

Marikana in quicksand

Commission of inquiry faces more hurdles as miners' counsel pulls out

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THIS month marks a year since 44 people were killed in Marikana, North West, but there is still no answer as to where the guilt lies.

The Farlam Commission of Inquiry — charged with uncovering the truth about the Marikana massacre — has been hobbled by constant postponements.

Yesterday the hearing was postponed yet again when advocate Dali Mpofu, acting for the injured and arrested miners, pulled out for want of funding.

The commission also has to find a replacement for its evidence team leader, Mbuyiseli Madlanga, who takes up his appointment as a

Constitutional Court judge today.

The commission, appointed by President Jacob Zuma, sat for the first time in October. It was given three months to complete its work.

This deadline was extended by four months, then extended again to October this year.

After Mpofu pulled out, lawyers representing mining union Amcu followed suit in solidarity.

Mpofu has found a potential donor but the funding is not yet certain.

Postponing the sitting of the commission to Tuesday next week, retired judge Ian Farlam yesterday

said it was perhaps “too optimistic” to hope that the potential donor would decide to help fund Mpofu’s case by the end of Tuesday this week. He said though the possibility of funding still existed, “we do

‘We do not know if the funds will or will not come’

not know if [the potential donor’s decision] will be favourable or not”.

According to papers filed in the Constitutional

Court on Tuesday, Mpofu’s team has launched a bid to get state funding.

Estimates are that the bill for the legal team representing the police amounted to about R3-million a month.

The cost of Mpofu’s team came to about R340 000 a month.

The court papers state that the police’s legal bill currently stands at R39-million.

The commission’s spokesman, Tshepo Mahlangu, said Madlanga’s replacement would be found by Tuesday next week.

“There are about 10 lawyers in the evidence-leading team from which we could find a replacement,” he said.

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Farlam funding issue unresolved

It is still not clear whether lawyers at the Farlam Commission of Inquiry will get interim funding from an unnamed foundation, the commission heard yesterday.

The commission's chairman, retired Judge Ian Farlam, said he "may have been too optimistic in thinking they would have received a decision by now" when he adjourned the commission until 9.30am on Tuesday.

Dali Mpofu, representing the mineworkers wounded and arrested at Marikana, wants funding for his legal team. Mpofu intended filing papers with the Constitutional Court for a ruling on whether the State should fund their work at the commission. He has since asked that the commission be postponed until August 19, pending the outcome of the court proceedings. – *Sapa*.