deserve no less.

For media inquiries, contact the head of communication and media at MACUA-WAMUA Advice Office at 064 785 9746 or Magnificent.Mndebele@macua.org.za