



## **MEDIA STATEMENT ISSUED BY THE MARIKANA COMMISSION OF INQUIRY**

The Marikana Commission of Enquiry (Commission) was appointed by the President of the Republic of South Africa, Mr Jacob Zuma, in terms of section 84(2)(f) of the Constitution of the Republic of South Africa of 1996, on 23 August 2012. Its mandate arising from the Terms of Reference promulgated on 12 September 2012 is to investigate matters of public, national and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, in the North West Province which took place on about Saturday 11 August to Thursday 16 August, 2012 which led to the deaths of approximately 44 people, more than 70 persons being injured, approximately 250 people being arrested. The President appointed Honourable Judge Ian Gordon Farlam, a retired judge of the Supreme Court of Appeal as Chairperson of the Commission and Adv Bantubonke Regent Tokota, SC and Advocate Pingla Devi Hemraj SC, as its additional members.

The Terms of Reference have been gazetted in English, seSotho and isiXhosa which are the predominant languages in the Marikana mining community and surrounding areas. In terms of the promulgated Terms of Reference which gives the mandate and scope of the Commission, the Commission is required to complete its work within a period of four (4) months from the 12 September 2012 which is the date of the promulgation of the terms of reference. The Commission is further required to submit interim reports and recommendations to the President each month prior to the final report being presented to the President. The Commission will have to submit its first interim report on or before 12 October 2012, the latter being the date on which such report is due. In this report Commission will give an overview of its time schedule in view of the given deadline of four months, and any circumstances pertaining thereto.

The Commission has been given a copy of draft Regulations that the President will publish, as advised, on Tuesday 25 September 2012. The Regulations will empower the Chairperson to designate any persons to assist the Commission in any other capacity to ensure that it exercises its powers and functions effectively and efficiently. The Chairperson has accordingly designated the following persons as Evidence Leaders of the Commission:

- (i) Adv Mbuyiseli Madlanga, SC
- (ii) Adv Mathew Chaskalson, SC
- (iii) Adv Geoff Budlender, SC

- (iv) Adv Johannes Nxusana
- (v) Adv Charles Wessley

The above mentioned Evidence Leaders are experienced advocates of the High Court of South Africa and will make an indelible contribution to the work of the Commission. Two other evidence leaders will be designated to assist the Commission.

The evidence leaders will be assisted by a team of investigators with the necessary skills and expertise. Processes for the appointment of the Secretary of the Commission, who will oversee its entire operation are at an advanced stage. Further particulars regarding the incumbent will be announced after the appointment has been made. The Secretary will be assisted by such number of staff as may be required for the effective functioning of the Commission and who will be seconded from the various state departments. The Department of Justice and Constitutional Development has assigned an interim staff to assist with the processes of establishing the Commission and through their assistance, offices and venues for public hearings have been made available at the Civic Centre in Rustenburg by the Rustenburg Municipality, for which the Commission is grateful.

At the meeting the Commission had with all parties identified in the Terms of Reference on 17 September 2012, namely the Lonmin Mine (Lonmin); The South African Police Services (SAPS); Association of Mineworkers and Construction Union (AMCU), the National Union of Mineworkers (NUM); the Department of Minerals and the Department of Labour; the following timetable and operations of the Commission were outlined:

- (i) That public hearings are scheduled to commence on 1 October 2012 and will commence from the said date with an inspection in loco of the sites of the various incidents that culminated to the incident of 16 August 2012. These sites include the Wonderkop hill, the mine shafts, the informal and formal settlements in Marikana and surrounding areas where miners live and any other site in respect of which evidence is likely to be led.
- (ii) That prior and during the hearings evidence leaders through the appointed investigators will obtain submissions, statements or evidence pertaining to the incidents. Evidence leaders will, based on the evidence gathered, give a summation of evidence to be presented at the Commission.
- (iii) That any person who wishes to make a submission or to give evidence at the hearing or give a statement pertaining to the incidents may approach or contact the office of the Commission at the Civic Centre in Rustenburg or the Marikana Community Hall where he or she will be assisted by the dedicated staff of the Commission. Any person who wishes to give evidence at the Commission must provide his or her full particulars and address to facilitate effective service of a subpoena to the person concerned.

- (iv) As a result of the anticipated interest in the public hearings, arrangements are being made for remote viewing sites for the hearing. The additional viewing site will be arranged at the Civic Centre as well as at the Marikana Community Hall to the extent that this is practical and possible.
- (v) Any person from the media, interested groups, organised formations, and individuals, who wish to attend the hearings, including the inspection in loco, must contact the Office at the Civic Centre at the numbers given below. This is with a view to facilitate accreditation and other logistics pertaining to the hearings which are expected to draw large numbers.

A detailed timetable for the hearings and any changes(s) that may be effected thereon, from time to time, will be posted on the website of the Commission due to be announced soon and on the Notice Board and/or entrance of the Rustenburg Civic Centre and the Marikana Community Hall from time to time. The first Notice will appear on Thursday 27 September 2012.

The contact detail for Office of the Commission at the Civic Centre in Rustenburg is: **Tel 014 - 590 3675 / Fax 014 509 3679**

These numbers will be operative with effect from Tuesday 25 September 2012

(The telephone Number for the Marikana Community Hall will be provided at a later state)

Pending the appointment of the permanent Secretary and Liaison Officer for the Commission enquiries may be made to Acting Secretary,  
Adv JB Skosana  
012 315 1649  
[jskosana@justice.gov.za](mailto:jskosana@justice.gov.za)

*Issued by the Marikana Commission of Inquiry*

*21 September 2012*