

Conflict Prevention and Risk Analysis (CPRA) –Pretoria



CPRA Daily Briefings

Week 43

Wednesday, 7 November 2012

CONTENTS

Southern Africa

- **South Africa: Shocking evidence presented to the Marikana Inquiry**

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)

Summary of Briefings

Southern Africa

South Africa: Shocking evidence presented to the Marikana Inquiry

The Commission of Inquiry into the Marikana tragedy continued this week with explosive evidence being presented of crime scene tampering. Captain Jeremiah Apollo Mohlaki, a police crime scene investigator, found himself under cross-examination for evidence he had presented before the commission. The legal teams for the Association of Mineworkers Union (AMCU) and the families of the slain mineworkers presented a number of photographs and video footage showing that weapons had been placed nearby or in the hands of mineworkers after they had been killed.

For example, photographs that were taken shortly after the killing of some of the mineworkers were compared to photographs taken subsequently by a police crime scene investigator. These images were taken at 'scene two', where 18 of the 34 mineworkers had been killed. This second scene is in a different location to the first scene, where the police shooting of the mineworkers was well documented by the media. The first photographs show a mineworker lying dead between two boulders. There is nothing in the dead man's hands. The second set of photographs taken a couple of hours later show the same dead man but this time with a yellow panga (large hatchet) in his hand.

This is but one of a number of instances where weapons had been placed on or close to mineworkers after they had been killed. The lawyers also presented evidence of a mineworker who had seemingly been shot dead while lying on the ground with his hands tied behind his back. Most of the dead were killed by single shots to the head. One body was riddled with 12 bullets. This raises serious questions about the credibility of the police version that they killed the mineworkers in self-defence. It also adds weight to certain eyewitness accounts that some mineworkers were shot dead by police while trying to hide or while surrendering to the police with their hands up.

Advocate George Bizos summed up by saying, 'The evidence clearly showed there is at least a strong prima facie case that there has been an attempt to defeat the ends of justice.' He argued that senior police officers responsible for the scene would need to give evidence at the inquiry. In response, Advocate Ishmael Semanya, for the police, stated that National Police Commissioner Riah Phiyega already knew about the alleged tampering with the crime scene as there was evidence to suggest this had taken place. A probe had already been launched to establish what had happened.

These are serious allegations and add to existing concerns that the police are involved in trying to cover up their actions. These concerns started during the previous weeks with the arrest and alleged torture of four mineworkers who were eyewitnesses to police action. Questions can also be raised as to why the investigation by the SAPS National Commissioner into crime scene tampering was not mentioned to the inquiry earlier and why it took the lawyers from other parties to raise the problem. Questions will also need to be answered about what was discussed by top police management in the nine-day meeting that they held shortly after the Marikana tragedy. To date, the police witnesses who attended this meeting have come across as evasive and lacking credibility. Some analysts are already asking questions about the extent to which senior police leadership are complicit in growing evidence of attempts to hinder the work of the commission.

End