



**MEDIA STATEMENT:
MARIKANA'S FARLAM COMMISSION FAILS TO SAVE LIVES BY BANNING R-5S
IN CROWD CONTROL**

26 June 2015: Social justice activist organisation Amandla.Mobi and Gun Free South Africa are deeply disappointed that the Farlam Commission of Enquiry's report into the 2012 Marikana massacre makes no recommendation to prohibit R-5 rifles – the assault weapon used by police to kill 34 miners – in Public Order Policing.

Withdrawing R-5 assault rifle use in crowd control was one of the first recommendations made by international policing expert Mr Cees de Rover when he testified before the Farlam Commission. In March 2013 Mr de Rover urged SAPS' National Commissioner to withdraw R-5 rifles, which he described as being "guaranteed deadly", from the Public Order Police and to not permit them to be used in crowd control. Eighteen months later, when the National Commissioner gave evidence on 10 September 2014, she reported that R-5 rifles were still being used in public order operations, and that SAPS was "still considering the matter".

Eight months after General Phiyega's testimony, the Farlam Commission's report recommends yet further consideration. It proposes that a panel of experts comprising senior officers of SAPS, and independent experts in public policing be established and tasked with amending orders relating to Public Order Policing, including policing armed crowds, based on the world's best practices and measures available for use.

We submit that given the urgency of the matter, which is demonstrated by the high number of public protests and demonstrations in South Africa, this is simply not good enough; by failing to ban automatic rifles in Public Order Policing, the Farlam Commission has missed an opportunity to learn from the atrocity of Marikana and save future lives.

Experts testifying before the Farlam Commission were unanimous that automatic rifles like the R-5 are unacceptable in crowd control. Mr De Rover testified that military assault weapons have no place in law enforcement, he recommended the immediate withdrawal of R-5 rifles and added that any replacement weapon system should not be capable of "automatic fire mode" because "at every pull of the trigger (you) need to prove the existence of an imminent threat to life or serious injury".

Several of the SAPS' Tactical Response Team members who fired at Marikana's scene 1 (which was recorded on camera, unlike scene 2) admitted in their statements that their rifles were on automatic fire. Colonel Classen from the Phokeng Police Station, who also testified before the Farlam Commission, confirmed that in his view this was grossly negligent.

The evidence indicates that R-5 bullets tend to disintegrate when entering the body of a victim. This is what happened at Marikana. As a result it is not possible using ballistic evidence to connect any member who shot at Marikana with any person who died. As such, the Farlam Commission's recommendation that the National Prosecuting Authority in the province should be responsible for determining criminal liability of all police personnel involved in incident is unlikely to result in prosecution.

The R-5 was introduced into South African policing in the late 1980's, at the height of oppression during Apartheid. That a weapon used to murder, oppress and brutalise under Apartheid is still being used by police officers for crowd control in a democratic South Africa is unacceptable.

ADDITIONAL INFO

Amandla.Mobi and Gun Free South Africa have partnered in a [campaign](#) to ban R-5 rifles in Public Order Policing. The campaign was launched on 30 January 2015, as the South African Police Service celebrated its 20th anniversary in Kabokweni, Mpumalanga. The campaign gives ordinary citizens a voice to remind Police Commissioner Phiyega and Police Minister Nhleko of their duty to ensure the safety of all who live in South Africa by banning the use of the R-5 massacre rifle by those tasked with protecting us.

[amandla.mobi](#) is an independent social justice organisation that turns cellphones into a democracy building tool so that no matter where anyone lives, what language they speak, or what issue they care about, they can connect with others to take action against social injustice.

[Gun Free South Africa](#) is a national NGO working towards a safer, more secure South Africa, by reducing gun violence.