

SAHRC Marikana investigation in the spotlight

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Members of the Portfolio Committee on Justice and Constitutional Development have questioned the South African Human Rights Commission's (SAHRC) decision to investigate the Marikana massacre. Portfolio Committee members were further concerned about the SAHRC's use of the same lawyers as some of the families of the deceased.

MPs suggested that the SAHRC's investigation might interfere with the work of the Judicial Commission of Inquiry into the massacre appointed by President Jacob Zuma. This came after the SAHRC's CEO, Mr Kayum Ahmed, told the Committee they have enlisted the services of the Legal Resources Centre to assist in their investigations.

"We were approached with a complaint against the National Police Commissioner, Riah Phiyega, in terms of her overall responsibility as an accounting officer in terms of what happened regarding human rights violations," Mr Ahmed said.

MPs contended that this presented a potential conflict of interest and could potentially compromise the SAHRC's independence or the perception of its independence and warned that the numerous investigators could be tripping over each other in their quest to find answers.

Committee member Mr John Jeffery said he was baffled by the SAHRC's involvement in Marikana, given the Judicial Commission of Inquiry, and described it as a waste of resources. "What is the point of the SAHRC doing [an investigation] when there is a full-blown Judicial Commission of Inquiry, which has been given a specific time limit and where all the evidence will be subject to cross-examination?" he asked.

He also said that the more statements you get from witnesses, the more you damage their ability to give evidence, because each time they remember something slightly differently and give a slightly different version of events.

Committee member Ms Dene Smuts wanted to know which rights the SAHRC would investigate, how they justified their work and how they were going to put their findings to the Judicial Commission of Inquiry. "You are potentially going to interfere. You are muddying the water," said Ms Smuts.

The SAHRC's deputy chairperson, Ms Pregs Govender, defended their position and referred to a report by the Bench Marks Foundation, published just before the Marikana shooting, which suggested the SAHRC investigate various problems in the area, including violations of the right to learn, the communities' land rights, the miners' living conditions and their salaries.

She was supported by her SAHRC colleague Dr Danny Titus, who indicated the SAHRC will make a presentation to the Judicial Commission of Inquiry in which it will clearly state its concerns about human rights at Marikana.

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