

FXI Welcomes appointment of Presidential Commission of Inquiry into Marikana Massacre

24 August 2012

The Freedom of Expression Institute welcomes the timeous appointment of a Presidential Commission of Inquiry into the Marikana Massacre, to be headed by Justice Ian Farlam. The events in Marikana on August 16 marks the tragic apex of growing problems around the right to protest which people in poor communities across South Africa have been experiencing over recent years. The death of Andries Tatane in April last year, is no less a similar reminder of how the right to protest can be systematically undermined and repressed in this country. While these incidents demonstrate in shocking detail the use of brutal force to break up demonstrations or protests, the FXI has also documented other abuses by authorities to silence protests. These include illegal prohibitions on marches; bureaucratic procedures to stall protests; and the suspicious arrests and charging of community leaders ahead of protests. In a study conducted in 2011, the FXI found that in Tembelihle (Johannesburg) and Tembisa (Ekhuruleni), police had conducted systematic house searches and arrested community leaders both before and after protests in those areas. It raises clear suspicions about whether arrests are being used politically to curtail dissent at the very local level. In incidents in Pretoria, the East Rand and the Vaal, the FXI found that local government bureaucracy around the Regulations of Gatherings Act (RGA) had persistently stymied efforts on the part of the community to have their grievances heard. In most of these cases the authorities persistently refused to grant permission for protests on spurious grounds that were out of sync with the RGA. The build-up of greater tensions and frustrations within communities is an evitable consequence of this.

The FXI welcomes the wide-ranging mandate of the Farlam Commission of Inquiry to probe amongst others the conduct of the mining company concerned, the unions involved in the dispute as well as the conduct of the police on the day of the massacre. Our hope is that the Commission will make appropriate recommendations around police training that will bring our authorities fully in step with upholding the Constitutional Right to protest and demonstrate.

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