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TESTAMENT TO ATROCITY

How storytelling after the Marikana massacre shaped the
human rights discourse in South Africa

by

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And finally, this project is a tribute to the 44 people who lost their lives in Marikana between 10 and 16 August 2012, and the others who died later in incidents related to the turmoil. I hope that by helping to tell your stories, we will all help to improve the protection and promotion of human rights in South Africa.

DECLARATION OF ORIGINALITY

1. I understand what plagiarism is and am aware of the University's policy in this regard.
2. I declare that this mini-dissertation is my own original work. Where other people's work has been used (either from a printed source, Internet or any other source), this has been properly acknowledged and referenced in accordance with departmental requirements.
3. I have not used work previously produced by another student or any other person to hand in as my own.
4. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.

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ABSTRACT

Key words: Marikana, shootings, massacre, atrocities, human rights, storytelling,

Despite repeated declarations of "Never Again", from Solferino to Auschwitz, from Rwanda to South Sudan, history is filled with a litany of incomprehensible atrocities perpetrated by people against other people. The **Marikana shootings** of August 2012, in which 41 striking miners were killed by police, and described as the single most lethal use of force in post-apartheid South Africa, now form part of this growing sore on the human race's conscience. When such **atrocities** are committed, we try to expose the truth and bring those responsible to account through storytelling. Partly due to the complex relationship between human rights and power, the authenticity of such stories is often contested, with far reaching implications for both victims and perpetrators.

The purpose of this paper is to add to the body of knowledge of the emerging **human rights storytelling genre**. It will achieve this by critically reflecting on the stories that emerged from the Marikana **massacre** in order to gain a better understanding of what they tell us about the protection and promotion of human rights in South Africa. The paper seeks to answer three critical questions: 1) How authentic are the stories told by different parties after an atrocity? 2) What can we learn about the relationship between human rights and power from stories of atrocity? 3) Does storytelling make a difference in our understanding, protection and promotion of human rights?

The paper concludes that despite, one may also argue because of, the contestations around the stories emerging out of the Marikana massacre, it has become an important site shaping the human rights discourse in post-apartheid South Africa. Storytelling ultimately improves our understanding, protection and promotion of human rights.

RESEARCH DESIGN

Problem Statement

When atrocities are committed, we try to expose the truth and bring those responsible to account through storytelling. Partly due to the complex relationship between human rights and power, the authenticity of such stories is often contested, with far reaching implications for both victims and perpetrators. Despite this, storytelling ultimately improves our understanding, protection and promotion of human rights. In view of this, the Marikana massacre has become an important site shaping the human rights discourse in post-apartheid South Africa.

Motivation/Importance of the Study

This project is important for four main reasons:

- It will add to our understanding of the Marikana massacre and future implications for the protection and promotion of human rights in South Africa.
- It will add to the body of knowledge of the emerging human rights storytelling genre.
- This project will identify questions for further in-depth research to form the foundation for my doctoral study in creative writing focusing on the human rights storytelling genre.

The research will also inform the human rights novel I am writing titled *All We Want Is To Eat*, partly inspired by the Marikana shootings, to be submitted as part of my doctoral studies research proposal.

Research Questions

This paper seeks to answer the following three questions in relation to the stories that emerged out of the Marikana massacre:

Primary Question

1. Does storytelling make a difference in our understanding, protection and promotion of human rights?

Secondary Questions

2. How authentic are the stories told by different parties after an atrocity?
3. What can we learn about the relationship between human rights and power from stories of atrocity?

Research Methodology

The paper is mainly based on a review of the following four secondary sources:

- a. Theoretical Perspectives: published books and journal papers.
- b. Public Stories: mainly internet sources including journalist accounts, press statements, editorial articles, TV documentaries, videos, audio clips and social media commentary.
- c. Institutionalised stories: Final Report of the Marikana Commission of Inquiry.

- d. Personal Stories: a published book account reviewed as a case study.

Limitations

The main limitation of the study is that it relied on secondary literature and no primary interviews were conducted. As a result, the data are based on what was reported by third parties. Secondly, as later discussed in the report, media reports can be biased in the interest of the person or institution who is reporting.

CHAPTER 1: INTRODUCTION AND LITERATURE REVIEW

"We were killed for asking our employer to pay us a decent salary for hard work deep underground."
David Nkolisi, Rock Drill Operator, Lonmin Mine.

1.1. Background

Miners shot down

On 16 August 2012, South African police opened fire on a group of mine workers striking for a wage increase at Lonmin Mine in the North West Province of South Africa, killing 34 miners and wounding at least 78.¹ By 18 September when the dispute was finally resolved, the death toll had risen to 44 people - 41 mine workers and five members of the police force. The shootings, compared to the Sharpeville massacre of 1960, have been described as "the single most lethal use of force by South African security forces against civilians since the end of apartheid."²

The shootings were sparked by a wildcat strike at the mine which spiralled into a complex confrontation involving the miners, their employer Lonmin Platinum Mine, the South African Police Service (SAPS), the National Union of Mineworkers (NUM), the rival Association of Mineworkers and Construction Union (AMCU), the Government and even the ruling party, the African National Congress (ANC). While the strike was the spark that ignited the fuel, it was a culmination of tensions that had been simmering for some time. Several players including the International Labour Organisation, the South African Minister of Trade and Industry and the Benchmarks Foundation had criticised the working conditions at the mine claiming the company was putting profits ahead of the welfare of workers. According to the Benchmarks Foundation, "the benefits of mining (were) not reaching the workers or the surrounding communities. Lack of employment opportunities for local youth, squalid living conditions, unemployment and growing inequalities contribute(d) to this mess."³

The Search for Truth and Justice

August 2017 marked the fifth anniversary of the Marikana shootings. In the immediate aftermath and over the ensuing years, there was a slew of stories - media reports, political statements, eye witness accounts, police versions, journalist stories, television documentaries, academic papers, books, a Commission of Inquiry and many other voices and narratives - all attempting to explain (and sometimes to hide) what happened, how it happened, why it happened and who was responsible? Despite repeated declarations of "Never Again", from Solferino to Auschwitz, from Rwanda to South Sudan, history is filled with a litany of incomprehensible atrocities perpetrated by people against other people. The Marikana shootings now form part of this sore on humanity's conscience, but have also become an important site from which a critical human rights discourse has emerged in post-apartheid South Africa.

¹ Wikipedia 'Marikana killings' https://en.wikipedia.org/wiki/Marikana_killings accessed 3 June 2017.

² Alexander, P et al (2012) *Marikana: Voices from South Africa's Mining Massacre* Ohio University Press, Athens.

³ Wikipedia, Note 1 above.

What happened on 16 August 2012? Who was responsible? What do the stories about the Marikana massacre tell us about the relationship between human rights and power? Does storytelling make a difference in our understanding, protection and promotion of human rights? In the words of James Dawe, "how do we make comprehensible stories out of incomprehensible atrocities? ... how can bearing witness to (atrocity) ... both diminish and amplify its damage?"⁴The answers to these questions lie at the intersection of the disciplines of human rights and literature, and define the human rights storytelling genre which is the subject of this paper.

1.2. Human Rights and Literature

This paper explores the role of storytelling in shaping the human rights discourse in South Africa after the Marikana massacre. In formulating an analytical framework for this endeavour, it is instructive to begin with a brief review of some of the theoretical perspectives underpinning human rights storytelling, a growing sub-genre squarely residing at the intersection of the disciplines of human rights and literature.

Although the association between human rights and literature can be traced back to classical narratives such as those found in Greek mythology in which human rights, in their earliest philosophical and other manifestations, found expression, the mutual instrumentality is a relatively recent phenomenon. As Kerry Bystrom has pointed out "if life narratives have played a crucial role in both aiding human rights campaigns and exposing the boundaries or closures of the contemporary human rights order, the protection of the ability to tell such stories lies at the heart of international human rights law."⁵Goldberg and Moore similarly point out that "the proliferation of ... stories of past and current human rights violations clearly necessitates an understanding of human rights philosophies and frameworks."⁶In other words, the interdisciplinary study of human rights and literature has at least two mutually beneficial objects: storytelling represents and helps us to better understand the philosophies, laws and practices of human rights, while it also helps to shape the evolution of the same human rights discourse through illuminating both its limitations and the possibilities of alternative frameworks.

Literary narratives have played an important role in the emergence of the modern concept of human rights, the elaboration of national and international human rights laws, as well as the struggles against human rights violations. One of the most acclaimed of such narratives is Henry Dunant's book *Un souvenir de Solferino* (A Memory of Solferino), which is credited as the genesis of the International Committee of the Red Cross (ICRC). Goldberg and Moore have summarised the inter-dependence between human rights and literature thus: the law gives literature praxis while literature gives the law humanity and critical edge. They argue that literature has a

⁴ Dawes, J (2007) *That the World May Know: Bearing Witness to Atrocity*. Harvard University Press, Massachusetts.

⁵ Bystrom, K 'The Novel and Human Rights' *Journal of Human Rights* Vol 7 No 4 (2008) Page 388.

⁶ Goldberg, E and A Moore (eds) (2012) *Theoretical Perspectives on Human Rights and Literature* Routledge, New York. E-Book Page 197.

humanising effect on the reader, enabling them to see the lives of the victims of human rights abuses "with involvement and sympathetic understanding."⁷

1.3. Human Rights Storytelling

The rise of personal stories as tools to respond to social suffering and to mobilise public opinion against repressive regimes - in other words to shape the human rights discourse and agenda - can be traced back to Amnesty International's mass letter-writing campaign launched in 1961.⁸ Later, the growing use of storytelling as a human rights campaign tool also coincided with the gathering momentum of decolonisation, civil rights, women's rights and other human rights movements. Ever since, literary narratives in diverse forms have played an active role in influencing the human rights discourse and mounting pressure against human rights violations. Human rights and literature gained even more momentum after September 11, 2001. Indeed, as Goldberg and Moore have pointed out "personal stories are the contemporary currency of human rights projects."⁹ James Dawes has posed a number of critical questions at the very heart of this human rights storytelling sub-genre: how do we make comprehensible stories out of incomprehensible atrocities? What are the ethical risks and obligations of doing so? Who has the right to speak, and how far does that right extend? How are these stories being used, and for whose benefit? What difference do they make?¹⁰

This paper examines how storytelling shaped the post-Marikana human rights discourse, primarily by interposing public and personal narratives of the shootings (the court of public opinion) between the state and global capital (duty bearers) on the one hand and the miners whose rights were violated (rights holders) on the other hand. The analytical framework of the paper turns on the following two critical points: the authenticity of the stories, and how this was in turn influenced by the complex relationship between human rights and power.

The rest of the paper is divided into four sections. Chapter 2 discusses Media Representation of Atrocity, focusing on media coverage and the authenticity of third party accounts. Chapter 3 takes a critical look at The Marikana Commission and Narratives of Power. Chapter 4 considers the contribution of personal accounts of atrocity by reviewing one of several book accounts which claims to tell the real story of the Marikana massacre. Chapter 5 concludes the discussion by asking the question: Does Storytelling Make a Difference? The key threads and insights in relation to the three research questions are summarised in the Conclusion in Chapter 6.

⁷ Goldberg and Moore (2012) Ibid Page 244.

⁸ Goldberg and Moore (2012) Ibid Page 98.

⁹ Goldberg and Moore (2012) Ibid Page 129.

¹⁰ Dawes (2007) Ibid.

CHAPTER 2: MEDIA COVERAGE OF MARIKANA

“Only 3% of articles about the events in Marikana from 13 to 22 August 2012 included interviews with mineworkers, residents of Marikana or other eyewitnesses.”

Professor Jane Duncan, Rhodes University

When atrocities are committed, it is common for a disbelieving outside world to doubt the authenticity of the resulting narratives, both eyewitness and third-party accounts. In some cases, witnesses may even be accused of outright lying or that the stories are a figment of their imagination. Are the stories and the narrators' claims a true reflection of the actual events? Are there any reasons why some parties may be interested in altering the original stories? What are the implications for victims' rights claims? How does this impact the prospects of perpetrators facing justice for their actions?

Further to the disbelief that may meet witnesses or survivors' stories, authenticity is further questioned when lawyers, journalists, artists and writers who were not present attempt to represent the atrocity as if they were there. It falls to reason that it is always difficult, if not impossible, to tell a story that one did not witness, or to attempt to speak on behalf of those who witnessed or experienced the atrocity. This becomes a problem when truth is sought not merely as an end, but as a means to an end such as seeking redress, remedies and punishment of perpetrators, which is at the heart human rights law.

It is generally accepted in modern human rights advocacy circles that effective dissemination of information can help the protection and promotion of human rights.¹¹ Storytelling can give voice and legitimacy to those whose voices would otherwise be unheard. However, the complex relationship between human rights and power means this is not always straight forward. Powerful interests often play an active role in shaping information dissemination in public spaces, determining what is included and what is excluded from the discourse. Even in the so called liberal age of the internet, repressive governments the world over go to all lengths to gag the dissemination of information on human rights abuses. Dawes describes this as "a tragic paradigm (of) transparent fabrications used to justify the killing and for the final triumph of silence."¹² When this happens, what counts as legitimate memory?¹³

The problem of authenticity is exacerbated when formal parameters of truth telling are defined, resulting in sanitised versions of the truth. For example, in Commissions of Inquiry, the stories of victims, survivors, perpetrators and other witnesses are translated, edited and rewritten to fit the officially sanctioned language and procedures of the institution. In addition, the notion of "truth telling" in such contexts is often shaped within western and state-centric legal constructs and rights claims are partly constructed through third party accounts. Because such accounts may be

¹¹ Freedom of Expression and the Right to Information is guaranteed under Article 9 of the African Charter on Human and Peoples' Rights, the Common Articles of the UN Convention on Civil and Political Rights, as well as Section 32(1) of the South African Constitution.

¹² Dawes (2007) Ibid Page 341.

¹³ Dawes (2007) Ibid Page 38.

remote in time and distance from the site of the atrocity and the people who experienced the violations, their veracity can be easily questioned, hastening the denial of rights.

Furthermore, a contradiction often arises between our impulse to heed the call to represent atrocity on the one hand and, on the other hand, the instinct not to do further harm to victims and survivors by spectacularising the pain inflicted on them and potentially perpetuating cycles of violence and revenge.¹⁴ Could this then lead to filtering or holding back information which may compromise the authenticity of the stories?

2.1. Exposing human rights violations

One of the biggest problems after the Marikana massacre was uncovering the truth about what happened and the causes of the violence, due to what Greg Marinovich, writing for *The Daily Maverick*, described as “the complete failure of most media outlets to ask the right questions of the right people.”¹⁵ Citing Professor Jane Duncan of Rhodes University, the paper noted that only 3% of articles about the events in Marikana from 13 to 22 August 2012 included interviews with mineworkers, residents of Marikana or other eyewitnesses. Instead, their stories relied on “official sources” such as SAPS, Lonmin Mine, NUM and AMCU. While the general public may have accepted the news stories as gospel truth, other investigative accounts put the spotlight on the authenticity of some of the stories told by their media counterparts.

One such contested subject was the sequence of events leading to and during the Marikana massacre. Most of the early stories carried by the media, quoting official sources such as SAPS and Lonmin, suggested that the rival union AMCU was responsible for agitating the striking miners as part of its turf war to unseat NUM, at the time the majority union at the mine, leading to the tragic confrontation with police on 16 August. However, before outlining an ‘alternative timeline’ of the shootings, *The Daily Maverick* contends that “contrary to many media reports, inter-union rivalry was not the immediate cause of the violence. In fact, a significant cause of the violence can be laid squarely on the National Union of Mineworkers and their murder of two of their own NUM members – which until 2 October (2012) remained unreported.”¹⁶

The paper further cites the fact that until the Marikana Commission interviewed one of the miners, not a single media report had mentioned the fact that the first deaths occurred on 11 August 2012 during a confrontation between NUM and its striking members. Thus, the paper notes in a later report, “in (sic) the height of hostilities, most miners did not have access to the media to be able to tell their side of the story ... (therefore) it suited NUM to conveniently forget what exactly happened on the 11th.”¹⁷ The paper concludes:

“It is as if no one outside Marikana knows that two people were murdered in broad daylight at the busy Wonderkop taxi rank. This is strange, except when one considers that no one in Wonderkop/Marikana has

¹⁴ Goldberg and Moore (2012) Ibid Page 369.

¹⁵ Daily Maverick, 23/10/2012 ‘*Marikana Prequel: NUM and the murders that started it all*’ accessed 9 July 2017.

¹⁶ Daily Maverick, 23/10/2012 Ibid.

¹⁷ Daily Maverick, 01/02/2013 ‘*Marikana Commission: NUM in a deep hole over the fight that started it all*’ accessed 9 July 2017.

access to the media except for NUM, Lonmin and the South African Police Service (SAPS). The media, not present in Marikana until later in the week, were relying on these three official bodies for their entire investigation. Not a single community member or worker was actually interviewed during the first few days of the strike.”

In this writer’s view, it is understandable for media to sometimes rely solely on official sources for their stories even where the same sources are suspected to be the perpetrators. For one, it is to be expected that due to the power that such official bodies wield, they can control media access or even impose a blackout. On their part, journalists may also rely on official security forces for protection and in some cases, would therefore not question even if they feel they are being led in the wrong direction. In such cases, it may only be the courageous ones who dare to follow the real story, sometimes even in the face of intimidation and harassment.

Even on 16 August when dozens of journalists had ringside seats to the tragedy, several media stories reported about “a crowd of striking miners that charged a line of officers trying to disperse them;”¹⁸ that “the shooting took place after a group of demonstrators rushed at a line of police officers,”¹⁹ that it was “a shootout between police and striking workers,”²⁰ that “officers were forced to protect themselves from charging armed strikers.”²¹

This perspective was consistent with the police version of the sequence of events. However, in the ensuing weeks and months, it increasingly became clear that the miners actually did not charge the police lines but were funneled into the killing zone. The *Daily Maverick* claimed that “when police tried to move the miners off Wonderkop, there were clashes, apparently including shots fired at the police. The tactical unit of the police then retaliated with force which went beyond policing and into the realm of revenge.”²² The authenticity of this version of events was questioned by several players arguing that the SAPS fabricated this story to justify the shootings as self-defense.

Martin Legassick, writing for the *Links International Journal of Socialist Renewal*, cited evidence gathered by researchers from the University of Johannesburg to conclude that “this was not panicky police firing at workers they believed were about to attack them with machetes and sticks ... it was premeditated murder by a militarized police force to crush the strike, which must have been ordered from higher up the chain of command.”²³

¹⁸ The Washington Post, 17/08/2012 ‘*South African police open fire as striking miners charge, killing and wounding workers*’ accessed 3 June 2017.

¹⁹ BBC News, 17/08/2012 ‘*South Africa's Lonmin Marikana Lonmin Marikana mine clashes killed 30*’ accessed 9 July 2017.

²⁰ News24, 17/12/2012 ‘*Residents stunned by Marikana violence*’ accessed 9 July 2017.

²¹ Reuters, 17/08/2012 ‘*South Africa's "Hill of Horror": self-defense or massacre?*’ accessed 9 July 2017.

²² Daily Maverick, 17/08/2012 ‘*Beyond the Chaos at Marikana: The search for the real issues*’ accessed 9 July 2017.

²³ Links International Journal of Socialist Renewal, 27/12/2012 ‘*South Africa: Marikana massacre – a turning point?*’ accessed 9 July 2017.

The New York Times reported that “journalists at the scene caught some of the shooting on video and in photographs. The police account, meticulously laid out in a multimedia presentation the day after the clash, has been questioned by witnesses and journalists who have examined the scene and concluded that at least some of the workers were killed in what appeared to be much more suspicious circumstances.”²⁴

Shadrack Mtshamba, a Rock Drill Operator at Lonmin Mine, provided an eyewitness account of the shootings to *The Daily Telegraph* recalling “they should not have shot, we were not a risk – we put our hands in the air and shouted for them not to shoot ... we were running away and then I fell down in the dust on the bodies of my friends as they kept shooting. They came and kicked at us as we lay there, then I was arrested and taken away.”²⁵

Paulos, another miner, recalled: “they started shooting at us with rubber bullets ... then I saw people were falling and dying for real. I knew then they were proper bullets ... I never thought this would happen ... We thought the police were there to protect us.”²⁶

The *Daily Maverick’s* Greg Marinovich summarises the ‘conspiracy’:

“Thus developed a dominant narrative within the public discourse. The facts have been fed by the police, various state entities and by the media that the strikers provoked their own deaths by charging and shooting at the forces of law and order. Indeed, the various images and footage can be read to support this claim. The contrary view is that the striking miners were trying to escape police rubber bullets and tear gas when they ran at the heavily armed police task team (our version of SWAT). The result was the horrific images of a dozen or so men gunned down in a fusillade of automatic fire.”²⁷

Launching an independent investigation into the shootings, the Legal Resources Centre said “it had obtained multiple witness testimonies that blame police brutality for the killings of strikers who were calling for pay raises ... and also said it has forensic evidence that suggests a police cover-up of the killings.”²⁸

In view of this evidence, it is possible that most media houses either filtered some stories or they just did not know about the facts. In any case, it suggests that their stories were one sided and could not be relied upon since their sources had a lot to lose by telling the truth. This possible bias may have led to misrepresentation of the cause and effect sequence of events. Such misrepresentation can have a significant impact on subsequent apportionment of blame, redress for victims and punishment of perpetrators. For example, the surviving miners found themselves facing murder charges under the doctrine of common purpose. Because the National Prosecuting Authority took the decision to charge the miners in the absence of an investigation and evidence

²⁴The New York Times, 30/08/2012 ‘*South Africa to Charge Miners in Deadly Unrest*’ accessed 9 July 2017.

²⁵The Daily Telegraph, 03/09/2012 ‘*Hundreds of South African miners charged with murder released from prison*’ accessed 9 July 2017.

²⁶The New York Times, 18/08/2012 ‘*South African Official Defends Police Killing of 34*’ accessed 9 July 2017.

²⁷Daily Maverick, 08/09/2012 ‘*The murder fields of Marikana. The cold murder fields of Marikana*’ accessed 9 July 2017.

²⁸Al Jazeera, 10/09/2012 ‘*South Africa miners stage march*’ accessed 9 July 2017. URL?

linking the miners to the purported crime, it is possible that media reports played a role in influencing their decision. Although the charges were later withdrawn, this was not before the miners, who were to all intents and purposes the victims, had been incarcerated for three weeks in an instance of secondary victimisation.

In relation to journalists failing to interview eye witnesses and survivors, it is understandable that even where journalists tried, it would not have been easy to get people from Marikana to speak openly in the immediate aftermath of the shootings. Professor Phillip Frankel noted that “the people of Nkaneng, excepting the women who have organised a ‘we- want-justice’ campaign, are unwilling to communicate their traumatic experience except to those they trust ... Much like Rwanda for many years after the 1994 genocide, there is a portentous silence at the killing grounds ranged across the bare veld. Something is out there, to paraphrase Nadine Gordimer, that doth not speak its name.”²⁹

This silence and unwillingness to tell their stories could have been a result of at least two factors. Firstly, people may have preferred to remain silent for fear of reprisals by the police. Secondly, considering the traumatic nature of what they had just gone through, survivors were logically wary of speaking to any outsiders. Furthermore, while the sensational representation of atrocity through media accounts helps to give meaning to an incomprehensible atrocity, in the process it may transfigure the horror of the act due to the news focus rather than a commitment to tell the real human story. This alone is an injustice to the victims. Dawes summarises the dilemma as follows:

"Who nominates you to publicise pain and suffering that you can walk away from? How does one avoid the trap of commodifying intense suffering to elicit maximum effect (or career advantage)? How do you resolve the paradox that your audiences hunger for these images and stories of calamity both because they want to understand their world and their moral responsibilities in it, and because they are narrowly voyeuristic?"³⁰

2.2. Ethical Dilemma

The ethical problem of representing atrocity is dramatized most vividly in television and photographic accounts. The image of the Marikana massacre that is permanently etched in most people's minds is the TV footage from the scene of the first shooting, later widely distributed through the International Emmy Award winning documentary *Miners Shot Down*.³¹

Poloko Tau, a reporter, tweeted live from the scene of the shootings:

"Auto guns creaking [sic] and cocked like 100 at a time, scary ... warzone down here, 1st shot fired ... journalist running, diving and hiding amid shots, water canon spewing water at the strikers ... my contact has just been shot dead ..." ³²

²⁹ IOL, 21/10/2012 ‘*Marikana 20 years in the making*’ accessed 9 July 2017.

³⁰ Dawes (2007) Ibid Page 1258.

³¹ <http://www.minersshotdown.co.za> accessed 9 July 2017.

³² BBC News, 19/08/2012 ‘*S Africa Lonmin killings: National mourning declared*’ accessed 9 July 2017.

The position of the journalists who witnessed the shootings will forever remain an ethical dilemma, conjuring memories of South African photojournalist Kevin Carter's Pulitzer Prize winning photograph of an emaciated Sudanese child being stalked by a vulture in the background.³³ The biggest difficulty was not in the relationship with their audience (to whom they felt a personal and professional obligation to bring the story), but in the relationship with the shot miners whose story they had to tell. What did it feel like to listen to the staccato of gunfire, and then as soon as the guns fell silent, move in to start taking photographs of the dead? Was it a duty to the gunned down men? Was it in service of the audience that they knew were waiting to know what had happened? Or was it primarily in service of their employers and their own careers?

Besides the ethical questions facing the journalists who recorded the shootings, the question of secondary harm or victimisation was demonstrated in an incident at the Marikana Commission reported by *Times Live* as follows:

"Family members of miners shot and killed at the Lonmin Platinum mine collapsed and broke into loud sobs as video footage of the shooting was shown to the judicial commission of inquiry on Tuesday. Proceedings came to a halt as a number of women wailed and fell to the floor. A woman started screaming and shouting as another two tried to console her. Many had to be carried out as their emotions took over. Commission chair retired judge Ian Farlam apologized to the families, saying he had not realised that particular footage was of the shooting."³⁴

2.3. Speaking truth to power

The media can play a very important role in shaping the language of discourse after an atrocity. It is common for the media to use sensationalist language in a quest to make their stories juicy in order to catch the attention of readers. However, in some cases, beyond the sensationalism, such language can play a key role in portraying the gravity of human rights violations, ramping up public opinion to hold those in power accountable. For example, even though they may be describing the same event(s), there is a big difference between use of the terms 'mass killings' and 'genocide'. The former may come across as mild while the later can portray the gravity of the killings in more graphic terms.

Massacre

The term 'massacre' was first used by the media to describe the Marikana shootings.³⁵ The *Daily Maverick* referred to them as "summary executions," and "the cold murder fields of Marikana."³⁶ *Al Jazeera* described the shootings as "one of the bloodiest police operations in the

³³https://en.wikipedia.org/wiki/The_vulture_and_the_little_girl accessed 9 July 2017.

³⁴ *Times Live*, 23/10/2012 '*Marikana Inquiry updates*' accessed 3 June 2017.

³⁵ It is worth noting that this happened despite South Africa having abolished the death penalty in the Makwanyane case, hence the Constitution not having a limitation on the right to life.

³⁶ *Daily Maverick*, 08/09/2012 Ibid.

country since the end of white-minority rule almost 20 years ago,”³⁷ while *Reuters* headlined it “South Africa’s Hill of Horror: self-defense or massacre?” and described it as “a bloodbath.”³⁸ *The New York Times* described it as “the bloodiest labour unrest since the end of apartheid.”³⁹

One might argue that considering the number of casualties, the language used to headline the media stories descriptions may have been extreme and sensationalist. However, the technical definition of a massacre applies here. The Oxford English Dictionary defines a massacre as “an indiscriminate and brutal slaughter of many people.” It is therefore to be expected that those in power or responsible for the massacre would resist the use of such language as it clearly portrays the gravity of the situation. This is where the role of the media is helpful as it helps to speak the truth that those in power are uncomfortable to hear.

On the other hand, the language used by several media outlets to describe the strike also had the effect of reinforcing the stripping of the right to protest from the miners. For example, Reuters and other media houses variously described the strike as “an illegal six-week stoppage,”⁴⁰ “a wildcat strike.”⁴¹ This was problematic in that it contradicted the constitutional guarantee of the freedom of assembly.

Yesterday’s liberator is today’s oppressor

The Marikana shootings were portrayed as “a decisive turning point in (the) country’s post-apartheid history.”⁴² *The Washington Post* commented that “it was an astonishing development in a country that has been a model of stability since racist white rule ended with South Africa’s first all-race elections in 1994. The shooting recalled images of white police firing at anti-apartheid protesters in the 1960s and 1970s, but in this case, it was mostly black police firing at black mine workers.”⁴³ Here we see evidence of media shaping the agenda in a particular direction, in this case one wonders if reference to “black police firing at black mine workers” is an attempt to exonerate global capital and lay the blame squarely at the door of the black government. These stories would have been very uncomfortable for those in government as they suggested that they were guilty of committing the same crimes against citizens for which they fought against the apartheid regime. In other words, the media message was ‘yesterday’s liberator is today’s oppressor’.

The Arrangement

One of the most disconcerting stories that emerged after the Marikana massacre was the alleged alliance between state power, global capital and players normally perceived as advocates of social justice. The following excerpt from the *Daily Maverick* is revealing:

³⁷ Al Jazeera, 20/08/2012 ‘South Africa mine shooting: Who is to blame? – Inside Story’ accessed 9 July 2017.

³⁸ Reuters, 17/08/2012 Ibid.

³⁹ The New York Times, 30/08/2012 Ibid.

⁴⁰ Reuters, 26/09/2012 ‘Anglo Gold says illegal strike spreads in South Africa’ accessed 3 June 2017.

⁴¹ The New York Times, 30/08/2012 Ibid.

⁴² Links International Journal of Socialist Renewal, 27/12/2012 Ibid.

⁴³ The Washington Post, 17/08/2012 Ibid.

“these (NUM) leaders are senior to shop-stewards and are elected to their positions by workers for a period of three years ... they get their normal worker’s salary plus a huge bonus of R14,000 per month from Lonmin. They are therefore accountable to management. Both the NUM leaders and Lonmin are happy with this arrangement.”⁴⁴

‘The arrangement’ comes up in many narratives after Marikana, pointing towards a disconcerting relationship between labour movements and global capitalism. The *African Scene* spoke of “company bosses refusing to compromise on profits ... (government) sending in police to enforce the will of capital ... the state, with its increasing tendencies towards dealing violently with those who defy its sense of order.”⁴⁵ The *Mail & Guardian* quoted Bishop Jo Seoka of the Benchmarks Foundation asserting that “private corporations, often with the support of government leaders, make very large profits while communities suffer high levels of inequality and poverty.”⁴⁶ Martin Legassick observed that “the top three managers at Lonmin earned R44.6 million in 2011 (citing the Sunday Independent, August 26, 2012). Since 1994 some black people have been brought on board by white capital in a deal with the government – and they engage in conspicuous consumption.”⁴⁷

Justice Malala described it as the story “of a trade union that cosied up to big business.”⁴⁸ The *Bureau for Investigative Journalism* cited the stories of Cyril Ramaphosa⁴⁹ and James Motlatsi as examples of this “incestuous relationship” between companies and trade unions:

“Take for example Cyril Ramaphosa, the trade unionist responsible for building up the National Union of Miners (NUM). Since leaving his role at the union the well-known South African figure has become a lot closer to the industry he used to attempt to regulate. Ramaphosa’s company the Shanduka Group holds 9% of shares in Lonmin, the London-registered platinum mine at the centre of the Marikana protests. The former trade-union leader now sits on the mining company’s board ... James Motlatsi is another case in point. He too was a president of NUM before joining the board of AngloGold Ashanti. He now is chairman of the board of platinum miners Platfields.”⁵⁰

The Bureau further argues that this relationship has led to growing state repression, noting that “the horror of the Marikana massacre came not just from the conditions faced by labourers, but by the violent way the protests were put down, leading many to question how the police came

⁴⁴ Daily Maverick, 23/10/2012 Ibid.

⁴⁵ *African Scene*, 16/08/2012 “*The Night Before Lonmin’s Before Lonmin’s Explanation*” accessed 3 June 2017. Available where?

⁴⁶ South African Press Association, 17/08/2012 ‘*Lonmin an example of exploitation*’ accessed 9 July 2017.

⁴⁷ Links International Journal of Socialist Renewal, 27/12/2012 Ibid.

⁴⁸ *The Guardian*, 17/08/2012 ‘*The Marikana action is a strike by the poor against the state and the haves*’ accessed 9 July 2017.

⁴⁹ Reference is made to Cyril Ramaphosa’s testimony in the Marikana Commission of Inquiry chaired by Retired Judge Farlam.

⁵⁰ The Bureau of Investigative Journalism, 18/10/ 2012 ‘*South African massacre was the tip of an iceberg*’ accessed 3 June 2017.

to react the way they did.”⁵¹This puts into the spotlight the state repression tactics used to suppress rights claims and protect capital interests. Martin Legassick alleged that “the ANC government is implicated in these murders – in defence of white mining capital ... The massacre is part of a pattern of ANC-police orchestrated violence against social protest, for example against Abahlali base Mjondolo in Kennedy Road in Durban in 2008-9 and in Umlazi recently, and which has resulted in the killing of Tebogo Mkhosha in Harrismith, of Monica Ngcobo in Umlazi, of Andries Tatane in Ficksburg and South African Municipal Workers Union (SAMWU) leader Petros Msiza last year, to name but a few.”⁵²

Torture

Several miners who were arrested related stories of torture while in detention.⁵³ The *Daily Maverick* reported that “the Independent Police Investigative Directorate (IPID), the police watchdog, received numerous complaints alleging that police were torturing the arrested men,” as well as testimony from a miner who said that “at the Bethanie police station in Brits he was made to stand against the wall with his hands above his head while the police beat him in the ribs with their bare hands and a stick. He witnessed others being slapped and having their fingers stomped on with boots.”⁵⁴

As one would expect, these reports were met with the denial by the police. Besides the fact that torture is outlawed in South Africa, this conjured image of similar methods used during the apartheid era, only that this time the perpetrator was a black government against its own black people. It is interesting to note that beyond these reports, this story did not receive much coverage, perhaps signifying the fact that these ‘low level’ methods of torture and physical harassment are a common feature of the SAPS modus operandi.

Socio-economic rights violation: a new kind of apartheid

One of the most notable impacts of the stories that emerged from Marikana is that they invigorated the socio-economic rights discourse⁵⁵ in the face of accelerating poverty and deepening inequality. In the immediate aftermath of the shootings, various players alluded to the poor socio-economic conditions in Marikana as the underlying cause of the crisis.

Professor Phillip Frankel, who argued that the shootings were 20 years in the making, provided what is perhaps the most comprehensive analysis of the Marikana time bomb. He described a toxic concoction of living conditions where “residents of the nearby Nkaneng informal settlement go about their daily tasks in ankle-deep human shit, plastic bags and mud following days of rain; corrugated boxes, scarcely big enough for the pigs and goats among the litter, serve for human shelter; all this is in sight of the towering Lonmin smelter just outside the main town; ... mining that is increasingly reliant, despite the horrors perpetrated on mass migration under apartheid,

⁵¹ The Bureau of Investigative Journalism, 18/10/2012 Ibid.

⁵² Links International Journal of Socialist Renewal, 27/12/2012 Ibid.

⁵³ Section 12(1)(d) of the South African Constitution prohibits torture.

⁵⁴ Daily Maverick, 04/09/2012 ‘*Marikana: Freed miners speak of torture in police cells*’ accessed 9 July 2017.

⁵⁵ Sections 26 – 29 of the South African Constitution guarantees socio-economic rights.

on contract labour which is almost always dangerous, unskilled, volatile and socially marginalised. About 40 percent of Marikana workers and most of the inhabitants of the Nkaneng (the “forced-place” in Tswana) fall into this category.”⁵⁶ In a country where hardly a week goes by without reports of service delivery protests in one or more of the hundreds of communities across the country, it was no surprise that this situation was always a ticking time bomb, with the difference that in this case the target was Lonmin mine rather than government.

Al Jazeera observed that “South Africa has become the richest nation in Africa but still has more than 25 per cent unemployment - nearly 50 per cent among young people. Protests shortages of housing, electricity and running water and poor education and health services are an almost daily affair. That poverty is contrasted by the ostentatious lifestyles of a small elite of blacks, who have become multimillionaires, often through corruption related to government tenders,”⁵⁷ “while most South Africans continue to struggle against rising unemployment, abject poverty and a widening gap between rich and poor.”⁵⁸ The paper also asked a critical question: with the “growing frustration over poverty and inequality and as links between the mines and the ruling African National Congress (ANC) are exposed, we ask: **Is there a new kind of apartheid in South Africa?**”⁵⁹

Rob Davies, Trade and Industry Minister, described the conditions in the mines as appalling and criticised mine owners for making millions in profits and neglecting the welfare of workers.⁶⁰

Bishop Jo Seoka of the Bench Marks Foundation stated that “low wages along with all the social disintegration, crime, murder, rape and prostitution, unemployment and poverty amidst the third richest platinum mine in the world, created an incubator rife for worker and community discontent.”⁶¹

The International Labour Organisation said that miners “were often exposed to a variety of safety hazards: falling rocks, exposure to dust, intensive noise, fumes and high temperatures, among others ... suffer from diseases such as silicosis and tuberculosis (TB).”⁶²

Justice Malala, a political commentator, described the shootings as “a strike by the poor against the state and the haves ... a story which exposes South Africa’s structural weaknesses.”⁶³

Martin Legassick argues that “the juxtaposition of the mineral-energy complex with Enkanini, where outside toilets are shared among 50 people, where there are a few taps that will only

⁵⁶ IOL, 21/10/2012 Ibid.

⁵⁷ Al Jazeera, 22/08/2012 ‘Protests spill over to other S African mines’ accessed 9 July 2017.

⁵⁸ Al Jazeera, 04/09/2012 ‘Unrest spreads to South Africa gold mine’ accessed 9 July 2017.

⁵⁹ Al Jazeera, 06/09/2012 ‘South Africa’s economic apartheid – Inside Story’ accessed 9 July 2017.

⁶⁰ Wikipedia, Note 1 above.

⁶¹ South African Press Association, 17/08/2012 Ibid.

⁶² ILO News, 24/08/2012 ‘South Africa could do more for miners, says ILO mining specialist’ accessed 9 July 2017.

⁶³ The Guardian, 17/08/2012 Ibid.

trickle water, where raw sewage spreading disease leaks from burst pipes, and children scavenge on rubbish dumps, is symptomatic of the huge inequalities in South African society today.”⁶⁴

Perhaps the most important of all these voices is that of the striking miners themselves. David Nkolisi, a Rock Drill Operator at Lonmin Mine, told the BBC: "We were killed for asking our employer to pay us a decent salary for hard work deep underground.”⁶⁵

The Daily Maverick described the massacre as “a turning point in the history of our country.”⁶⁶ The Bureau of Investigative Journalism headlined the massacre as “the tip of an iceberg” and questioned whether it was “a flashpoint moment that could spark a revolution or just another tragedy amid a sea of bubbling discontent.”⁶⁷

In the author’s view, the answer to the *Al Jazeera*’s question above is a definite yes: the denial of socio-economic rights to the majority poor population constitutes a new kind of apartheid, considering the rising levels of inequality where the rich are becoming richer and the poor are becoming poorer. In any case, with 95% of the economy still in the hands of 5% of the population, mostly white elites, one can argue that this is one of the legacies of apartheid which has continued to defy any transformation efforts. In essence, the above stories of denial of socio-economic rights confirm the adage that political independence without economic independence is incomplete. The discourse out of Marikana played a significant part in framing the ‘white monopoly’ capital debate which has become an important rallying cry particularly for the ruling African National Congress.

Politics and human rights claims – holding the state accountable⁶⁸

Most media outlets downplayed the implications of the shootings as gross human rights violations, instead turning Marikana into a site of political contestation. Several stories consistently linked the fallout to the implications for the President and the ruling party.

BBC News commented that “Mr. Zuma faces a leadership contest this year, and the fact that so many of the killed miners were from the politically significant Eastern Cape Province could play into the hands of his rivals in an increasingly fragmented party.”⁶⁹

⁶⁴Links International Journal of Socialist Renewal, 27/12/2012 Ibid.

⁶⁵ BBC News, 27/08/2012 ‘*South Africa's ANC to discuss mine shootings row*’ accessed 3 June 2017.

⁶⁶ Daily Maverick, 23/10/2012 Ibid.

⁶⁷ The Bureau of Investigative Journalism, 18/10/2012 Ibid.

⁶⁸ The African Charter on Elections, Democracy and Governance obliges State Parties to regularly account to their citizens.

⁶⁹ BBC News, 27/08/2012 Ibid.

Al Jazeera reported that “commentators say the strikes could hurt Zuma’s chances of re-election next year,”⁷⁰ that “there is a mass of people in this country who really do feel as if they have been left behind, that the ANC has not delivered on promises to improve people's lives.”⁷¹

Martin Legassick asserted that “unless the ANC can manage the situation successfully, the waves of shock and anger could catalyse the beginning of the end of ANC rule.”⁷²

The New York Times asserted that “the shootings have fed a growing sense of betrayal at the country’s governing party, the venerable African National Congress, many of whose senior members have joined a wealthy elite a world away from the downtrodden masses whose votes brought them to power at the end of apartheid in 1994.”⁷³

Several stories also covered the rising profile of the EFF leader Julius Malema who was reported to have exhorted the miners saying “this is a serious revolution, don't give up! ... you must render the mines ungovernable ... they have been stealing this gold from you. Now it is your turn. You want your piece of gold. These people are making billions from these mines,” and also noted that “his plans to address the military unnerved the government.”⁷⁴ Many accused Malema of turning Marikana into a platform for political grandstanding instead of human rights discourse.

⁷⁰Al Jazeera, 12/09/2012 “*Strikers march at S Africa's platinum mine – Africa*” accessed 9 July 2017.

⁷¹Al Jazeera, 12/09/2012 “*South Africa's Marikana miners defy deadline*” accessed 9 July 2017.

⁷²Links International Journal of Socialist Renewal, 27/12/2012 Ibid.

⁷³The New York Times, 30/08/2012 Ibid.

⁷⁴Al Jazeera, 16/09/2012 “*South Africa mine unrest spreads to new site*” accessed 9 July 2017.

CHAPTER 3: THE MARIKANA COMMISSION OF INQUIRY⁷⁵

“Private corporations, often with the support of government leaders, make very large profits while communities suffer high levels of inequality and poverty.”
Bishop Jo Seoka, The Bench Marks Foundation.

One of the long-standing debates in human rights discourse is the framing of the concept of human rights around the construct of the nation-state, whose recognition of a rights-bearing individual is often subject to its self-interests, and therefore can be withdrawn at the point when the individual most needs that recognition and protection. The various narratives emerging out of an atrocity often highlight this paradox of state power. The rise of the neoliberal state constitutes a new site of interface between global capital and state repression, with far-reaching consequences for the respect, protection and promotion of human rights. The neoliberal state has transformed from a mere accomplice to the leading perpetrator of human rights violations. Human rights have in turn become gifts bestowed on citizens by the benevolent state rather than inherent conditions. Citizens only enjoy them at the behest of and only as far as the limits of the state's primary vested interest - to protect its cosy relationship with global capitalism.

John Conroy has identified nine common responses or story lines from governments when they are accused of committing atrocity: 1) denial; 2) admitting but minimising the extent of abuse; 3) disparaging the victims as criminals; 4) justifying the atrocity through appeal to emergency circumstances; 5) condemning the organisations exposing the abuse; 6) insisting the violations are being dealt with or are a matter of the past; 7) shifting the blame to a few bad apples; 8) mitigating the extent of violations by comparing to worse events elsewhere; and 9) dismissal and assertions that the victims will soon "get over it".⁷⁶

In addition to the above, State-sanctioned human rights violations are often followed by governments using narratives of power to protect their own interests by characterising the victims variously as criminals, enemies of the state, foreign agents, traitors, insurgents, provocateurs and many other terms. Such language effectively strips victims of the human rights which the same state bestows upon them and is supposed to protect. This further raises the question whether the language of human rights is still the most efficacious to pursue "human dignity, the achievement of equality and the advancement of human rights and freedoms?"⁷⁷

In South Africa, this begs the question: is the emergence of the language of "white monopoly capital" and "radical economic transformation" an attempt to replace the ineffective language of human rights or a mere obfuscation of the human rights discourse to distract citizens' attention from the state's disconcerting pact with global capital?

⁷⁵ Marikana Commission of Inquiry: Report on matters of public, national and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, in the North West Province. 31 March 2015. Available at <http://www.justice.gov.za/comm-mrk/index.html>

⁷⁶ Dawes (2007) Ibid Page 83.

⁷⁷ The Constitution of the Republic of South Africa, Article 1(a).

Human rights atrocities such as the Marikana massacre also put the spotlight on the four pillars of the modern human rights regime: individual rights; the rights governing interpersonal relations; public and political rights; as well as economic, social and cultural rights. The various narratives that played out in the Marikana Commission of Inquiry demonstrate the silorisation of the four pillars, particularly the tragic separation of civil and political rights from socio-economic rights, and prioritisation of the former, which dates back to 1966. While the four pillars reflect the promise of South Africa's Constitutional project, and human rights continue to be the dominant discourse in addressing broader issues of social justice, the Marikana massacre may have raised serious questions about who the Constitutional project excludes and what it promises to those who still have faith in it.

3.1. When the truth bows to power

The Marikana Commission of Inquiry Report⁷⁸ is an intriguing account of the contested and altered stories of the massacre. The most prominent of these stories involved the systematic obfuscation of the truth by SAPS, starting with a series of addresses by senior leaders to police officers in the few days following the shootings, and culminating in the infamous 'Roots Conference,' all of which formed what became a systematic effort to cover up the truth about what actually happened on 16 August. The following extract from Brigadier Calitz's briefing of SAPS members at a parade on 18 August is illustrative of this covering up effort:

"The police, we will give our 100% operation. Okay. At this stage we did nothing wrong. From the planning to the execution was 110%. Exactly how we plan it and it is not often that this happens in this large group. I have to congratulate you. Exactly how we planned it and we briefed the commanders, exactly we executed in that line. The force continuum, we did the water cannons, we did the stun grenades, we did the tear smoke, we did the push-back, we tried. When it was ineffective the guys run back. Né? We tactically retreat, and you have to face the Nyala in order to get in there. So it is right, your actions was completely right. By retreating and going back to your safe haven. Therefore, we got over to the second phase and that is where the TRT line and the NIU line was formed. And when they become under attack, that is where the command was given by their Commanders as well as some of them act in self-defence. Alright? So on that, nothing, nothing, nothing was wrong. Okay? You acted? It was justified and that is exactly the commitment and cooperation that we are going to give the people. So those people that still needs to fill theand say how many rounds."⁷⁹

This address was a calculated part of the systematic process of recreating and retelling the story of the shootings that the SAPS wanted to be told to the rest of the world. Psychologically, the posing of questions such as "Ne? ... Alright? ... Okay?" would have had the rhetorical effect of almost inducing the listeners to believe that this is actually what happened, even though they knew otherwise. In an environment where unquestioning obedience to authority is demanded, the officers would have been inclined to accept the version imputed by their superiors, especially

⁷⁸Marikana Commission of Inquiry: Report on matters of public, national and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, in the North West Province. 31 March 2015.

<http://www.justice.gov.za/comm-mrk/index.html>

⁷⁹Marikana Commission of Inquiry Report Ibid Page 399-400.

after hearing it several times. It was almost as if their minds were being reprogrammed. In any case, they would also have been keen to escape culpability for the acts that they had just committed, and so it was logical to expect their cooperation with any scheme that would guarantee such an escape.

Even the Commission found Brigadier Calitz's remarks to have been inappropriate, noting that "like the speeches of the previous day by the Minister and the National Commissioner it was likely to have the effect of a closing of the ranks and discouraging SAPS members who knew of mistakes made from disclosing the truth to the Commission."⁸⁰

Perhaps the most blatant efforts to cover up the SAPS' culpability for the mass shootings was the SAPS conference held between 27 August and 8 September 2012. Several players have claimed that the event, which has come to be known as 'the Roots Conference', was the main site from which the SAPS hatched and implemented a systematic plan to cover up the truth. Despite SAPS' claims to the contrary, the Commission concluded that "the conference was not a debriefing ... but rather a preparation of the presentation for the purposes of the Commission."⁸¹ The South African Human Rights Commission (SAHRC) was even more damning in its claim that "the SAPS did in fact use Roots as an opportunity to collude in that various aspects of the case of the South African Police Services are materially false."⁸²

One of the most contested issues was whether the SAPS deliberately planned to kill the miners on 16 August 2012. The Commission summarised this contest as follows:

"A major point of contention between the SAPS and some of the other parties appearing before the Commission related to the likely intention of the members of the group that advanced on the kraal. The SAPS's case was that they were intending to attack the police and drive them away from the koppie so that they could remain in occupation of the koppie and in possession of their weapons. The case on the other side was that members of the group, under the leadership of Mr Noki, had decided to leave the koppie with their weapons and walk to Nkaneng along the path that had been used since they had started occupying the koppie."⁸³

In trying to resolve this contested story, the Commission used a legalistic approach including considering evidence to infer on the one hand the likely intention of the strikers to attack the SAPS, and on the other hand the reasonable perception of the SAPS members facing the advancing group of strikers. As such, the Inquiry became a legal inquest into the possible culpability of both the strikers and SAPS officers. What ensued was an argument over the legal principles of 'intention' and 'self-defence', which, because of the adversarial nature of such contests, did not provide the most conducive atmosphere for the story of human rights violations to be told.

⁸⁰ Marikana Commission of Inquiry Report Ibid Page 401.

⁸¹ Marikana Commission of Inquiry Report Ibid Page 402.

⁸² Marikana Commission of Inquiry Report Ibid Page 403.

⁸³ Marikana Commission of Inquiry Report Ibid Page 232.

In its conclusions, the Commission stated that “the ballistics evidence, the medical evidence and the eye witness accounts require to be interrogated alongside a reconstruction of the scene involving independent specialists in each of these disciplines.”⁸⁴In my view, subjecting survivors’ stories to this level of scrutiny may be a logical striving for objectivity but could also lead to denial of justice. Once survivors and eyewitnesses are subjected to such scrutiny, which is often very hostile, truth telling becomes a contest that will inevitably be won by those best equipped to provide a compelling account of their version. This is unfortunate because while powerful defendants can muster all the legal resources they need to defend themselves, victims of human rights violations often cannot afford such resources.

Furthermore, the time and cost involved in conducting such complex tests and investigations often results in the real issues being effectively kicked into the long grass. How can we require survivors to support their stories of atrocity with such sophisticated evidence which in most cases is beyond their comprehension and their means? In most cases, the role of the external experts who present such evidence depends on who commissioned them. Stories abound of experts who conveniently ignore evidence that does not support the story of the person or institution who commissioned them to do the assessment.

3.2. Accountability takes a back seat

Besides inquiring into the truth of what happened, the Marikana Commission was also a quest to determine individual and collective responsibility for the shootings, at the heart of which was the complex interplay between power and human rights.

One of the critical questions that the Commission addressed was that of pre-meditation on the part of SAPS, that is, were the shootings a carefully planned and executed plan to kill the miners as claimed by several parties who argued before the Commission? Referring to Lieutenant General Mbombo’s utterances at a press conference at 09h30 on 16 August 2012, including her declaration that “we are ending the strike today,” the Commission concluded that she “foresaw there was a high risk of bloodshed if her decision were implemented.”⁸⁵Similarly, the Commission concluded that this plan should have been discussed and agreed at the meeting of Joint Operations Command (JOC) held the day before. It could therefore be inferred that all those in the chain of command knew what was going to happen on 16 August and could therefore be held accountable for the killings. However, what then followed was an astounding series of technicalities which effectively resulted in the Commission either exonerating all key people of accountability or merely referring them for further investigation.

One of the most intriguing stories around the role of powerful players in the Marikana shootings was that of Mr Cyril Ramaphosa, whose position and vested interest was summarised by the Commission thus:

⁸⁴ Marikana Commission of Inquiry Report Ibid Page 327.

⁸⁵ Marikana Commission of Inquiry Report Ibid Page 193.

“During August 2012 Mr Matamela Cyril Ramaphosa, who is now the Deputy President of South Africa, was a non-executive director of Lonmin, having been appointed in July 2010. His appointment to the board followed the acquisition by a company of which he was the founder and chairperson, Shanduka Group (Pty) Ltd (Shanduka), through a wholly-owned subsidiary, of 50.03% in another company, Incwala Resources Ltd, a black economic empowerment company which owns an 18% shareholding in two Lonmin subsidiaries, Western Platinum Ltd and Eastern Platinum Ltd. As a result, Shanduka Group (Pty) Ltd owns an effective 9% in Lonmin. He subsequently resigned from the board with effect from 31 January 2013. In August 2012 he was also a member of the National Executive Committee of the African National Congress. He was not, however, a member of the government in 2012.”⁸⁶

Cyril Ramaphosa’s position is testimony to the complex relationship between power and human rights and how the latter ends up being compromised. His financial interests in Lonmin Mine would have made it a *fait accompli* that if needed, he would always act in defence of those interests rather than human rights. The documented series of emails he exchanged with Lonmin Mine and government officials in the days leading up to the shootings tells a story of how human rights take a back seat when there are vested capital interests to be protected. For example, he is reported to have written about the need for “concomitant action to deal with these criminals.”⁸⁷ Counsel for the Injured and Arrested Persons argued before the Commission that “the e-mails were evidence of concerted pressure that was being put, among others, on the police – well firstly on the government not to call the strike a strike or not to call it labour related but to call it so-called criminal action and that was a platform from which it would be easier to inflict violence on strikers.”⁸⁸ This labelling of protesters as criminals is a typical tactic of powerful players, not only to strip claimants of their rights, but also to ramp up public opinion against them.

However, despite what appears to be damning evidence, it is sad that the Commission saw it fit to exonerate Mr Ramaphosa from accountability for the shootings that ensued, arguing that “there is no reason to believe that the SAPS would have reacted ... differently if Mr Ramaphosa ... had not contacted Minister Mthethwa. ... There is no basis for finding that Mr Ramaphosa’s evidence as to what he did and said in his interaction with the Ministers was inaccurate.”⁸⁹

Nevertheless, the Commission was scathing in its criticism and apportionment of blame on Lonmin stating that “Lonmin’s reckless actions in urging employees to come to work in circumstances where they were aware of the potential dangers to them and in the full knowledge that they could not protect them, falls to be condemned in the strongest terms. Lonmin must, in the Commission’s view, bear a measure of responsibility for the injuries and deaths of its employees and those of its sub-contractors.”⁹⁰

⁸⁶Marikana Commission of Inquiry Report Ibid Page 411.

⁸⁷Marikana Commission of Inquiry Report Ibid Page 412.

⁸⁸Marikana Commission of Inquiry Report Ibid Page 412.

⁸⁹Marikana Commission of Inquiry Report Ibid Page 437 – 438.

⁹⁰Marikana Commission of Inquiry Report Ibid Page 479.

The address to SAPS officers by the National Police Commissioner and the Minister of Police during a parade on 17 August 2012 has become infamous as the first instance of police denial of responsibility for the mass killing. Commending the officers for what they had just done, the two leaders are reported to have respectively said “whatever happened represents the best of responsible policing” and “we are all behind you”.⁹¹The Commission appropriately found this problematic in two respects. Firstly, “it set out what was from then on to be the official police line: that no blame at all attached to the police for what had happened because they had been responsible in doing what they did.”⁹²Secondly, the remarks “were ill-advised and may well have had the result of hampering the Commission in its work”⁹³ because they had the effect of encouraging the police officers to close ranks and withhold any information that would suggest that they had acted irresponsibly.

The relationship between SAPS and Lonmin was disturbingly close and was alleged to be at the heart of the massacre. Counsel for the Injured and Arrested Persons described it as a “toxic collusion” citing several examples including SAPS relying on Lonmin equipment for surveillance, and Lonmin actively participating in several police operations ranging from permanent attendance at Joint Operations Command (JOC) meetings to participation in the fateful operation on 16 August.⁹⁴Although the Commission disagreed that the alleged collusion existed, the stories presented by Counsel for the Injured and Arrested Persons seemed compelling.

⁹¹Marikana Commission of Inquiry Report Ibid Page 388-389.

⁹²Marikana Commission of Inquiry Report Ibid Page 388.

⁹³Marikana Commission of Inquiry Report Ibid Page 391.

⁹⁴Marikana Commission of Inquiry Report Ibid Page 505-506.

CHAPTER 4: THE REAL STORY OF THE MARIKANA MASSACRE

Following the Marikana massacre, many book accounts were published claiming to tell ‘the real story’ of Marikana from different perspectives. What follows is a brief critical review of one of these books focusing on its contribution to the whole discourse on Marikana: Greg Marinovich’s *Murder at Small Koppie*.⁹⁵ The back cover introduces the book as an exploration of “the truth behind the Marikana massacre drawing on his own meticulous research, eyewitness accounts and the findings of the Marikana Commission of Inquiry ... the definitive account of the Marikana massacre ... the most important piece of South African journalism since apartheid. Marinovich’s account is a combination of literary narrative and political commentary, using the power of creative writing backed by investigative journalism to deliver a compelling account of the massacre.

Two examples illustrate the power of Marinovich’s storytelling approach. Firstly, his description of the massacre as a “spectacle of brutality, a contemporary adaptation of human sacrifice” (page 5), is very apt as it immediately highlights the significance of the massacre as a site where human rights were sacrificed on the altar of global capitalism. Secondly, the title is also very apt: the small koppie called Wonderkop is presented as the shrine for this human sacrifice. During the strike, it had a symbolic meaning to the miners that went beyond just a meeting place: it was “a place where the otherwise god-like reach of the mine ran out. It was their redoubt, a place where they felt like men. Here, they were not *malaishas*, drillers or *chisaboys*, not boys of any kind.”⁹⁶ Marinovich also observes that the miners were reported to have performed the traditional rituals which they believed would make them invincible and protect them from the police’s bullets.

Ironically, the same koppie, which the miners thought to be their safe haven, is the place that became their Golgotha: where their own government sacrificed them on the altar of global capitalism. Over the years, the koppie’s shrine status has been confirmed as miners in Marikana and beyond undertake yearly pilgrimages to pay homage to their fallen comrades. The sanctity of the site has even been protected to the extent of ANC Presidential aspirant Nkosazana Dlamini-Zuma being prevented from visiting the site during the 2016 commemorations of the massacre.⁹⁷

However, there are places where it can be argued that Marinovich’s book is guilty of one of the excesses commonly levelled against stories of atrocity: spectacularising violence in a way that almost seeks to make it entertaining. For example, it is hard to see what purpose is served by such vivid descriptions of the killings as bullets “ripping through muscle and bone ... tearing through legs, chests and skulls ... As the dust settled back onto the men prone on the blood-drenched earth, nothing would ever be the same again. It was as if the nation had spent eighteen years dreaming of an idealized society only to be violently awoken to a living nightmare.”⁹⁸ Although this maybe what actually happened, one cannot rule out the possibility

⁹⁵ Marinovich, G (2016) *Murder at Small Koppie: The Real Story of the Marikana Massacre*.

⁹⁶ Marinovich (2016) *Ibid* Page 3.

⁹⁷ [News24 ‘Dlamini-Zuma chased from Marikana koppie’ 22 August 2017.](#)

⁹⁸ Marinovich (2016) *Ibid* Page 4.

that such dramatic descriptions are mainly meant to make the story more ‘entertaining’ reading rather than purely informative.

Nevertheless, while the story opens itself to being challenged for spectacularising violence, it makes up for this shortfall through juxtaposing the captivating story narrative with incisive political commentary based on well researched facts gathered through the author’s vast experience in investigative journalism. For example, in the Chapter ‘Genesis of a Tragedy’ he argues that the crisis had its roots in the alliance forged between the ANC elite and global capital on the eve of the transition to a democratic South Africa. He then provides a brief historical account of the related events which cannot be faulted as they have been extensively documented in other publications. This does not only help to give the story credibility but also positions its narrative within the long-standing debate about how South Africa sacrificed economic independence for political freedom.

In the grand scale of this discourse, the Marikana massacre is therefore presented as the site at which workers tried to reclaim this economic independence, while their executioners are described as “pawns in a high stakes game of neglect and oppression that allowed both the state and big business to benefit from a perpetually impoverished citizenry.”⁹⁹The following paragraph perhaps summarises the consequences of the shootings more aptly.

“The Marikana massacre swiftly became a platform for all types of opportunists to exploit, and for the state to belittle the extrajudicial executions as an unfortunate incident provoked by criminals. Activists and civil society who had been quiescent for too long were jolted into action ... Violence was an essential component of the drillers’ strike. South Africa continues to be one of the world’s most physically, economically, socially and psychologically fractured states. The poor are politically, commercially and socially invisible until they force themselves into view. The only way that neglected and impoverished communities ever manage to break the spell of invisibility is when they use sufficient violence to be noticed.”¹⁰⁰

The Arrangement

The arrangement, which Marinovich asserts “began in the late eighties, as a response to NUM’s alleged financial vulnerability,” (page 69) refers to a relationship between mines and unions whereby “all of the elected officials’ generous salaries were borne by the very mining companies against whom they represented their members” (page 68).Marinovich’s book outlines the mechanics of ‘the arrangement’ in more depth than what a few media reports mentioned in passing, yet this was one of the issues at the heart of the crisis in Marikana. Several players have been implicated in the arrangement including the ANC, NUM, mining companies and government. Two characters in this drama are worth exploring in as far as their role was central not only in the Marikana massacre, but in sharing the relationship between the South African government and global capitalism.

Tiny Rowland: the father of Lonmin

⁹⁹ Marinovich (2016) Ibid Page 4.

¹⁰⁰ Marinovich (2016) Ibid Page 4.

Marinovich's book reveals many facts about the background to the crisis that would otherwise not be known to most members of the public. An example is the background of Tiny Rowland, the British tycoon behind Lonmin Mine and portrayed in the book as the archetype capitalist. Tiny Rowland is variously described as the "unpleasant and unacceptable face of capitalism" (page 47), "one of the most deceptive and corrupt dealmakers in international business" (page 135) and a "swashbuckling buccaneer of globalized business, unfettered by laws or decency, (who) conceived a style of capitalism that became a template for the economic rape of developing nations under the guise of globalisation" (page 47). He is also described as double-dealing and reported to have boasted, "African leaders were so corrupt, and there was not a single one he could not buy". Marinovich leaves no doubt in the reader's mind about the genesis of the way Lonmin did (and continues to do) its business. The story argues that the Tiny Rowland template is still in the DNA of not only Lonmin, but all mining companies in South Africa.

Cyril Ramaphosa: Saint or Sinner?

One of the characters who played a central albeit less visible role in the Marikana saga is Cyril Ramaphosa. Marinovich outlines a disturbing narrative about Ramaphosa's long association with global capitalism which he traces back to the devastation of being overlooked by the ANC for the post of Deputy President when Thabo Mbeki got the nod instead. In disappointment, "Ramaphosa set out to become rich" (page 133) culminating in him being named as South Africa's nineteenth richest person in 2013. Marinovich describes in detail how Ramaphosa was co-opted as the BEE partner or "the face of the previously disadvantaged under apartheid" (page 136). However, he soon found himself in a catch 22 situation: "as the strike took hold, the former unionist and champion of the working man was now in a position where his financial interests were being threatened by the demands of the miners he once represented." (page 136).

One of the most damaging aspects of Ramaphosa's role in the Marikana massacre was the flurry of emails involving Lonmin mine officials appealing to him to exert influence to characterize the strike as a criminal matter rather than a labour dispute, paving the way for the violent police action that was to follow. Ramaphosa obliged in his now infamous email:

"The terrible events that have unfolded cannot be portrayed as a labour dispute. They are plainly dastardly criminal and must be characterized as such. In line with this characterization, there needs to be concomitant action to address the situation." (page 137).

This was within the context of another even more notorious speech that had been made by Susan Shabangu, then Minister of Mines, when she was still Deputy Minister of Police in 2008:

"You must kill the bastards if they threaten you or the community. You must not worry about the regulations. I want no warning shots. You have one shot and it must be a kill shot. I want to assure the police station commissioners and police men and women from these areas that they have permission to kill these criminals. I will not tolerate any pathetic excuses for you not being able to deal with crime. You have been given guns; now use them. If criminals dare to threaten the police or the livelihood of lives of innocent men, women and children, then they must be killed." (page 138 of the Marikana Commission Report).

This seemingly hard line became a standard war cry over the years from other police ministers and even President Jacob Zuma. No wonder Lonmin officials were so keen for the strikers to be characterized as criminals because they knew just what the response from the state security apparatus would be thereafter. Marinovich's verdict on Ramaphosa's role in the Marikana massacre is summed up in the following paragraph:

"As a man famous for negotiating the white supremacists out of the Union Buildings, and a former union leader, Ramaphosa should have insisted that at the very least Lonmin speak to their striking employees. He did not. Ramaphosa, it would seem, acted to protect his own financial interests, to protect NUM from the workers' ire, and to enable the ANC's legislated patronage to continue unhindered." (page 139).

In summary, Marinovich's book is a compelling story with two main plots. The first is a reverting account of what exactly happened leading up to and during the massacre on 16 August 2012, built on the author's vast investigative journalism skills. The second plot is a political commentary revealing several behind the scenes events and the role of some key characters that readers may not have been aware of before. Through these parallel plots, the story presents an authentic and compelling account of the Marikana massacre which has contributed significantly to the social, political and human rights discourse after the massacre.

CHAPTER 5: DOES STORYTELLING MAKE A DIFFERENCE?

What capacity does storytelling have for creating moral forces of change? How do words move us? How do the stories we tell one another release our deep emotions - our pity, fear or wonder? How, for instance, might our capacity for sorrow or outrage in response to an injustice depicted in a news story, a documentary film or a novel translate into our relationship with the social and political world, if at all?¹⁰¹ Does storytelling ultimately result in better understanding, respect, protection and promotion of human rights?

There are different perspectives underpinning the claims about the value of post-atrocity storytelling including ancient religious ideas about redemption through confession and memorial; the political imperative of human rights discourse calling for those responsible to be held accountable; as well as the classical literary notion that narrative truth has a special value, particularly underwriting the 'human' in human rights, overriding narratives of power struggle with narratives of suffering.¹⁰² Whichever imperative one assumes, human rights narratives can provide a foundation for responsive action through reminding us of our common humanity, and reminding those in power of their moral obligation to act in service of this common humanity.

Post-atrocity storytelling serves three main purposes: to seek redress for victims or survivors; replace or reinforce punishment; and provide remedies or victim compensation. In the aftermath of an atrocity, it is common for several public platforms to be established such as televised confessionals, documentary films and internet sites featuring human rights victims telling their stories. The common thread through these is giving voice to the victims of atrocity and to seek redress through storytelling. In such contexts, Julie Stone Peters notes, "narrative has come to be used instead of (or alongside) punishment or victim compensation: not as evidence (even where it is also used as evidence) but as a form of remedy, in and of itself. That is, narrative in human rights has come to have an independent legal-political function."¹⁰³

Commissions of inquiry, truth commissions and tribunals are exemplars of the growing phenomenon of storytelling through quasi-judicial, quasi-political and quasi-theatrical sites

"in which the narration of atrocity may serve at once as testimony, redress, and public catharsis ... Even if they offer no other form of redress, truth commissions and other testimonial venues are necessary because trauma victims must tell their stories ... through narrative they create a memorial to suffering ... Confession can redeem even the perpetrators ... Storytelling can bind the community, and thus serve as a force for healing, moving us past atrocity and into a healthy future."¹⁰⁴

Storytelling goes to the heart of the right to be heard. The relationship between human rights and literature has its foundation in article 18 of the Universal Declaration of Human Rights

¹⁰¹ Dawes (2007) Ibid Page 51-54.

¹⁰²Peters, J.S (2012) *Rights of Man and Narratives of Atrocity: Historical Backgrounds to the Culture of Testimony* in E Goldberg and A Moore (eds)'Theoretical Perspectives on Human Rights and Literature Routledge' New York. E-Book Page 593 - 1148.

¹⁰³ Peters (2012) Ibid, Page 593.

¹⁰⁴ Peters (2012) Ibid, Page 593.

(freedom of thought, conscience, and religion) and article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Julie Stone Peters again captures this succinctly when she notes:

"The right to narrate is ... a metaphor for the fundamental human interest in freedom itself, the right to be heard, to be recognised and represented ... When you fail to protect the right to narrate you are in danger of filling the silence with sirens, megaphones, hectoring voices carried by loudspeakers from podiums of great height over people who shrink into indistinguishable masses. Once we have allowed such "walls of silence" to be built in our midst and our minds, ... we are compelled to return to the silent killing fields of the past and the present ... to try and give voice to those who were silenced."¹⁰⁵

However, storytelling is not the knight in shining armour coming to the rescue of the human rights princess. There are several arguments on the impotence of representation detailing how public, institutionalised and personal storytelling designed to rally us to action can still fail. In the public sphere, structural barriers and self-serving interests tend to filter certain kinds of narratives. The media's self-serving interests mean that it mostly advances the political or ideological agenda of the owners or shareholders. Its primary interest in what is newsworthy leads to filtering, manipulation and sanitisation of the real accounts of the atrocity to attract readers. The 'media scoop' obsession leads to superficial representation where the facts of a story may not be thoroughly checked and verified before publication. The commercialisation and commodification of news of an atrocity raises serious doubts about the motives of the media.

The institutional failure of storytelling equally extends to the quasi-judicial settings of commissions of inquiry. While such commissions often have as one of their roles the responsibility to distinguish between the perpetrator and victim, they sometimes struggle to make this distinction. The adversarial approach of defence lawyers often leaves survivors not only feeling subjected to secondary victimisation, but sometimes it feels as if they are the perpetrators, that they are to blame for the violations that happened to them.

What guarantee is there that after hearing the testimonies of survivors at a Commission of Inquiry, the government will act differently in similar situations in future? Julie Stone Peters argues that "there is no evidence that hearing testimony alters moral choices in the moment of trauma and crisis."¹⁰⁶ While it can stir emotions in the heat of the moment, the epidemic of storytelling is nothing but a diversion from dealing with the real problems that befall the world - in the case of South Africa, a diversion from the failure of the government to deal with the rising socio-economic problems facing the country.

Professor Phillip Frankel delivered a negative prognosis on the impact of the discourse following the Marikana shootings. Describing the shanty settlement of Nkaneng as "a labour camp for people to sleep on an inter-shift basis," he concludes that "in the grander scale of things the few deaths at Marikana are inconsequential. Over 70 000 people are reported to have died from

¹⁰⁵ Peters (2012) Ibid, Page 614.

¹⁰⁶ Peters (2012) Ibid Page 1021.

accidents and industrial disturbances in South African mining since its inception. These exclude the estimated 300 injuries per day – many of which are lost-time injuries (that is serious) and hundreds of thousands of workers who are boarded and returned home suffering from deficient hearing or respiratory diseases linked to silicosis and tuberculosis (TB) mixed in with HIV/Aids. Nothing of this has been mentioned in the reporting on Marikana.”¹⁰⁷

Greg Marinovich’s verdict is that “the rocks the locals dubbed Small Koppie ... a place of horror that has until now remained terra incognita to the public ... could also be the place where the Constitution of South Africa has been dealt a mortal blow.”¹⁰⁸ *Al Jazeera* commented that “the hoped-for result has not occurred. World platinum prices have risen more than 10 per cent since the August 16 shooting, while Lonmin's Johannesburg and London-listed shares have lost more than 15 per cent of value.”¹⁰⁹ In this light it may sound as if some of the stories had an impact but in the grand scheme of things, the exploitation continues.

With regards to punishment of perpetrators, the Commission found that “those members who fired at scene 1 had reason to believe that they were facing an imminent attack. There are indications that some may well have exceeded the bounds of self or private defence, in which event there is at least a prima facie case that they are guilty of attempted murder (for the reasons given earlier in this report no rifle can be linked with any specific death so there can be no question of there being a prima facie case against any of the shooters on a charge of murder.”¹¹⁰ The Commission’s remedy in this regard was to refer the issue to the Director of Public Prosecutions and IPID for further investigation and subsequent consideration whether to institute criminal proceedings. So, was this the hoped-for conclusion after almost two years of storytelling, a mere referral for further investigations?

Regarding compensation for victims and survivors, it was argued before the Commission that “compensation be paid by the State on the basis of loss without liability, not only to the dependents of the deceased who were killed by members of the SAPS and to those strikers who were injured by shots fired by members of the SAPS but also to the dependents of those people killed by the strikers and to those injured by them.”¹¹¹ However, the Commission dismissed this argument on the basis that this was beyond the scope of its mandate. So again, another futile effort after two years of the victims and survivors telling their stories.

¹⁰⁷ IOL, 21/10/2012 Ibid.

¹⁰⁸ Daily Maverick, 08/09/2012 Ibid.

¹⁰⁹ Al Jazeera, 12/09/2012 Ibid.

¹¹⁰ Marikana Commission of Inquiry Report Ibid Page 517.

¹¹¹ Marikana Commission of Inquiry Report Ibid Page 518.

CHAPTER 6: CONCLUSION

In conclusion, it is worth revisiting the three questions asked at the beginning of this paper.

Question 1: How authentic are the stories told by different parties after an atrocity? The authenticity of stories that emerge after an atrocity depends on the vested interests of the parties involved. This paper has shown that most of the stories that emerged from the Marikana massacre were contested because they were primarily told to protect or advance the interests of relevant players, rather than to expose the truth. The SAPS went to lengths to obfuscate the truth in order to escape culpability; NUM was at pains to shift the blame to AMCU and vice versa; Lonmin sought to protect their capitalist interests while government was primarily interested in safeguarding their cosy relationship with global capitalism rather than protect and promote the rights of the striking miners. Even victims and eyewitness stories were ripped apart by adversarial defence attorneys at the Commission of Inquiry with the sole purpose of raising doubt about their authenticity. At the end of the day, it may be easier to believe the victims' stories because perhaps they have less vested interests to protect.

Question 2: What can we learn about the relationship between human rights and power from stories of atrocity? This paper has argued that there is a problem in the framing of the concept of human rights around the construct of the nation-state, whose recognition of a rights-bearing individual is often subject to its self-interests, and therefore can be withdrawn at the point when the individual most needs that recognition and protection. The various narratives of power emerging out of Marikana, especially in relation to the state-business-labour alliance that has come to be known as "the arrangement," highlighted this paradox of state power. The rise of the South African neoliberal state constitutes a new site of interface between global capital and state repression, with far-reaching consequences for the respect, protection and promotion of human rights. The Marikana massacre saw the South African government transforming from a mere accomplice to the leading perpetrator of human rights violations. When liberal states become too cosy with business, human rights become the sacrificial lamb at the altar of global capitalism.

Question 3: Does storytelling make a difference in our understanding, protection and promotion of human rights? The value of post-atrocity storytelling has a basis in social, cultural, religious and political ideals including redemption through confession. The legal and political imperative calls for those responsible to be held accountable; for redress to be sought for victims or survivors; to replace or reinforce punishment. This paper has argued that while the post-Marikana stories helped us to gain a better understanding of what happened, they have not made a big difference in the protection and promotion of human rights. Except for the dismissal of the Police Commissioner, not a single person has been prosecuted for the killings and the people of Marikana continue to live in squalor. There is no guarantee that even after hearing the testimonies of survivors at the Marikana Commission of Inquiry, the South African government will act differently in similar situations in future. While it can stir emotions in the heat of the moment, the epidemic of storytelling was nothing but a diversion from dealing with the real problems that befall the country - the failure of the government to deal with the rising socio-economic problems facing the country.

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