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## PRESS RELEASE

### AMCU RESPONSE TO THE SOLICITOR GENERAL COMMENTS ON ENCA INTERVIEW

AMCU maintains that the past ten (10) years since the Marikana Massacre have been years of betrayal with no accountability, no apology, and no arrests. The fact that the Solicitor General views this heinous act as an act of delict demonstrates the arrogance within which the State views this matter. The Marikana Massacre cannot be relegated to delictual behaviour by the State as a juristic person.

This insulting approach seeks to treat the Massacre just as another ultra vires administrative action such as unlawful cancellation of a tender contract. The Massacre was not an act of delict, it was a crime of murder by a fascist state in toxic collusion with private capital. AMCU rejects this notion that the Marikana Massacre was a delict and should be relegated to civil litigation. The Marikana Massacre cannot be commercialized and relegated to a compensatory process limited to financial claims masqueraded as justice.

The Massacre espoused all the elements of a crime with conduct, which was unlawful, without any grounds for justification where the perpetrators reconciled themselves to the eventuality of killing people by even ordering mortuary vans to collect dead bodies.

This was a massacre that operationalized the concomitant action demanded on State actors by then politically connected business - people. As such, this can never be viewed as delictual civil behaviour. The Marikana Massacre is a crime with clear actors who must be held accountable.

Therefore, as AMCU we feel betrayed even by the Farlam Commission of Omission. Judge Farlam, omitted to hold anyone individual accountable for the Marikana Massacre. To date we still ask, who authorized the Technical Response Team (TRT) to intervene in a labor dispute, who gave the order to shoot to kill, who ordered the mortuary vans who is accountable for the Marikana Massacre.

Justice can never be relegated to a financial civil claim. How much does the life of a person cost? Who has the moral justification to allocate a quantum amount of how a person is worth?

The claim by the Solicitor General that the parties keep changing costs and this affects the conclusion of the last 48 claims due to Government budgetary processes is an insult in the face of the victims of this genocide. Where was the State budget when they planned to kill the workers? How much did the State spend on the Marikana Massacre operation, flying the TRT special forces from Pretoria and all the ammunition that was used to kill and injure those workers. Taxpayers' resources are used to compensate killed and injured workers, who were taxpayers themselves. What is the irony there? Is there justice?

The State is on trial and yet the Pretoria High Court remains the empire in this matter. How can there be fairness where the State is adjudicating over a matter where it is a respondent. This is why we called for an international commission of inquiry prior to the establishment of the Farlam Commission of Omission.

The same abortion of justice is currently being experienced with these claims 10 years post Massacre. This Massacre was the first in post democratic era and when we call for justice, we are not playing politics. The Solicitor General is naive to think that he can separate law from politics. He is further naïve to suggest negative connotations to politics which is an inherent phenomenon to human interactions.

Adjudicative law cannot supersede substantive law. The characterization of emotive substantive arguments in an adjudicative process cannot be characterized as 'politics. The process must be regulated by a procedure which seeks to hear arguments based on experienced human behavior, in this case the murder of workers by a democratically elected government.

AMCU rejects the legal arguments advanced by the Solicitor General in his interview at the ENCA and notes his adversarial dismissive attitude as equivalent to second massacre of justice for the victims of the Marikana Massacre.

**The End**

**660 Words**

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