

“Charging the Striking Miners with murder of colleagues was and is insensitive and absurd.” says the Anglican Bishop of Pretoria, Jo Seoka

Talking about the brutal killings of the striking miners at Marikana raises all sorts of questions, but the truth is yet to be told by eyewitnesses. I am one such person who is willing and committed to tell my experience about the people concerned, most of whom are now dead.

In my previous article I wrote, ‘the massacre could have been avoided if Lonmin’s management had listened to the workers’ concerns.’ The same can be said, that, if only the police had engaged in dialogue with the strikers before shooting, the blood of the miners that has watered the grounds of Lonmin, could have been prevented. It is propaganda to tell the story of Marikana focusing on the police report that only 10+34 died in these callous killings of defenceless workers. There is more to it, such as the story of the mother of one of the miners who, on hearing the news of her son’s death asked, “What will happen to us?” and then collapsed and later died in hospital. The stories about the widows and orphans have not been told yet, but will have to be shared with the rest of the grieving nation. The death of the miners does not only impact on the immediate families’ lives but the extended families and the wider society.

The Marikana murder is a story of a failed democracy which, instead of protecting the rights of its citizens, takes away their lives. In my opinion democracy means freedom to live one’s life, freedom to express one’s mind, freedom of movement and the right to decent work and a living wage. This is what the striking miners died for. This I know because I had the conviction to climb the mountain to be with the strikers and listen to their story. All I heard was the story of basic human rights. These are men who are the working poor who wanted to talk about their socio-economic rights with their employer. They said to me, “Bishop just go and ask Mr Ian Farmer to talk to us about our demand for a living wage”. I did go to the Lonmin office only to be told firstly that Ian Farmer was sick in hospital and secondly that the company will not talk to criminals who have murdered people.

It is my belief that these men were peacefully waiting for their employer to come and discuss their plight with them. In fact, the man in the green blanket Mr Mgcineni “Mambush” Noki, was the most peaceful person I have ever seen in an explosive situation. He spoke softly with the conviction of a seasoned leader. He did not kill anybody but he was brutally murdered by the people who ought to have protected him. Therefore, charging these strikers with murder of their colleagues was and is insensitive and scandalous.

As I was driving back from Marikana on that fateful day, the miners called me on my cell phone to tell me that they were being shot at and some had been killed by police. I could hear, amid screams, the sound of gun shots, not any rattling of sticks and/or pangas, but just gun fire. It just does not make sense

that a policeman armed with rifle can be threatened by a person with a fighting stick and panga.

Some argue that that the strikers were occupying a public space and therefore were causing a threat to the public. But did the public call the police? No! They must have been called by the company to protect its assets even though nothing had been destroyed by the striking miners.

On the very night of the killings and the day after, some of the strikers were not only shot and killed, but ran over by police cars while others were arrested. A medical pathologist's report tells the nation that some of the miners were not only shot at short range but in their backs and away from the koppie. And while the nation and the world is still bemoaning the killings and on the eve of the burial of the majority of the deceased miners, the National Prosecution Authority (NPA) decided to charge the 270 arrested miners for murder of their own colleagues. How insensitive is the NPA? What nonsense can this be and how stupid is our judicial system to be turned into a "mampara" of the decade. If anybody had entered into the common purpose legal framework, it could only be the management. How could the workers, most of whom have no education, determine that people would be killed when they had no intention of fighting? These men were asking for their right to life and did not anticipate death of anyone. There are just too many unanswered questions which will, hopefully, be addressed by Judge Farlam's commission.

As if the charges were not enough, the arrested men were paraded daily like circus animals as they climbed off the trucks to appear before the magistrate and chained like wild animals. No doubt the animal rights activists would have protested this cruel treatment by now if animals were treated in the same manner as these miners. The sizes of the court rooms necessitated that only a few could go in to the courts and some are said to have been detained in police trucks. Surely, this is gross violation of human rights to dignity, just to mention one of the human rights. Should the police be charged for this inhumane treatment? Yes. And where did the presiding magistrate think the rest were kept? He must have known there were 270 people destined to appear before him. This is mockery of our democratic constitution!

In my opinion, the police officer who was in charge of the police at Marikana and gave orders 'to shoot to kill' must be the one charged with murder. And so are the policemen who pulled the trigger which killed the striking miners. Lieutenant-General Zukiswa Mbombo must tell the nation and the NPA who gave the orders to her to order the police to shoot.

I applaud the Minister of Justice, Jeff Radebe, for calling for an explanation to the charge and I cannot wait to hear the explanation. If there be any charge, which I do not believe there is, it could be for the death of the police and security persons, as nobody has a right to kill, including the State. Therefore, whoever killed has committed a crime and must be arrested and tried for it. Life is sacred and must be treated as such. Surely, for a trained police force, there

are alternatives to such brutal force. Opening of fire was not called for even as a last resort.

There are three things that must be done to address the confusion and anger of the public:

- First, the charges must be withdrawn since it is now apparent that the striking miners were falsely arrested and wrongly charged with crimes they did not commit – the fact that the murder charges have been withdrawn provisionally does not set my mind at ease. What about the rest of the charges?
- Secondly, the judiciary must scrap all apartheid laws, particularly those that were made to oppress black people. Such actions will strengthen our democratic constitution and the Bill of rights and restore trust in the police services.
- And thirdly, mining bosses must start learning to understand the workers and to treat them as important stakeholders and not just employees. A lot can be learnt from the German Codetermination work ethic.

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