

South Africa to prosecute strikers targeted by police massacre at Marikana

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In an act of naked class justice, the South African National Prosecuting Authority (NPA) is laying bogus murder charges against 270 striking Marikana miners after police massacred 34 of their fellow strikers on August 16.

The African National Congress (ANC) government does not contest that it was police who murdered the 34 striking miners who died that day. However, none of the policemen who committed the murders, or the high-level government officials such as Police Commissioner Riah Phiyega under whose instructions they were acting, are in custody. Instead, prosecutors are charging and detaining the strikers who somehow survived the police's murderous onslaught.

Indeed, 6 of the 270 miners charged could not attend the court hearing because they are still hospitalized with wounds from police fire. The 264 other strikers appeared at the Ga Rankunwa magistrates court, where their application for bail was rejected and their hearing was adjourned for seven days.

At least 150 of the detained strikers have already filed claims with the Independent Police Investigative Directorate complaining that they have been assaulted and tortured by police officers while in detention.

The 270 strikers charged with murder also face 78 charges of attempted murder, one for each one of their fellow strikers who was wounded but not killed by police fire.

To advance the barbarous principle that victims can be charged for the crimes the police have committed against them, the ANC is relying on the infamous "common purpose" doctrine, drawn from the legal arsenal of South Africa's former white-minority racist apartheid regime.

NPA spokesman Frank Lesenyego said that this "technical" charge places responsibility for any fatal

confrontation involving the police on whoever was facing the police. "This is under common law, where people are charged with common purpose in a situation where there are suspects with guns or any weapons and they confront or attack the police and a shooting takes place and there are fatalities," he explained.

This effectively gives police a blank check to attack any group of people they encounter who can plausibly be accused of carrying anything that could be construed as a weapon.

The "common purpose" doctrine was invoked in the case of the "Uppington Fourteen," a group of activists sentenced to death by hanging in 1989 for the 1985 murder of a policeman, even though the trial judge acknowledged that they had not killed the policeman. Worldwide protests against the ruling compelled the South African courts to overturn it on appeal.

South African lawyer Jay Surju told the BBC that the "common purpose" doctrine is "very outdated and infamous." Nonetheless, the black capitalist politicians who came to power in 1994 when the ANC became South Africa's ruling party after the end of apartheid never expunged the doctrine from South African law.

The police massacre at Marikana starkly reveals the class logic underlying the ANC's decision. Speaking for the entire South African capitalist class, both black and white, and for its allies in global finance capital, they find the repressive measures of the apartheid era essential to crushing workers' opposition to class oppression in post-apartheid South Africa.

The platinum miners striking at Lonmin PLC's Marikana mine are intensely exploited. They earn \$500 a month for laboring under hot and exhausting conditions deep underground, living seven to a shack and far away from their families while producing immense super profits for the mining bosses.

The riches they create for the capitalists of all races are symbolized by the \$275 million fortune of Cyril Ramaphosa—the former leader of the National Union of Mineworkers, a leading union inside the ANC-affiliated Congress of South African Trade Unions (COSATU).

As executive chairman of investment firm Shanduka Group—which owns a majority stake in Incwala Resources, Lonmin’s Black Economic Empowerment corporate partner—Ramaphosa sits on Lonmin’s board of directors.

The ANC’s prosecution of the victims of the Marikana massacre exposes the utter hypocrisy of President Jacob Zuma’s reaction to the massacre. Speaking of the workers, he said that he “felt their pain” and promised a commission of inquiry would investigate the killings. In the meantime, his government is locking up the workers and prosecuting them on utterly bogus charges, while delaying the inquiry into the police action until months into the future.

The government is panicked by the spread of strike action throughout South Africa’s strategic mining industry, as well as to broader sections of the workforce. While only eight percent of workers had reported to work at Lonmin’s operations this week, strikes are spreading to other mining firms’ operations throughout the country.

Yesterday, a strike vote was scheduled for South African textile workers. They are calling for a 13.5 percent wage increase but face employer demands for a 20 percent wage cut for new hires. Last year, the South African Clothing and Textile Workers’ Union already signed an accord allowing new hires to work at wages 30 percent below the minimum specified in the contract.

The government and the entire South African ruling class are nervously watching the impact of the Marikana massacre on South Africa’s position on world financial markets—and thus, on their fortunes.

While laying out the charges against the striking miners in court, State Prosecutor Nigel Carpenter absurdly argued that they were liable for the effect that news of the police massacre had on South Africa’s currency, the rand. “There were reports in the morning that the rand fell by 12 percent,” he said.

At a meeting in Perth, South African Mines Minister Susan Shabangu promised global financiers that the

ANC would squelch any plan to nationalize the mines and ruthlessly crush opposition in the working class.

She said, “We urge our investors, incumbent and prospective, to take comfort in the solid foundations set by our constitution, government, legal and civil institutions. ... The president and people of South Africa are determined to isolate bad elements in our society that are seemingly committed to undermine the democratic gains of the country to date.”

Such comments only underscore the profound hypocrisy of the South African ruling class’ democratic pretensions. The post-apartheid institutions the South African bourgeoisie has worked out with international capital do not create foundations for democracy, but lay the basis for extracting profits from a super-exploited working class policed by bloody repression and police-state rule.



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