

# RealTime Transcriptions

TRANSCRIPTION OF THE

## COMMISSION OF INQUIRY

### MARIKANA

#### BEFORE TRIBUNAL

THE HONOURABLE MR JUSTICE FARLAM (RETIRED) - CHAIRPERSON  
MR TOKOTA SC  
MS HEMRAJ SC

#### HELD ON

DAY 10      8 NOVEMBER 2012      PAGES 1154 TO 1245

#### HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



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1 [PROCEEDINGS ON 8 NOVEMBER 2012]  
 2 [10:18] CHAIRPERSON: Good morning, the  
 3 Commission resumes. Before we continue with the  
 4 presentation I have to give our ruling in respect of the  
 5 matters that were debated earlier, relating to the issues  
 6 to be considered during the first phase and those who were  
 7 present will appreciate that by the end of the argument the  
 8 parties were substantially in agreement on what the first  
 9 phase would cover and the terms of what amounts to the  
 10 consensus are set out in the documents from which I shall  
 11 now read.

12 1. The first phase of the Commission will  
 13 examine the events of 9 to 16 August 2012 at Marikana which  
 14 led to the deaths of at least 44 people, more than 70  
 15 people being injured, approximately 250 people being  
 16 arrested and damage and destruction to property. Those  
 17 topics are covered by the phrase "the events."

18 2. The first phase will be confined to the  
 19 following issues:

20 2.1 An investigation of the facts directly  
 21 relating to and relevant to the events themselves;  
 22 2.2 An investigation into the lawfulness of the  
 23 conduct of the SAPS and its members in fatally shooting 34  
 24 people on 16 August 2012 and in injuring protestors who  
 25 were not fatally wounded, and

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1 2.3 An investigation into whether participants  
 2 in the crowd of protestors at Wonderkop on 16 August 2012  
 3 should be held criminally liable for the death of 34 of  
 4 their fellow protestors and/or in respect of the alleged  
 5 attempted murder or assault of SAPS members at the scene.

6 2.4 The direct causes of, and legal  
 7 responsibility of, any party for the deaths and injuries to  
 8 any persons and damage to property at Marikana during the  
 9 period 9 to 16 August 2012.

10 The other matter upon which we were addressed was  
 11 whether it would be appropriate for the Commission to make  
 12 findings, either final or interim, at the end of the first  
 13 phase. It's not possible for us at this stage to know  
 14 whether I will be appropriate. It may well be that at the  
 15 end of the argument at the end of the first phase it will  
 16 be clear that, in respect of certain issues, it may be  
 17 possible to give findings. I think if findings are to be  
 18 made they would be provisional findings, interim findings  
 19 and not final ones, but it's not possible for us at this  
 20 stage to decide whether, in respect of any of the issues,  
 21 it will be possible or appropriate for us to make findings  
 22 and so at this stage we do not rule on that issue.

23 Is there anything that anyone wishes to add or  
 24 ask in respect of the ruling I have given?  
 25 It follows from what I've said that we will

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1 expect counsel and the other representatives of the parties  
 2 who address us in argument at the end of the first phase,  
 3 to deal with the question as to whether there are any  
 4 issues in respect of which it would be appropriate for  
 5 findings to be made and we will obviously consider those  
 6 arguments at the time.

7 I understand we have a new party who wishes to  
 8 participate in the proceedings.

9 MS THOMAS SC: Thank you, Chairperson and  
 10 honourable members of the Commission. It is indeed so that  
 11 the Minister of Police wishes to participate in these  
 12 proceedings. My name is Nkosi Thomas from the Johannesburg  
 13 Bar and I am assisted by Adv Manganye representing the  
 14 Minister of Police. May we be granted leave, please?

15 CHAIRPERSON: Insofar as it may be  
 16 necessary, the Minister is granted the necessary permission  
 17 and leave.

18 MS THOMAS SC: May it please you.

19 CHAIRPERSON: Colonel Visser, you're not  
 20 under oath so I don't have to remind you that you're under  
 21 oath, but would you proceed with your presentation.

22 MR SEMENYA SC: Chair, I didn't think the  
 23 Colonel was under oath.

24 CHAIRPERSON: I said he wasn't.

25 MR SEMENYA SC: Oh.

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1 CHAIRPERSON: Now we've got -  
 2 LT-COL VISSER: Thank you, Mr Chair,  
 3 members of the Commission. We ended up at the end of  
 4 Sunday. For easy reference we did distribute copies of the  
 5 presentation if the television screens are a bit slow, for  
 6 easy reference. Before we step over to Monday, just allow  
 7 me one minute just to recap of the events that led up to  
 8 the end of Sunday. Starting from the build-up, there were  
 9 various incidents of violence. Starting on Friday, two  
 10 persons were already wounded in clashes. On Saturday three  
 11 persons were wounded, on Sunday an additional five persons  
 12 were wounded through clashes with the strikers. The death  
 13 toll by the end of Sunday, two of the mine securities were  
 14 gruesomely murdered, hacked to death and burnt. Later that  
 15 evening again two of the mine employees were gruesomely  
 16 murdered but the death toll at the end of Sunday was  
 17 already four.

18 CHAIRPERSON: It's now red. It was  
 19 ecologically friendly for a moment – green. Colonel, am I  
 20 correct in saying we're now proceeding from page 42 of the  
 21 bound bundle of documents that you've given?

22 LT-COL VISSER: Yes, slide 41 page 21,  
 23 yes.

24 CHAIRPERSON: Yes, I called it page 42.  
 25 I was referring to the number in the bottom left hand

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1 corner, that's actually the slide number.

2 LT-COL VISSER: Yes.

3 CHAIRPERSON: Yes, thank you. Please

4 proceed.

5 LT-COL VISSER: Thank you, Mr Chair.

6 We're moving over now to Monday the 13th of August. Again

7 Sunday evening, after the escalation of violence, the joint

8 operational centre was also established at Lonmin mine and

9 every morning at the start of the day a briefing is being

10 held then at this joint operational centre.

11 Starting on the Monday morning, again reports

12 were that the situation about protestors are still very

13 serious and that high police visibility is still needed in

14 the area to maintain peace and order. To address the

15 situation, the contingency plan of the previous day was

16 still put in place and initially 121 members of the police

17 were deployed for the day, that included members of our

18 public order policing, the POP, TRT stands for tactical

19 response teams, NIU our national intervention unit, VISPOL

20 our normal visible policing members and there were also

21 members from detective services. Except for 121 members

22 initially deployed, that evening after the incident with

23 the protestors an additional 96 members were also deployed.

24 If we move over to the next slide, the sequence

25 of the events of the day. 10 past five in the morning

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1 there was already reports about 50 persons that were

2 intimidating workers around the Wonderkop hostels. Police

3 members were on the scene. One of the members shot two

4 rubber rounds and the crowd dispersed peacefully.

5 20 past six Monday morning, mine security

6 reported about a body with bullet wound. It was later

7 linked to the violence on the Sunday. Referring back to

8 the slides on Sunday, that was Mr Langa.

9 8:30 again that morning mine security reported

10 one of the mine employees has been robbed and stripped

11 naked for going to work, because of intimidation no cases

12 were registered.

13 10 o'clock Monday morning there was a meeting

14 between Lonmin mine management and police management. On

15 this meeting the police were updated about the latest

16 situation about the mine. The police were informed that

17 employees who were involved at the current strike action at

18 this stage were faceless, the mine management could not

19 identify if they were part of the mine or not. On this

20 meeting mine management indicated about the property that

21 was damaged and the members that were killed and they

22 requested the police to prevent any further killing of the

23 mine's personnel and to protect their property. The police

24 were also informed about the gathering of rock drill

25 operators at koppie 1, which was also joined by other

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1 persons that were sympathetic to their cause.

2 We go over to the next slide. After the meeting

3 at 12:45 the Provincial Commissioner of North-West,

4 Lieutenant-General Mbombo, instructed the police members

5 the following – the gatherings had to be dispersed, the

6 dangerous weapons that are part of these gatherings had to

7 be confiscated, persons identified from the mine footage

8 who were involved in criminal activities had to be

9 arrested, deployment to key strategic areas had to be

10 enhanced, members of the police had to act professionally

11 and to ensure that peace prevailed. An OB entry in this

12 nature was also made.

13 Simultaneously at this time it was noticed on one

14 of the mine security cameras that a group of protestors

15 armed with dangerous weapons were gathered near the K3

16 shaft near the Karee hostel area. 70 members of the

17 police, under the command of Major-General Mpembe of North-

18 West, were deployed with the intention to disarm and arrest

19 the group of protestors.

20 If you move over to the next slide, on arrival at

21 the scene Major-General Mpembe addressed the group of armed

22 protestors and it was indicated to them that it was

23 unlawful for protestors to be in possession of dangerous

24 weapons. They were also informed that the police were

25 present as a result of all the violent incidents that had

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1 been occurring since the Friday the 10th August.

2 Representatives from the protestors informed

3 Major-General Mpembe then that their fight was not with the

4 police but with Lonmin mine. They also informed Major-

5 General Mpembe that the possession of dangerous weapons was

6 for their own protection against the mine security and to

7 oppose union members attacking them, referring to the

8 incidents that happened from the Friday itself. They

9 demanded then to be left alone so that they can join the

10 members that were already gathered at koppie 1.

11 At this stage, as will be indicated on a video

12 clip later on, we talked to the protestors in Fanagolo but

13 to make sure that there was no misunderstandings, Major-

14 General Mpembe asked for an interpreter from Lonmin mine.

15 At this stage Lonmin mine denied the request and they also

16 indicated that they are not prepared to negotiate with the

17 protestors. The request at this stage was made to Mr

18 Blaauw of Lonmin mine.

19 At this stage after the protestors were addressed

20 and it was indicated that the possession of dangerous

21 weapons is illegal, Major-General Mpembe made a decision

22 that the group must be disarmed and dispersed.

23 [10:38] Major-General Mpembe indicated to the protestors

24 that they would not be allowed to proceed to the koppie 1

25 and they need to surrender their weapons. The group of

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1 protestors then became very aggressive and they moved  
 2 around the police line that was formed by armoured vehicles  
 3 and members on foot and they continued in the direction of  
 4 Wonderkop koppies.

5 Looking at the posture and the nature of the  
 6 group and the possession of dangerous weapon, Major-General  
 7 Mpembe realising that by trying to stop the group now it  
 8 will lead to a violent confrontation that would take place  
 9 and it could lead to serious injuries, he then decided to  
 10 allow them to proceed, but with the police following them.

11 Keeping in mind the history of violence that we  
 12 saw at the mine and looking at informal settlements that  
 13 were lying between the protestors and koppie 1, it was  
 14 decided that the police must follow the protestors to  
 15 prevent them from entering the informal settlements to the  
 16 left of their route, to prevent possible incidents of  
 17 looting and to safeguard innocent lives and property.

18 Going to the next slide, the group of protestors  
 19 proceeded then to koppie 1. On their way to koppie 1, with  
 20 the police following them, some of the protestors changed  
 21 direction to enter the informal village. To prevent them  
 22 from entering the village, the police used teargas and stun  
 23 grenades. Teargas is a grenade that releases smoke that  
 24 cause intense burning of the eyes and involuntarily causes  
 25 you to just run away from it. A stun grenade, if thrown,

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1 causes two loud bang noises that also cause you to run away  
 2 from it.

3 After the teargas grenades were thrown, it had no  
 4 effect on the protestors and they kept on walking through  
 5 it in the intended direction. It was only after the stun  
 6 grenades were thrown that a response was received from the  
 7 protestors. After the stun grenades were thrown, a group  
 8 of the protestors turned around and charged at the police  
 9 with their dangerous weapons. Two of the members of the  
 10 police who died at the scene were retreating and fired at  
 11 the protestors with shotgun rubber rounds but they were  
 12 overpowered and hacked to death. In order to defend  
 13 themselves and their colleagues against the imminent  
 14 attack, members of the police started retreating and fired  
 15 at the charging protestors with live ammunition. The air  
 16 wing helicopter of the police also witnessed these  
 17 incidents and to protect the members of the police  
 18 services, out of the police helicopter they threw 10 stun  
 19 grenades and 20 teargas grenades in an attempt to stop the  
 20 attack.

21 We proceed to the next slide. Two members of the  
 22 police were killed in this incident and a third was  
 23 seriously wounded. These three policemen were also robbed  
 24 of their firearms that included two 9 millimetre pistols,  
 25 one R5 rifle, one shotgun, one police radio and the

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1 magazines with ammunition.

2 One of the protestors was found dead at the scene  
 3 after the incident. A second was found about 300 metres  
 4 further after the informal village. A third was found dead  
 5 in the village with a stab wound. It was not clear if it  
 6 was an innocent bystander or a member that was part of the  
 7 protest. Four of the protestors responsible for the attack  
 8 on the members of the police were pursued by members of our  
 9 tactical response teams. They were, however, shot at with  
 10 some of the weapons that had been robbed from the other  
 11 members of the police. They returned fire but the  
 12 protestors managed to escape.

13 The next slide is just for geographical  
 14 orientation again. Initially the group of protestors were  
 15 gathering at the Karee hostel. That is to the left bottom  
 16 of the screen that you see there in front. They demanded  
 17 to join the other protest that was already gathering at the  
 18 koppie 1, that is approximately about seven kilometres from  
 19 where they were gathering.

20 The incident happened – there's a little red  
 21 area, a triangle with a white outline where the incident  
 22 happened and in front of them to the left, encircled in  
 23 blue, you can see some of the informal villages that were  
 24 lying between them and koppie 1.

25 CHAIRPERSON: Where did the incident take

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1 place? Where did General Mpembe address the protestors?

2 LT-COL VISSER: Just at the point of that  
 3 triangle that we have pointed there with the mouse on the  
 4 screen, at that point, and then they started walking and  
 5 the incident happened about at the end of the triangle.

6 CHAIRPERSON: I understood that  
 7 Lieutenant-General Mpembe actually addressed them near the  
 8 railway line.

9 LT-COL VISSER: Yes.

10 CHAIRPERSON: Is the railway line visible  
 11 on your – on the photograph? That's the railway line?  
 12 Yes, I see.

13 LT-COL VISSER: Looking at available  
 14 footage – but before we go to the footage, Mr Chair, first  
 15 a warning as well. Some of the people that are going to  
 16 feature in this footage were part of the deceased members  
 17 later on the 16th and at the end of the footage and some of  
 18 the photographs that will follow, looking at the police  
 19 members that were killed – Warrant Officer Lebaaku, Warrant  
 20 Officer Monene, the three protestors that were killed, Mr  
 21 Sukanile, Yukanise and Mr Mati – there will again be some  
 22 pictures, so a warning again if some of the relatives or  
 23 any people that don't want to see this, maybe if we can  
 24 allow them a minute or so, the people that want to leave.

25 CHAIRPERSON: Yes, before you do, while

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1 that's happening you can also show – tell me something  
 2 else. The railway line you say is, one sees actually  
 3 touching this triangle at the bottom left hand corner,  
 4 that's the railway line, right. Then also there was a  
 5 river that we saw and there was an informal settlement in  
 6 front of one of the houses one of the bodies, I think, was  
 7 found. Where's that? That's –  
 8 LT-COL VISSER: That's the informal  
 9 settlement and the body was found –  
 10 CHAIRPERSON: Alright, alright. Now I  
 11 think you should repeat what you've said into the  
 12 microphone so that members of the auditorium can follow and  
 13 also, I'd be grateful if that cell phone were turned off.  
 14 I'd also be grateful if you could indicate, as you  
 15 indicated to me, where the informal settlement was where  
 16 the house was in front of which one of the bodies was  
 17 found. You showed that to me but I think those in the  
 18 auditorium are entitled to see it too.  
 19 LT-COL VISSER: If you look at the  
 20 television screens where the mouse cursor is – first of all  
 21 we're going to indicate to you the railway line where the  
 22 protestors were gathered. If you look at the mouse cursor,  
 23 that is where the railway line is. The next thing we want  
 24 to indicate to you is the informal settlement where one of  
 25 the bodies was also found. It's just in front, encircled

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1 with the blue. If you look again at the mouse cursor  
 2 there, that is where the informal settlement was where also  
 3 one of the bodies was found. And then there's also a river  
 4 that went through, if you look at the mouse cursor there it  
 5 indicates to you the flow of the river as well.  
 6 The railway line on the footage that we're going  
 7 to show you, you will also see the members are gathered  
 8 directly next to the railway line. What we've done is  
 9 we've looked at footage that is available from our public  
 10 order policing unit. At the end we also added some footage  
 11 from the mine security. All the original clips are  
 12 available at the evidence leaders. We tried to put the  
 13 incident together to make logical sense out of it and again  
 14 I want to repeat the warning, there will be some images –  
 15 CHAIRPERSON: We'll wait a minute so - to  
 16 give people who wish to leave, an opportunity to do so.  
 17 LT-COL VISSER: Thank you, Mr Chair, can  
 18 we continue? Please ask the police family members - This  
 19 is the video footage when General Mpembe came to the group  
 20 and addressed the group. Then you can see the change in  
 21 posture from this group and the march that we indicated on  
 22 Friday. That is General Mpembe talking in Fanagolo to the  
 23 group.  
 24 [VIDEO IS SHOWN]  
 25 MR MAHLANGU: We have not come to arrest

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1 you. The problem we have is what you have in your hand. I  
 2 am pleading with individuals to come to me and hand over  
 3 these items. It's illegal for you to possess these things.  
 4 I must also say that such a gathering as you're gathering  
 5 here is contrary to the law, it's illegal to form such a  
 6 gathering. From here we're going to go to those people on  
 7 the mountain, we're going to tell them the same thing but  
 8 before you disperse, the – the weapons that you have are  
 9 illegal. We only have these weapons here to indicate to  
 10 you that we are fighting nobody. What we want are those  
 11 assegais that you have and the other weapons only, that's  
 12 all. Unless you disarm, unless you give me those weapons,  
 13 I'm not going to allow you to proceed.  
 14 LT-COL VISSER: This is where the group  
 15 decided to proceed anyway, in disrespect of the  
 16 instructions that were given by the police. The police  
 17 then allowed them to proceed and again you can see the  
 18 difference between this group of people and the original  
 19 march on the Friday.  
 20 This footage is from the mine security since the  
 21 police video unit was not very close by. At this stage  
 22 they're proceeding towards koppie 1 with the police  
 23 following them. This is the best footage that we have,  
 24 although it's from a distance and it's not very clear.  
 25 There the first teargas grenade is being thrown.

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1 [10:58] It had no effect and it didn't change the  
 2 direction of the protesters. They just continued through  
 3 it. There first stun grenade was thrown, and that had  
 4 reaction. There you can see it. The majority of the  
 5 protesters ran away, but a group of them turned around and  
 6 charged at the police. You cannot see them, it's there  
 7 behind the bushes. Other police members ran to their  
 8 rescue. That's where the incident took place.  
 9 [VIDEO IS SHOWN]  
 10 Again looking at the video footage, injured  
 11 policemen, the injured policeman that is still serious in  
 12 hospital, policemen that were killed. Again the force and  
 13 the nature and the gruesomeness of the attack is visible.  
 14 In the informal settlement the body that was found there  
 15 with a spear lying close to it, it had a stab wound in the  
 16 leg and it bled to death. At this stage it was not clear  
 17 if he was part of the protest, or he was an innocent  
 18 bystander in the village.  
 19 Again some of the following slides again show  
 20 some of the bodies, the policemen that were hacked to  
 21 death, and again the severity of the attack can be seen on  
 22 his face and the wounds. Also looking at some of the  
 23 footage you can see the force that was used in these  
 24 attacks, looking at the wounds. The second policeman that  
 25 was shot and hacked to death, you can see the bullet

<p style="text-align: right;">Page 1170</p> <p>1 wounds, one in his shoulder, one in his chest and again the 2 gruesome wounds that is visible on his head, again looking 3 at the force that was applied during these attacks. The 4 three protesters that were also killed, all civilians, to 5 the bottom left is the person that was found in the 6 village, above him the body of the protester that was found 7 about 300 metres from the scene where the incident took 8 place and to the right-hand side the body that was found on 9 the scene, Mr Mati.</p> <p>10 CHAIRPERSON: Colonel, which body was 11 found on the other side of the river?</p> <p>12 LT-COL VISSER: It's the one in the left 13 top corner, the one with the white overall, Chair.</p> <p>14 CHAIRPERSON: Thank you.</p> <p>15 LT-COL VISSER: At this stage it's not 16 very clear how the body got there, whether he was assisted 17 by fellow protesters or whether he went there on his own, 18 but that is where the body was found.</p> <p>19 Looking at the short summary of the consolidation 20 of the scene by our crime scene members, shell casings that 21 were retrieved at the scene, 9 millimetre cartridges from 22 handguns, eight cartridges were received. Shotgun 23 cartridge cases, that will be rubber bullets, 19 cases were 24 retrieved at the scene. R5 cartridges, four casings were 25 retrieved. There were also one R5 round that were not</p>	<p style="text-align: right;">Page 1172</p> <p>1 Continuing to the next slide, looking at the 2 following events still on Monday, the 13th, at 6 o'clock in 3 that evening personnel from our Employee Health &amp; Wellness 4 arrived at Marikana to debrief the members that were 5 involved. This was done to assist members in dealing with 6 the events of the day and post-traumatic stress.</p> <p>7 20 minutes past eight that evening a police 8 delegation, which the National Commissioner led and also 9 included the Provincial Commissioners of the North West 10 province and Gauteng province arrived and was also briefed 11 by our joint operational centre. After they were briefed 12 about the events of the day, round about half past nine 13 that evening they had a meeting with management of Lonmin. 14 Lonmin mine management were briefed about the events of the 15 day, and a clear request was made for them to engage with 16 the relevant unions to try and resolve the issue to ensure 17 a peaceful end to the strike. Lonmin mine management took 18 note about the briefing and request, but no specific 19 commitment at this stage was received from them to get 20 involved or to resolve the issue.</p> <p>21 Looking at the summary of the events of the 22 Monday, additional members of the police were deployed to 23 intensify visibility in the area. A meeting was held with 24 Lonmin mine's management, where they indicated and they 25 requested the police to protect their members and their</p>
<p style="text-align: right;">Page 1171</p> <p>1 dispersed that were found at the scene and when we come to 2 incidents on Wednesday there's a specific reference to 3 similar rounds that were found there. Stun grenades, 12 4 casings were found at the scene. Teargas rifle grenades, 5 21, and two sharp edged weapons were found at the scene.</p> <p>6 In addition to what was found on the scene, the 7 following munitions was expended by police members, either 8 first of all to get the protesters to change direction, not 9 to enter the informal village, and later on sharp point 10 ammunition was used in defence of their own lives and the 11 lives of their colleagues. Members of various units were 12 on the scene, NIU again stands for our National 13 Intervention Unit, TRT for our Tactical Response Teams, 14 POP, Public Order Policing, helicopter refers to the police 15 helicopter that was on top of the scene. In total 9- 16 millimetre rounds, 64 were expended. Only eight cartridges 17 were retrieved, but 64 were expended. R5 rounds, that the 18 5.56-millimetre, 34 were expended although only 19 casings 19 were retrieved at the scene. Rubber rounds, 19 were 20 dispersed. All 19 cartridges were found at the scene. 21 Teargas grenade, 25, of which only 21 casings were 22 retrieved. Stun grenades, 12, of which all 12 casings were 23 retrieved at the scene. In total 56 non-lethal or less 24 than lethal munitions were expended at the scene. In total 25 98 sharp point ammunitions were expended.</p>	<p style="text-align: right;">Page 1173</p> <p>1 property. At that stage police met with a group of 2 protesters that was gathered near the railway line. They 3 escort these members on their way to Koppie 1, doing this 4 to prevent them from entering the informal settlement and 5 to protect the lives of innocent members and property. 6 Stun grenades and teargas grenade was thrown. In this 7 incident three, two policemen were killed, one was 8 seriously injured, three protesters - two protesters, one 9 alleged protester - also died, and again in the evening 10 senior police management arrived at the scene, were briefed 11 and held meeting with Lonmin mine management to see, to 12 resolve the issues and get to a peaceful resolution of the 13 strike.</p> <p>14 Looking at the casualties at this stage, wounded, 15 16 persons, including five protesters that were wounded in 16 the clash on Monday. The death toll at the end of Monday 17 stood at nine. On Sunday it was two guards, two mine 18 employees; on Monday, two policemen, two protesters and the 19 person that was stabbed in the village.</p> <p>20 CHAIRPERSON: Before we take the tea 21 adjournment, I take it from now on you, at this point you 22 move on to the unrest on the Tuesday. In your slide 61 23 where you talk about casualties, people who were wounded, 24 in respect of Monday the 13th there's a gap before the word 25 "protesters." It reads, "On Monday, protesters wounded,"</p>

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1 are you able to give us the number of protesters who were  
2 wounded on Monday? Why is there a gap? It looks like a  
3 number that's missing.

4 LT-COL VISSER: If you read the sentence,  
5 "The protesters wounded, one member of the police and the  
6 police wounded five protesters." Sorry, the gap is just an  
7 alignment –

8 CHAIRPERSON: I understand, thank you.

9 LT-COL VISSER: Just a rectification  
10 there, Mr Chair, on Saturday it was three persons that were  
11 wounded, not eight, but the total tally is still 16  
12 members. The three members on Saturday was during the  
13 clashes of the protesters itself.

14 CHAIRPERSON: - point we'll take the tea  
15 adjournment for 15 minutes.

16 [INQUIRY ADJOURNS INQUIRY RESUMES]  
17 [11:46] CHAIRPERSON: The Commission resumes.  
18 Colonel, before you move on to the events of the 14th of  
19 August, I'd be grateful if we could go back to the video of  
20 the General addressing the protesters and if the video  
21 could be stopped at various points because the interpreter  
22 was doing his best to interpret what was being said but I'm  
23 not sure that we got everything – particularly, we didn't  
24 get, at least I didn't get what was said by what one could  
25 describe as the leading member of the protesters. The

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1 General spoke, the interpreter interpreted what the General  
2 said, the leading member of the protesters replied and I'd  
3 be grateful if we could just go through that again and it  
4 may be necessary, to assist the interpreter, if those  
5 responsible for showing us the video could stop after the  
6 General has spoken to give the interpreter a chance to  
7 interpret and then proceed with another stop at an  
8 appropriate stage. I'd appreciate that, before we move on  
9 to the events of Tuesday the 14th.

10 LT-COL VISSER: No problem, Mr Chair, we  
11 could slowly go through the video and we'll stop to give  
12 the interpreter time to do it.

13 [VIDEO IS SHOWN]  
14 Okay, the first part is only where they're  
15 sitting in the crouching position, they're singing songs  
16 and they're clapping their weapons together and in a moment  
17 it will start where the General –

18 CHAIRPERSON: It might be helpful to know  
19 what they're singing. I take it they're not singing "bring  
20 me my machine-gun," but what are they singing?

21 MR MAHLANGU: It's not very clear what  
22 they're singing, what the words are of the song.

23 CHAIRPERSON: We'll have evidence on that  
24 if it's necessary or relevant.

25 LT-COL VISSER: We're going to start

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1 there from the beginning again and see if we can just hear  
2 the singing again.

3 [VIDEO IS SHOWN]  
4 MR MAHLANGU: It's not very clear, Mr  
5 Chairperson, the song – the words are definitely not clear.  
6 Possibly there are people in the gallery that knows it from  
7 home but I don't know it.

8 LT-COL VISSER: We can continue.

9 MR BIZOS SC: Could we have an estimate  
10 of the number of the persons present? It may be of some  
11 importance.

12 CHAIRPERSON: You heard what Mr Bizos  
13 said. You're not under oath, but still, give the estimate  
14 to the best of your ability.

15 LT-COL VISSER: From the people that were  
16 on the scene, General Mpenbe and his members, the estimate  
17 was between 200 and 300 members, part of the group. That  
18 was their estimate on the ground that day. We are going to  
19 continue with the video, step by step.

20 [VIDEO IS SHOWN]  
21 MR MAHLANGU: Here the General says the  
22 reason we have come to you –

23 LT-COL VISSER: Continue.

24 [VIDEO IS SHOWN]  
25 MR MAHLANGU: I want to tell you that we

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1 have not come here for any reason to arrest you.

2 [VIDEO IS SHOWN]  
3 LT-COL VISSER: Stop.

4 MR MAHLANGU: But we have a very serious  
5 problem. The problem we have is the things that you are  
6 carrying, the weapons that you are carrying. This is  
7 illegal.

8 LT-COL VISSER: Okay.

9 [VIDEO IS SHOWN]  
10 LT-COL VISSER: Stop.

11 MR MAHLANGU: Now you tell me you want to  
12 move from here, but my request to you is, I want each and  
13 every one of you to please hand over those things, one  
14 person at a time.

15 LT-COL VISSER: Okay.

16 [VIDEO IS SHOWN]  
17 LT-COL VISSER: Stop.

18 MR MAHLANGU: Listen, and repeats, please  
19 listen. Those things that you have in your possession are  
20 illegal. You are in possession of illegal weapons.

21 LT-COL VISSER: Okay.

22 [VIDEO IS SHOWN]  
23 MR MAHLANGU: You want to – you say you  
24 want to go and meet those people at the mountain, but I  
25 want to say to you such gatherings like the one you are

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1 holding and the one they are holding there are illegal in  
2 terms of law.

3 LT-COL VISSER: Okay.

4 [VIDEO IS SHOWN]

5 LT-COL VISSER: Stop.

6 MR MAHLANGU: You are not supposed to  
7 form such gatherings.

8 LT-COL VISSER: Okay.

9 [VIDEO IS SHOWN]

10 LT-COL VISSER: Stop.

11 MR MAHLANGU: Because such gatherings as  
12 the one you are forming is against the laws.

13 LT-COL VISSER: Okay.

14 [VIDEO IS SHOWN]

15 LT-COL VISSER: Stop.

16 MR MAHLANGU: We have come here today in  
17 order to stop this thing. My plea is do not again in  
18 future gather in this manner.

19 LT-COL VISSER: Okay.

20 [VIDEO IS SHOWN]

21 LT-COL VISSER: Stop.

22 MR MAHLANGU: If you do meet again and  
23 form such a gathering, the police will unfortunately have  
24 to tell you to disperse. When you move from here –  
25 LT-COL VISSER: Okay.

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1 [VIDEO IS SHOWN]

2 LT-COL VISSER: Stop.

3 MR MAHLANGU: You are not supposed to  
4 gather on the mountain.

5 LT-COL VISSER: Okay.

6 [VIDEO IS SHOWN]

7 LT-COL VISSER: Stop.

8 CHAIRPERSON: Yes, Mr Mpofo, do you want  
9 to take over as interpreter?

10 MR MPOFU: Yes, Chair – no, unfortunately  
11 I think that last part was not properly interpreted. What  
12 he said is that when we move from here, not you, the  
13 police. When we move from here we are going to go to those  
14 in the mountain and tell them the same thing. That may be  
15 – you can just rewind and give the interpreter –

16 CHAIRPERSON: If the section concerned  
17 can be played again and the interpreter can listen and then  
18 tell us whether he agrees with your interpretation or  
19 thinks his interpretation is better.

20 MR MADLANGA SC: Chair, commissioners,  
21 may I ask to make a suggestion also please? I think what  
22 gives rise to the problem, perhaps the Colonel understands  
23 the language being spoken there, I do not know, but what  
24 I'm picking up is that the Colonel stops sometimes mid-  
25 sentence and then that causes problems with the translation

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1 and I'm thinking perhaps it should rather be Mr Mahlangu  
2 who says stop. He will know where to say stop.

3 MR MAHLANGU: I think that's the best.

4 MR MADLANGA SC: Yes.

5 [VIDEO IS SHOWN]

6 MR MAHLANGU: From here we are going to  
7 those people at the mountain and we are going to tell them  
8 that they are not supposed to gather at the mountain.

9 [VIDEO IS SHOWN]

10 And further that you are not supposed to gather  
11 in this manner.

12 [VIDEO IS SHOWN]

13 And you are not supposed to be carrying sticks,  
14 you are not supposed to be carrying the weapons because the  
15 spears - the spears that you are carrying are illegal  
16 weapons.

17 [VIDEO IS SHOWN]

18 Just to have that bit again for the start of the  
19 speech of this man.

20 [VIDEO IS SHOWN]

21 I'm going to ask for a repetition of the  
22 speeches, the beginning is not very clear but the operator  
23 has got earphones now.

24 [VIDEO IS SHOWN]

25 The very first part of the speech is not very

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1 clear but in the middle he says, we are going to go there  
2 but one thing I want to say is that these things that we  
3 have here – he points at the weapons that he has – we are  
4 just carrying them for our own protection, we want to show  
5 you we are not fighting.

6 [VIDEO IS SHOWN]

7 MR MPOFU: I'm sorry, Chairperson, I'm  
8 sorry to do this. There is an important part that's been  
9 left out. What the interpreter said was quite correct but  
10 one of the things the man said is that you, meaning the  
11 police, must come with us and that was left out.

12 CHAIRPERSON: - part wasn't clear,  
13 obviously wasn't clear to him. Maybe it was clear to you.

14 MR MPOFU: It was in the clear part at  
15 the end.

16 CHAIRPERSON: Mr Interpreter, you heard  
17 what Mr Mpofo says. Is he correct?

18 MR MAHLANGU: I would ask that it be  
19 repeated, please.

20 [VIDEO IS SHOWN]

21 MR MAHLANGU: It is true, it is true,  
22 Chairperson. He says all of us, that is us together with  
23 you, should go over there. We want to show you we are not  
24 fighting.

25 [VIDEO IS SHOWN]



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1 I have no problem with you. The only thing we  
 2 want is the spears, that is the police officer.  
 3 [VIDEO IS SHOWN]  
 4 I [inaudible] the spears.  
 5 [VIDEO IS SHOWN]  
 6 Everything, if I do not get the spears I will not  
 7 allow you.  
 8 [VIDEO IS SHOWN]  
 9 I must say here there's some singing in the  
 10 background. The song is not very clear, what is being  
 11 said, but what is very clear is there's some ululating in  
 12 the background.  
 13 LT-COL VISSER: The rest of the video was  
 14 just video clips and the part of the mine without any  
 15 sounds.  
 16 CHAIRPERSON: That was the part I wanted  
 17 you to replay because it seemed to me we didn't get a full  
 18 interpretation of what had been said, which we now have,  
 19 thanks to the interpreter and Mr Mpofu.  
 20 MR MAHLANGU: I want to thank Mr Mpofu.  
 21 MR CHASKALSON: Mr Chairperson, if I may  
 22 make a request on behalf of the evidence leaders. To the  
 23 best of my knowledge we haven't yet received the underlying  
 24 source footage in relation to this video. It's clearly not  
 25 a continuous video, it's a compilation of various shots and

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1 we haven't receiving the underlying footage and I'd ask the  
 2 SAPS to make that available to us. I understand it may  
 3 come from Lonmin, if it comes from Lonmin I'd address that  
 4 request to Lonmin.  
 5 MR SEMENYA SC: Chair, it's possibly a  
 6 matter we can tidy with the evidence leaders. As far as we  
 7 know, we would have given a 41 minute video in totality.  
 8 It is correct that these are excerpts but to the extent  
 9 that there is a disconnect there, we'll tidy it up.  
 10 CHAIRPERSON: Thank you, Mr Semanya.  
 11 Colonel, you can now proceed to deal with slide 62 and  
 12 following, which deal with the events of Tuesday, the 14th  
 13 of August.  
 14 LT-COL VISSER: Thank you, Mr Chair.  
 15 Looking at the sequence of events from Friday the 10th up  
 16 until the Monday the 13th, 16 people wounded already, nine  
 17 people dead already. It became quite clear that we are not  
 18 dealing with a normal public order policing situation here  
 19 and that in order to disarm and disperse this group, a  
 20 different strategy than normal should be followed.  
 21 Looking at the Tuesday itself, the joint  
 22 operational centre that was in operation, reports were  
 23 given, information was available that the group of  
 24 protesters was expected to increase and become more  
 25 aggressive the longer the strike continues. Additional

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1 deployments were called up from other provinces to come and  
 2 assist with the situation. At six o'clock the initial  
 3 interim operation strategy considered was to prevent the  
 4 protesters from coming to the koppie armed, by deploying a  
 5 filtering police line to search those approaching or moving  
 6 along the approach route, encircle a few protesters at the  
 7 koppie, estimated at less than 50 by that time, disarm the  
 8 rest and transport for processing to Marikana police  
 9 station.  
 10 [12:06] After discussion and consideration it was deemed  
 11 not feasible, due that some of the forces are still coming  
 12 from provinces as far as KwaZulu Natal and they haven't  
 13 arrived yet, and those that already have arrived had not  
 14 yet been orientated to the mission and the area and briefed  
 15 sufficiently. As alternative, the next slide, the visible  
 16 policing strategy was put in place from 11 o'clock till two  
 17 o'clock in order to monitor the gathering protesters around  
 18 the koppie, familiarise the members with the newly - road  
 19 conditions, approach routes and the koppie itself and the  
 20 proposed neutral area, that we will indicate later on,  
 21 where they will be deployed.  
 22 A concept operational plan was finalised for  
 23 implementation later in the day, of which stage 1 focused  
 24 on a peaceful solution through dialogue with the  
 25 protesters. Initially during the course of the day 548

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1 members were deployed from various provinces, followed by  
 2 an additional 41 members of the police later that evening.  
 3 The next slide, just again the orientation about  
 4 the areas identified where we increased our visibility.  
 5 Area number 1, area number 1 is the incidents that took  
 6 place earlier in the week where the mine security were  
 7 killed, various incidents, members were wounded. It also  
 8 included various hostels in the area. Area number 2 on the  
 9 map, that was specifically looking at the informal  
 10 settlement where the incident of Monday also occurred.  
 11 Area number 3 is the informal settlement just next to  
 12 koppie 1 where the people were gathering. Area number 4 is  
 13 the same informal settlement, it's just further away from  
 14 the koppie. So the initial strategy was to increase our  
 15 visibility in those areas, also to allow the members coming  
 16 from other provinces and areas to get familiarised with the  
 17 area itself.  
 18 The next slide, with the arrival of external  
 19 role-players from other provinces itself, the joint  
 20 operational co-ordination committees, or the JOC COM as we  
 21 call it, was established to enable the effective management  
 22 of the different units within their roles and  
 23 responsibilities during the operation. Each field of  
 24 functionality was represented within the structures of JOC  
 25 COM to ensure effective command and distribution of

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1 information to the line function members in the field.  
 2 Throughout these representatives would also provide inputs  
 3 with regard to the capabilities of their sections with  
 4 regard to resources, experience, as well as act to the  
 5 entry point to brief the JOC COM with regard to information  
 6 gains which has relevance to the operational planning.  
 7 The designated command positions of the JOC COM  
 8 was as follows, the commander of the JOC was Major-General  
 9 Mpembe. His role was the overall command of the operation.  
 10 Chief of Staff, Major-General Annandale, his role was to  
 11 co-ordinate the running of the operation by managing the  
 12 JOC, with the designated role-players representing each  
 13 field. The operational room commander, Brigadier  
 14 Pretorius, her role was to manage the information flow and  
 15 recordkeeping in the joint operational centre. Commander  
 16 of the reserve and support forces, Major-General Naidoo,  
 17 his role, to manage the reserve and support forces kept at  
 18 forward holding area 1, deploy the resources as required by  
 19 the operational commander. Operational commander,  
 20 Brigadier Calitz, his role to co-ordinate the operation on  
 21 ground level. That was the command structure.  
 22 The representatives in the JOC COM itself, the  
 23 special task force was Brigadier Fritzi; national  
 24 intervention unit, Brigadier Tsiolane; public order  
 25 policing, Brigadier Calitz, but he was also the operational

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1 commander; detectives representative by Brigadier Van Zyl;  
 2 crime intelligence, Brigadier Engelbrecht; visible  
 3 policing, Brigadier Seboloke; planning, Lieutenant-Colonel  
 4 Scott; legal services, Captain Moolman.  
 5 Looking at the operational plan that was  
 6 developed for implementation from two o'clock that  
 7 afternoon, looking at the role of the police service,  
 8 although the Constitution guarantees the rights and imposes  
 9 responsibilities on the citizens of the Republic, looking  
 10 at section 7, "to peacefully and unarmed, demonstrate,  
 11 picket," section 205 also put the responsibility on the  
 12 police, "to prevent and combat, investigate crime, maintain  
 13 public order and protect and secure the inhabitants of the  
 14 Republic and their property." So the role of the police  
 15 was to restore and maintain law and order in the Marikana  
 16 area. The strategy that will be followed, looking at  
 17 negotiation for a peaceful solution, protect the life and  
 18 property where necessary, also looking at the previous  
 19 instances, protect the police members deployed as well.  
 20 Next slide, the emphasis was to engage in  
 21 dialogue to seek a non-violent solution through the use of  
 22 crisis negotiators. The group at the koppie needed to be  
 23 monitored, but not approached without reason, in order to  
 24 prohibit opportunity for confrontation. Available reserve  
 25 forces were to be kept at a fair distance, out of the

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1 vicinity of the gatherings, as not to provoke unnecessary  
 2 confrontation. Caution was to be taken not to search  
 3 individuals of the group without due vigilance and the  
 4 necessary cover. Soft skin vehicles - that is referring to  
 5 normal sedans, bakkies, not armoured vehicles like Nyalas  
 6 in the police – needed to be kept in reserve. Utilise only  
 7 armoured vehicles near the crowd, with no police members  
 8 leaving the Nyalas and exposing themselves unnecessarily  
 9 for attacks.  
 10 The next slide, the operational overview of the  
 11 operation contained six stages. Stage 1 was dialogue and  
 12 monitor the protesters through our negotiation. Stage 2  
 13 will be a continuing of the negotiations, but with a show  
 14 of force. So there will be forces behind the negotiation,  
 15 positioned in case of emergency deployment. Should  
 16 negotiations fail to resolve the issue, stage 3 will be a  
 17 tactical option to resolve and it will entitle to disperse  
 18 the crowd into smaller groups and disarm them from there.  
 19 Stage 4 would be the process to arrest the protesters and  
 20 handle the crime scenes and the weapons confiscated. Stage  
 21 5 of the operation were intelligence-driven follow up  
 22 operations to arrest identified individuals at places of  
 23 residence. Stage 6 of the operation will be cordon and  
 24 search of hostels to remove all dangerous weapons in the  
 25 area.

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1 Coming back to stage 1 of the operations, the  
 2 negotiations, the police had to deploy one of the public  
 3 order policing's monitoring contingents with negotiation  
 4 components to engage in dialogue, seeking a peaceful  
 5 disarming and dispersion solution. This approach will  
 6 allow the police to move closer to the crowds of protesters  
 7 gathered at the koppie in order to monitor their behaviour,  
 8 and to engage in dialogue to negotiate a peaceful  
 9 dispersion and laying down of weapons.  
 10 The police armoured vehicles were then positioned  
 11 as such between the protesters on the koppie and the  
 12 informal settlements behind them to create a neutral area,  
 13 that we will indicate later on a map for you. The  
 14 negotiators and members of public order policing in the  
 15 armoured vehicles will have a response group of members of  
 16 the tactical response team approximately 100 metres behind  
 17 them to respond and assist their colleagues should the  
 18 protesters threaten the members of public order policing's  
 19 lives to the point where they could not escape, or were  
 20 forced to exit their armoured vehicles.  
 21 Continue to the next slide, the reserve groups  
 22 consisting of additional public order police in armoured  
 23 vehicles with barbed wire trailers to form barriers should  
 24 it be needed. Tactical forces from the national  
 25 intervention unit, special task force, emergency medical

1 services, fire brigade, crime scene and investigation  
 2 experts, et cetera, were put at forward holding areas,  
 3 about one kilometre from the frontline in order to respond  
 4 as a backup, if necessary. Helicopters from the police and  
 5 the South African Air Force were also used as command post  
 6 and specialised force response platforms that were based at  
 7 the joint operational centre at Lonmin.  
 8 [12:26] The next slide is a visual representation of  
 9 stage 1 of the deployment. First of all on the screens I'm  
 10 going to indicate with the computer mouse, koppie 1 where  
 11 the protesters were gathering. The blue line of vehicles  
 12 that is visible there, that will be the negotiation line of  
 13 armoured vehicles and that consists out of negotiators and  
 14 public order policing members. Behind them, the orange-red  
 15 line, that will be tactical forces for their protection,  
 16 should something happen, about 100 metres behind them.  
 17 These two lines formed a line between koppie 1 and the  
 18 neutral area at the back of them that consisted out of  
 19 various informal settlements, hostels, so as protection as  
 20 well a neutral area is formed behind those two lines.  
 21 Out of sight of the protesters on the koppie  
 22 there was reserve forces placed, forward holding area 1,  
 23 where we have basically crime scene experts, detectives,  
 24 medical personnel. Also at forward holding area 2 outside  
 25 of the people at the koppie, we had forces on standby,

1 should they be necessary.  
 2 Going over to the next slide, stage 2 of the  
 3 operational plan, should negotiations during the stage 1  
 4 not render a successful solution, we will go over to stage  
 5 2. That will still be negotiations, but with a show of  
 6 force. It starts with the deployment, exactly the same as  
 7 stage 1, again the public order policing contingent with  
 8 negotiation to engage in dialogue, seeking a peaceful  
 9 disarming and dispersion. In addition to stage 1  
 10 deployment, the reserve forces would be brought forward to  
 11 the neutral area as a show of force with the intent to  
 12 dissuade confrontation with the police. The public order  
 13 policing and technical response team reserves would be  
 14 moved to the police rear formation as a show of force.  
 15 The defence assets for crowd control, being six  
 16 armoured vehicles with barbed wire trailers, would be  
 17 positioned between the first line of the police and the  
 18 protesters. The wire would not be deployed yet, only be  
 19 prepositioned. This will allow the police to rapidly  
 20 deploy the barbed wire to close off the neutral area from  
 21 aggressive approaches by the protesters.  
 22 The special task force members and national  
 23 intervention unit would move to the immediate reaction  
 24 areas to the south, generally still out of sight behind the  
 25 power station, and the remainder of the NIU in their soft

1 skin vehicles to the far north of the koppie, a safe  
 2 distance away so as not to be a target for the protesters.  
 3 Their role was to provide assistance to the public order  
 4 policing and the technical response team should they  
 5 experience imminent life-threatening circumstances.  
 6 Going to the next slide, a reaction team from the  
 7 special task force and national intervention unit at a rear  
 8 staging area with the joint operational centre would  
 9 sporadically be airborne to provide a show of force  
 10 deployment from the air. This group would be mobile enough  
 11 to provide a rapid response, do away with incidents where  
 12 protesters isolate members of the police, media  
 13 representatives or innocent members of the public in life-  
 14 threatening circumstances.  
 15 The police elements dealing with crime scenes  
 16 were left at the forward holding area to keep them safe and  
 17 maintain their integrity in dealing with any crime scene.  
 18 Stage 2 of the operational plan, the deployment  
 19 was multi-purposed, first of all to provide a show of force  
 20 to dissuade action and promote peaceful resolution still  
 21 via negotiations continue. Also to enable the police to  
 22 preposition a stage 3 force without causing alarm, in other  
 23 words not employing stage 3 deployment as such, but keep  
 24 them closer from forward holding areas 1 that were about  
 25 one kilometre away, also to provide a higher level of

1 preparedness in view of protecting the police members,  
 2 other supporting elements co-opted into the operation whose  
 3 services are required for contingency procedures in the  
 4 event of emergency, and media members.  
 5 Okay, the next slide is again a visual  
 6 presentation of stage 2. First of all just an indication  
 7 on the screens where koppie 1 is. The blue line and the  
 8 red line behind that, that was the stage 1 deployment, the  
 9 negotiators with technical response teams behind them for  
 10 protection. The biggest change from stage 1 to stage 2 is  
 11 the barbed wire vehicles, the yellow line in front of the  
 12 blue line, were positioned without the barbed wire being  
 13 deployed, and additional forces were added behind the blue  
 14 line. Also additional forces were moved a little bit  
 15 closer to response area 1 and 2, indicated there with the  
 16 mouse pointer. So if emergency response is needed, that  
 17 they are closer than the forward holding areas.  
 18 If we go to the next slide, the implementation of  
 19 phase 1 and 2, the main focus was still negotiation to get  
 20 a peaceful solution to the situation. Only if negotiation  
 21 should seem not feasible anymore we would go over to stage  
 22 3 of the operational plan. Still it will mean addressing  
 23 the protesters, ask them to voluntarily lay down their  
 24 weapons; if not, disperse them into smaller groups,  
 25 encircle and disarm them. Again it was emphasised, this is

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1 only where negotiations are deemed unsuccessful or no  
 2 longer feasible by higher authorities and a tactical option  
 3 was needed. The option then was considered and deemed  
 4 preferable, was to disperse them into smaller groups,  
 5 encircle and disarm. The dispersion strategy would enable  
 6 the police to deal with more manageable disorganised group.  
 7 This would prove easier than to handle a group of about 3  
 8 000 persons at the koppie. It would also allow for the  
 9 water canons to be used to break up the more militant  
 10 groups, site information and structuring.

11 Continue to the next slide, the force continuum  
 12 that could be used during the dispersion were as follows.  
 13 Giving a verbal command to disperse, in languages that will  
 14 be understandable to the group. Members that will still  
 15 remain and do not want to disperse, advancing the water  
 16 canons to engage the protesters, getting them to disperse,  
 17 flanked by Nyalas with members of public order policing  
 18 deployed outside the armoured vehicle, using the armoured  
 19 vehicles only as a safe haven to climb back into should  
 20 they be attacked by the protesters. Should a verbal  
 21 command and the use of water canons don't cause the  
 22 protesters to disperse, teargas will be used as the next  
 23 phase, whereafter stun grenades will be used to force the  
 24 dispersion, and then advancing rubber rounds from the  
 25 public order police members to encourage dispersion.

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1 Going over to the next slide, should the  
 2 protesters attack members of the public order policing in a  
 3 dispersion line who would be outside their Nyalas at that  
 4 stage, the second line of armed members of the tactical  
 5 response teams, the TRTs, backed up by NIU and the special  
 6 task force and following behind the POP line, would respond  
 7 proportionately to address the threat and to protect their  
 8 lives. In addition to this, these forces will also be  
 9 responsible for close-quarter confrontation to approach  
 10 smaller groups armed with sharp-edges weapons that refuse  
 11 to disperse and move to higher ground where the armoured  
 12 vehicles and water canons could not access them.

13 The next slide again is a visual representation  
 14 of stage 3. Again firstly I will indicate to you the  
 15 koppie. During stage 3 deployment the barbed wire will be  
 16 deployed, that's the yellow line that is visible. The  
 17 deployment of the barbed wire will keep the protesters from  
 18 entering the neutral area and running into the informal  
 19 settlements behind the wires that is indicated there.  
 20 After the barbed wire has been deployed, there will be  
 21 Nyalas, flanked with water canons, to disperse the people  
 22 on the koppie and disperse them in a positive direction.  
 23 That will be into the open field away from the informal  
 24 settlements and the hostels that were at the other side of  
 25 the barbed wire. Forces that were placed at forward

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1 holding area 1 will be moved forward closer to the  
 2 situation and forces at forward holding area 2 will be  
 3 moved in front of the informal settlement there to protect  
 4 them against the protesters that will be dispersing in that  
 5 direction. In this process the bigger group that were  
 6 gathered at the koppie will be dispersed into smaller, more  
 7 manageable groups, where they will be encircled and  
 8 disarmed by the various forces.

9 Going over to the next slide, quickly going  
 10 through stage 4, 5 and 6, stage 4 will be then to process  
 11 arrested protesters and handling of crime scenes. Once the  
 12 protesters are disarmed and arrested and the area is  
 13 declared safe, our Local Criminal Record Centre, LCRC, and  
 14 detectives are to handle the processing of evidence and  
 15 suspects. Weapons which appear to have blood on them are  
 16 then to be swabbed for forensic testing.

17 [12:46] Stage 5 of the operation will then be  
 18 intelligence-driven follow-up operations to address,  
 19 identify people at their places of residence. The  
 20 detectives and/or our crime scene intelligence will follow  
 21 up information gained from interviewing suspects or  
 22 intelligence received with regard to suspect leads to  
 23 murders or the whereabouts of the stolen firearms taken  
 24 from the murdered mine security and police officials.  
 25 Phase 6, the last phase of the operation will be cordon and

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1 search of hostels in order to complete the disarming  
 2 process in the Marikana area. The Karee and Wonderkop  
 3 hostels will be cordoned off, searching operations executed  
 4 to remove any further dangerous weapons in order to bring  
 5 back stability in the area.

6 That was the six phases of the plan that was  
 7 decided on to resolve the situation after the initial  
 8 visible policing plan ended.

9 Going to the next slide, taking you through the  
 10 sequence of events, Tuesday the 14th. 8:30 in the morning  
 11 another meeting was held between Major-General Mpmembe and  
 12 the mine's management. After the initial indication from  
 13 the mine management the previous night that they do not  
 14 know who's the members that are involved in sitting at the  
 15 koppie. They were referred to as faceless. Video footage  
 16 and footage was presented to the mine management and some  
 17 of the persons on the available footage were identified as  
 18 employees by Lonmin, by the mine management.

19 By 12:30 the negotiators had already arrived.  
 20 They were briefed by Brigadier Calitz and Brigadier Fritz  
 21 with regard to the situation and the striking workers at  
 22 koppie 1. After two o'clock that evening when all – that  
 23 afternoon, when all the additional forces arrived, first  
 24 the commanders and then the full visible policing  
 25 employment was recalled and briefed on stage 1 of the

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1 operation, that is negotiation.  
 2 Going over to the next slide, round about 15:23  
 3 it was reported that the protesters have imported an  
 4 inyanga or sangoma to perform certain rituals and  
 5 manufacture muti which would ensure their victory in  
 6 confrontations with their opponents. The men who gathered  
 7 at the koppie armed with knobkerries, iron rods, spears,  
 8 pangas, believed the inyanga could perform a ritual at the  
 9 koppies and sprinkle them with muti to make them brave.  
 10 These rituals were witnessed by members in the police  
 11 chopper that were above the scene and the members were seen  
 12 undergoing a ritual where their bodies were wiped down with  
 13 a substance believed to be made from or called Ntelezi.  
 14 The next slide indicates photographs that were  
 15 taken from the police chopper. In the red circle there's  
 16 two lines clearly visible of naked men that are standing in  
 17 half-moon circles and they're being sprinkled by muti by a  
 18 person. This is at 15:23 before the police arrived at the  
 19 koppie yet.  
 20 The next picture also indicates clearly the two  
 21 half-moon circles by naked men, so it's not all the people  
 22 that at the koppie that were involved with the rituals but  
 23 only a selected group.  
 24 Going over to the next slide to continue with the  
 25 sequence of events during the day, in the next slide at

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1 15:35 the body of a mine supervisor was also seen by the  
 2 police helicopter, lying close to the koppie. At four  
 3 o'clock the police deploy from the rear staging area 1 to  
 4 the neutral area, initiating stage 1 of the strategy.  
 5 On Tuesday the 14th, half past four, stage 1  
 6 formation is deployed at koppie 1. Public order policing  
 7 and the negotiation group were positioned about 80 metres  
 8 from the protesters at the koppie, with the soft skin  
 9 vehicles behind them.  
 10 20 to five the first contact was made with the  
 11 protesters. Following now is a couple of videos and photos  
 12 that will indicate to you how the events evolved. At 17  
 13 minutes past six, what is visible out of the police  
 14 helicopter is the police deploying from the forward holding  
 15 areas to initiate stage 1. The row of vehicles that you  
 16 see there, that's the Nyalas of the negotiators and public  
 17 order policing and the soft skin vehicles on their way to  
 18 the koppie.  
 19 The next photo was also taken out of the police  
 20 helicopter. It indicates 16:26, 26 minutes past four.  
 21 First of all with the mouse pointer I'm going to indicate  
 22 to you koppie 1 where the protesters were gathering and  
 23 then you can see the police vehicles entering the area and  
 24 being positioned. They were positioned in front of the  
 25 koppie between the koppie and the informal settlements

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1 behind them, armoured vehicles in front with the soft skin  
 2 vehicles behind them. On the arrival of the police, the  
 3 last part of the rituals were captured on video and that's  
 4 what we're going to show you now. As soon as the police  
 5 arrived, the people started to get dressed but the last  
 6 part of the ritual is visible.  
 7 [VIDEO IS SHOWN]  
 8 LT-COL VISSER: [Indistinct] - the muti  
 9 being sprinkled. Footage is taken out of the Nyala, that's  
 10 the noise that you're hearing. You can clearly see the  
 11 last part where some of the people are still being  
 12 sprinkled by some or other substance. As the police  
 13 arrived, as some sort of a sign, one member also came  
 14 forward and urinated in the direction of the police. So  
 15 that was the last part of the ritual when the police Nyalas  
 16 arrived at the scene, that were caught on camera.  
 17 CHAIRPERSON: Colonel, is this an  
 18 appropriate time or stage to take the lunch adjournment?  
 19 LT-COL VISSER: It's fine.  
 20 CHAIRPERSON: The Commission will adjourn  
 21 for the lunch adjournment.  
 22 [INQUIRY ADJOURNS INQUIRY RESUMES]  
 23 [14:10] CHAIRPERSON: The Commission resumes.  
 24 Yes Colonel, would you like to proceed with the  
 25 presentation?

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1 LT-COL VISSER: Mr Chairperson, with your  
 2 permission, I had one or two enquiries in the break. I  
 3 would like just to recap from three slides back about the  
 4 rituals, if I have your permission.  
 5 CHAIRPERSON: Yes.  
 6 LT-COL VISSER: Okay, we're going to go  
 7 back to slide 86, the first picture about the ritual. Just  
 8 one thing I want to clarify, out of all the photos that  
 9 were taken we synchronised photos according to a time line,  
 10 the standard time line. That's the time that is in the  
 11 right bottom corner, 6:21 to 15:23, that is on top of the  
 12 screen. That was the original time on the camera, if we  
 13 can just change that also to 16:21 on both pictures. The  
 14 actual time after we re-synched the cameras was 16:21  
 15 according to a standard time line and not 15:23 anymore.  
 16 CHAIRPERSON: Does the same apply to  
 17 slide 87?  
 18 LT-COL VISSER: Yes. So slide 86 and 87.  
 19 Then just to highlight, just before the police arrived at  
 20 the scene these photos were taken out of the police  
 21 helicopter. Again the two lines of naked men that  
 22 underwent some sort of ritual. Simultaneously to those  
 23 photographs being taken, the police depart from the forward  
 24 holding area to deploy phase 1 of the operational plan,  
 25 negotiations.

<p style="text-align: right;">Page 1202</p> <p>1 Slide 89 just shows the police coming into 2 position in front of the koppie and then we're quickly 3 going to play the video again. As soon as the police 4 stopped at the scene, the last part of the rituals, and 5 then we're going to continue. 6 [VIDEO IS SHOWN] 7 As soon as the police came in position they 8 started to get dressed and this is the last part we got on 9 video. There you can see the sprinkling of the muti. 10 CHAIRPERSON: You can only really see the 11 sprinkling of a liquid. One doesn't know what it actually 12 is, but there may well be evidence that it's muti but all 13 we can see on the video is liquid, isn't it? 14 LT-COL VISSER: Yes. 15 [VIDEO IS SHOWN] 16 Also the dangerous weapons that are still visible 17 in the group. Then just the last part of the footage. 18 [VIDEO IS SHOWN] 19 Thanks, we continue and that is where we ended. 20 The next slide, slide number 91 shows 16:39 just before the 21 first contact. The police phase 1 is in place. What is 22 eminent about all the days, if you look at the koppie where 23 the protesters were gathering, on all the days leading up 24 now in front of the koppie there was always a more 25 organised group that were present. It's also that group</p>	<p style="text-align: right;">Page 1204</p> <p>1 vehicle and the negotiators moved forward, they met one 2 another halfway and then entered into dialogue with the 3 representatives a short distance away from the Nyala. The 4 next photograph is just stage 1 of the first dialogue, the 5 five representatives that came forward from the group of 6 protesters. 7 To continue with the sequence of events, the 8 initial greetings were made to the representatives and 9 again their safety was reassured. The representative doing 10 most of the talking did not want to give his name and was 11 therefore dubbed as Mr Green for identification purposes 12 within the police deployment, as he continuously wore a 13 green blanket around his upper body. He was later 14 identified as Mr Noki. Mr Noki was also one of the main 15 representatives from the group that we saw on the Monday 16 before the attack on the police. 17 The negotiators explained that the police's 18 purpose was to try and find a peaceful solution to the 19 situation as aggression and fighting were not the solution. 20 The representative stated that the protesters wanted the 21 mine management to give them an increase to ensure that the 22 salaries were at R12 500 per month. The group was informed 23 that their request would be forwarded to the joint 24 operational centre and that the police cannot force the 25 mine to negotiate with them, the police could also not</p>
<p style="text-align: right;">Page 1203</p> <p>1 that was involved in some sort of ritual. 2 Continuing to the next slide, the next contact 3 that was made over the armoured vehicle's public address 4 system informed the protesters that the police were there 5 in peace and we try to find a peaceful resolution through 6 negotiations. Throughout the negotiations a Fanagolo 7 interpreter from Lonmin mine was used. After the incident 8 on Monday they availed a permanent interpreter that was 9 used. Police negotiators requested representatives to come 10 forward to talk to the police so that a communication line 11 could be opened and eventually five men approached from the 12 group of protesters. 13 The following is a short video clip just 14 indicating the first contact that was made. 15 [VIDEO IS SHOWN] 16 Then eventually the five representatives came 17 forward. 18 [VIDEO IS SHOWN] 19 During the first contact, looking at the 20 incidents that happened, all negotiations from the police's 21 side was from inside the Nyala. After the five 22 representatives came forward they were again reassured that 23 their safety was a police concern and they would be free to 24 return back to the group after negotiations. After they 25 were reassured about their safety, the police armoured</p>	<p style="text-align: right;">Page 1205</p> <p>1 negotiate any labour issues on anybody's behalf. 2 We continue to the next slide. The 3 representatives then indicated that their fight is not with 4 the police and that there are members of AMCU, had been 5 shot and killed by persons of NUM, the mine security and 6 the police. The representatives of the protesters were 7 informed that several people had been killed in the recent 8 past, including two of the mine security personnel and two 9 members of the police. The protesters became very 10 aggressive, stated that they don't know why the police are 11 present and that their fight is with the mine management. 12 The representatives were informed again that the police 13 could not negotiate on labour issues, but were present to 14 engage in dialogue to bring about a peaceful solution with 15 regard to the protesters gathering at the koppie. 16 The following is a short video clip about this 17 first engagement and dialogue between the police 18 negotiators and the representatives. 19 CHAIRPERSON: May I suggest that if there 20 is audible dialogue we should deal with it the way the 21 earlier one was dealt with, with pauses to give the 22 interpreter a chance to interpret what can be heard. 23 LT-COL VISSER: That's fine, sir. 24 [VIDEO IS SHOWN] 25 MR MAHLANGU: They was talking, Mr</p>

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1 Chairperson, but it's – I can't make out what is being said  
2 there.

3 [VIDEO IS SHOWN]

4 LT-COL VISSER: Stop.

5 MR MAHLANGU: The first thing I heard  
6 was, "what is your name" and somebody interpreted in  
7 Fanagolo - what is your name?

8 [VIDEO IS SHOWN]

9 Again the same question is asked – "what is your  
10 name?"

11 [VIDEO IS SHOWN]

12 One can hear the word Macintosh and then he was  
13 saying – "but that is mine." And then the next thing that  
14 followed was Macintosh and I don't know who was asking who.

15 [VIDEO IS SHOWN]

16 LT-COL VISSER: Can we wind a little bit,  
17 we just want to get the headphones?

18 [VIDEO IS SHOWN]

19 MR MAHLANGU: Something said in Fanagolo  
20 – "we want to see our manager."

21 [VIDEO IS SHOWN]

22 [14:30] LT-COL VISSER: So Mr Chairperson, it's  
23 just a short clip, basically just the initial greetings and  
24 the opening of the communication lines between the police  
25 negotiator and the five representatives. If we continue

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1 with the sequence of events after the initial greetings, as  
2 a gesture of goodwill the representatives were requested to  
3 allow investigating officers and crime scene personnel to  
4 access the scene where the body was found next to koppie 1.  
5 The protesters then gave feedback that the police could  
6 attend to the crime scene, they would not interfere with  
7 the process. The representatives further stated that they  
8 did not know anything about the body or the circumstances  
9 of the death. At about 20 past five detectives and members  
10 of our local criminal record centre crime scene experts  
11 were transported to the crime scene.

12 Just some geographical orientation again. The  
13 red circle that you see is the koppie where the protesters  
14 are gathered and then roughly 100 metres away from the  
15 koppie in the yellow circle is where the body of the  
16 supervisor was found. The supervisor was killed round  
17 about between two o'clock and four o'clock in the afternoon  
18 while the police had withdrawn from their visible policing  
19 strategy and were busy with the briefings with regard to  
20 deployment and reorganisation to implement stage 1.

21 Mr Chairperson, again a warning. There will be  
22 some footage now of the body of the deceased supervisor, Mr  
23 Twala. Again if we can have the same opportunity, if  
24 there's family members or members that do not want to see  
25 these graphic images, to give them an opportunity to leave.

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1 I'm going to continue. The next slide shows an  
2 image of the body that was found with the skull on its  
3 chest. The second image again indicates the gruesome and  
4 the violence of the attack. Nobody was spared by the  
5 violent nature of this group, not co-workers, not mine  
6 security, not mine supervisors, not even the police were  
7 spared.

8 The next slide indicates also a number of stab  
9 wounds to the body of the supervisor. Next is a short  
10 video clip of the body and the surroundings where the body  
11 was found. There is no [inaudible], it's only images.

12 [VIDEO IS SHOWN]

13 The crime scene was secured, there are people  
14 [indistinct] to the crime. Then the skull that was found  
15 on the body of the supervisor. In the surrounding areas  
16 that we will show you just now there were various skulls  
17 lying in the field, so whether the skull had any  
18 significance is unknown to us. That's just a short  
19 indication of what the scene was like.

20 We continue with the last part of Tuesday, the  
21 14th. At six o'clock the representative requested the  
22 police to postpone any further meetings to the following  
23 day at nine o'clock to allow the group to discuss the  
24 process they wanted to follow. The representatives were  
25 also informed by the police not, they do not wish to

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1 negotiate in an aggressive atmosphere and they should not  
2 bring any weapons of any nature the following morning.

3 20 minutes later at 20 minutes past six the  
4 representatives gave feedback to the group of protesters at  
5 the koppie and they dispersed peacefully. The members of  
6 the public order policing, including the negotiators then  
7 monitoring the group dispersion while the soft skin  
8 vehicles behind them returned back to the joint operational  
9 centre.

10 Round about half past eight that evening, all  
11 forces proceeded back to the rear staging area at the joint  
12 operational centre. In this period Major-General Mpembe  
13 had also arranged with the two union presidents of AMCU and  
14 NUM as well as representatives of COSATU to meet the  
15 following day to discuss the situation.

16 Looking at the rituals that were witnessed and  
17 looking at the role of the sangoma in hindsight, various  
18 articles were placed in various newspapers – this is just a  
19 couple that was highlighted. The Sunday Times online  
20 2012.08.25 reported that the sangoma had performed rituals  
21 on the hill where the strikers were gathered and had dished  
22 out muti to make the men invincible. It was also reported  
23 that the sangoma, also known as the medicine man from the  
24 Eastern Cape, had cut the workers with a razor blade and  
25 then had the muti smeared on their bleeding wounds before

<p style="text-align: right;">Page 1210</p> <p>1 he sprinkled them with Ntelezi, a herbal poison. These  2 procedures as reported by the some of the ritual  3 participants, were part of a process to make them  4 invincible to bullets. After they got the muti, people  5 were so aggressive, they just wanted to fight, they felt so  6 invincible, Lonmin miner Bulelani Malawana told the Eastern  7 Cape Daily Dispatch newspaper on the 21st August.  8 To continue with the sangoma, in hindsight,  9 through the media, on the 21st August the Daily Dispatch  10 also broadcast an interview with the President of the  11 Congress of Traditional Leaders of South Africa and ANC MP,  12 Chief Phathekile Holomisa who stated, "He did not say they  13 must go to war. When the healer was called, these miners  14 had already taken a decision to go to war. What was  15 required from him was to administer the medicine."  16 The South African Press Association also reported  17 on the 21st August that they interviewed a mineworker, Nothi  18 Zimanga, who explained the ritual. "They were cut several  19 times on their upper bodies and a black substance was  20 smeared on the wounds. They were then told when they  21 confronted the police they should not look back and should  22 instead just charge forward. If you look back then the  23 muti will not work. Miners had also drunk a brown muti  24 poison to strengthen them ahead of the confrontation with  25 police," Zimanga explained.</p>	<p style="text-align: right;">Page 1212</p> <p>1 Wonderkop Stadium. Explosives were used at the ATM but  2 also on the scene a live R5 round was found. Through  3 ballistics, this round was linked to a batch of ammunition  4 that was issued to the police service and it was also  5 linked to the round that was recovered on the scene of  6 Monday where the police were robbed of the R5 and its  7 ammunition. This incident raised the possibility that some  8 of the protesters were involved and that they were also in  9 possession of explosives now, despite the various firearms  10 that had been robbed from mine security and police members.  11 [14:50] Continuing to the next slide, half past five in  12 the morning of the 15th a meeting was again held between  13 Lonmin mine management and the police management. Lonmin  14 still stated that the mine would not negotiate with  15 striking mineworkers as there was a 2-year wage agreement  16 in place with all the applicable unions. They also stated  17 that the strike was unprotected and they would only talk to  18 the unions again when the protesters put down their weapons  19 and returned to normal duties. The police requested the  20 mine again to engage with AMCU and NUM for them to address  21 the protesters at the koppie so that a peaceful solution  22 can be achieved.  23 To continue to the next slide, six o'clock in the  24 morning in the sitting of the JOC COM, the reports that was  25 available indicated the protesters did not want to</p>
<p style="text-align: right;">Page 1211</p> <p>1 Looking at the summary of the day's, of the  2 events of Tuesday the 14th, additional deployment arrived  3 from other provinces to assist with the escalation  4 situation. One of the mine's employees was killed and an  5 animal skull put on his chest. Again reports were received  6 about protesters involved in some sort of rituals. These  7 reports had, however, no effect on the operational plan  8 that had been put in place on the Tuesday. The police  9 implemented stage 1 of the operational plan to engage in  10 negotiation with the protesters for a peaceful resolution.  11 The mine management was still not prepared to engage in  12 negotiations with the protesters. Violence and casualties  13 kept escalating and it was becoming clear that this  14 incident differed from other incidents at platinum mines.  15 The next slide are casualties as you stand at the  16 end of Tuesday, the 14th of August. Wounded, the same as  17 the previous day, 16 members were wounded, that included  18 co-workers, also members of the police. Deaths, 10, that  19 also included co-workers, mine security, police members and  20 the latest casualty was a mine supervisor.  21 Thanks, Mr Chairperson, we're going to move over  22 now to Wednesday, the 15th August 2012, slide number 111.  23 Continuing, looking at the sequence of events, early in the  24 morning, at quarter to three in the morning there was an  25 ATM bombing at the supermarket in Wonderkop, close to the</p>	<p style="text-align: right;">Page 1213</p> <p>1 surrender their weapons as they alleged that they needed  2 them for protection against members of NUM. The  3 protesters' behaviour was becoming more aggressive and the  4 senior command of the police put the emphasis on  5 negotiations. This was not only a security issue and the  6 root of the conflict was outside the mandate of the police.  7 To continue to the next slide, a briefing of the  8 morning – operational commanders were briefed again about  9 stage 1 deployment, to continue negotiations and monitor  10 the protesters. Again looking at the information that was  11 available and the nature of the protest, 746 members were  12 initially deployed, followed by an additional 36 members in  13 the area. The operational plan implemented, again at nine  14 o'clock stage 1 of the operational plan was implemented,  15 the same as the previous day.  16 The next photograph indicates again the aerial  17 photograph of the deployment on the day at 10:27 in the  18 morning. Again the first thing we're going to indicate on  19 the photograph, if you look at the mouse pointer, position  20 of koppie 1 where the protesters were gathering. Again in  21 front of the bigger group on the koppie there was a  22 smaller, more organised group that was visible on all the  23 days. Approximately 80 metres from that group the first  24 line of police with armoured vehicles – that includes  25 members of our public order policing and the negotiators –</p>



<p style="text-align: right;">Page 1214</p> <p>1 were placed. Behind them, about 100 metres, there were 2 soft skin vehicles including members of our TRT units, 3 tactical response teams that were placed there for the 4 protection. Again the area behind the armoured vehicles we 5 refer to as the neutral area and again the vehicles were 6 placed between the protesters on the koppie and some 7 informal settlements and hostels behind.</p> <p>8 To continue with the next slide, 10 o'clock that 9 morning the police negotiation team greeted the protesters 10 at the koppie and again stated that the police came in 11 peace and that a peaceful solution had to be negotiated. 12 The five leaders or representatives were again called 13 forward to the Nyala. 15 minutes later the group of five 14 moved forward to the Nyala after they were again assured of 15 their safety and the police wanted to build on the trust 16 relationship that had been initiated the previous day. The 17 representatives asked if the mine management was present 18 and they were informed that the mine had indicated that 19 they would not negotiate with them unless the workers put 20 down their weapons and return to normal duties. The 21 representatives stated that they wanted the telephone 22 number of the commander of the operation and, if present, 23 he or she had to come forward as they wanted to provide him 24 or her with the telephone number of their Adv Shapiro. The 25 representatives were informed that their request would be</p>	<p style="text-align: right;">Page 1216</p> <p>1 request if we can rewind a little bit? The headphones were 2 dead for a while, if we just can rewind a bit and see if we 3 can make out anything that was said.</p> <p>4 [VIDEO IS REWOUND AND SHOWN AGAIN]</p> <p>5 LT-COL VISSER: Stop.</p> <p>6 MR MAHLANGU: The person speaking said, 7 "We want to say the only thing we want is the following" – 8 if you could just turn back a bit?</p> <p>9 LT-COL VISSER: Rewind a little bit.</p> <p>10 MR MAHLANGU: To rewind a bit, yes.</p> <p>11 [VIDEO IS REWOUND AND SHOWN AGAIN]</p> <p>12 MR MAHLANGU: What we want is that the 13 employer should come forward to us and not the police. 14 [VIDEO IS SHOWN]</p> <p>15 LT-COL VISSER: Rewind a bit?</p> <p>16 [VIDEO IS REWOUND AND SHOWN AGAIN]</p> <p>17 MR MAHLANGU: If they could stop bringing 18 the police, what we want is the person who employs us to 19 come and talk to us.</p> <p>20 [VIDEO IS SHOWN]</p> <p>21 MR MAHLANGU: It's not very clear.</p> <p>22 LT-COL VISSER: Okay, the last part is 23 not very clear but the video is just to show the mood of 24 the protesters and the crowd's behaviour. The majority of 25 the footage is focused on the front part of the group that</p>
<p style="text-align: right;">Page 1215</p> <p>1 forwarded to the joint operational centre for a decision to 2 be made.</p> <p>3 At this point one of the representatives became 4 very aggressive and stated that the police should not be 5 these and that the people in their hippos – referring to 6 the armoured vehicles of the police – would die there and 7 that not one Nyala would leave the ground. The group of 8 five representatives then turned around and walked away. 9 Calls were made for them to return. One of the 10 representatives returned and he was asked to provide Adv 11 Shapiro's telephone number, to which he refused as they 12 wanted the commander's telephone number first.</p> <p>13 The larger group was again requested to put down 14 their weapons as negotiations were impossible with weapons 15 present. The next video clip is an indication of the 16 crowd's behaviour on Wednesday, the 15th of August.</p> <p>17 [VIDEO IS SHOWN]</p> <p>18 LT-COL VISSER: A large number of 19 dangerous weapons present. At this stage there were also 20 media personnel in between the group.</p> <p>21 [VIDEO IS SHOWN]</p> <p>22 LT-COL VISSER: The placard that is 23 visible there only indicated a 12 500 salary demand.</p> <p>24 [VIDEO IS SHOWN]</p> <p>25 LT-COL VISSER: Mr Chair, can I just</p>	<p style="text-align: right;">Page 1217</p> <p>1 were gathered in front of the koppie.</p> <p>2 To continue then with the sequence of events on 3 Wednesday, the 15th. At 11:30 that morning feedback was 4 given that, to the protesters that Major-General Mpembe, 5 the overall commander, is available at the joint 6 operational centre and they provided the representatives 7 with the telephone number. At 12 o'clock negotiations to 8 disarm and disperse the protesters were at a deadlock and 9 the decision was made to monitor the situation forward.</p> <p>10 At two o'clock in the afternoon of the 15th, 11 Major-General Mpembe held a meeting with the leadership of 12 AMCU and NUM where he negotiated with them to address the 13 protesters. He requested that a peaceful solution had to 14 be found and that the firearms that were stolen from the 15 policeman who was killed on Monday had to be returned.</p> <p>16 The next slide, slide 121, is a small collage of 17 photographs to indicate some of the dangerous weapons that 18 were present in the group of protesters on Wednesday the 19 15th.</p> <p>20 [15:10] If this footage is compared with the initial 21 march on the Friday where we looked at traditional weapons 22 like knobkerries, it escalated a lot and the weapons that 23 were present here is a lot of dangerous weapons.</p> <p>24 To continue with the sequence of events, 25 Wednesday the 15th, at four o'clock that afternoon the</p>

<p style="text-align: right;">Page 1218</p> <p>1 police arranged to take the leadership of the unions in 2 separate Nyalas to address the group of protesters at the 3 koppie. 4 At 10 past four that afternoon members of the 5 police second helicopter reported again naked men were 6 performing rituals at the koppie and an occurrence book 7 entry was made in that regard. 8 At quarter past five that afternoon a delegation 9 of three members, including the President of NUM, were 10 taken to the koppie to allow them to address the crowd but 11 they were chased away by the protesters before they could 12 say anything. The crowd was very aggressive at this stage 13 and the Nyala was withdrawn and the NUM delegation left the 14 koppie. 15 Continuing to the next slide, quarter to six that 16 evening a delegation of three members, including the 17 President of AMCU, were taken to the koppie. 18 Representatives did not want to board the Nyala to speak to 19 the crowd, they wanted to walk to the crowd on foot but for 20 safety reasons they were later taken in the Nyala. The 21 leadership of AMCU spoke to the crowd. The crowd was still 22 very aggressive but reacted positively to the leadership's 23 message. After the discussion, the leadership stated they 24 would return at nine o'clock the following day, that'll be 25 Thursday 16th of August 2012, to give feedback to the group</p>	<p style="text-align: right;">Page 1220</p> <p>1 following day – again, that being Thursday, 16th of August 2 2012, and there was a commitment that protesters would 3 surrender their weapons. This commitment was given in the 4 presence of Major-Generals Mpenbe, Annandale and Naidoo in 5 the joint operational centre. 6 Looking at the summary of events, Wednesday the 7 15th of August, the situation was reported as still being 8 very tense. Negotiations between the protesters and the 9 police continued. Police were forced into the role of 10 facilitating labour conflict instead of enforcing law and 11 order. The leadership of NUM and AMCU were convinced to 12 intervene and address the protesters. Although the 13 leadership of NUM were chased away, AMCU did address the 14 protesters. The mine management at this stage was still 15 not prepared to get, engage in any negotiation with the 16 protesters until they surrendered their weapons and 17 returned to work. Later that evening the President of AMCU 18 reported that the protesters were prepared to put down 19 their weapons the following morning at nine o'clock, that 20 will be Thursday the 16th. 21 At the end of Wednesday the 15th, all indications 22 showed that stage 1 of the police, with regard to 23 negotiations, was successful, weapons will be downed the 24 following day and a peaceful solution will be achieved for 25 the situation.</p>
<p style="text-align: right;">Page 1219</p> <p>1 with regard to their meeting with the mine's management. 2 The following are two very, very short video 3 clips that we have just to indicate that the leadership of 4 NUM and the leadership of AMCU was on the scene – it's 5 very, very short, we're just going to indicate it. The 6 first one is the NUM representatives that were at the scene 7 and then were chased away. 8 [VIDEO IS SHOWN] 9 LT-COL VISSER: This is evidence they got 10 in the vehicle there and they left. The next one is just 11 an indication that AMCU leadership also was at the scene. 12 [VIDEO IS SHOWN] 13 LT-COL VISSER: Here the leadership is 14 being convinced to enter into the Nyala and not to go to 15 the protesters on foot. As from there they entered into 16 the Nyala and they addressed the protesters. 17 Okay, to continue with the events of Wednesday, 18 the 15th. 18:45 that evening the crowd started to disperse 19 and the Nyala group monitored the peaceful dispersion. 20 Half past nine that evening the representatives of NUM and 21 COSATU reported to Major-General at the joint operational 22 centre that the crowd had rejected them on the koppie but 23 they had offered their assistance in every way needed. The 24 representatives of AMCU reported that they would meet with 25 their members at the koppie again at nine o'clock the</p>	<p style="text-align: right;">Page 1221</p> <p>1 Looking at the casualties, at Wednesday 2 specifically there were no additional casualties, so 3 nothing for the Wednesday. So the wounded count still 4 stands at 16 and the death count still stands at 10 at the 5 end of Wednesday, the 15th August 2012. 6 Mr Chairperson, before we start with Thursday, 7 the 16th of August, we're going to change presenters now, so 8 may we request a short recess? 9 CHAIRPERSON: It seems it's now already 10 22 minutes past three by my watch, so it may be appropriate 11 for us to take the tea adjournment at this stage. We'll 12 take the tea adjournment now. 13 LT-COL VISSER: Thank you, Mr Chair. 14 [INQUIRY ADJOURNS INQUIRY RESUMES] 15 [15:49] CHAIRPERSON: The Commission resumes. 16 MR MAHLANGU: Mr Chairperson and 17 commissioners, if I just take you a minute. It's at 107 18 where I made a little mistake and which I wish to correct 19 now. 107, the Sunday Times online on the 25th of August. I 20 read the word "invisible" and I interpreted it as 21 invincible. Invincible would mean not capable of being 22 defeated but my interpretation was, invisible, not able of 23 being seen. 24 CHAIRPERSON: Yes, so do you want to 25 repeat your interpretation using the correct word?</p>

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1 MR MAHLANGU: That's correct.  
 2 CHAIRPERSON: Yes, fine.  
 3 MR MAHLANGU: Thank you, Mr Chair.  
 4 CHAIRPERSON: Thank you, Mr Interpreter.  
 5 We now have a new presenter, so would you – I'm not going  
 6 to swear you in because I didn't swear your predecessor in  
 7 either. I understand you will be giving evidence under  
 8 oath later, but put yourself on record and then I think we  
 9 are proceeding from slide 129.  
 10 LT-COL SCOTT: Thank you Chairperson, and  
 11 greetings to the commissioners, to the legal  
 12 representatives, to the family members and the members of  
 13 the audience and members of media. I am Lieutenant-Colonel  
 14 Scott, I'm from the South African Police Service and I'll  
 15 be presenting the second half of the presentation which  
 16 predominantly deals with the 16th of August.  
 17 Chairperson, what I would like to do at the  
 18 outset is refer to a map which has been laminated and given  
 19 to all parties.  
 20 CHAIRPERSON: Can it be shown on the  
 21 screen so that those in the auditorium, who obviously  
 22 haven't got copies, will be able to follow what you're  
 23 going to say?  
 24 LT-COL SCOTT: I see that the computer  
 25 operator is going to have a look. We've got it on the

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1 computer upstairs. Right, it's on screen now. This is an  
 2 orientation map which has been given out to all parties, so  
 3 when we start speaking of the different koppies, if I can  
 4 refer you to koppie 1 which is the larger koppie with the  
 5 rocks, if you look to koppie 2 it's a smaller koppie just  
 6 north of koppie 1. then you can see to the left of the  
 7 picture, that's to the west, that is koppie 3. You'll  
 8 notice the blue dotted line, that is initially where the  
 9 stage 2 Nyalas are positioned and on to the right or to the  
 10 east of the dotted line is the neutral area, what we know  
 11 as the neutral area. What you see in yellow, scene 1, is  
 12 at the kraal to the north of the neutral area and to the  
 13 west, to koppie 3, is known as scene 2.  
 14 As we're dealing with Thursday the 16th of August,  
 15 the key marks on your maps will bear reference to the  
 16 comments made inside the presentation.  
 17 CHAIRPERSON: To get it out of the way,  
 18 you may tell us what the meaning of negative in respect of  
 19 the red arrow and positive in respect of the green arrow  
 20 refers to.  
 21 LT-COL SCOTT: Chairperson, in the  
 22 terminology of the police when we have a crowd and when we  
 23 create a neutral area, we'll always create the neutral area  
 24 in between what we call a negative attraction and the  
 25 crowd, where the police will position themselves between

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1 what could be considered an area where destruction can be  
 2 and then we'd have a position attraction direction where,  
 3 if there was dispersion action to happen, we would want the  
 4 crowd to move in that direction. That would normally be  
 5 towards areas where there would not further unrest,  
 6 destruction or violence.  
 7 The neutral area, looking at the map still, was  
 8 created specifically to the east of the protesters on the  
 9 koppie. The appreciation was done with regard to the  
 10 clashes which happened between the two different unions  
 11 between the Wonderkop hostel on the Saturday, as well as  
 12 the conflict between mine security and the protesters which  
 13 happened on the Sunday. So negative actions happened  
 14 towards the east of the koppie and that's why the police  
 15 positioned themselves in the neutral area to prevent  
 16 protesters moving in that direction again.  
 17 Continuing then with the 16th of August – we'll  
 18 just wait for the presentation to come up. Right, it's  
 19 slide 130. Six o'clock in the morning the JOC COM meeting  
 20 met. The command structure as well as all the operational  
 21 commanders were in attendance at the JOC meeting.  
 22 Information was presented that morning that many of the  
 23 protesters had dangerous weapons with them, still in their  
 24 possession, that they were armed, planning to go to koppie  
 25 1 and that they were not planning to lay down their

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1 weapons. This information was given through by the crime  
 2 intelligence representative in the JOC COM. It was also  
 3 reported by crime intelligence that the situation on the  
 4 ground was tense.  
 5 Slide 131, the operational deployments for the  
 6 day. The operational commands were brief with regard to a  
 7 stage 2 deployment, to continue with negotiations and  
 8 monitoring but with the pre-positioning of the crowd  
 9 management assets and the presence of the reserve force as  
 10 a show of force.  
 11 The stage 2 deployment, as you can see, is an  
 12 elevation from the stage 1 deployment from the Tuesday and  
 13 the Wednesday.  
 14 MR MAHLANGU: You say –  
 15 LT-COL SCOTT: The stage 2 deployment is  
 16 an elevation from the stage 1 deployment from the Tuesday  
 17 and the Wednesday. 630 members of the police were deployed  
 18 on the day shift that day and 88 members were deployed for  
 19 night shift that night. The next slide, slide 132.  
 20 General Annandale who was addressing, who was chairing the  
 21 meeting, addressed the meeting on the progress made with  
 22 the mines management and the unions regarding the  
 23 establishment of a common goal and a way forward for a  
 24 peaceful resolution to the current situation. What the  
 25 General alluded to as well was that during the negotiation

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1 process the previous day, the AMCU President promised to  
 2 provide feedback to the SAPS management on the way forward  
 3 and that the police deployment would therefore be in  
 4 accordance with that outcome. The AMCU President gave his  
 5 assurance that his members would lay down their weapons by  
 6 nine o'clock that morning. It was, however, agreed that a  
 7 contingency plan had to be put in place if the call to lay  
 8 down arms failed. Considering the information received  
 9 from the crime intelligence brief, it was considered that  
 10 police needed to be more vigilant that day as well.

11 I'm moving to slide 133. The police's deployment  
 12 would be done in line with stage 2 of the operational  
 13 strategy, which was a show of force and the pre-positioning  
 14 of the assets. Right, a full deployment would be done in  
 15 accordance with the strategy of stage 2 and that would mean  
 16 that the barbed wire trailers would be pre-positioned but  
 17 the Nyalas would not deploy the barbed wire.

18 The briefing continued that should the situation  
 19 escalate, the tenseness and the aggression, that stage 3  
 20 would be implemented, that a briefing would first be held  
 21 prior to a stage 3 deployment happening. The briefing  
 22 would ensure that all operational commanders understood the  
 23 plan and that the plan could be revised according to the  
 24 situation on the ground at that time. General Annandale  
 25 again emphasised that the police's strategy would be to

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1 seek a non-tactical resolution by entering into dialogue  
 2 again with the protesters through negotiations that day in  
 3 the stage 2 deployment.

4 I can just recap the stages of the operational  
 5 strategy. Stage 1, as we know, was the dialogue with a  
 6 monitoring presence of public order policing. Stage 2 was  
 7 a show of force and the proactive positioning for possible  
 8 escalation for a tactical option. Stage 3 would be that  
 9 tactical option to resolve the situation. Stage 4 would be  
 10 to process the scene as well as the arrested persons.  
 11 Stage 5 would be intelligence driven operations in order to  
 12 follow upon information gained as to the whereabouts of  
 13 suspects as well as evidence which needs to be seized.  
 14 Stage 6 would have been a cordon and search of the hostels  
 15 to remove dangerous weapons, to bring stability to the  
 16 area.

17 Right, moving to slide 135 and just to denote  
 18 that the tables that will follow slide 135 are compiled for  
 19 the Commission's briefing and were not displayed at the  
 20 briefing that morning of the 16th, due to the unknown  
 21 numbers of personnel. Personnel would arrive each day and  
 22 given the JOC COM briefing, we would need to assess what  
 23 assets the police had on hand. Therefore an incomplete  
 24 table would have only been able to be presented at that  
 25 stage. So however, the taskings that are depicted in the

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1 table as well as the teams remained depicted as they were  
 2 given on the briefing that morning. So we'll go through  
 3 the tables now. This is going to be the stage 2 deployment  
 4 and the briefing which was given to the operational  
 5 commanders at the JOC COM that morning.

6 Slide 136 – and the way the tables are set out,  
 7 as well as for operational briefings, is as you see them on  
 8 screen or in your presentations. We have two columns and  
 9 if I can run down the left-hand column we have, starting  
 10 with the team call sign, we then move to the task of that  
 11 specific team, the date/time group of when he will be  
 12 operating, operational, the action area or his mission area  
 13 where he will be deployed, the commander's details – we  
 14 normally add the cell phone numbers of the commanders as  
 15 well but for the purposes of viewing here we've taken out  
 16 the cell phone numbers – the personnel who would be  
 17 accompanying that commander, the personal equipment which  
 18 would be in the possession of each member, the resources  
 19 which would be considered team equipment or vehicles, the  
 20 signals which is the radio communications and then comments  
 21 from the command group as to further instructions on what  
 22 that team is expected to carry out.

23 We start with the first team on that day, the  
 24 designation was the command and the negotiation team and  
 25 that was specifically, the call sign was papa 1 or P1.

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1 Their task was to engage in dialogue with the  
 2 representatives of the protesters to seek a peaceful  
 3 resolution to the situation. The planned deployment, they  
 4 needed to be in mission area by 10 o'clock that morning, to  
 5 be removing at 17:00, at 19:00, seven o'clock that night.

6 Their area of mission was the neutral area.  
 7 [16:09] In that vehicle with that call sign papa 1 was  
 8 Brigadier Calitz and the personnel specifically in his team  
 9 with him, under his command directly were the negotiators  
 10 and at that stage it was Lieutenant-Colonel Macintosh.  
 11 With him was the interpreter from the Lonmin mine. Their  
 12 equipment they needed to have with them was the police  
 13 radio for communications and a megaphone for negotiation  
 14 purposes. Their resources, their way of transport was with  
 15 the Nyala provided by the monitoring group which was  
 16 Colonel Mere's group and as for all the signals throughout  
 17 the time period there, it was channel 47 was in use.

18 Specific to the tasking was that they needed, the  
 19 request remained for that negotiation – to have protesters  
 20 voluntarily lay down their arms, to disperse of own accord,  
 21 not to return to the gathering area armed but to meet with  
 22 their unions to resolve the wage issues.

23 CHAIRPERSON: Before you proceed, I just  
 24 want to ask you a question. I know you're not under oath  
 25 but I'm sure that won't affect the veracity of your answer.

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1 You are presenting, effectively, a part of the police case.  
 2 Now will I be correct in saying that the witnesses who will  
 3 testify with direct knowledge of this part of your report,  
 4 the points you've just dealt with, will be Brigadier Calitz  
 5 and Lieutenant-Colonel Macintosh?  
 6 LT-COL SCOTT: That's right, sir.  
 7 CHAIRPERSON: And then in respect of the  
 8 next one, the monitoring group, the witness who will  
 9 testify –  
 10 LT-COL SCOTT: Mere.  
 11 CHAIRPERSON: Mere. If you could -  
 12 because this part of the case is very important – if it's  
 13 possible for you to indicate when you deal with each  
 14 segment, which witness will be able to deal with it because  
 15 you obviously are just giving hearsay, I take it, yourself  
 16 and if someone tries to cross-examine you on it they'll  
 17 probably just – it would probably waste a fair amount of  
 18 time. So we want to know is the person or who are the  
 19 persons to be cross-examined in respect of each of these  
 20 segments of information that you'll be giving us. If you  
 21 can give us that I'd be grateful.  
 22 LT-COL SCOTT: Okay, thank you. Chair,  
 23 in response, when we do look at the commander's details,  
 24 each specific grouping that had a different task that day,  
 25 the commander is mentioned. So I'm not sure if they're all

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1 on the witness list.  
 2 CHAIRPERSON: Well, Mr Semenya will deal  
 3 with that in due course but it may be that if he doesn't  
 4 call someone who's listed here and someone wants to cross-  
 5 examine him, we may have to exercise our powers to call  
 6 witnesses ourselves. But basically Mr Semenya is in charge  
 7 of the police case and I'm sure he'll do what he considers  
 8 necessary.  
 9 MR SEMENYA SC: We have these witnesses  
 10 on our list of witnesses but so too, when the Colonel gives  
 11 his own evidence, because he drafted the plan he will be  
 12 speaking that this was part of the plan.  
 13 CHAIRPERSON: Yes. No, I understand. He  
 14 will obviously testify about those of which he has personal  
 15 knowledge. I was concerned with the aspects of which he  
 16 doesn't have personal knowledge but I think you've  
 17 satisfactorily explained what your attitude is. Thank you.  
 18 LT-COL SCOTT: Slide 137. The  
 19 designation here is the monitoring group and the call sign  
 20 of that group, specifically the commander, was papa 10.  
 21 Their task was to monitor the atmosphere around the  
 22 gathering crowd and provide feedback to the JOC. Again the  
 23 day time group is similar to the commander and the action  
 24 area is similar to the commander. The commander there was  
 25 Lieutenant-Colonel Mere and he had 45 POP members and two

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1 information officers from the public order policing with  
 2 him. The personal equipment that they would need to take  
 3 with them was the public order policing equipment for crowd  
 4 control as well as the video cameras for the information  
 5 officers. Colonel Mere had five Nyalas at his disposal.  
 6 The comment there is, the information officers were to  
 7 capture as much strategic information as possible for  
 8 planning or further evidence purposes. The monitoring  
 9 group was not to present themselves as a challenging force  
 10 or to stray on foot towards the gathering, to avoid making  
 11 themselves targets for the protesters.  
 12 Slide 138. The team call sign there was tango  
 13 India 1 or TI1 and this was the neutral area response team.  
 14 Their task, under the command of Captain Lust was to  
 15 protect the police members, members of the media and other  
 16 persons in and around the neutral area when a threat  
 17 against life was imminent. The personal equipment – they  
 18 were 76 TRT members and their commander Captain Lust again.  
 19 The equipment, personal equipment, was ballistic protective  
 20 gear, their uniform overalls as well as their assault  
 21 rifles – and this is standard issued equipment for the TRT  
 22 members. They were to deploy either on foot or in soft  
 23 skin vehicles as they did not drive in the Nyala armoured  
 24 vehicles. The comments for them, for their tasking, was to  
 25 remain about 100 metres behind the POP monitoring and

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1 negotiation group. They needed to secure the rear and the  
 2 northern flank of the neutral area with a show of force  
 3 should threat become evident. They would need to respond  
 4 to attacks on the public order policing line, on command of  
 5 the operational commander or when the safety of the POP  
 6 members or others have been compromised to the extent where  
 7 their lives may be lost in the absence of a tactical  
 8 response.  
 9 Moving on to slide 139. The designation here is  
 10 the defensive measure team and these were the public order  
 11 policing members with the armoured vehicles with barbed  
 12 wire. The team's call sign there was Charlie 4, that was  
 13 the call sign of Colonel Makubela. Their task was to  
 14 deploy the Nyalas with the barbed wire trailers into the  
 15 positions as a proactive placement for a defensive measure  
 16 to protect the neutral area against threat from the  
 17 protesters. Colonel Makubela had 53 public order policing  
 18 members with him, with six Nyalas with barbed wire. And  
 19 the comments for this specific group was that the Nyalas  
 20 needed to be pre-positioned and an estimated 80 metres  
 21 apart from the south to the north, starting at the power  
 22 station. The Nyala line was to be just in front of the  
 23 monitoring and negotiation Nyala line, to enclose them as a  
 24 defensive measure. The most northern Nyala was to angle  
 25 slightly towards the west to assist in protecting a

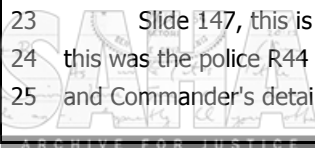
<p style="text-align: right;">Page 1234</p> <p>1 possible advance towards the informal settlement by an  2 organised armed protester group. Now in the stage 2, the  3 role of the Nyalas, if they should deploy their barbed wire  4 in a stage 2 it would be as a contingency action and done  5 on command of the operational commander.  6 Slide 140 and this is the immediate reaction area  7 1. If we recall the orientation map, it was where the  8 green blocks were below the power station and – the team  9 call sign there for the commander was Charlie 5. Their  10 task was a rapid response capability in case of surprise  11 attack on the police and the media in the neutral area.  12 Their action area where they were to be holding was the  13 holding area on the road south of the power station. Again  14 the commander's details, it was Lieutenant-Colonel Gaffley.  15 He had with him 20 special task force members and 25  16 national intervention unit members. The personal equipment  17 that they wore, similar to the TRT standard issue, it was  18 their ballistic protective gear, their uniform overalls and  19 assault rifles. The resources there was the special task  20 force Casspir as well as the Scorpion and the national  21 intervention unit had five soft skin vehicles. The  22 Scorpion was to be armed to provide a visual deterrent or  23 posture and again the special task force and the national  24 intervention unit would only respond to situations where  25 lives were imminently threatened, to assist or protect the</p>	<p style="text-align: right;">Page 1236</p> <p>1 was becoming more intense.  2 Now, as with the stage 1 deployment, there were  3 two forward holding areas. Forward holding area 1, the  4 call sign there was Charlie 2 and that was for Major-  5 General Naidoo. His task was to maintain a forward holding  6 area for reserve tactical forces and support elements  7 within the close proximity of the neutral area.  8 [16:29] The holding area was positioned at the crossroads  9 at the BMR smelter to the east, about 1.6 kilometres away  10 from the koppies. On that Thursday morning General Naidoo  11 had under his control 21 TRT members, 32 dog unit members,  12 or we refer to them as K9. 14 mounted unit members,  13 members that deploy on horseback, eight public order  14 policing members and then to deal with the processing of  15 suspects or scenes, there were detectives, four local  16 criminal record centre members, the medical personnel and  17 fire fighters 5 and 2. My comments now was, General Naidoo  18 was to release the reserve tactical forces on command of  19 the JOC to the neutral area to assist the operational  20 commander's contingent. General Naidoo was to release the  21 support forces as required for the handling of medical  22 casualties or fire again on command of the JOC and the JOC  23 would consider the safety for the support members at the  24 scene, when giving that instruction.  25 Continuing to slide 143, the LCRC and the</p>
<p style="text-align: right;">Page 1235</p> <p>1 police forces in the neutral area only on command of the  2 operational commander. And their response would come from  3 the south, considering that it is possible that the  4 response from the northern immediate response team could be  5 blocked.  6 Slide 141, the designation there was immediate  7 reaction area 2. The commander there was Lieutenant-  8 Colonel Modiba and his call sign was Charlie 6 and he had  9 the same tasking as the members at immediate response area  10 1 and that was to respond in case of a surprise attack onto  11 the police or media personnel at the neutral area. The  12 area for holding was on a footpath or road north of the  13 gathering area, adjacent to the informal settlement.  14 Colonel Modiba had 74 NIU members with him and had 17 soft  15 skin vehicles and their tasking, as I say, again was the  16 same as the immediate reaction area 1, to respond on  17 instruction of the operational commander to assist in the  18 protection of lives within the neutral area. They were  19 placed to the north in case the response members from the  20 south, the route from the south became inaccessible due to  21 protester blockades. And that was what made the difference  22 between stage 2 specifically and stage 1, was the creation  23 of the immediate reaction areas to bring certain tactical  24 forces closer to the neutral area. A stage 2 deployment  25 would only be implemented when the situation on the ground</p>	<p style="text-align: right;">Page 1237</p> <p>1 detectives would be released for the handling of crime  2 scenes, the evidence of suspects on command again of the  3 JOC considering the safety of these members and the  4 preservation of the crime scene thereafter. The forward  5 holding area 1 would maintain a reserve force from POP and  6 TRT to deploy tactical members within the force continuum  7 to incidents which would be away from the neutral area,  8 wayward incidents. Also the visible policing capability  9 which was represented also through the mounted police to  10 stabilise the environment, should there be a tactical  11 action employed as a defensive measure during stage 2. The  12 K9 capability was to be utilised to search difficult or  13 vast areas for weapons which had been hidden or abandoned  14 by the protesters should a tactical option again be  15 exercised.  16 Moving onto slide 144, the designation here was  17 forward holding area 2, similar to forward holding area 1  18 but it was to the west of the gathering. The briefing at  19 the JOC on that morning, Colonel Pitsi was the commander of  20 forward holding area 2 and his call sign was Charlie 3.  21 Again I needed to remain, their task was to  22 maintain a forward holding area for reserve tactical forces  23 within the close proximity of the gathering. Under Colonel  24 Pitsi's command at forward holding area 2 were 57 TRT  25 members, six dog unit members and 70 public order policing</p>

1 members. The vehicles that were utilised by the group were  
 2 four Nyalas, one Casper and those are five armoured  
 3 vehicles and then there were 20 soft skins vehicles. Their  
 4 specific comments were to deploy a reserve tactical force  
 5 again on command of the JOC to a neutral area to assist the  
 6 operational commander's contingent in that neutral area.  
 7 That forward holding area 2 would also be responsible for  
 8 the defence and the initial protection of vulnerable  
 9 targets to the west of the protestors gathering. They too  
 10 had the capability to deploy public order policing and  
 11 tactical response team members to wayward incidents.  
 12 Moving onto slide 145, the air response team, we would  
 13 normally work through an air force representative  
 14 positioned with us at the JOC. On this day however the  
 15 Oryx helicopter from the air force was retained in Pretoria  
 16 on standby for us. Their call sign if they came in would  
 17 be Oryx and the way we would speak to them would be through  
 18 the air band radio communicating with the air force  
 19 representative through the police helicopters. Their task  
 20 specifically was the rapid response team to incidents  
 21 specifically wayward from the gathering where a tactical  
 22 intervention was required to stabilise life-threatening  
 23 situations or as a show of force to dissuade violent  
 24 action. The police commander of the response team on board  
 25 that day was Captain Ntoyi and he had 12 NIU members with

1 him. The comments there, the helicopter will remain in  
 2 Pretoria on standby within a 40 minute response time to  
 3 Marikana. On an emergency call out, considering it was a  
 4 stage deployment, the NIU would provide the tactical  
 5 response team to be positioned at the rear staging area  
 6 where the helicopter would pick them up for deployment.  
 7 Slide 146 was the air command post. This was the  
 8 police helicopter Squirrel and its call sign was Chopper 2.  
 9 On board was placed Brigadier Fritz as the commander with  
 10 the LCRC personnel to take video footage and still footage  
 11 as they could. The specific comments to this designation  
 12 was that they were to direct the counteraction should the  
 13 tactical forces from the immediate response areas be  
 14 deployed as part of the solution, to an action by  
 15 protestors. Considering the POP members must have  
 16 relinquished control then first and withdrawn due to the  
 17 threats surpassing the POP capability. They were to  
 18 provide information to the JOC on wayward incidents  
 19 observed from the air and direct the tactical forces from  
 20 the immediate reaction areas to those specific locations,  
 21 as well as any reserve forces from the forward holding  
 22 areas.  
 23 Slide 147, this is the air monitoring team and  
 24 this was the police R44 helicopter, call sign Chopper 1,  
 25 and Commander's details Lieutenant-Colonel Vermaak. Their

1 comments as well was to provide real time feedback over the  
 2 police radio to the JOC and send cellular photographs from  
 3 the air via the GSM network to enhance the situational  
 4 awareness on the ground. So the cell phone photos were  
 5 given through real time and the still cameras photos were  
 6 brought as soon as the helicopter landed for downloading  
 7 and viewing by the JOC personnel. The helicopter, being a  
 8 cheaper running helicopter than the Squirrel would be  
 9 airborne for longer periods and thus would provide sporadic  
 10 feedback to the operational commander regarding the  
 11 protestor's actions around the neutral area during the day.  
 12 If we move to the visual presentation, the maps  
 13 that were shown on the day, we can see depicted in red is  
 14 the initial informal settlement, the greater squatter camp.  
 15 If we move to the centre, we can see ringed in blue, that  
 16 is the area that the protestors were gathering. We can see  
 17 the red line is the Nyala line for the barbed wires, the  
 18 defensive team Colonel Makubela. We can see the blue  
 19 police car line which depicts the Nyalas of the monitoring  
 20 and negotiation team. Brigadier Calitz and the negotiators  
 21 placed in the middle Nyala and that Nyala line for  
 22 monitoring under the control of Colonel Mere. Behind that  
 23 we can see the blue police figures, that was the TRT and  
 24 that was the neutral area response team, that was in  
 25 command of Captain Lust. The immediate response area to

1 the bottom of the picture shown in green, that was where  
 2 the special task force and national intervention members  
 3 under the command of Colonel Gaffley were positioned. To  
 4 the north is immediate response area 2 and to be deployed  
 5 there would be Lieutenant-Colonel Modiba with his national  
 6 intervention unit members. Forward holding area 1 to the  
 7 bottom right hand corner of the picture, major General  
 8 Naidoo with the reserve teams.  
 9 If we turn over to page 149, what we can see on  
 10 screen is a grid blocked satellite picture and this is  
 11 specifically for working ground to air. These are the very  
 12 pictures, 149 and 150 that were given out to the commanders  
 13 that day after their briefing to, after the briefing was  
 14 given and this was for coordination purposes. Slide 150,  
 15 is a slide which is an aerial picture to include the  
 16 wayward incident areas and the grid system utilised is  
 17 simply an A to J and a 1 to 8, so that members could show  
 18 themselves on a map or point out a specific area from the  
 19 helicopter to the ground simply by saying H6.  
 20 Slide 151, the slide following this we show you  
 21 there interpretation of the operational plan after it was  
 22 briefed to the members. It's on screen now, it's slide  
 23 152. So from the briefing that was received at the JOC  
 24 COM, from 6 to 8 o'clock that morning, we can see the  
 25 understanding of the operational commanders and how they



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1 have positioned their forces accordingly. It must be  
 2 stated that the tables that you have seen previously are  
 3 the ideal plan that was presented. However the operational  
 4 commander's understandings to that plan is something that  
 5 would need to be tested with them. Again in stating that  
 6 the tables that you have seen on your screen previously,  
 7 are the ideal plan again which have been filled in, the  
 8 numbers that were actually deployed on that day for the  
 9 commission's sake.

10 Slide 153, the media briefing given by  
 11 lieutenant-General Mbombo, the provincial Commissioner of  
 12 North West province, the general initially should have  
 13 addressed the media at 9 o'clock, she addressed the media  
 14 at 09:30 in order to wait to see what was happening with  
 15 the situation of the laying down of arms. In addressing  
 16 the media, the general gave the following, she addressed  
 17 the media on an update of the events from the 10th of August  
 18 to present.

19 [16:49] She stipulated that the current gathering was  
 20 unprotected and illegal as they were gathered outside the  
 21 prescriptions of the law. That the illegal weapons, the  
 22 dangerous weapons in the protestor's possession was  
 23 illegal. That various persons had already lost their lives  
 24 in relation to this incident, including two policemen, ten  
 25 persons in all by this time. She explained that the police

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1 were specifically employed to ensure the stability and  
 2 safety in the area of Marikana. Continuing on slide 154,  
 3 she mentioned that in the police's engagement with all the  
 4 relevant parties, a commitment had been reached that the  
 5 violence had to end that day, Thursday the 16th of August  
 6 2012 and weapons had to have been put down by 9 o'clock  
 7 that morning. The General mentioned that should the  
 8 commitment not be honoured that day, that the police would  
 9 need to act within their mandate to ensure that the peace  
 10 and stability were restored in the area. The official  
 11 channels were available for the resolution for the  
 12 protestor's grievances and that the current violent  
 13 situation could not be tolerated any further. She  
 14 mentioned that all efforts would be made to end the  
 15 situation amicably and peacefully as the police's role was  
 16 to ensure the stability and safety in the area of Marikana.

17 Slide 155 will show a quick media briefing [news  
 18 report being played] Okay unfortunately there is not media  
 19 footage that was covered with the General actually  
 20 speaking. I think the events of that day took prominence  
 21 in the media later that afternoon.

22 CHAIRPERSON: I take it we will be given  
 23 at some stage a transcript of what she said and presumably  
 24 she will give evidence and tell us what she said, so that  
 25 she can be cross-examined about it.

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1 MR SCOTT: Slide 156, the sequence of  
 2 events continues at 10:40. The police helicopter reported  
 3 a group of women walking around in the informal settlement.  
 4 Vehicles were sent to investigate and it indicated they had  
 5 placards which again were indicating that all men in the  
 6 village had to join the men on the koppie. The police  
 7 later again approached there group of women on their way to  
 8 the koppie and they dispersed peacefully around 14:00 that  
 9 day. Still around 10:40 one of the protestor  
 10 representatives engaged members in the Nyala through which  
 11 the main negotiation took place. This is the Nyala with  
 12 Lieutenant-Colonel Macintosh and Brigadier Calitz to ask  
 13 why the police were still there. It was explained that the  
 14 police were there for the safety and security reasons. At  
 15 this stage, Mr Nokkie or who they knew at that time, Mr  
 16 Green, emphasised that they did not want the police there.  
 17 The representative that had come to the Nyala at that stage  
 18 went back to the group and addressed the protestors, after  
 19 which it was visual and audibly the dynamics of the  
 20 protestors changed. The group that was in front started  
 21 singing songs and tapping and waving their weapons around.

22 COMMISSIONER: Colonel Scott, how long  
 23 will slide 157 take?

24 MR SCOTT: I don't think it's that long,  
 25 Chairperson.

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1 COMMISSIONER: Well let's have that slide  
 2 and then we will adjourn until tomorrow morning.

3 MR SCOTT: Okay.

4 COMMISSIONER: At 9 o'clock.

5 MR SCOTT: Slide 157 just shows the  
 6 behaviour of the crowd after the representative returned to  
 7 the crowd and had spoke to them. [video footage being  
 8 played] We suspect this to be the group that has undergone  
 9 the rituals as well. How they pack themselves together as  
 10 they walk and they march. We will see in later footage  
 11 taken from the helicopter's still photo footage that the  
 12 group actually moved in formation like that to the last  
 13 Nyala in the line of the barbed wire team, the defensive  
 14 team and positioned themselves across the last Nyala, Nyala  
 15 6. At the time that the video was made the President of  
 16 AMCU had still not been to the crowd. He had committed to  
 17 see them at 9 o'clock that morning. What you are seeing on  
 18 the screen now, the defensive team Nyalas which are  
 19 positioned and aligned from south to north, positioned in  
 20 front of the monitoring group which we can see now in  
 21 picture.

22 COMMISSIONER: Well that's the end of  
 23 that slide. We will now adjourn until 9 o'clock tomorrow  
 24 morning.

25 [INQUIRY ADJOURNED]



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