

13 August 2026

Mr. E Nkonde
Senior Legal Officer
South African Human Rights Commission
25 Heystek Street
RUSTENBURG
0299

By email: enkonde@sahrc.org.za

Dear Mr Nkonde

INTERNAL APPEAL: CRM NW/2526/0113

AfriForum is a non-profit organisation with its main purpose the protection of the constitutional rights of its members and the communities to which our members belong. We act on behalf of our members residing in Potchefstroom, who gave AfriForum the mandate to address the local sewage issues on their behalf.

AfriForum notes the Commission's decision dated 9 July 2026 to close the complaint without prejudice on the basis of pending criminal proceedings. AfriForum respects the Commission's concern not to duplicate or interfere with the criminal process. This appeal does not seek any finding by the Commission on the criminal liability of the Municipal Manager or any other person.

The concern is that the physical sewage pollution remains ongoing despite the Council-approved action plan and the appointment of contractors. The appointment of a contractor is not in itself remediation. To prove that we can testify that the contractor at the Poortjiedam is still busy, so the problem cannot be considered as solved. The relevant question for affected residents and for the Mooi River system is whether the unlawful discharge has stopped and whether further pollution is being prevented.

I personally visited a few spots, of which I attach photos. The photos were taken opposite Ikageng, just off the N12. There are various other places as well, but I think that site visits will be a better option.

AfriForum therefore appeals the closure decision and alternatively requests that the decision be varied, so that the Commission retains the matter for limited remedial monitoring and stakeholder coordination. Such a limited intervention need not prejudice the pending criminal proceedings. It can be confined to site inspection, monitoring of the corrective plan, engagement with the Green Scorpions and verification of whether ongoing pollution continues to infringe section 24 rights.

AfriForum requests that the Commission convene an urgent site inspection and include AfriForum in the stakeholder engagement already initiated with the Provincial and National Green Scorpions. AfriForum further requests that JB Marks Local Municipality be required to provide a dated implementation report, supported by objective proof that the spillages have stopped, rather than only proof of plans, appointments or intended remedial work.

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Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.

Registration number: 2005/042861/08 • **NGO number:** 054 - 590

We sincerely hope that our suggestions will receive your favourable consideration.

Kind regards

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