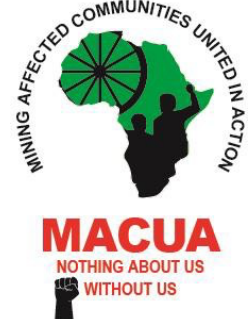


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MACUA to Approach Court on Urgent Basis to Compel the South African Government to Uphold its Constitutional Obligations to Protect and Save Lives

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Mining Affected Communities United in Action (MACUA), led by the dedicated legal team of Lawyers for Human Rights (LHR), has approached the Pretoria North High Court, on the matter of the Stilfontein Humanitarian Crises, to be heard tomorrow, 20 December 2024, on an urgent basis.

MACUA has brought the urgent application against the North West MEC for Community Safety and Transport Management, the Minister of Minerals and Petroleum Resources, the Minister of Police, and the Minister of Social Development, among others.

MACUA will argue before the Court that the duty of the South African Police Service (SAPS), is to conduct their law enforcement duties in a manner that respects, protects, promotes, and fulfils human rights in line with their constitutional obligations. We are not asking the Police and the state to choose between law enforcement and human dignity; we are merely asking them to ensure that their actions do not violate fundamental rights in the process.

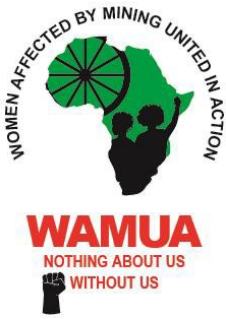
The South African Government cannot claim to uphold law and order while simultaneously disregarding the Bill of Rights and humanity of the very individuals they seek to police. This contradiction lies at the heart of the crisis.

The humanitarian crisis at Stilfontein continues to worsen, in the face of the refusal by the South African Government to act in compliance of the South African Constitution. With miners still trapped underground in life-threatening conditions, urgent intervention by the state is required to save lives and address the devastating situation unfolding.

If the South African Government will not act according to the Constitution, then the Courts must be asked to compel the government to act in protection of the Right to Life, the Right to Dignity, the Rule of Law and the South African Constitution.

The Khuma community in Stilfontein has shown remarkable solidarity by donating food, money and essentials to support the trapped miners. The Mahlasedi Foundation and Red Cross have also provided substantial food donations and a fundraising campaign on BackaBuddy raised R75 706, which was used to buy food and essentials items like ropes to deliver supplies underground and to extract trapped miners. To date the Community Rescue team have extracted 16 people and 8 bodies.

Unfortunately, as food supplies and donations run out, and with hundreds of miners still stuck underground, reports from those who have been rescued from Shaft 11 by the Community Rescue Team, have indicated that the food the community has been able to send down the shaft, has not been enough to feed and sustain all the miners. The condition underground is deteriorating swiftly, with hundreds in dire need of food and medical attention.



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The community has been volunteering and working tirelessly to provide humanitarian relief and are unable to continue with their efforts as they have run out of funds to provide enough assistance and rescue operations given the limited operational capacity available to them. At the current rate, more people are destined to die.

This humanitarian crisis has been created by the failure of the relevant authorities to plan and ensure that proper planning and considerations of the conditions underground were considered before the operation started.

Various sources before the court, including Harmony Gold mine, have confirmed that those trapped in Shaft 11, do not have alternative means to access Margret Shaft, and that those who have exited via Margret Shaft did not enter the mine via Shaft 11.

The Police's insistence and unwillingness to come to terms with the true conditions of the mine, reflect a failure of planning, a disregard for factual evidence, and an unwillingness to engage with the human rights implications of their decisions.

In Sabie, Mpumalanga, a similar retrieval operation was successfully carried out by SAPS and more than 130 artisanal miners were retrieved with assistance of emergency services. Thus, the insistence by the police that they will not lift a finger to retrieve the miners in Stilfontein, appears inconsistent, and in violation of their constitutional obligations.

We must reiterate that thus far, no rescue processes have been commenced by the Police and the other government departments. Yet, for months, miners have survived on toothpaste, vinegar, and contaminated water, leading to severe malnutrition and fatalities.

Mentally, the miners endure profound despair, isolation and hopelessness. This is no longer just a humanitarian crisis; it is an atrocious crime against humanity and our Constitution, unfolding in plain sight. One of the extracted artisanal miners, Clement Moeletsi, pleaded. "We are begging for help before it's too late."

This case underscores MACUA's and the Lawyers for Human Rights' unwavering commitment to protecting the rights and lives of mining-affected communities. We demand urgent action to uphold the miners' constitutional rights and prevent further loss of life and the erosion of our constitutional values.

MACUA will also be supporting the community of Stilfontein as they march to the offices of the Department of Mineral and Petroleum Resources in Klerksdorp on Friday 20th of December to demand that the DMPR take responsibility for ending the crises that it has created.

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