

MACUA Submits a Landmark Report to the South African Human Rights Commission on the **Stilfontein Massacre**

SUBMISSION TO THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)



NATIONAL INQUIRY INTO ARTISANAL MINING POLICIES AND HUMAN RIGHTS 2025

ASSESSING POLICY, IMPACT, SCOPE
AND TACTICS EMPLOYED IN OPERATION VALA UMGODI.

PREPARED BY

Mining Affected Communities United in Action (MACUA)

SUBMITTED TO

The South African Human Rights Commission (SAHRC)

MARCH 2025

MACUA WAMUA

NOTHING ABOUT US WITHOUT US



MACUA submitted a detailed and damning report to the South African Human Rights Commission (SAHRC) on the 2nd of April 2025 as part of the Commission’s National Inquiry into Artisanal Mining and its impact on surrounding communities and the scope and tactics employed in Operation Vala Umgodi by the South African Police Service (SAPS).

MACUA has been invited by SAHRC to present the findings on 19 May 2025.

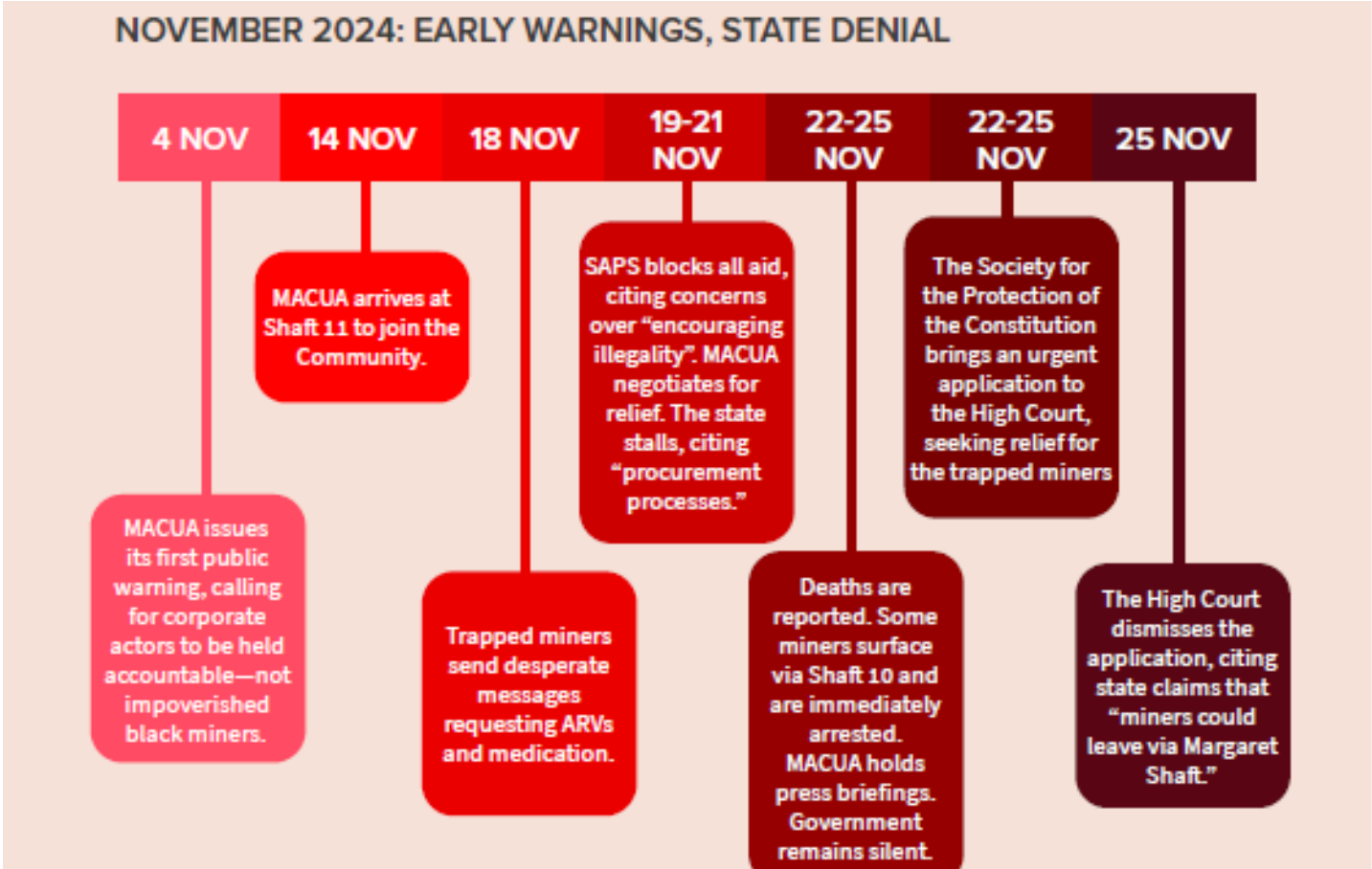
The submission documents the events that led to the Stilfontein Massacre and lays bare the broader constitutional crises of exclusion, state violence and systemic failure that impacts on mining communities across South Africa.

The report focuses on the events at Shaft 11 of the Buffelsfontein Gold Mine, and how the state engineered a crisis where hundreds of artisanal miners were trapped underground, denied humanitarian aid and left to die from starvation and dehydration.

The submission draws from legal affidavits, forensic reports, court documents, survivor testimonies and ministerial statements. It provides overwhelming evidence that state security forces, under political instruction to “smoke them out,” systematically sealed off mine shafts, blocked food and medical aid, and sabotaged rescue efforts, despite knowing that the trapped miners had no alternative means of escape.

This submission is made with the hope that the SAHRC’s inquiry will serve as a catalyst—unlocking not only redress for those lost in Stilfontein, but setting in motion a process that reclaims dignity, voice, and justice for all mining-affected communities.

The submission was made under the theme, *Justice for Stilfontein Is Justice for All Mining-Affected Communities*. Access the submission on our [website](#).





**NOTHING ABOUT US
WITHOUT US!!!**

EDITOR'S CORNER

Mining companies use employment forums to **divide communities and foster **corruption****

By Lebogang Lesenyeho

Mining companies have long been accused of exploiting vulnerable communities, and one of the most insidious ways they do this is by coopting community forums that deal specifically with employment issues.

On the surface, the forums may seem like a positive development, providing a space for community members to discuss employment opportunities, but they often serve as a way for mining companies to avoid engaging directly with broader communities.

Instead of consulting with affected communities, mining companies will often only consult with a select few individuals from these forums, who may not necessarily represent the interests of the community.



This makes it difficult for communities to get accurate information about the Social and Labour Plans (SLPs) that mining companies are required to implement. SLPs are supposed to outline the steps that mining companies will take to benefit local communities, including providing employment opportunities, training, and other forms of support.

If communities are not properly informed about what is happening, they cannot effectively monitor the implementation of SLPs or advocate for their rights. This creates a power imbalance, where mining companies can operate with impunity, while communities are left to bear the costs.

The Mineral and Petroleum Resources Development Act (MPRDA) of 2002 is supposed to regulate the mining industry and ensure that mining companies comply with certain standards. However, mining companies are finding ways to circumvent these regulations.

Harmony Gold Mine's embeddedness in the corruption of Lejweleputswa CES

In the Free State, Harmony Gold Mine and one of the forums, the Lejweleputswa Community Engagement Structure (LCES), have seemingly entered a marriage of convenience. The forum initially intended to facilitate community engagement and oversight on compliance matters such as SLPs, environmental issues and meaningful consultations.

The LCES has instead become fixated on employment opportunities. This narrow focus has spawned a culture of corruption, with allegations of bribery for inclusion in the employment database and job placement.

In 2022, a fraud case was opened at Odendaalsrus Police Station after four employees of Harmony Gold Mine reportedly colluded with the forum to sell jobs to desperate job seekers at Tshepong Mine. One of the victims, a 28-year-old at the time, apparently paid R22 610 under the false hope that her employment would be fast-tracked.

These observed practices contradict Harmony Gold's publicly stated anti-corruption policies, which commit to integrity, transparency, and prohibition of bribery, fraud, and abuse of authority as outlined in the company's Code of Ethics.

Internal conflicts among LCES members have escalated into violence and verbal threats, further eroding trust.

In terms of the Prevention and Combating of Corrupt Activities Act 12 of 2004, bribery and corruption are serious offenses that can have severe consequences.

These corrupt practices not only undermine fair employment processes but also exacerbate inequality within mining communities, where access to jobs becomes contingent on financial resources rather than merit or need.

Operating in a grey area

The system also creates gatekeepers, as Harmony Gold Mine only recognises concerns raised through the LCES, excluding broader community voices and undermining transparency and accountability. This scenario reflects broader issues of corruption in South Africa's mining sector, where promises of community upliftment often go unfulfilled.

The LCES operates in a legal grey area, lacking a formal Memorandum of Understanding (MOU) or defined Terms of Reference with Harmony Gold Mine. This absence of official documentation undermines the legitimacy of the LCES, yet Harmony Gold continues to recognise and work through this structure. By doing so, the mining company effectively sidesteps its broader responsibility to engage in meaningful consultation with the wider community.

This arrangement allows Harmony Gold to maintain a facade of community engagement while limiting its accountability. The lack of formal guidelines or agreements means that the LCES's operations and decision-making processes remain opaque, potentially enabling selective engagement that favours the mine's interests over those of the entire community.

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By recognising an illegitimate structure, Harmony Gold may be attempting to control the narrative of community engagement while avoiding the more challenging aspects of comprehensive stakeholder consultation.

This approach contradicts best practices in community engagement, which emphasise transparent record-keeping, comprehensive stakeholder involvement, and the meaningful incorporation of community perspectives. It also contradicts Harmony Gold's Whistleblowing Policy and Community Grievance Mechanism which are intended to empower employees and stakeholders to report unethical behaviour safely and confidentially.

In recognising an unregulated forum such as the LCES, Harmony Gold violates not only its internal policies but also undermines the principles of inclusive consultation required by MPRDA of 2002.

The need for robust regulatory framework

It is essential that communities are capacitated to advocate for their rights and to scrutinise the SLPs and their implementation. This requires a concerted effort to educate communities about their rights and to support them in their efforts to hold mining companies accountable. It also requires a commitment to transparency and accountability, and a willingness to challenge the power dynamics that currently favour mining companies.

It is crucial for civil society organisations (CSOs) and regulatory authorities such as Department of Mineral and Petroleum Resources (DMPR) to work collectively to address these concerns.

One of the key ways is by ensuring that mining companies are transparent and accountable in their hiring practices. This includes ensuring that companies advertise job openings widely, use fair and transparent selection processes and provide training and support to local community members to help them access job opportunities.

Considering the despicable failure of the DMPR in protecting marginalised communities, CSOs have a critical role to play in preventing corruption and promoting accountability in the mining sector.

They must provide training and support to community members, helping them to understand their rights and advocate for themselves. However, CSOs often face significant challenges in their work, including limited resources, harassment, and intimidation.

To effectively prevent corruption and promote accountability in the mining sector, government and regulatory agencies must work closely with CSOs and community members. This includes providing support and resources to CSOs, as well as creating space for community members to participate in decision-making processes.

It also requires a commitment to transparency and accountability, including the regular disclosure of information about mining company activities and the implementation of effective mechanisms for reporting and addressing corruption and to benefit from the resources that are extracted from their land.

Community Struggles

Masemanzi Mine and Emalahleni Local Municipality Deny MNS Community Dignity and Clean Water

By Senthathi Katlego Zasekhaya



Lindiwe Mayelani, 39, has been living at Emalahleni since 2009. Originally from Limpopo, she came to Mpumalanga in search of work and now stays at MNS, an informal settlement adjacent to a mine owned by Masemanzi Mining Holdings.

The mine has been in operation since 2018 and when MACUA-WAMUA Advice Office (MWAO) had community consultation in MNS informal settlement in April 2024, we discovered that Masemanzi mine is operating without an approved Social Labour Plan (SLP), a requisite before a mining license can be issued, integrated environmental authorisations documents and continues to violate several regulatory frameworks that govern the operation of mining companies.

"There's so much dust. The blasting shakes our homes. We can't even breathe properly," says Mayelani. "There's a six-year-old child who is in-and-out of hospital because of the dust. I went to see the child. It's really bad."

When the child's father approached the mine for help, they turned him away, said Mayelani.

MACUA's media unit reached out to the mine to demand accountability; however, Masemanzi Mining Holdings never responded to our questions sent on 23 April, including a follow-up on 29 April.

Living without clean water

The people of MNS depend on six JoJo tanks for water, but those are not nearly enough for about 2 500 households. The community say the water is dirty and often smells.

In June 2024, the University of the Witwatersrand conducted a study on the water and discovered the water is contaminated with metals.

Women are the most affected when it comes to accessing water in the area. As an alternative, some women in areas like Extension 4, 5 and 6, fetch water from a nearby river that runs through.

In other instances, women are forced into an unfair system of exchange just to access this necessity. They are expected to do something in return, and this could mean offering physical labour like cleaning or in worst case scenarios, they are expected to offer sexual exchange with the men.

"We are not asking for much," said Mayelani. "Just water. Clean, safe water. They always say water is life. We need water. We won't stop fighting until we get it."



Two decades of struggle

The MNS informal settlement has existed for over 20 years. Despite this, the municipality has not recognised or formalised it. In 2014, residents protested and demanded water connections from nearby RDP houses built in 2011, long after the MNS settlement was established. But the municipality said MNS was not included in the Integrated Development Plan.

"But when it's time to vote, the political parties come beg us to vote," says Mayelani.

Collen Mabelane, a Mpumalanga MWAO paralegal working with the MNS community, said for the past seven months, he's been helping the community to understand their rights.

"The MNS community is not unique in their struggle, but what makes their situation worse is the fact that they have been neglected for so long despite living just [around] 200 meters from a mine," said Mabelane. "According to the Constitution, everyone has a right to clean water but that right has been denied here."

Most residents either boil the water or go without. Sometimes they suffer from diarrhoea due to the poor quality of the water. "This is an informal settlement, but that doesn't mean people should be denied basic human rights," said Mabelane.

According to the law, mining companies are required to consult communities and submit SLPs which are to be renewed every five years upon expiry. Masemanzi Holdings has done none of that.

Mabelane said the Department of Mineral Resources and Petroleum (DMRP) must step in and hold the mine accountable. However, this is unlikely to happen because in many instances the DMRP is seen to be representing the interests of elites and mining companies at the expense of marginalised communities.

Asked what justice looks like for the MNS community, Mabelane said: "Justice would mean the formalisation of MNS, access to clean water, and basic services. People must be treated with dignity," he says. "Right now, the lack of services creates frustration, leading to issues like gender-based violence, substance abuse and hopelessness."

Community Struggles

Several Mining Companies **Forcibly Evicted Smashblock Community and Left Them with **Broken Promises****

By Tholakele Thabane



The community members of Smashblock informal settlement in Thabazimbi, Limpopo, have been in limbo since the 1980s when the Thabazimbi Iron Ore Mine sought to expand its mining operations into their homes.

The community members said the mine, now under the ownership of ArcelorMittal South Africa, made a promise of rebuilding their homes but that promise has never been fulfilled, and their livelihood has since worsened.

Joseph Mankwe, 63, is a lifelong resident and in the past 26 years, he worked for various divisions in the mine until he retired last June.

His commitment to the mine has been commendable, just like his late father who started working as a farmer in 1971. The farm is owned by the mine.

“We were told we’d get homes, but to this day, nothing. Many of us were left to live in shacks,” Mankwe said.

He added that after the evictions, he managed to build his own house and took his parents in. However, his parents died while waiting for the mine to fulfil its promise.

Mankwe’s experience paints a picture of systemic neglect — generations of labour and loyalty repaid with broken promises, evictions and minimal compensation.



Like Mankwe's parents, Masego Setla*, 59, says her late husband worked for the mine for 30 years, and died in 2021 still waiting for the house.

"It is not easy to live here. We struggle with water, proper sanitation and sometimes there is no electricity," Masego said.

When you approach the informal settlement, you are welcomed by a dusty and bumpy road and a strong stench of sewage. The streets are running contaminated water. There are no proper toilets in the informal settlement.

What does the MPRDA say?

Setla explained that before her husband died, he, along other former colleagues reached out to the mine about the deferred promise, but nothing has materialised. "We have lost hope. My husband's wish was that [before he dies, he would have] received the house," said Setla.

Section 23(1)(e) of the Mineral and Petroleum Resources Development Act (MPRDA) 28 of 2002 states that change of ownership equates to continuing with the commitments made in the previous owner's Social Labour Plan (SLP), a requisite for obtaining a mining licence.

Over the years, ownership and management of the mine changed hands — from Iscor, which initiated the removals and offered no compensation at the time, to Kumba, then Anglo American, and now ArcelorMittal, which found the area already in disarray.

The successors of Iscor, which initially evicted and made the promise to the community, would generally be expected to honour any unfulfilled community obligations unless they've legally renegotiated or replaced those commitments with new commitments in their own SLP. But, they too, were after the minerals— not improve the livelihood of the people.

In response to the questions we sent to ArcelorMittal on 16 April 2025, the mine said: “The Company is in regular communication with communities and relevant stakeholders, particularly with respect to matters contained in the Social Labour Plan which is now in its second phase.”

However, Daisy Moeng, Women Affected by Mining United in Action (WAMUA) coordinator, said as community members they were not consulted when ArcelorMittal was drafting its SLP for the period of 2024-2028.

The company provided us with a copy of its SLP and it does not appear that ArcelorMittal engaged or consulted directly with the affected communities. Instead, the recorded SLP consultations show the company only engaged with officials from Thabazimbi Local Municipality, an official from Waterberg Development Initiative and an official from National Union of Mineworkers.



*Name has been changed

ACTIVIST HIGHLIGHT

Katlego Kgasi Found a Home He Had Been Longing For in YAMUA

By **Senthati Katlego Zasekhaya**



Growing up in that environment meant constantly facing the reality of poverty for Katlego. “We had to fight just to get electricity and water. The municipality did not care, and we were left to survive on our own,” he says.

When he was born, he was wrapped in love only a mother can give but the moment he opened his eyes, struggle was not a distant concept. “Poverty was not around us. It was us,” he says.

Katlego was raised by a single mother who held their little family through nothing but willpower and love. A woman who carried his survival on her back. Even though his mother did not have money, she made sure he never goes to bed with an empty stomach.

“It would hurt to see her struggle the way she did, carrying the weight of my life on her own, making miracles out of nothing,” he says. Even in that pain, Katlego held onto hope that one day he would be able to change their circumstances and give his mother the life they all deserve.

Katlego Kgasi, a 24-year-old activist from Ekurhuleni, East Rand of Gauteng, was born at extension 6 in Langaville, a shack settlement located in the Ekurhuleni Metropolitan Municipality.

Langaville is one of the many underdeveloped townships in the Brankpan area of Gauteng’s Ekurhuleni District. It is a place of broken promises. The quality of life is poor and people don’t have access to basic services like water, electricity and proper sanitation.

“

Being part of YAMUA changed how I see the world. In townships, young people are misled and the lifestyle that is promoted doesn’t benefit us. We should be fighting for our future, because we are the future

~Katlego Kgasi

”

Seeking better living conditions, Katlego relocated about 10 km away to Kwa-Thema to stay with his grandmother, a township in the southwest of Springs.

“Relocating changed my life,” he says. “It was a semi-developed place, and at least service delivery was there.” That environment offered him a glimpse of possibility.

Katlego’s awareness of injustice wasn’t sparked in a textbook or a movie— it was lived. “Growing up not being able to afford what other kids had [was painful]. I kept asking myself, why is it like this? And I realised that there’s something wrong with the system.”

This burning desire to question, to understand, and to resist gave rise to his activism. “My passion comes from what I went through, and from seeing others live the same pain. That gave me purpose to advocate for those who don’t have a voice but still want to survive,” he says.

Finding purpose through activism

His journey with MACUA began when he met Gift Radebe, the MACUA National Secretary. At the time, Katlego was doing photography when Radebe invited him to cover one of their events at MACUA.

“When I arrived, I felt like I belong. The stories people shared; they were my stories too. That’s when I realised that this is the space I’ve been searching for,” he says. Today, he serves as the YAMUA Coordinator for the Ekurhuleni branch.



Being part of YAMUA reshaped Katlego’s perspective on life. The movement provided him with tools to mobilise, educate and advocate for his community. He enjoys engaging with fellow young activists, empowering them to speak up, act and believe in their power to create change.

Katlego says there are three comrades that played a valuable role for him when he joined the movements; Radebe, who helped sharpen his voice and purpose, Sabelo Mnguni, National Administrator, who helped him understand the movement and the history of the struggle and Bongani Uhuru, Youth Organiser for YAMUA, who helped ignite the fire in him as a young activist. Through them, Katlego did not just find mentors but parts of himself he never knew existed.

He draws strength from the youth of 1976. “They didn’t wait for freedom to be handed to them. They fought for it. And now it’s our turn. We need to believe in the change we want to see.”

For Katlego, it’s not just about recognition, it’s about action. “We don’t want to be seen; we want to be included. Give us the space to lead and we will show you what we are capable of,” he says. “Those who face injustice shouldn’t wait for change. We are the change. I will fight not only for myself but for every child growing up like I did.”



ACTIVIST HIGHLIGHT

Itumeleng Mashilane Uses His Art to Expose Harm of Mining Companies Infected on Host Communities

By Tholakele Thabane

Itumeleng Mashilane is a performer and writer from Khutsong in the town of Carletonville, West Rand of Gauteng. He uses his art as a form of activism and resistance to the injustices mining companies subject host communities to.

Itumeleng is a recipient for a short course in Applied Performing Arts and Arts Management for Youth hosted by the University of Witwatersrand.

To be selected as part of the short course, Itumeleng and his team won the first position out of 50 competitors for the first round in a competition hosted by Wits University and made it to the top 25, where they took the first position again.

They won the first position in the top 10 selection. “This has opened doors as we are able to engage with producers at the Joburg Theatre,” he says.

He credits Tholoana Tshose, a friend who he met through a friend group, for introducing him to acting. At this point, he was sceptical because he felt that it was not for Tshose and Sechaba Kitlane, who was his Grade 12 classmate, for introducing him to comedy and helping him overcome his shyness. He has since performed in various shows and competitions. Itumeleng initially explored rap but later returned to acting.

With the love they received from the community through performance comedy, he gained enough confidence to go back to Baker and he, Baker and Sechaba, opened a group called Calvas Theatre Productions (CPT), where he trained and performed.

The main reason Baker recruited them to acting was to get them off the streets and to avoid the temptations of falling into drugs.



“Recalling my worst but inspiring moment in acting, I fumbled on stage where there was a huge crowd and Lesedi FM [presenters and hosts were also] present. Overall, the performance was great, and I told myself I will not let this stop me,” he mentions.



Impact of mining on his art and progress

As a young person from a mining affected community, Itumeleng faces all the injustices mines impose on communities from pollution, blasting, lack of engagement with the community when taking decisions and what Khutsong is famous for: sinkholes.

Being failed by the municipality regarding skills development and youth opportunities, Itumeleng and his acting group resorted to engaging Harmony's Kusasalethu Mine and he says the mine also failed to show up for them, too, regarding skills development despite committing to do so in its Social Labour Plan (SLP).

Involvement with MACUA

Itumeleng joined MACUA after seeing a community cleaning campaign that MACUA members conducted in his community in 2021. He believes MACUA is what mining communities need as it advocates and mobilises marginalised people in mining affected communities, especially around issues of noncompliance by mines and their SLPs and consultations. And he has been mobilising the youth to join the fight against the mines.

As a member of YAMUA, he uses art to express how mining affects communities and the youth. His ability to use poetry, words and acting to express how mining affects communities is out of this world. He can paint intricate nuances of irreparable devastation that the rest of the community suffer at the hands of the mining corporations.

"I collect information by researching, interviewing people related to the theme I am performing on, I write my script and rehearse," he says. His trick is to study the mood of the audience and then adjust his performance to either elevate or to be in sync with the spirit of the crowd.



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