



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement – 31 August 2012

CASAC Condemns Bizarre Decision of the NPA

The Council for the Advancement of the South African Constitution (CASAC) condemns the National Prosecuting Authority (NPA) for acting in a partisan, perverse and irrational manner in bringing charges of murder against the 259 people arrested at Marikana for the deaths of the 34 people killed in the Marikana Massacre on 16 August 2012. We are shocked that the NPA has seen fit to make use of the notorious legal concept of “common purpose” to lay these charges and thereby seek to lay the blame for the massacre at the hands of the protesting workers.

We note that the NPA have yet to arrest yet alone charge any of the police officers with the brutal murder of the 34 people at Marikana. They are the people who actually killed those 34 people. The Constitution requires that the NPA exercise its functions without fear, favour or prejudice. The NPA are plainly acting in a partisan manner, favouring the SAPS and the executive branch of Government. This brings an important component of our criminal justice system into disrepute. It is surely incumbent on all South Africans and in particular, organs of state to act in manner that respects the sorrow and grief of this tragedy and to act in a manner that seeks to restore peace and stability to the communities around Marikana.

We therefore call on President Zuma to suspend the Acting National Director of Public Prosecutions, Adv Nomgcobo Jiba in terms of section 12 (6) (a)(i) of the National Prosecuting Authority Act, No 32 of 1998 on the grounds of misconduct.

CASAC has welcomed the establishment of the Judicial Commission of Enquiry into the events at Marikana. We urge all parties to co-operate fully with this Commission and to make available all relevant information to ensure that Judge Farlam and the other Commissioners are able to establish the full circumstances that led to the tragedy at Marikana and make appropriate recommendations.

Enquiries:

Lawson Naidoo – 073 158 5736

Council for the Advancement of the South African Constitution

Telephone: [+27 21] 685 8809

Facsimile: [+27 21] 685 8809

info@casac.org.za

www.casac.org.za