

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

25 Heystek Street
Rustenburg
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Tel.: 014 592 0694
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09 July 2026

File reference: 2/1/2/3-2/2/5

CRM reference: NW/2526/0113

Attention: AfriForum

Per Electronic Mail: alta.pretorius@afriforum.co.za

Dear AfriForum

RE: COMPLAINT LODGED WITH THE COMMISSION

1. We refer to the above matter.
2. The South African Human Rights Commission ("the Commission") confirms receipt of your complaint on 06 October 2025. In the complaint, AfriForum ("the Organisation") alleged that there has been an ongoing and severe sewer overflow into the Mooi River, originating from the Poortjie Dam catchment area, which has reportedly been flowing into the river for more than a year. The Organisation further advised that the matter was already the subject of litigation before the Mahikeng High Court.
3. Following receipt of the complaint, the Commission addressed an allegation letter to the JB Marks Local Municipality on 12 December 2025, setting out the allegations and requesting, amongst other things, confirmation as to whether the matter was the subject of any pending litigation. The Municipality responded on 21 January 2026, and its response, together with the Council-approved action plan aimed at addressing the sewer spillages, was shared with your Organisation. However, the Municipality did not address the Commission's enquiry regarding the pending litigation.
4. Following the Organisation's correspondence dated 5 February 2026, in which it commented on the Municipality's response and requested that the Commission conduct a site inspection to assess, amongst other things, the suitability of the contractors appointed to undertake the remedial works, the Commission continued engaging the Municipality through a series of follow-up correspondence. These engagements culminated in a further response from the Municipality updating the Commission on the progress made in implementing remedial

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measures and attaching the appointment letter of Korone Engineers. Importantly, the Municipality also furnished the Commission with court documents confirming that the Municipal Manager had been subpoenaed to appear before the court in relation to the same environmental pollution complaint.

5. In terms of clause 4.8.1(a) of the South African Human Rights Commission Complaints Handling Procedures (CHP), the Commission may reject or close a complaint where the matter is sub judice, namely where it is already before a court or tribunal for determination, or where an existing court order applies. In its latest response dated 1 July 2026, the Municipality attached a criminal subpoena issued against the Municipal Manager, reflecting multiple charges relating to alleged environmental pollution currently before the Regional Court, Potchefstroom. In light of the pending criminal proceedings concerning substantially the same issues, and in accordance with the Commission's Complaints Handling Procedures, the Commission has decided to close its investigation "without prejudice".
6. Notwithstanding the closure of this complaint, the Commission remains concerned about the broader issue of sewer spillages within the North West Province. Accordingly, on 2 July 2026, the Commission addressed correspondence to both the Provincial and National Green Scorpions, requesting a stakeholder engagement to discuss the systemic challenges relating to sewer pollution, with particular emphasis on the JB Marks Local Municipality and the City of Matlosana Local Municipality. The Commission is currently awaiting a response to this request and remains committed to pursuing systemic interventions aimed at addressing these recurring environmental concerns.
7. In the circumstances, and for the reasons set out above, the Commission has decided to close the file on this complaint. This decision is made without prejudice to any future action the Commission may consider appropriate should circumstances materially change or should further intervention become necessary following the conclusion of the pending court proceedings.
8. Should you not be satisfied with this decision, you may lodge an internal appeal in writing within 45 days of receipt of this communication. A copy of the appeal form is available at any office of the Commission. The appeal should be lodged with the Head Office of the Commission, contact details as follows:

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9. We trust that you find the above in order.

Yours faithfully,

A handwritten signature in black ink, enclosed within an oval shape.

Shirley Mlombo (Ms)
Provincial Manager
North West Provincial Office
South African Human Rights Commission

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