

Court bid to close coal mine

THABISO GOBA

Environmental, health concerns

AN environmental advocacy group is seeking a court interdict to halt operations at the Somkhele coal mine, near the Hluhluwe-Imfolozi Park in KwaZulu-Natal.

The Global Environmental Trust (Get) claims Tendele Coal Mining's Somkhele mine does not have the necessary authorisation, is damaging the environment and causing health problems.

The group is the first applicant alongside the Mfolozi Community Environmental Justice Organisation, and Sabelo Dladla, a resident who lives within 300m of the mine.

Tendele has denied any wrongdoing and said Get's case was devoid of any legal merit.

The matter is expected to be heard in the Pietermaritzburg High Court tomorrow.

"Tendele's human rights abuses and negative impacts on the lives of the greater Mpukunyoni area, where Somkhele is situated, will be tabled in various reports, including the SA Human Rights Commission's recently-released report on hearings with mining-affected communities that include Somkhele," the group said.

"Meanwhile, Tendele plans to expand its operation and has identified several hundred households to be moved from their rightful land. Many more families will lose their livelihoods and have their lives and health destroyed by living in close proximity to the mine."

In court papers, Get alleged that Tendele had caused "irreparable harm" to the community of Mpukunyoni, north of Richards Bay.

It said the mine had degraded the quality of life in the area by destroying the environments and had overwhelmed the community with dust and



People living close to the Somkhele coal mine complain that dust from the operations turns their white chickens grey and the intestines of their goats black.



An increasing number of people are beginning to protest about the environmental and health impacts of the Somkhele coal mine on the borders of the Hluhluwe-Imfolozi Park in KwaZulu-Natal.

noise.

"The wilderness has been turned into an industrial rock dump, with massive blasting of rocks taking place regularly," Get said in court papers.

In its court application, Get said the mine:

- Had no environmental authorisation.
- Was operating without any land-use authority or approval from any municipality.
- Had no formal approval to remove or alter traditional graves from their original positions.
- Lacked a waste management licence, as required by law.

In response, Tendele argued that its operations took place under valid mining rights and Environmental Management Programmes (EMPs) granted by the Department of Mineral Resources in 2007.

Tendele also argued that its EMPs provided necessary authorisation for stockpiling residue and deposits of rocks, and, therefore, it did not need a waste management licence. "I am advised that Tendele

does not require such environmental authorisation for its current mining operations," Jan Christoffel du Preez, Tendele's chief operating officer, said in court papers.

Tendele inferred in court documents that since the department had not requested that it upgrade its EMPs to address the environmental impact, the department was satisfied with its operations.

Graves

Tendele acknowledged it had moved or altered graves without necessary authorisation from Amafa, the KwaZulu-Natal heritage resources authority, but said this was done after lengthy consultations with the affected families.

It said it had taken steps to comply with the law and consult with all stakeholders in the future over moving graves.

It said this was not sufficient basis to have the mine shut down.

Tendele said shutting down the opencast anthracite mine

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An increasing number of people are beginning to protest about the environmental and health impacts of the Somkhele coal mine on the borders of the Hluhluwe-Imfolozi Park in KwaZulu-Natal.

PICTURES: ROB SYMONS

would jeopardise the livelihoods of about a thousand local people employed there.

In 2015, Tendele signed off a 20% stake in the Somkhele mine to its employees and local communities.

Kirsten Youens, the attorney representing the applicants, disputed that a thousand local people were employed by Tendele.



All are equal before the law, says prosecutor

ANELISA KUBHEKA

ALL accused are to be treated equally before the law, a prosecutor said yesterday in the Commercial Crime Court in the fraud, corruption and money-laundering matter against ANC provincial chairperson Mike Mabuayakulu and seven Durban businessmen and women.

Rene Ramouthar said this after Mabuayakulu's legal representative, Advocate Jimmy Howse, shot down the State's proposed date for reply to his request for further particulars.

Howse wanted the reply by mid-September instead of the proposed October 16, arguing that his client was a government official and it seemed that the matter would drag out.

"The State only received the request on August 8. The matter involves voluminous documents and the State has to peruse these before filing a reply," said Ramouthar.

Mabuayakulu appeared alongside his co-accused, Caesar Walter Mkhize, Mabheleni Lee-wise Ntuli, Mzwandile Ninela, Nonhlanhla Ninela, Nthando Zungu, Ntokozo Ndlovu and Zandile Njabulo Mkhize.

The matter is about the R28million paid for the North Sea Jazz Festival meant to have taken place in Durban in 2012 but which never materialised. Despite the festival being cancelled, it is alleged these companies received payment for it.

Companies belonging to the businesspeople are also cited in the matter, bringing the total number of accused to 16. These companies include Desmond Khalid Golding, DMD Capital,



KwaZulu-Natal ANC deputy chairperson Mike Mabuayakulu with his attorney, Shaukat Karim, leaving the Durban Commercial Crime Court after appearing on fraud, corruption and money-laundering charges.

PICTURE: MOTSHWARI MOFOKENG/AFRICAN NEWS AGENCY(ANA)

Ishashalazi Production CC, Ishinga Holdings, Maghoboza Traders CC, Shaka Holdings, Soft Skills Communications 100 CC and Supersize Investment 20 CC.

Mabuayakulu is alleged to have pocketed R300000 of the R28million.

Ramouthar told the court she had received the same request as Howse's from some of the other accused's legal counsel.

"It is important that before we set a date for the High Court, I ask if more further particulars requests are going to be made," she said.

All the legal representatives then made such a request.

The matter was adjourned to October 16, but the court learnt that Zungu would be out of the country on that date.

Magistrate Christophiner Mazibuko was surprised to hear this.

"They still have their passports?" he asked Zungu's attorney, who said her client was not asked to surrender her travel documents to the court.

Accused had the intention to kill, court finds

S'NE MASUKU

A DURBAN man was convicted yesterday of fatally shooting a woman who he had accused of stealing his cellphone after he gave her a lift.

Mseshi Thulani Cele, 52, had pleaded not guilty in the Ntuzuma Magistrate's Court to the murder of Nosipho Nduli, 35, in KwaMashu last year.

He did admit to firing a warning shot at a group of people who had been gambling on the side of the road, who, he said, had tried to rob him.

According to prosecutor Kaystree Ramsamujh, Cele had given a lift to a woman on February 14 last year. Two days later, he discovered that his cellphone was missing.

Determined to recover his cellphone from the woman, he went looking for her, and when he found her on the roadside in the township with a group of boys, he fired at her from the back.

Ramsamujh's version was that Cele had the intention to kill Nduli and had a motive because he believed she had stolen his cellphone.

She had argued that the fact Nduli was shot in the head from behind, was evidence that there was an intention to kill.

According to a witness, Bonisiwe Cele (no relation to the accused), the group dispersed when Mseshi Cele approached.

Bonisiwe said a single shot was fired, which hit Nduli in the head.

Nduli was taken to the nearest clinic where she died.

However, Cele said he was being robbed and had fired a warning shot to protect himself.

The court ruled that the State had proven its case beyond a reasonable doubt and found Cele guilty.

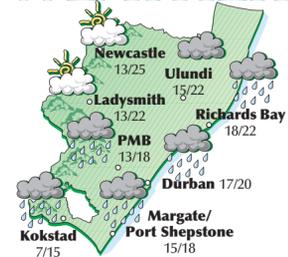
Magistrate Ela Grange found Bonisiwe to be an honest witness.

"It is clear that you (Cele) had an intention to kill. This is clear from the evidence of the witness, which the court is convinced is true and consistent with the medical reports that the deceased died of a distance entry gunshot wound to the head," she said.

Cele had his bail extended pending sentencing proceedings on October 2.

A probation officer's report, based on interviews with Nduli's and Cele's families, would be compiled and submitted to the court for the purposes of sentencing.

WEATHER



North Coast
Wind SW 15kts
Sea Moderate
Swell 2m
Surf Temp 23°C

South Coast
Wind SW 15kts
Sea Moderate
Swell 2m
Surf Temp 23°C

Beach water quality
<http://beaches.durban.gov.za>
River water quality
<http://rivers.durban.gov.za>

IN KWAZULU-NATAL TODAY

Coastal
Rain.
Wind Moderate south-westerly.

Interior
Rain.
Wind Gentle south-easterly.

Drakensberg resorts
Rain.
Wind Gentle south-easterly.

UV risk for DBN
Low
Sunset today.....17:36
Sunrise tomorrow..06:21

Tides for DBN
High tide...02:12/14:41
Low tide...08:25/20:40

Moonrise.....15:01
Moonset.....04:16
26 August, Full moon, spring tide.

TOMORROW Rain.....14/21
SATURDAY Cloudy.....16/21

IN DURBAN YESTERDAY

TEMPERATURE
Minimum.....17°C
Maximum.....22°C
Humidity.....73%

RAINFALL at 8am..... Nil
This month.....27mm
Monthly average.....62mm
Year to date.....310.8mm
Yearly average.....1 009mm

3-DAY FORECAST: 032 436 3820

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