

Strike leaders arrested following testimony before Marikana massacre inquiry

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Four miners who testified Tuesday before the Farlam Commission into the Marikana massacre were immediately arrested by police. They are to be charged with murder.

Lawyers acting for the families of 21 of the 36 miners killed at Marikana on August 16 have called for their immediate release.

The four, all strike leaders, were returning home after giving evidence to the official inquiry, being held in Rustenberg, into the massacre of workers striking the Lonmin mine. They were travelling in a taxi carrying 14 people.

The Socio-Economic Rights Institute of South Africa (SERI) has insisted on their immediate release. According to its attorney Teboho Mosikili, the four—Zamikhaya Ndude, Sithembele Sohadi, Loyiso Mtsheketshe and Anele Kola—were arrested after being pointed out “apparently by, or on the information of, a police officer that had attended the commission’s hearing. Hoods were placed over their heads and they were told not to speak, or they would be shot.”

“It appears, prima facie, that the arrested persons were targeted because they were assisting us at the commission,” Mosikili said in a statement.

Threatening to withdraw from proceedings if they are not released by October 29, when the commission reconvenes, the attorney added, “SERI can no longer, in good conscience, provide to the commission, or the parties to it, information relating to the identities of potential witnesses who may provide information and testimony adverse to the police.”

Mosikili is part of a team led by advocate Dali Mpofu representing the relatives and the 275 miners arrested and those injured. Mpofu told the commission on Tuesday that five of his witnesses, two of them key witnesses, had been arrested.

Mail & Guardian was told by English lawyer James Nichol—a partner at the TV Edwards LLP law firm—that a letter has been sent to the England and Wales Law Society requesting it despatch observers to ensure proper legal procedures are followed.

The letter says of the arrests that “there have been numerous occasions in which the police have used grossly excessive force against the residents of Marikana... In the last few days important witnesses, miners who are poor, live in corrugated shacks and are often unable to read or write, have been arrested and intimidated by SAPS,” the South African Police Service.

The arrest of the four on Tuesday was the culmination of this campaign of intimidation. It involved “an estimated 30 to 40 police in an armour-plated vehicle, vans and other unmarked vehicles.”

“The group were ordered out of the vehicle by police wielding pistols and rifles, forced to lie face down in the dirt, and pinned down with booted feet at their necks. The police slapped and beat members of the group, threatening to shoot them if they attempted to look up. One member of the group was warned ‘I will blow your head away!’” Nichol wrote.

The four strike leaders were identified by police as “the ones that we are looking for.”

The police response was bellicose and unapologetic. North West police spokesperson Brigadier Thulani Ngubane claimed the four were arrested for the series of four “mysterious murders” of mineworkers in Marikana since the August 16 massacre. He said they were arrested during a routine vehicle control point search.

He went on to say that “these criminals are the property of the state.”

Dismissing any concern for the supposed integrity of

the Farlam inquiry, he declared, “Lawyers would understand that a criminal is a criminal but they will have access to these criminals. The laws of the land allow it, the commission allows it, the commission has subpoena powers and the police will ensure that these witnesses appear before it.”



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