DEPARTMENT OF JUSTICE IS MISLEADING THE PUBLIC ABOUT MARIKANA FAMILIES

The Socio-Economic Rights Institute of South Africa (SERI) acts for the families of 25 of the miners killed by police at Marikana on 16 August 2012. Like many people, including our clients, we are shocked and appalled at the Department of Justice and Constitutional Development’s decision to discontinue financial support aimed at enabling our clients to attend the hearings at the Marikana Commission of Inquiry. The decision was taken without prior notice or consultation. Our clients are distraught. They want to know the truth about what happened to their loved ones on 16 August. They want the opportunity to see the evidence unfold. They particularly want to see and hear for themselves what the police have to say about their conduct on 16 August. Our clients also want to hear the eyewitness accounts of those who were with their loved ones when they died.

Suggestions to the contrary are hurtful and untrue. In this respect, it has unfortunately become necessary for us to deal with misleading statements made by Adv Skosana of the Department of Justice on SABC 1’s Sunday Live programme, aired on 28 October 2012. During the programme, Adv Skosana alleged that the Department of Justice had recently met with certain of the families, presumably including our clients. He furthermore alleged that our clients stated that, rather than being transported to the Commission, our clients would rather be paid the money it would cost to transport them to the Commission. Adv Skosana also implied that none of the families, including our clients, actually wished to attend the Commission.

Adv Skosana's comments are grossly misleading. In the first place, our clients deny that they have ever informed the Department of Justice that they did not wish to attend the Commission's hearings. They very much wish to do so. They are deeply upset that the Department has, at the eleventh hour, decided that they will not be assisted to attend the Commission's hearings when it reconvenes on 29 October.

Adv Skosana's comments are misleading in another respect. He suggests that the families were offered a choice: that they could be transported to the Commission or have the money value of their transport and accommodation paid to them. This is just not true. The Department has withdrawn all support, of whatever nature, from the families.

It is true that our clients are in real financial need. We will be assisting them to apply for the Social Relief of Distress Grant.

The truth is that the Department of Justice is not willing to assist our clients at all - either to attend the Commission, or to feed their families. Its decision to withdraw its support is immoral and, in our view, unlawful. We will shortly be instituting urgent proceedings in the High Court to set aside the Department's decision. Further announcements will be made on this issue in due course.

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