



MEDIA STATEMENT BY THE CHAIR OF THE COMMISSION RETIRED JUDGE IAN G FARLAM

14 August 2013

MARIKANA COMMISSION REVIEWS PROGRESS NEARLY ONE YEAR LATER

This week marks the anniversary of the events which the Commission was established to investigate. It is appropriate for me to say something about the progress which we have made so far, and about the challenges facing the Commission as we move ahead.

The Commission has now held 114 sessions. We have heard submissions and evidence which run to more than 12 000 pages of transcript. We have heard extensive opening statements by interested parties; we have conducted inspections in loco; we have viewed video recordings of some of the events of that week in August 2012; we have examined a very large number of documents which now form part of the evidence; and we have heard the evidence of a large number of witnesses who have been examined and cross-examined.

We have heard the evidence of witnesses who have been presented by the following interested parties: in alphabetical order, the Associated Mineworkers and construction Union (AMCU); the injured and arrested people who were on the koppie in the week terminating on 16 August 2012; the National Union of Mineworkers (NUM); and the South African Police Service.

This process has not been as speedy as any of us would have wished. I wish to refer to three reasons for this.

First, there are many interested parties which are represented before us. The number of parties varies from time to time, but it is approximately 12. The interested parties often wish their lawyers to cross-examine the witnesses who have given evidence. With so many witnesses and so many cross-examiners, it is inevitable that progress has not been rapid.

Second, all of the evidence has been interpreted in several languages in the auditorium and in a room nearby. This has been necessary, because this is a public process. The Commission is an exercise in public accountability. It is important that as many as possible of those who wish to do so, should be able

to hear and understand the evidence; this is particularly the case for the families and loved ones of the deceased, namely the miners, the Lonmin employees and the members of the Police Service all of whom died during the period from the 12th to the 16th August 2012. Inevitably, the process of interpretation has slowed down the progress of the Commission. It has however been necessary, in order to ensure the inclusiveness of the process.

Some time ago the Commission attempted to address this problem by requesting the Department to arrange a simultaneous translation service. We were advised that this could not be done, for reasons of cost. The Commission has renewed this request, and I am pleased to report that the Department has now made the necessary facilities available. I am hopeful that this will speed up the process considerably.

Third, in recent weeks a further delay has been caused by the fact that funding has not been provided to pay the fees of the legal representatives of the injured and arrested persons, and the Commission has stood down while attempts are made to resolve that. Those attempts have not yet reached a final outcome. A case in this regard is pending in the Constitutional Court, and a number of attempts have been made and are still being made to secure funding outside the litigation. A decision by a possible donor will be made known by the end of the week. It is obviously desirable that the proceedings of the Commission should be as inclusive as possible. It would however not be appropriate for me to say anything about the legal merits of the case which is pending before the Constitutional Court.

The members of the Commission are very conscious of the need to reach a conclusion without undue delay. That will be facilitated by the simultaneous translation service which will now be available, but that will not be enough. What will also be required will be the total co-operation and commitment of all the parties to this end.

In bringing the work of the Commission to a conclusion, we have to strike the proper balance between two matters: on the one hand, the need to ensure that the process is fair and as inclusive as possible; on the other hand, the need for us to report as soon as possible to the President and to the people of South Africa on the very important matters which are raised in our terms of reference.

The Commission is committed to completing its task without undue delay, and will do everything reasonable in its power to achieve that result.

The Commission will resume on Monday, 19 August 2013 at 9:30.

Ends...

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