

Conflict Prevention and Risk Analysis (CPRA) –Pretoria



CPRA Daily Briefings

Week 34

Tuesday, 4 September 2012

The **CPRA Daily Briefings** are held weekday mornings in the CPRA Pretoria's Situation Room and the Briefing Notes are the minutes of this meeting during which each regional expert of the Programme reports on the latest human security developments in his/her region, followed by general discussions around the table. An intern then compiles a summary of the meeting, which is reviewed by the respective researchers, and a senior researcher edits the report and provides quality control before returning it to the intern to prepare it for dispatch to the mailing list to which you have subscribed.

CPRA-Pretoria research team

Dr David Zounmenou (W. Africa)
Mr Andrew Atta-Asamoah (E. Africa & the Horn)
Ms Dimpho Motsamai (S. Africa)
Dr Gwinyayi A. Dzinesa (S. Africa)
Ms Naomi Kok (Intern)
Ms Tarryn Warries (Intern)

Today's Briefings
Compilation
Ms Naomi Kok

CONTENTS

Southern Africa

- **South Africa: Marikana tragedy exposes disunity in the ruling party and raises new concerns over the National Prosecuting Authority**

Summary of Briefings

Southern Africa

South Africa: Marikana tragedy exposes disunity in the ruling party and raises new concerns over the National Prosecuting Authority

On 16 August 2012, a violent police crackdown on striking miners in the Marikana area left 34 people dead and 79 people injured. While the death toll was initially attributed to the police acting in self-defence, there is growing public suspicion that many of the miners were in fact executed. This follows a recent report by Pulitzer Prize-winning journalist Greg Marinovich, who after spending most of two weeks interviewing witnesses and examining the location of the tragedy, claims that some of the miners were shot at close range at least 300 metres from where a group of miners clashed with police, while others were crushed to death under police vehicles. An eyewitness interviewed for this same report claimed that some of the injured had gunshot wounds to their backs, which means they were shot while running away.

This latest account differs substantially from what the South African Police Service's National Commissioner described at a press conference held shortly after the incident. It was stated that the police had decided to disperse the striking miners and divide them into smaller groups to disarm them. According to the official version, 'The dispersion action had commenced at this time and the armed protestors were driven from their stronghold to a high bushy ground in the close vicinity. The police members encircled the area and attempted to force the protestors out by means of water cannons, rubber bullets and stun grenades. The militant group stormed towards the police firing shots and wielding dangerous weapons. Police retreated systematically and were forced to utilise maximum force to defend themselves.' Already the National Union of Metal Workers of South Africa (NUMSA) has formally called for the suspension of the police units involved in the 'execution of the Marikana massacre'.

President Jacob Zuma has established a judicial commission of inquiry into the incident under retired Supreme Court of Appeals Judge Ian Farlam. He will be assisted by two other commissioners, namely Advocate Bantubonke Tokota and Advocate Pinglar Hemraj. They will have four months to investigate the circumstances that led to the killings and a month to finalise their report. Although this commission of inquiry was formally announced a week after the incident, it has not stopped various opinions from being expressed about who was to blame.

Expelled ANC Youth League leader Julius Malema was quick to use the incident to score political points against President Zuma and was the first politician to visit the miners. Making much of the fact that he did not require any police protection, he was strident in his attacks, claiming that the current government was worse than the Apartheid government. ANC treasurer Mathews Phosa, who opposed President Zuma's having a second term in office, criticised the president for 'militarising' the police. Phosa pointed out that during the negotiations for a democratic South Africa, a police force with more civilian control was envisaged, and that the country urgently needed to pursue this.

Towards the end of last week, the National Prosecuting Authority (NPA) caused surprise and outrage when it announced that the 259 miners who were arrested at the scene were being charged with the murder of their colleagues. This decision was met with severe criticism from a wide range of politicians, including Minister of Justice Jeff Radebe, legal experts and civil society organisations. On Saturday, the Council for the Advancement of the South African Constitution (CASAC) sent out a petition calling for President Zuma to suspend NPA Acting Director Advocate Nomgcobo Jiba for bringing the NPA into disrepute, given a number of controversies that have

occurred since she has been in charge of the organisation. These include the controversial dropping of serious charges ranging from murder to corruption against various politically connected individuals, particularly those known to actively support President Zuma.

The lawyers acting for the accused (paid for by supporters of Julius Malema) sought to publicly encourage the growing perception that the NPA was being manipulated for political reasons by writing an open letter to President Zuma demanding that the charges against the miners be dropped. The official government response from presidential spokesperson Mac Maharaj was that President Zuma could not interfere with the work of NPA. Jiba's urgent press conference on Sunday at which she announced that the charges would be dropped did little to counter the perception of political meddling. The fact that the NPA so quickly changed its position suggested that the initial decision was taken for reasons other than those based on legal principles and fact.

The events at Marikana were certainly uncommon almost 20 years into South Africa's democracy and may have serious long-term political consequences. While President Zuma is still seen as likely to retain his position as party president at the ANC's national conference, the growing outrage at the Marikana incident could lend crucial support to those wishing to remove him come Mangaung in December.

End