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## **South Africa: Justice for Marikana deaths hangs in the balance**

The Government of South Africa must ensure that the Commission of Inquiry into the killings at Marikana does not fail to deliver fair access to justice, said Amnesty International today.

Nearly a year after the large-scale human rights abuses at Lonmin's Marikana mine, the vital task of achieving accountability for these abuses is incomplete and at risk.

The Commission of Inquiry, the main official vehicle set up to establish the facts and make recommendations to government, is currently in crisis.

"By anyone's measure, the outcome of the police operation at Marikana was absolutely catastrophic," said Noel Kututwa, Amnesty International's Deputy Programme Director for Africa.

"The long-term consequences for the respect and protection of human rights in South Africa will be severe should the authorities fail in taking all necessary steps to achieve accountability for what happened in Marikana on 16 August 2012."

Thirty-four striking miners died in Marikana after police opened fire on them. More than 80 other miners sustained serious injuries.

The injured miners - who are direct witnesses to the events of 16 August last year - have withdrawn their participation in the Commission's proceedings. The men, who are facing criminal charges arising from those events, withdrew in July because of lack of funds for legal representation. They approached the constitutional court to appeal against this discriminatory access to the Commission's proceedings.

"Witnesses must have access to legal advice in preparing to give evidence, especially those who are still facing criminal charges, and to do so without fear of reprisals," said Noel Kututwa.

The risks of reprisals are underscored by the continuing social conflict, atmosphere of fear and killings which are still occurring in the Marikana area.

Some other participants and their legal teams also withdrew in sympathy, including the families of the deceased miners. They highlighted the imbalance in support given to the injured miners compared to the amply resourced legal team representing the police.

If unresolved, this situation, which affects the legitimacy of the Commission, may also undermine other processes of accountability and redress which are pending the outcome of the Commission.

Amnesty International urges the government to ensure that the Commission can carry out its work on a completely level playing field, supporting the full participation of all parties.

"There seems to be a critical lack of political will to ensure that the police and those responsible for the

police fully account for their actions,” said Noel Kututwa.

### Background Information

The police operation in Marikana on 16 August 2012 was apparently intended to disperse and arrest those taking part in a strike at Lonmin’s Marikana mine.

Thirty-four miners were killed when the police opened fire and more than 80 others sustained serious injuries.

The Commission is also looking into 10 other deaths which occurred in the preceding week. These include two Lonmin security guards and two Lonmin workers, allegedly killed by the strikers. Two police officers and three striking miners also died during still unclarified circumstances on 13 August 2012.