

Charges of evidence tampering at South African mine massacre inquiry

Julie Hyland
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The Farlam Commission of Inquiry into the August 16 massacre of striking miners at Marikana has heard allegations that police planted evidence at the scene.

Thirty-four workers involved in the wildcat strike at the Lonmin platinum mine over low pay and impoverished living conditions were killed by police, and 78 wounded. It was the worst state massacre since the legal end to apartheid 18 years ago. The assault was sanctioned by the African National Congress government and its partners—the Congress of South African Trade Unions (COSATU), including the National Union of Mineworkers (NUM), and the Stalinist South African Communist Party (SACP).

Two photographs of the scene were presented to the commission. The first, taken in daylight, showed the bloody body of a slain striker. In the subsequent image of the same corpse, taken at nightfall, a machete rests next to the man's hand.

Lawyer George Bizos, acting for the strikers, said the images presented “a strong *prima facie* case that there has been an attempt to defeat the ends of justice... Changing the evidence is a very serious offence.”

Other images showed that some strikers were handcuffed when they were killed. In a video, police officers can be heard laughing and joking next to miners' bodies.

Crime scene expert Captain Apollo Mohlaki admitted that the night-time images he had taken showed more weapons around the bodies than those taken earlier. Asked how the weapons appeared in the later image, when the crime scene was closed to the public, he said, “I don't have any idea at all.”

Asked if he had seen any handcuffed bodies, Mohlaki said, “If I am looking at the video there is a person, handcuffed possibly, but on the day I did not observe that.”

The images underscore that, from the moment the police

massacre was committed, a cover-up was instigated that could only have been authorised at the highest levels of the state.

Writing in the *Daily Maverick*, Greg Marinovich raised that senior police chiefs must have been aware that the crime scene had been tampered with. Similarly, the Independent Police Investigative Directorate (IPID), who were called to investigate the crime scene, “must have been aware—for months [before Monday's hearing]—of how police were trying to cover up the crime scene.”

Yet not a single officer had been suspended.

Following the massacre, police claimed they had acted in self-defence after coming under assault from machete- and spear-wielding strikers. This account was supported by ANC, COSATU, SACP and NUM leaders, who denounced the strikers as “criminals” and “counterrevolutionaries.”

Independent investigations and eye-witness accounts undermined this version of events.

Post-mortems on many of the dead showed they had been shot in the back as they attempted to flee.

In a further attempt to intimidate the strikers and cover up the truth, the South African National Prosecuting Authority (NPA) initially charged 275 workers arrested with the murder of their 34 fellow strikers, under notorious apartheid-era “common purpose” laws. Many of those charged filed reports that they had been assaulted and tortured in police custody.

The ensuing outcry saw the charges temporarily withdrawn, though they could be reinstated.

The Lonmin strike spoke to widespread anger over poverty and inequality in South Africa. Black Economic Empowerment policies have benefited a tiny black elite—mainly from the ANC and the trade unions—who have grown fabulously wealthy, while conditions for the mass of workers have deteriorated. That is why the Lonmin action, and the mass strike wave that developed

across the mining sector, took the form of a rebellion against the official trade unions.

It was to conceal these issues that ANC President Jacob Zuma announced the inquiry into the August 16 massacre.

Witnesses for the strikers have been intimidated and arrested. Last week, lawyer Heidi Barnes told the Commission that Jimmy Gamma, a witness affiliated to the Association of Mineworkers and Construction Union (AMCU), had been threatened. “Three men wearing balaclavas threatened Mr. Gamma's child and said they would come back for his father that night,” she said.

The NUM has blamed the AMCU for supposedly instigating the strikes at Lonmin and elsewhere.

Last month, four strike leaders were arrested immediately after testifying at the Farlam Commission. Another Marikana strike leader—Xolani Nzuza, who was also due to appear before the Commission—was arrested and charged with killing a local NUM official.

The commission has now agreed to break its proceedings into two phases. The first will investigate the events of August 9-16, “the lawfulness and conduct of the police, whether the participants in the strike should be held criminally liable for the deaths of those who died on August 16, and the direct or legal responsibility of any party involved in the unprotected strike.” The second phase will look into the “moral responsibilities” of police, workers, trade unions and mine owners.

The police have stepped up their claims that they acted in self-defence. South African Police Service member Colonel Victor Visser claimed the days leading up to the massacre saw increased criminality and violence by striking Lonmin miners, citing the murder of two security guards on August 12.

Bloody images of the guards were shown, one with his tongue cut out. Visser said the guards had been trying to prevent strikers from marching on the NUM officers, claiming union rivalry.

But in October, *Daily Maverick* journalist Jared Sacks cited evidence that violence in Marikana was instigated by NUM officials hostile to the miners’ wage demands and to the strike. In his account, the strikers marched to the local NUM headquarters on August 11 to demand that the union back their action. It was then that the “top five” NUM leaders “and other shop stewards, between 15 and 20 in all, came out of the office and began shooting at the protesting strikers... without warning or provocation.”

Two strikers were killed, but no one was arrested or questioned. This apparently sparked the killing of NUM officials, police and security guards.

A video at the commission from August 13 showed a confrontation between police and strikers. The workers were told they had to put down their sticks and other weapons or they would not be able to join their fellow protestors on Wonderkop hill.

A striker arguing with police said that the weapons were for self-defence. “We want you [police] to accompany us,” he said. “We have no intention of attacking anyone. Our weapons are only for our self-defence.” The group were later fired on with stun grenades.

This was the same day that NUM General Secretary Frans Baleni called for the “deployment of a special task force or the SANDF [South African National Defence Force] to deal decisively with the criminal elements in Rustenburg and its surrounding mines.”

The next day, a major police operation began. Lt-Col Duncan Scott described the massive force and weaponry deployed against the strikers. Some 630 police were despatched to the area. Raids were carried out on miners’ hostels, and many were arrested.

Scott said that just hours before the massacre he had been present at the scene with AMCU President Joseph Mathunjwa, who was trying to disperse and disarm the strikers. Video footage shows many of the strikers rejecting Mathunjwa’s entreaties.

“Every mineworker is a soldier, prepared to die at any time. They [management] are treating us like rascals, we want them to come and meet us here,” says one.

“We are prepared to die on this mountain,” says another.

Hours later, the police shooting began. Police let loose an eight second burst of gunfire against the strikers, Scott said. It was brought to an end by the Tactical Response Team, “who could see the shooting was no longer necessary.” Video footage showed strikers falling under a hail of bullets.



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