PRESS RELEASE
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SERI to seek international scrutiny of police action by the Marikana Commission of Inquiry

The Socio-Economic Rights Institute of South Africa (SERI) represents 20 families whose relatives were killed by the police on 16 August 2012 at Marikana.

Deeply concerned that police conduct at Marikana fell abysmally short of international standards, SERI has today engaged the services of Professor John Dugard SC, one of the world’s leading international lawyers, to consider whether police action in Marikana on 16 August 2012 met international legal standards.

An acclaimed professor of international law, a former UN Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, and a former member of the International Law Commission, Dugard will consider, amongst other things, whether police action complied with -

- The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which were adopted by the Eighth UN Crime Congress in 1990. The Principles require police officers to apply non-violent means as far as possible before resorting to force. They may use force only when strictly necessary and to the minimum extent required. They must minimise damage and injury, and respect and preserve human life; and

- The Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 1979, which requires law enforcement officials to use force only when strictly necessary and to the extent required for the performance of their duty. Firearms are to be used only when strictly unavoidable to protect life.

Osmond Mngomezulu, attorney for the families of 20 people who were killed by police fire on 16 August, said “We are encouraged that Professor Dugard has accepted the brief. The evidence emerging from the Inquiry is consistent with a picture of sustained police brutality on 16 August. Professor Dugard’s wealth of experience – both in international and human rights law – will assist us in subjecting police conduct to the most searching examination. We believe Professor Dugard will greatly assist the Commission in its work”.

John Dugard SC joins a formidable legal team for the families, headed by leading human rights lawyer Dumisa Ntsebeza SC.

Contact details:

Jackie Dugard, executive director at SERI: jackie@seri-sa.org / 084 240 6187