

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 40 30 JANUARY 2013 PAGES 4274 TO 4395

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



© REALTIME TRANSCRIPTIONS

64 10th Avenue, Highlands North, Johannesburg
P O Box 721, Highlands North, 2037
Tel: 011-440-3647 Fax: 011-440-9119 Cell: 083 273-5335
E-mail: realtime@pixie.co.za
Web Address: <http://mysite.mweb.co.za/residents/pak06278>



Page 4274

1 [PROCEEDINGS ON 30 JANUARY 2013]
 2 [09:36] CHAIRPERSON: The Commission resumes. Mr
 3 Madlanga, you're going to continue with your cross-
 4 examination, I take it, but before you do so I have a duty
 5 to perform. You're still under oath.
 6 SAZISO ALBERT GEGELEZA (CONTD):
 7 MR MADLANGA SC: I have no further
 8 questions to put to the witness, Mr Chairman, thank you.
 9 CHAIRPERSON: Ms Barnes?
 10 MR TIP SC: Chair, forgive me, I just
 11 want to place on record my appreciation to my learned
 12 friend Mr Madlanga who, you will recall, approached me at
 13 the end of the proceedings yesterday to discuss the matter
 14 and for his professionalism and courtesy.
 15 CHAIRPERSON: Your discussions have been
 16 fruitful because it gives Ms Barnes a chance to ask the
 17 first questions in cross-examination this morning.
 18 MR TIP SC: Indeed.
 19 MS BARNES: Thank you, Chairperson.
 20 CROSS-EXAMINATION BY MS BARNES: Mr
 21 Gegeleza, would you perhaps start by helping us, if you
 22 could have a look at exhibit YY2.1? Do you have that in
 23 front of you?
 24 MR MAHLANGU: YY2.1, is it a Google map?
 25 MS BARNES: Yes, that's right. If you

Page 4275

1 could please tell us where on that map we would find the
 2 Wonderkop hostel C5?
 3 MR GEGELEZA: When you proceed from
 4 street B –
 5 MS BARNES: If you could please –
 6 MR GEGELEZA: - if you proceed from
 7 street B to the right hand side, there's a red arrow which
 8 indicates, the first building would be the place you're
 9 asking.
 10 MS BARNES: If you could please mark it
 11 on the map for us, that would be useful. And this would be
 12 C5 that you've marked, is that right?
 13 MR MAHLANGU: As indicated on the map.
 14 CHAIRPERSON: Ms Barnes, may I suggest
 15 that you ask him to look at YY2.2? I think it's also –
 16 what he's now shown us appears to be clearer on that one,
 17 if we understand him correctly.
 18 MS BARNES: Yes, that would be helpful.
 19 Thank you, Chair. If you could look at YY2.2, if you could
 20 just also please mark on that map the hostel C5.
 21 MR GEGELEZA: Again the block just above
 22 street C, as it appears on the map.
 23 MS BARNES: If you would mark it on the
 24 map, please, for us?
 25 MR MAHLANGU: As indicated on the map, Mr

Page 4276

1 Chairperson.
 2 CHAIRPERSON: Thank you.
 3 MS BARNES: Thank you, sir. Do you know
 4 where something called the boilermaker store is in the
 5 Wonderkop, in this area that we're looking at now?
 6 MR GEGELEZA: It's boilermaker store. I
 7 don't know that one. The one that I know is actually the
 8 Schagan workshop.
 9 MS BARNES: So you think the boilermaker
 10 store might be in the Schagan workshop, is that right?
 11 MR GEGELEZA: I don't know because I've
 12 never been inside the Schagan building.
 13 MS BARNES: Alright, that's fine, thank
 14 you. Now, you testified that the striking workers that
 15 approached the NUM office on the 11th of August 2012 were
 16 carrying weapons. Perhaps you can interpret that part.
 17 MR MAHLANGU: The question again was,
 18 the?
 19 MS BARNES: You testified yesterday that
 20 the striking – the large group of striking workers that
 21 approached the NUM office on Saturday the 11th of August
 22 were carrying various weapons.
 23 MR GEGELEZA: It is so.
 24 MS BARNES: And you testified that those
 25 weapons included knobkerries, sticks, assegais and pangas.

Page 4277

1 That's what you said yesterday, is that correct?
 2 MR GEGELEZA: It is so.
 3 MS BARNES: Are you certain that those
 4 striking workers were carrying pangas on that day?
 5 MR GEGELEZA: It is so.
 6 MS BARNES: I'd like you to look at page
 7 4, paragraph 17 of your statement, that's exhibit ZZ2. Do
 8 you have that?
 9 MR GEGELEZA: I've got it.
 10 MS BARNES: In that paragraph, in
 11 reference to the group of striking workers, you say, "They
 12 were armed with knobkerries and sticks and I could see that
 13 several of them had assegais." Do you see that?
 14 MR GEGELEZA: It is so.
 15 MS BARNES: You don't say there that the
 16 workers were carrying pangas, do you?
 17 MR GEGELEZA: I'd mentioned it. Possibly
 18 a mistake was made by omitting it here.
 19 MS BARNES: I'd like you to look at Mr
 20 Dibakwane's statement, that's exhibit ZZ3, if you'd look at
 21 page 2, paragraph 2.9. This is the statement from the
 22 Lonmin security guard, Mr Dibakwane, and he says the
 23 following. "At that time I observed that some members of
 24 the marching crowd were carrying traditional weapons such
 25 as sticks and spears. I did not, however, observe any

Page 4278

1 pangas or fire weapons." Do you see that?

2 MR GEGELEZA: I cannot give evidence as

3 to what it is that he observed. I was nearer to these

4 people.

5 MS BARNES: Now, I understood your

6 evidence yesterday to be that the group of striking workers

7 threw stones at the group of NUM officials and NUM members

8 in the vicinity of the NUM office, is that correct?

9 MR GEGELEZA: I said the group of NUM

10 officials who were behind the NUM offices, not in front.

11 That is where I was also present.

12 MS BARNES: Yes, that's exactly what I'm

13 trying to clarify. My note of your evidence yesterday

14 says, "Stones were thrown but by then we were at the back."

15 Is that what you said yesterday?

16 MR GEGELEZA: What I said, yes, and then

17 we also approached them.

18 MS BARNES: So by "at the back" you mean

19 you were behind the NUM office at that time, is that

20 correct?

21 MR GEGELEZA: That's correct.

22 MS BARNES: So did you actually see the

23 group of striking workers throwing stones?

24 MR GEGELEZA: It is so.

25 MS BARNES: Alright, now you're aware of

Page 4279

1 the fact that two people, two people who were members of

2 the group of striking workers were shot by the group of NUM

3 officials and members on Saturday the 11th of August, is

4 that correct?

5 MR GEGELEZA: I came to know about that

6 when – a few days after, when the company made this

7 information available.

8 MS BARNES: And cases of attempted murder

9 were opened in respect of those two individuals and the

10 dockets in respect of those cases are before the

11 Commission.

12 MR GEGELEZA: I have no idea.

13 MS BARNES: I'd like you to go to exhibit

14 XX5 which is the first of these dockets.

15 MR GEGELEZA: I don't have it before me.

16 MS BARNES: If the witness could please

17 be provided with the exhibit.

18 MR MAHLANGU: My colleague is looking for

19 it. Thank you, Mr Chairperson, I've got it now.

20 MS BARNES: Perhaps before we look at the

21 docket, you said a few moments ago that you heard from the

22 company about the striking workers that had been shot.

23 MR GEGELEZA: It is so.

24 MS BARNES: Please tell us what you were

25 told by the company and when?

Page 4280

1 MR GEGELEZA: We work in the offices and

2 there were e-mails sent to our computers to report how many

3 incidents of injuries were there.

4 MS BARNES: Are you saying that there was

5 a specific e-mail sent in relation to these two individuals

6 who were shot by your group on the 11th of August?

7 MR GEGELEZA: Not only the two incidents

8 but all the injuries in the different shafts.

9 MS BARNES: I'm not asking about any of

10 the other injuries, I'm asking was there a specific e-mail

11 that you received in relation to these two individuals, Mr

12 Ngema and Mr Mabuyakhulu?

13 MR GEGELEZA: No names of individuals are

14 mentioned but the numbers of people. They would for

15 instance – so many people were injured at western, so many

16 people were injured at the eastern and so many people at

17 such and such a shaft.

18 MS BARNES: What was the information that

19 you received about what had happened on the 11th of August?

20 MR GEGELEZA: On the 11th I did not

21 receive any information because I did not go to a shaft.

22 MS BARNES: No, I'm not asking about

23 information that you received on the 11th, I'm asking about

24 information that you received at any time about what had

25 happened on the 11th.

Page 4281

1 MR GEGELEZA: Except what I observed at

2 the time of the confrontation with the strikers, that is

3 all I know. I did not hear anything.

4 MS BARNES: So you in fact received no

5 information from the company subsequently about the

6 injuries that had taken place on the 11th, is that correct?

7 MR GEGELEZA: No information was

8 received.

9 MS BARNES: So you didn't know how many

10 people had been injured or the nature of their injuries, is

11 that correct?

12 MR GEGELEZA: It is so.

13 MS BARNES: And you still do not know the

14 names of the people or the nature of their injuries, is

15 that right?

16 MR GEGELEZA: I do not know them.

17 MS BARNES: Alright, if you could look

18 now at exhibit XX5, if you could go to page 9 of that

19 document. The pages aren't numbered but if you could just

20 page to page 9 and that - you'll find on page 9 the J88

21 form. Do you see that?

22 [09:56] MR GEGELEZA: Yes, I see it.

23 MS BARNES: Now this is the – this is in

24 respect of the docket of Mr Bongani Ngema and the nature of

25 his injury is indicated on this document and it says,

Page 4282

1 "Entrance wound right lateral lower back at level 3 to 4
2 level." Do you see?
3 CHAIRPERSON: Ms Barnes, I notice that
4 according to the document that you're referring to, the
5 bullet was seen on x-ray. The docket doesn't tell us,
6 though, whether the bullet was extracted and whether any
7 ballistics have been done but possibly that's a matter for
8 a possible criminal trial, if there is one, and not for us
9 – but anyway, I just mention it to you because it may well
10 be worth following up, I don't know.
11 MS BARNES: Thank you, Chair.
12 MR GEGELEZA: I'm hearing this for the
13 first time today, Mr Chairperson. I have no idea what
14 happened.
15 MS BARNES: So Mr Ngema was shot in the
16 back, do you see that?
17 MR GEGELEZA: I cannot comment here
18 because I did not see him, I did not even see him.
19 MS BARNES: It would appear then that Mr
20 Ngema was shot while he was running away from your group,
21 is that correct?
22 MR TIP SC: Chair, I object to that.
23 CHAIRPERSON: I don't think, Ms Barnes,
24 that that's correct. Obviously I must hear the objection
25 but as I read his statement A2, it's not clear that that's

Page 4283

1 the case at all. I mean obviously on this witness's
2 version it may be clear that he was running away but on his
3 own statement he may have been somebody who was – one can't
4 talk about cross-fire because it's not suggested there were
5 shots being fired both ways but on his version, as I read
6 his statement, he was walking along – he says on his way to
7 the stadium and while walking – then he talks about the
8 gunshot and so on. So he doesn't admit to be running away.
9 He doesn't even admit, on his statement, to have been a
10 member of the group that was approaching the NUM workshop.
11 So I think – I haven't given you a chance to answer yet but
12 I think it may be – unless you want to address me on the
13 point, I think it might be sensible to reformulate the
14 question. Was that your objection, Mr Tip, or do you have
15 another one?
16 MR TIP SC: That was the essence of it
17 but also coupled with the fact that the J88 says, "Entrance
18 wound right lateral lower back" and I understand the word
19 "lateral" to signify on the side, as distinct from the word
20 "posterior." So that it's not clear.
21 CHAIRPERSON: Lateral back – [inaudible].
22 MR TIP SC: Well, yes.
23 CHAIRPERSON: Let's see how Ms Barnes
24 deals with the two points. I'm not sure that mine is
25 necessarily the point she's going to make.

Page 4284

1 MS BARNES: The point is really that it
2 seems unlikely that Mr Ngema would've been facing his
3 shooter at the time that he was shot, isn't that correct?
4 MR GEGELEZA: Turning to the shooting,
5 really I have no idea. I cannot give evidence there.
6 MS BARNES: Alright, if you could go now
7 to exhibit –
8 CHAIRPERSON: It's all really speculation
9 that if there were three shots and this was the third shot,
10 he might well have turned round when he heard the first
11 shot, I mean, but we don't know, it's all speculation. If
12 he's called to give evidence, maybe we can take these
13 points further but I'm not sure that we're getting
14 anywhere, with respect, with this particular point but I'm
15 sure you've got better points that you're going to make
16 now.
17 MS BARNES: If we could turn now to
18 exhibit XX6, that is the docket in respect of the other
19 gentleman, Mr Mabuyakhulu, who was also shot on that day,
20 if you could go to page 7 of that document, which is also
21 the J88 and you see there that this gentleman was also shot
22 in the back. "Entrance wound right lower back at L4/5
23 level." Do you see that?
24 MR GEGELEZA: Yes, I see it.
25 MS BARNES: And it appears that this

Page 4285

1 gentleman was also hit with a knobkerrie, if you could go
2 to page 3 of the docket and have a look at his statement,
3 I'm going to read the relevant portion of the statement.
4 It's the third paragraph on that page, it says, "Before
5 they approached us they shot through to hit to us and
6 hit others with knobkerrie and we ran away and I was shoot
7 at the back and the bullet struck me and I fall and after
8 that they came to me and asked where I am working and I
9 said Karee and then they hit me on the head and I moved
10 towards the fence." Do you see that?
11 MR GEGELEZA: I did not observe that.
12 MS BARNES: So he doesn't in fact say
13 that he was hit with a knobkerrie, but he says that he was
14 hit on the head and then he refers to other people being
15 hit with a knobkerrie, do you see that?
16 MR GEGELEZA: I have no idea.
17 MS BARNES: There's also, in the same
18 document if you go on to page 5 there's a statement there
19 from the police officer who found this gentleman and the
20 statement from the police confirms that he had a head
21 injury as well as the bullet wound in his back.
22 MR GEGELEZA: I have no knowledge of
23 that.
24 MS BARNES: At the bottom of page 5 the
25 police statement says, "there was injury on his head and on

Page 4286

1 the right side" and then it says, "and on the top of his
2 waist next to the spinal cord there was the gun wound."
3 MR GEGELEZA: I have no idea.
4 MS BARNES: What's also apparent from
5 this docket at page 10 is that Mr Mabuyakhulu was initially
6 –
7 MR GEGELEZA: May I explain something
8 here, Mr Chairperson?
9 CHAIRPERSON: Do so.
10 MR GEGELEZA: May I explain, Chairperson,
11 that I understand this person is working at Karee and Karee
12 has its own facilities, it's got its own clinic over there
13 and people who are working at Karee would be taken
14 necessarily to those facilities and it would be difficult
15 for me to know what is happening over there because I am in
16 a different unit.
17 MS BARNES: Alright, well, I'm simply
18 putting to you that this gentleman was initially admitted
19 to the Andrew Saffi Hospital on the Lonmin premises.
20 MR GEGELEZA: I did not hear anything
21 about that.
22 MS BARNES: And then this gentleman was
23 thereafter transferred to the Ferncrest Hospital in
24 Rustenburg and he was placed in ICU, in intensive care.
25 That appears on page 10 of the docket.

Page 4287

1 MR GEGELEZA: I have no knowledge of
2 that.
3 MS BARNES: And similarly, Mr Ngema was
4 also admitted initially to the Andrew Saffi Hospital and
5 then transferred to the Ferncrest Hospital in Rustenburg
6 and that appears at page 4 and 5 of his docket.
7 MR GEGELEZA: I have no idea.
8 CHAIRPERSON: It appears from the docket
9 that he was working at Karee but he was found at the place
10 that was described, the workshop. He was seriously injured
11 because he was shot, amongst other things, he was shot in
12 the back. So the nearest hospital was Saffi, so he was
13 then taken by ambulance to Saffi and thereafter he was
14 transferred to the other hospital which is referred to by
15 counsel. Is it Fern what?
16 MS BARNES: It's Ferncrest Hospital.
17 CHAIRPERSON: The Ferncrest Hospital. So
18 the fact that he originally came from Karee is not relevant
19 in relation to the hospital he was taken to. He was
20 injured, taken to the nearest hospital and thereafter
21 transferred to another hospital for further treatment, so I
22 think that's a dead-end, if I may say so.
23 MR GEGELEZA: Chairperson, I can't
24 comment on that because I have no idea how many people are
25 being admitted per day in any hospital.

Page 4288

1 MS BARNES: Now you've stated earlier
2 that you received no report from the company about these
3 people and what had happened to them, is that correct?
4 MR GEGELEZA: I said, Mr Chairperson,
5 information was received later that during the
6 confrontation between the strikers and the NUM people, two
7 people were injured but it ended there.
8 MS BARNES: Was that information received
9 after the 16th of August?
10 MR GEGELEZA: Though I do not remember
11 the exact date, but I think it was before the 16th of
12 August.
13 MS BARNES: But the information wasn't
14 received immediately, it was some days after the incident,
15 is that correct?
16 MR GEGELEZA: If you remember well, after
17 the confrontation of the 11th and that on the 12th, we were
18 then removed from there to a place of safety where we were
19 being transported by vehicle to the place where we worked.
20 CHAIRPERSON: Ms Barnes, I think this –
21 because there's no exit wound so a laparotomy was done.
22 The report says that no bullet was visualised on x-ray but
23 I take it, it may well have been that – I'm not sure
24 whether it's for us to investigate it. It may be something
25 to be done elsewhere but it looks as if the bullet may well

Page 4289

1 have been removed during the laparotomy and presumably
2 ballistic evidence may well be able to link it to a weapon,
3 if a weapon is in the possession of the police, but these
4 are matters which we obviously can't deal with at the
5 moment but they may well be worth looking into.
6 MS BARNES: Now sir, isn't it correct
7 that if there was no immediate report about what had
8 happened to these people and if they were no longer on the
9 premises of Lonmin, that people may have believed that they
10 had died?
11 CHAIRPERSON: Ms Barnes, isn't that
12 speculation? I mean we can speculate as well as anybody
13 else can. If we're going to have lots of – if this
14 could've happened, is this possible, may this be the case,
15 in respect of matters which are really inferences from
16 facts that are established, I think we're going to spend a
17 lot of time unfruitfully. I don't want to stop you if you
18 have a particular focused reason for asking the question,
19 but I have indicated my attitude to that kind of question.
20 MS BARNES: Chair, I won't take it any
21 further. Isn't it correct, sir, that prior to the incident
22 which happened on the 11th of August, the striking workers
23 would gather at the vicinity of the Wonderkop Stadium? Is
24 that right?
25 MR GEGELEZA: I saw them on Saturday.

Page 4290

1 MS BARNES: And after the incident they
2 started gathering on the koppie instead, is that correct?
3 MR GEGELEZA: I did not see where they
4 were, whether they were in the shack settlement or
5 wherever, I did not see them.
6 MS BARNES: Well, you heard that after
7 the incident they began to gather on the koppie, isn't that
8 correct?
9 MR GEGELEZA: Yes.
10 MS BARNES: Chair, I have no further
11 questions.
12 CHAIRPERSON: Mr Mpfu, are you going to
13 cross-examine? Do you wish to cross-examine next?
14 MR MPOFU: I do wish, Chair.
15 CHAIRPERSON: Please do so.
16 CROSS-EXAMINATION BY MR MPOFU: Mr
17 Gegeleza –
18 MR GEGELEZA: Sir?
19 MR MPOFU: You like the NUM very much,
20 don't you?
21 MR GEGELEZA: It is so.
22 MR MPOFU: You're prepared to do anything
23 for it.
24 MR GEGELEZA: Only which is good.
25 MR MPOFU: You're also prepared to lay

Page 4291

1 down your life for it, according to your evidence, correct?
2 [10:16] MR GEGELEZA: It can be so, yes.
3 MR MPOFU: And you didn't like something
4 bad to happen to the NUM, correct?
5 MR GEGELEZA: That is correct.
6 MR MPOFU: You also wouldn't like an
7 adverse finding from this Commission against the NUM, would
8 you?
9 MR GEGELEZA: I cannot change the finding
10 of the Commission, it would be the Commission's finding.
11 MR MPOFU: No sir, just answer the
12 question. I'm asking about you. Would you wish that there
13 is no adverse finding against the NUM?
14 MR GEGELEZA: No, it is not so.
15 MR MPOFU: Would you wish that there is
16 an adverse finding?
17 MR GEGELEZA: If they have done anything
18 wrong, let it come out.
19 MR MPOFU: Good. And do you think the
20 NUM did something bad on the 11th?
21 MR GEGELEZA: I see nothing wrong.
22 MR MPOFU: It only did good things?
23 MR GEGELEZA: I would say so, yes.
24 MR MPOFU: Okay. You are an RDO
25 yourself, correct?

Page 4292

1 MR GEGELEZA: It is so.
2 MR MPOFU: And is it so that RDOs work
3 under very bad and difficult conditions?
4 MR GEGELEZA: It is so.
5 MR MPOFU: Is it also correct that they
6 are extremely underpaid?
7 MR GEGELEZA: I agree.
8 MR MPOFU: Is it correct that they should
9 be paid more than what they are being paid? In other
10 words, in respect to wages, that they have a legitimate
11 cause for complaint.
12 MR GEGELEZA: I agree that all the people
13 employed by the mines work under difficult circumstances,
14 not only the machine operators.
15 MR MPOFU: Is it correct that some of the
16 conditions that RDOs work under seriously impair their
17 dignity, human dignity?
18 MR GEGELEZA: I agree.
19 MR MPOFU: Is it correct that they are
20 still referred to as they were under apartheid, as machine
21 boys, irrespective of their age?
22 MR GEGELEZA: It is still being used,
23 yes.
24 MR MPOFU: Now, on the 11th, is your
25 testimony that you were on your way – on the 11th of August,

Page 4293

1 sorry Mr Chairman, 2012 – your testimony is that you were
2 on your work to work in the morning, correct, and you were
3 stopped by shop stewards, these people who were known to
4 you?
5 MR GEGELEZA: Yes.
6 MR MPOFU: These are your comrades from
7 the NUM, you know them very well.
8 MR GEGELEZA: It is so.
9 MR MPOFU: You know their names.
10 MR GEGELEZA: Some of them, yes, not all
11 of them. We also refer to one another by nicknames.
12 MR MPOFU: Okay, you know all their names
13 or their nicknames?
14 MR GEGELEZA: All those with whom I was,
15 yes.
16 MR MPOFU: Yes. And these are the same
17 people who made up the group of 30 that gathered at the NUM
18 office, you know all their names?
19 MR GEGELEZA: It is so.
20 MR MPOFU: Okay. Now, when you were –
21 you went back to the office, as I understand it, and then
22 is it correct that the security officials at Lonmin advised
23 your group to vacate the offices?
24 MR GEGELEZA: No, it is not so.
25 MR MPOFU: Okay, well, that was the

Page 4294

1 evidence of Mr Setelele, I think, that you were advised to
2 vacate the office.

3 MR GEGELEZA: I wasn't present when he
4 spoke to the security officers, I don't know if that was
5 mentioned.

6 MR MPOFU: But he must have come back to
7 report to the group of about 30 people.

8 MR GEGELEZA: What he did report was that
9 information was given that the strikers were coming to
10 attack the office.

11 MR MPOFU: Okay. Well, in any event,
12 your evidence was that there was a big debate about whether
13 to go or to stay, correct?

14 MR GEGELEZA: It is so.

15 MR MPOFU: So that debate, for someone
16 who must not there, there must have been a group of people
17 who were saying they should leave and another group that
18 they were saying we must stay.

19 MR GEGELEZA: No, it is not so.

20 MR MPOFU: Well then, what was the nature
21 of the debate?

22 MR GEGELEZA: The decision was made, was
23 that we go outside the office so that we are not being
24 attacked whilst inside the office.

25 MR MPOFU: If you'd just bear with me, Mr

Page 4295

1 Chairman. Okay, I'll come back to that. I'm looking for a
2 passage in your statement that was put to Mr Setelele.

3 CHAIRPERSON: Which statement are you
4 looking for –

5 MR MPOFU: Well, I was looking at ZZ2,
6 which is this witness's statement, but the information I'm
7 looking for might be in Mr Setelele's statement, which is –

8 CHAIRPERSON: What's the information
9 you're looking for? You can tell us in one sentence.

10 MR MPOFU: Chair, well, it's the issue we
11 are debating which is that there was a debate inside the
12 NUM office, some people saying they should vacate the
13 offices and the others saying they must stay.

14 CHAIRPERSON: I don't see anything
15 directly in those terms. By inference it's there, because
16 what you have is, in Mr Setelele's statement YY1 at para 17
17 –

18 MR MPOFU: Para 17, thank you, Chair.

19 COMMISSIONER HEMRAJ: I think it was
20 paragraph 15 of Mr Gegeleza's statement.

21 MR MPOFU: Yes.

22 CHAIRPERSON: That's correct, there was a
23 lot of anxious discussion about what we should do.

24 MR MPOFU: Yes Chair –

25 CHAIRPERSON: ZZ2, para 15, line 3.

Page 4296

1 MR MPOFU: Thank you very much, my pages
2 are copied on both sides, which makes it difficult. Thank
3 you very much, Chair.

4 CHAIRPERSON: Adv Hemraj decided for us.

5 MR MPOFU: Thank you very much, I'm
6 indebted to the commissioner. Ja, well, you've now just
7 said that there was no such – the debate that I postulated
8 to you did not take place. Can I read what you said in
9 paragraph 15 of your statement?

10 MR TIP SC: Chair, I object to that. The
11 witness's answer must be treated fairly. He put it in
12 chronological order. It had been suggested that there was
13 a big debate inside the office. He said no, we moved out
14 of the office. And paragraph 15 must be put fairly. "We
15 then all moved out of the office and onto the road" and
16 then there is a description of what took place thereafter
17 and it must be put on that basis, with respect.

18 CHAIRPERSON: Mr Mpofo, it does seem as
19 if Mr Tip is correct. I don't know that it necessarily
20 affects the point you're making, so may I suggest you
21 reformulate your question and move on? Where the debate
22 took place is neither here nor there. Your point is, there
23 was a debate and the decision was taken.

24 MR MPOFU: That's correct.

25 CHAIRPERSON: Put it correctly and then

Page 4297

1 we -

2 MR MPOFU: The objection is not well-
3 founded but I'll let it go. I'll reformulate.

4 CHAIRPERSON: I think it is well-founded
5 but never mind, carry on.

6 MR MPOFU: Yes, thanks. Mr Gegeleza, do
7 you remember that you and I agreed that there was a big
8 debate, correct?

9 MR GEGELEZA: Yes, there were big
10 discussions.

11 MR MPOFU: Right. The only point about
12 which you and I differed –

13 MR MAHLANGU: No, let me correct this.
14 He says it wasn't very deep discussions.

15 MR MPOFU: Was it a debate?

16 MR GEGELEZA: Just telling one another we
17 have to leave the office, that the strikers should not find
18 us inside the office.

19 MR MPOFU: Yes. No, no, I know. That's
20 what I'm saying, my – what I'm putting to you is that the
21 debate was about whether to vacate the office and flee, s
22 it were. You are saying no, the debate was whether you
23 must stay inside the office or outside the office. Do I
24 understand our difference correctly?

25 MR GEGELEZA: The decision was – the

<p style="text-align: right;">Page 4298</p> <p>1 discussion was that we should not be found inside the house 2 when there's an attack, we should be somewhere outside and 3 we also said we should not be inside the yard but outside 4 where it would be safe.</p> <p>5 MR MPOFU: Yes. In other words, you'd 6 think there was no debate concerning leaving and fleeing 7 altogether and running away –</p> <p>8 CHAIRPERSON: No – no. I don't think 9 that's what he's saying. What he's saying is, the first 10 question was, do we stay in the office?</p> <p>11 MR MPOFU: Yes.</p> <p>12 CHAIRPERSON: There appeared to be 13 unanimity that that's not a good idea, we'll be trapped in 14 the office. So they all agreed and they went out.</p> <p>15 MR MPOFU: Yes.</p> <p>16 CHAIRPERSON: They decided not even to be 17 trapped in the yard but to go outside. They went outside 18 onto this rough piece of ground that Mr Tip spoke about. 19 Then there was a debate and what was described as an 20 anxious discussion, which may have been a deep debate or 21 not – anxious discussion, do we stay here or do we go? 22 Some of them left, that's what he says, some of them left, 23 did in fact leave, and others stayed. And that's the point 24 really from which you're proposing to move on, as I 25 understand it, but please –</p>	<p style="text-align: right;">Page 4300</p> <p>1 Mr – the late Daluvuyo Bongo. They suggested to him that 2 we should close the office and move away because the 3 strikers were in the vicinity. Mr Bongo asked them if they 4 would protect our office.</p> <p>5 MR MPOFU: Okay, let's approach it like 6 this. Whether it was Mr Bongo, Mr Setelele or whoever, did 7 more than 10 people leave as a result of the call to vacate 8 and flee?</p> <p>9 MR TIP SC: Chair, I object to that.</p> <p>10 There is now being put to the witness that there was a call 11 to vacate and flee. Now that's not present in the evidence 12 at all and if Mr Mpofo is going to lead evidence to that 13 effect then he must make that clear but it's not correct to 14 say to the witness and to require him to deal with a call 15 to do something. The limitations and the parameters of 16 what took place there are clear from the statement, with 17 respect, they don't extend to a call to flee.</p> <p>18 MR MPOFU: Okay.</p> <p>19 CHAIRPERSON: Mr Mpofo?</p> <p>20 MR MPOFU: Chair, yes. Mr Chair, once 21 again and for the sake of progress I'll just refer the 22 witness to the statement. Mr Setelele, let's just look at 23 what you say.</p> <p>24 CHAIRPERSON: Gegeleza.</p> <p>25 MR MPOFU: Mr Gegeleza, sorry – thank</p>
<p style="text-align: right;">Page 4299</p> <p>1 MR MPOFU: No, I'm sorry, Chair – 2 CHAIRPERSON: - your cross-examination 3 unduly.</p> <p>4 MR MPOFU: No, thank you Chair, no, I'm 5 not talking about what he says in the statement, Chair, I'm 6 talking about what he said now in evidence.</p> <p>7 CHAIRPERSON: I didn't understand him to 8 say anything different but I don't know that it matters, 9 really. I suppose it's the point you're trying to make but 10 let me not stop you unduly.</p> <p>11 MR MPOFU: Mr Gegeleza, was there any 12 debate on the 11th at any time whatsoever about whether you 13 should vacate and leave the office altogether or stay and 14 defend it?</p> <p>15 MR GEGELEZA: Nobody mentioned that we 16 should flee.</p> <p>17 MR MPOFU: Thank you, and that's how I 18 understood the difference between you and me. Now, what I 19 want to put to you is in your statement, as the Chairperson 20 has already said, in your statement you say that there was 21 such a debate and in fact some people left, more than 10, 22 as I understand it. Is that correct?</p> <p>23 MR GEGELEZA: If you're looking at my 24 statement, a van arrived there, a Lonmin van with two 25 security officers inside. They called the branch secretary</p>	<p style="text-align: right;">Page 4301</p> <p>1 you, Chair. Although - Mr Brown is Mr Setelele. You say 2 at paragraph 15, "Although many people spoke in favour of 3 remaining and trying to protect the office, it was clear 4 that most of us, if not all, were very afraid of the 5 strikers, given the information we had received. Several 6 of those present did in fact leave." And then you were 7 asked at some stage how many and said it was more than 10, 8 do you remember that?</p> <p>9 [10:36] MR GEGELEZA: I want to make it very 10 clear, nobody decided to leave after we had received the 11 information. I must state that after the arrival – I must 12 say, sir, that after the arrival of the security officers 13 and they had given this information, at that time the 14 strikers were already in the vicinity, they were near. The 15 securities left and only then did some of our people decide 16 to flee.</p> <p>17 MR MPOFU: Okay, so when those people 18 decided to flee, were the people who were left, less than 19 20?</p> <p>20 MR GEGELEZA: Possible.</p> <p>21 MR MPOFU: Well, you say in the 22 statement, "By the time strikers arrived there was less 23 than 20 people who had remained in the office." You know, 24 what do you mean it can be possible?</p> <p>25 MR GEGELEZA: Remember that what I said</p>

Page 4302

1 here and the evidence I'm giving here is based on an
2 estimation, I didn't actually count the people.
3 MR MPOFU: Okay, can –
4 CHAIRPERSON: I don't know that it's a
5 point worth investigating further. It was about 20.
6 Whether he said exactly it was less than 20 or no, it was
7 possible, doesn't really matter for our purposes. For our
8 purposes there were about 20 there and then something
9 happened and that's what you're interested in, is it?
10 MR MPOFU: Okay. Thank you, Chair.
11 Okay, fair enough, let's accept then what you say in your
12 statement, that less than 20 people remained. Now, of
13 those less than 20 people, you broke off from the others
14 with a group of about five, correct?
15 MR GEGELEZA: It is so.
16 MR MPOFU: What happened to the other
17 less than 15 people?
18 MR GEGELEZA: They were standing in the
19 road there.
20 MR MPOFU: Were they in the front of the
21 office?
22 MR GEGELEZA: Yes.
23 MR MPOFU: And you were at the back of
24 the office?
25 MR GEGELEZA: That's correct.

Page 4303

1 MR MPOFU: You could not see the other 14
2 or 15?
3 MR GEGELEZA: Some were visible, we did
4 not see others.
5 MR MPOFU: In any event, the group of
6 five that you were part of was armed with a few knobkerries
7 and one spear.
8 MR GEGELEZA: It is so.
9 MR MPOFU: And it is that group of five
10 that, as it were, stood toe-to-toe with this crowd?
11 MR GEGELEZA: We asked the other group to
12 move towards the satellite police station so that there's
13 no group that would approach us from that side.
14 MR MPOFU: Good. So that group then went
15 to what's in front of the satellite police station.
16 MR GEGELEZA: That happened, yes.
17 MR MPOFU: And now they were completely
18 invisible to you from where you were behind the NUM office.
19 MR GEGELEZA: That is correct.
20 MR MPOFU: So what you're telling the
21 Commission is that, not knowing where those other 15 people
22 were, the five of you with one – a couple of sticks and a
23 knobkerrie and a spear, stood and were prepared to resist
24 the crowd which has been estimated at about 2 000 to 3 000
25 people.

Page 4304

1 MR GEGELEZA: In answering your question,
2 the others that had gone on the other side had also gone to
3 do exactly the same thing, they wouldn't just stand there
4 and everything was happening very fast at the time.
5 CHAIRPERSON: May I ask a question, Mr
6 Mpofo?
7 MR MPOFU: Yes, thank you.
8 CHAIRPERSON: In your statement you refer
9 to a large group of strikers coming around the corner of
10 the road from the hostel and standing – moving in your
11 direction. Can you give us an estimate of how many there
12 were, or is it not possible?
13 MR GEGELEZA: I would not be able to say
14 how many, Mr Chairperson, but there were quite many.
15 MR MPOFU: Okay. Well, the reason why I
16 used between 2 000 and 3 000 is because Mr Dibakwane
17 estimated them at 3 000 and the other gentleman who made a
18 statement estimated them at 2 000, I think it's Motlogeli -
19 Motlogeloa.
20 CHAIRPERSON: Motlogeloa in ZZ4 –
21 MR MPOFU: Yes, that's -
22 CHAIRPERSON: At paragraph 7 –
23 MR MPOFU: Correct, Chair.
24 CHAIRPERSON: - puts them at more or less
25 2 000.

Page 4305

1 MR MPOFU: And Dibakwane at –
2 CHAIRPERSON: At paragraph 2.22 –
3 MR MPOFU: 2.22.
4 CHAIRPERSON: Of Mr Dibakwane's
5 statement, exhibit ZZ3, he puts them at approximately
6 3 000.
7 MR MPOFU: 3 000.
8 CHAIRPERSON: He says he doesn't know the
9 NUM but there were a lot.
10 MR MPOFU: Yes.
11 CHAIRPERSON: We don't need the number
12 for the purposes of this part of the case.
13 MR MPOFU: No, that's exactly why I
14 framed the question, when I said the crowd estimated at
15 between 2 000 and 3 000. The gist, really, of what I'm
16 saying to you is, the five of you standing there with one
17 spear and a stick or two were prepared to have a face-off
18 with this group estimated – of thousands of people.
19 MR GEGELEZA: It is so.
20 MR MPOFU: And you say that in your mind,
21 one of the things that fortified you to do this act of
22 bravery is that the other 14 or 15 were not just going to
23 stand there, as you say.
24 MR GEGELEZA: It is so.
25 MR MPOFU: Well, what were they carrying?

Page 4306

1 MR GEGELEZA: Sticks, as I have said,
 2 there was just one assegai and one panga which had been
 3 taken from the strikers, which was found from the strikers.
 4 MR MPOFU: Alright, so the other unit or
 5 battalion had one stick – rather, a couple of sticks, one
 6 panga and one assegai.
 7 MR GEGELEZA: All the others were
 8 carrying sticks.
 9 MR MPOFU: Yes, and with this one panga,
 10 one spear and a couple of sticks, they were not just going
 11 to stand there. What were they going to do?
 12 MR GEGELEZA: Let me explain it this way.
 13 At the place where I grew up, I had never been told that
 14 fighting depends on numbers. What I know is that if there
 15 are two groups facing one another, one would lose the
 16 fight. That is exactly what happened on that day.
 17 MR MPOFU: I see. So numbers don't
 18 matter?
 19 MR GEGELEZA: From the time of my birth,
 20 Mr Chairperson, up to now, it depends – I was never told
 21 fighting depends on numbers.
 22 MR MPOFU: In other words, what you are
 23 telling the Commission is that in your mind, despite the
 24 fact that there were five of you and maybe 14 or so on the
 25 other side, because where you've come from you've never

Page 4307

1 heard of, that fighting has anything to do with numbers,
 2 you were confident that you would repel the attack of these
 3 thousands?
 4 MR GEGELEZA: Yes, it is so.
 5 MR MPOFU: You were not scared?
 6 MR GEGELEZA: A bit scared, I was a bit
 7 scared.
 8 MR MPOFU: Was part of the reason that
 9 you were scared, the fact that there were these multitudes
 10 coming in, armed multitudes?
 11 MR GEGELEZA: It is so.
 12 MR MPOFU: Oh, okay. I thought the
 13 numbers do not affect you.
 14 MR BURGER SC: Chair, with respect, like
 15 my learned friend Mr Bizos, I want to ask rhetorically,
 16 what are we busy with? There was a stand-off on the 11th,
 17 two groups had a fight, two people were injured.
 18 MR MPOFU: I object to that interruption,
 19 unnecessary interruption, Chair.
 20 CHAIRPERSON: I think I can see the point
 21 Mr Mpofo is trying to make. I don't think I should say
 22 what it is because it will spoil the effect of his cross-
 23 examination. I think it is relevant to the big issues in
 24 this case. If you want to, I'll tell you at tea-time what
 25 it is, but I don't think I can stop the cross-examination

Page 4308

1 at this point but I'm conscious of the point you're making
 2 and I'm trying to keep things as short as I can but Mr
 3 Mpofo may have a good point, let's see.
 4 MR MPOFU: Thank you, Chair. I'll also
 5 tell my learned friend over tea, Mr Chair, thanks.
 6 CHAIRPERSON: You may receive different
 7 information.
 8 MR BURGER SC: We only have 15 minutes,
 9 Chair.
 10 MR MPOFU: Thank you, Chairperson. We're
 11 wasting time now, definitely, ja. Thank you, thank you, Mr
 12 Burger.
 13 [10:48] MR MPOFU: I've now lost my train of
 14 thought, unfortunately. Anyway, let me just put it to you
 15 to shorten things up, ja. I want to put to you that the
 16 only explanation – or maybe let me ask you a question. Did
 17 you see any guns on that day on the side of the NUM
 18 members?
 19 MR GEGELEZA: I did not see any guns.
 20 MR MPOFU: Do you know now that there
 21 were shots fired by the NUM members?
 22 MR GEGELEZA: I personally do not.
 23 MR MPOFU: Till today?
 24 MR GEGELEZA: Yes.
 25 MR MPOFU: So you still, as you are

Page 4309

1 sitting there now, you're still wondering where the shots
 2 came from?
 3 MR GEGELEZA: It is so.
 4 MR MPOFU: And when - you saw somebody
 5 who was shot near Schagan workshop, correct?
 6 MR GEGELEZA: I saw a person there, I did
 7 not know that he had been shot at.
 8 MR MPOFU: He was injured.
 9 MR GEGELEZA: It looks as though he had
 10 been injured.
 11 MR MPOFU: Apart from the initial act of
 12 bravery of the five members, you decided also to chase the
 13 multitudes.
 14 MR GEGELEZA: Not only the five of us but
 15 together with the others indeed we did chase them.
 16 MR MPOFU: Less than 20?
 17 MR GEGELEZA: Even amongst those, when
 18 they realised the strikers were running away, they joined
 19 us.
 20 MR MPOFU: So are you saying that of the
 21 10 people who had fled earlier, when they saw that these
 22 people are running they came back and joined your chase?
 23 MR GEGELEZA: It is so, they were coming
 24 behind us.
 25 MR MPOFU: Alright. And did – you didn't

Page 4310

1 know that these other people were chasing, is that correct?

2 MR MAHLANGU: I beg your pardon, sir?

3 MR MPOFU: In other words – okay, sorry.

4 There are now three groups. There's the 14 or 15, there's

5 five and then there's the other 10 who have changed their

6 mind.

7 MR GEGELEZA: If I could show you, sir,

8 on – if I could show you on exhibit YY2.2.

9 MR MPOFU: Yes, sir.

10 MR GEGELEZA: Everything led us to meet

11 at street B. I said those that had turned around and us,

12 all came to meet street B and I went through that point

13 that I indicated by the mark. As I said, whilst the

14 strikers were being chased, they were chased down the

15 street, some to go through the main gate and some were

16 going through that opening which I indicated. At that time

17 it wasn't only the five of us.

18 MR MPOFU: Okay, so part of the group

19 went through the gap in the stop nonsense, that's the group

20 that you were part of, the chasing group?

21 MR GEGELEZA: Yes, and the reason was

22 that there were some of the strikers who went through this

23 opening and we were then to push them to go further.

24 MR MPOFU: And you successfully pushed

25 them right up to the stadium, several hundred metres.

Page 4311

1 MR GEGELEZA: It is so.

2 MR MPOFU: Okay. Now the other chasing

3 group carried on, on street B, correct?

4 MR GEGELEZA: That is correct, the others

5 were coming down, chasing them down street B whilst we were

6 coming on the other side. We all met there and chased them

7 into street A.

8 MR MPOFU: Okay, now all the chasers at

9 some stage were in street A?

10 MR GEGELEZA: That is correct.

11 MR MPOFU: And the protesters had also

12 run through the gap and also on street B.

13 MR GEGELEZA: Mr Chairperson, as they

14 were being chased they ran in different directions. There

15 are four buildings there in bluish colour, one, two, three,

16 four. They met at the end of that. Those who were coming

17 from street A and those that had gone through the opening

18 in the stop nonsense came up there and they all met as a

19 group.

20 MR MPOFU: And others might have

21 continued running to street B towards the hospital

22 direction, correct?

23 MR GEGELEZA: A few, very few.

24 MR MPOFU: Right. So while you were

25 chasing, there were some of the protesters that were

Page 4312

1 behind?

2 MR GEGELEZA: I did not see them.

3 MR MPOFU: No. I thought we've just

4 agreed that some of the people did not run like cars and

5 just turn at the T-junction but ran, might have run

6 straight through towards the hospital side.

7 MR GEGELEZA: The people staying in the

8 hostel were standing outside and watching – and watching

9 what was happening. There were many people outside who

10 were observing what was happening.

11 MR MPOFU: No sir, I don't know what,

12 that has anything to do with my question. All I'm asking

13 you, is it possible that when you were running up street A

14 towards the stadium, that some of the protesters were

15 behind?

16 MR TIP SC: Chair, objection to the

17 question. "Behind" is really something that requires

18 proper identification.

19 MR MPOFU: Okay.

20 MR TIP SC: The witness has said that

21 very few people were running towards the hospital. That

22 has now become "they were behind."

23 MR MPOFU: Okay.

24 MR TIP SC: And that requires

25 clarification, with respect.

Page 4313

1 CHAIRPERSON: Yes, yes. I think, Mr Tip

2 – Mr Mpofo, I think Mr Tip is right. The people running to

3 the hospital presumably continued running down street B

4 after the T-junction –

5 MR MPOFU: Yes.

6 CHAIRPERSON: - formed by street A and

7 street B.

8 MR MPOFU: Yes.

9 CHAIRPERSON: So according – so the

10 picture we get is, some of them at the T-junction didn't

11 turn right and go down street A, they continued down street

12 B on the way to the hospital.

13 MR MPOFU: Yes.

14 CHAIRPERSON: But if you're interested in

15 them you can carry on, perhaps – I think this -

16 MR MPOFU: Let me just round off this

17 point, Chair, if I may.

18 MR GEGELEZA: No, they were not behind

19 us.

20 MR MPOFU: The people – let's start with

21 the people who went through the gap. The evidence has been

22 that they ran, once they got into the gap they ran in all

23 directions within the hostel complex. Can you dispute that

24 or did they run in one line?

25 MR GEGELEZA: What they ran, they ran

Page 4314

1 through those buildings and at the last building, the end,
 2 there is an opening there, they went through. That is
 3 where they came together and that is where they joined
 4 street A.
 5 MR MPOFU: Yes. No, I accept that, sir.
 6 All I'm saying is that not all of them – some were hiding
 7 behind, among those buildings in all directions.
 8 MR GEGELEZA: I don't – I went through in
 9 front of the building towards street A, so if there were
 10 people hiding there I did not see them. I only saw those
 11 who were running.
 12 MR MPOFU: Yes, but it's possible that
 13 they were there.
 14 MR GEGELEZA: I can't say whether they
 15 were or not.
 16 MR MPOFU: Thank you, Chair. This is
 17 going to be directed to my next point –
 18 CHAIRPERSON: Well, how long is your next
 19 point going to be?
 20 MR MPOFU: It's not that long, Chair, I
 21 can take it.
 22 CHAIRPERSON: Let's take it and then
 23 enjoy our tea the more.
 24 MR MPOFU: Yes, especially since we have
 25 some duties to perform. Mr Gegeleza, do you – your

Page 4315

1 evidence is that this whole attack on the strikers, and for
 2 now I'm not debating whether it's an attack or a counter-
 3 attack but let's call it – this whole confrontation was
 4 motivated by one thing and one thing only and that was to
 5 protect the NUM office, correct?
 6 MR GEGELEZA: Also our lives.
 7 MR MPOFU: So you were chasing those
 8 people to protect your lives?
 9 MR GEGELEZA: It is so.
 10 MR MPOFU: What, sir, I'm going to argue
 11 at the end of the case and I want to give you a chance to
 12 comment, is that this pursuit of yours for several hundred
 13 metres is not consistent with this desire to protect the
 14 office because you left the office there and there was
 15 nobody in the office. What do you say to that?
 16 MR GEGELEZA: We were protecting the
 17 office because we did not want them to plan another attack
 18 whilst inside the hostel.
 19 MR MPOFU: Sir, if – they could plan
 20 another attack as long as they were not inside the hostel?
 21 MR GEGELEZA: That is why, after some
 22 time, we marched to see what they were planning and where
 23 they were.
 24 MR MPOFU: And so could they not plan
 25 another attack from the koppie, for example?

Page 4316

1 MR GEGELEZA: They could.
 2 MR MPOFU: Chair, I think it is the
 3 appropriate time.
 4 CHAIRPERSON: The Commission will take
 5 the tea adjournment.
 6 [COMMISSION ADJOURNS COMMISSION RESUMES]
 7 [11:30] CHAIRPERSON: The Commission resumes.
 8 You're still under oath. Mr Mpofo, I take it you still
 9 have further questions.
 10 MR MPOFU: I do, Chair, yes thank you.
 11 SAZISO ALBERT GEGELEZA (CONTD):
 12 CROSS-EXAMINATION BY MR MPOFU (CONTD):
 13 Mr Gegeleza, thank you. Before tea we had established that
 14 after the long chase you observed that the strikers went
 15 into the direction of the koppie, is that correct?
 16 MR GEGELEZA: No, it's not so.
 17 MR MPOFU: You did not know which
 18 direction they went to?
 19 MR GEGELEZA: I saw them going towards
 20 the settlement, the shack settlement.
 21 MR MPOFU: Not the direction of the
 22 koppie?
 23 MR GEGELEZA: Not towards the koppie.
 24 CHAIRPERSON: It says in paragraph 30 of
 25 his statement that he later heard that they'd taken

Page 4317

1 occupation of the koppie.
 2 MR MPOFU: 13?
 3 CHAIRPERSON: Paragraph 30, exhibit ZZ2.
 4 I don't know if that's the only passage but that –
 5 MR MPOFU: No, it's not. There is a
 6 place, reference - Thank you, sir, thank you very much.
 7 CHAIRPERSON: And then he also deals with
 8 it in 34 where he said he received a telephone call -
 9 MR MPOFU: Yes.
 10 CHAIRPERSON: - from a friend who
 11 informed him that - this was on the 12th, the following day,
 12 that a large group of people was gathering on the koppie.
 13 MR MPOFU: Yes, yes sir.
 14 MR GEGELEZA: It is so, Mr Chairperson.
 15 MR MPOFU: Okay, but anyway the point is,
 16 wherever they went to they could have planned another
 17 attack, which is what you feared, is that correct?
 18 MR GEGELEZA: Possible.
 19 MR MPOFU: So if that is so, as you've
 20 now conceded, then would you agree with me therefore that
 21 it was illogical to chase them for almost a kilometre and
 22 leave the office vulnerable to an attack?
 23 MR GEGELEZA: There was a reason.
 24 MR MPOFU: You also testified that at the
 25 time when the strikers were approaching, some of them had

Page 4318

1 gone down street B – not B, street C.
 2 MR GEGELEZA: It is so.
 3 MR MPOFU: And you don't know what
 4 happened to those who had gone down street C?
 5 MR GEGELEZA: They came across these
 6 comrades who were in front of the satellite police station.
 7 MR MPOFU: Sir, you don't know what
 8 happened to the people who went down street C?
 9 MR GEGELEZA: What I know is that after
 10 the gunshots were heard, those who were in street C and the
 11 other street all went back.
 12 MR MPOFU: Yes, but since you could not
 13 see there, it's possible that some of them did not run
 14 back, is that correct?
 15 MR GEGELEZA: No, there was no way in
 16 which I could not see them because as they were coming,
 17 they had not been obscured as yet by the satellite police
 18 station.
 19 MR MPOFU: But there were many, according
 20 to what you said yesterday.
 21 MR GEGELEZA: It is so.
 22 MR MPOFU: So your evidence therefore is
 23 that none of the protesters were closer to the NUM office
 24 than the junction between street B and street C.
 25 MR GEGELEZA: It is so, yes.

Page 4319

1 MR MPOFU: And so there's no stage at
 2 which the protesters encircled the NUM office?
 3 MR GEGELEZA: No, at no stage did they
 4 surround.
 5 MR MPOFU: They did not even partially
 6 encircle it?
 7 MR GEGELEZA: It is so.
 8 MR MPOFU: You don't know where Mr Tip
 9 got this idea that the office was encircled?
 10 MR TIP SC: Mr Chair, I object to that.
 11 CHAIRPERSON: I think counsel is quoting
 12 from the exhibit YY3.
 13 MR MPOFU: YY3.
 14 CHAIRPERSON: It's what you are recorded
 15 as having said on the video clip VTS021, it's page 6 of
 16 that, the foot of page 6 of that particular transcript,
 17 continued on page 7. That's what counsel is putting.
 18 Perhaps you could read it quietly and then we can proceed
 19 with your objection if you wish to pursue it.
 20 MR TIP SC: I wish to pursue it. There's
 21 no need for me to read it quietly, I'm well aware of what I
 22 said and I'm well aware of the fact that at the time I made
 23 it absolutely clear that I was not giving evidence, that
 24 was the basis upon which anything was said in that vicinity
 25 –

Page 4320

1 CHAIRPERSON: Yes, yes, I'm sorry.
 2 MR TIP SC: Yes.
 3 CHAIRPERSON: What counsel is putting is,
 4 you were obviously putting what were – something based on
 5 your instructions and his question is based upon the fact
 6 that those were apparently your instructions. So perhaps
 7 he can repeat the question and we can both listen carefully
 8 and see whether it's objectionable in the light of what
 9 I've put to you.
 10 MR MPOFU: Yes, thank you Chairperson.
 11 Mr Gegeleza, you do understand that all of us here this
 12 side of the table were not there on the 11th or any of the
 13 days?
 14 CHAIRPERSON: I don't know if the people
 15 on this side of the table are in the same position, but I
 16 don't know if that helps.
 17 MR MPOFU: I just want to explain to him
 18 –
 19 CHAIRPERSON: I don't know that he was at
 20 the inspection in loco so he doesn't know what was put by
 21 Mr Tip. So what would be helpful would be put to him, read
 22 to him what was put by Mr Tip, then ask the questions you
 23 want to ask and if they're objectionable we will hear from
 24 Mr Tip and I'll have to rule.
 25 MR MPOFU: Okay, Chair. That's fine, I'm

Page 4321

1 happy to do it that way. I just wanted to explain to him
 2 the idea of giving instructions but I'll take your, the
 3 Chair's advice. This is what the NUM representative Mr Tip
 4 said at the inspection in loco. And before I read it out I
 5 want to, in fairness to Mr Tip, to say that on page 8 he
 6 did say that, he said "The gentleman was not here at the
 7 time of the shots and we are not considering this to be
 8 evidence." So that I understand. It's line 7 Chair, of
 9 [inaudible]. Okay, but whether it's evidence or not, this
 10 is what Mr Tip said and I'm now going to read it to you,
 11 that "On the 11th there was a very large march which came
 12 down from the direction of the stadium and came to the NUM
 13 offices and partially encircled it, surrounded it and there
 14 were NUM people who were present and who came out to defend
 15 and disperse the crowd and some shots were fired by NUM
 16 officials."
 17 CHAIRPERSON: Then read on about from
 18 line 6.
 19 MR MPOFU: From line 6? Oh yes. Okay, I
 20 said "and some shots were fired by NUM officials." And
 21 that is, "Perhaps our commentator can just confirm if I
 22 have understood it correctly," and then Mr Daluvuyo Bongo
 23 says, "No, you understand it correctly, it is what we are
 24 saying." Do you understand?
 25 CHAIRPERSON: Then you read on from line

Page 4322

1 9 to –

2 MR MPOFU: To 13, Chair?

3 CHAIRPERSON: Ja.

4 MR MPOFU: Yes.

5 CHAIRPERSON: Or actually it's beyond

6 that, it's 9 to about –

7 MR MPOFU: 16.

8 CHAIRPERSON: To about 16.

9 MR MPOFU: Yes, I'll read that whole

10 excerpt. Then Mr Tip says, "It is." And then Mr, the late

11 Mr Daluvuyo Bongo then says, "Because they came there, when

12 they came here we were in the office, inside the office.

13 We ran outside the office because there were security

14 officers who came to us and said we must run away because

15 these people are coming, they will burn the office and kill

16 us. Then we went out of the office. By the time we went

17 out the office they were already there and then there is

18 this mess-up. It is where we heard the shotgun, the

19 gunshot." And the Chairperson says, "Okay, shots were

20 fired by NUM people." Mr Bongo says, "No, I'm not" – and I

21 suppose he was going to say "I'm not sure." Yes.

22 CHAIRPERSON: You've now put, Mr Mpofo,

23 you've now put what was said at the inspection in loco.

24 MR MPOFU: Yes.

25 CHAIRPERSON: And now it's appropriate –

Page 4323

1 and in fairness to the witness he now understands the

2 context in which the question is being asked.

3 MR MPOFU: Yes.

4 CHAIRPERSON: Now you can proceed and if

5 you proceed objectionably you'll hear from Mr Tip.

6 MR MPOFU: Thank you, Chairperson. I'm

7 indebted to the Chairperson for the guidance. You

8 understand what has been translated to you, sir?

9 MR GEGELEZA: It is so.

10 MR MPOFU: So you understand that – well,

11 firstly let's start with Mr Tip. What I want to propose is

12 that Mr Tip, what Mr Tip puts about the office being

13 encircled and surrounded must have come from somebody. Can

14 we just accept that?

15 MR TIP SC: I object.

16 CHAIRPERSON: The problem is that Mr

17 Bongo then said – sorry, Mr Tip, I'm obviously prepared to

18 hear you out but it's not as simple as that because what Mr

19 Bongo then said after you'd put it and you said, "Perhaps

20 our commentator can just confirm if I've understood it

21 correctly," and Mr Bongo said "No, you understand it

22 correctly, it is what we are saying." So it's a little bit

23 further than what you said but if you still have an

24 objection in the light of that –

25 MR TIP SC: Yes, I do.

Page 4324

1 CHAIRPERSON: I'd be happy to listen to

2 you.

3 MR TIP SC: Yes. I'd like to complete

4 the objection and get a ruling on it. Mr Chairperson, what

5 was happening at that inspection and it is clearly apparent

6 from YY3, is that it was more than once made clear inter

7 alia, with respect, by yourself as the Chairperson and the

8 person conducting the affairs there, that this was not an

9 evidence gathering matter, it was to point out spots and in

10 that context I had heard – with great difficulty because I

11 was at the back of the throng and I happened to be able to

12 make my way forward a little and heard something being said

13 about the 12th and in that context I said, has something

14 been said about the 11th, and I was informed that there

15 wasn't. And I then gave a broad description so that there

16 would be a context and I used the language, more than once,

17 that what I was doing was to give a broad context of what

18 was happening. You will see that at page, numbered page 6

19 of YY3 at the top, Chairperson, you addressed me because

20 I've now raised the fact that there was an incident on the

21 11th. You say, "Something else happened at the NUM office

22 on the 11th." I say, "On the 11th." You say, "On the 11th."

23 I say "That is correct, yes." "Now maybe, maybe – now

24 remember you are not giving evidence now, that will come

25 later but you were asked to point out spots now and

Page 4325

1 identify them. Are there any spots that you want him here,

2 you want him to point out?" I then observe that that

3 witness, as I understood it at the time, was not

4 continuously there and I then proceed to give a broad

5 outline so that the Commission was informed that, as a

6 matter of pointing out, at this NUM office there had been

7 an incident which had given rise to some shots being fired

8 by NUM members.

9 Now, for that to be translated into an assumption

10 that I had at that stage obtained full instructions on what

11 had taken place in that vicinity, is an assumption which I

12 do not accept and if I have to give evidence about the

13 level of my instructions as at the 2nd of October 2012 then

14 I will make that clear. But when I am told, as I was, that

15 I was not giving evidence, then I proceeded to speak on the

16 assumption that we were pointing out spots. The

17 representatives from AMCU then took up the baton, as it

18 were, and said well, that is where one person died and that

19 is where another person died. And again it was a matter

20 that that is a pointing out and it is not evidence and if

21 people want to describe what took place, they will give

22 evidence.

23 I am now confronted with a situation where, quite

24 unfortunately, with respect, my version is being put as

25 though I have given evidence in these proceedings or have

1 filed a statement in these proceedings on the basis of
2 which this witness can be asked to comment on where I might
3 have obtained that view and he has just put – and this is
4 the crux of the objection – he has just put that it was
5 assumed that I had full instructions. And that is the
6 basis of the objection, I object to this line of enquiry
7 entirely.

8 CHAIRPERSON: Mr Mpofo, what do you say
9 about Mr Tip's objection?

10 [11:50] MR MPOFU: Well, Chairperson, with the
11 greatest respect, I don't understand the objection. I have
12 never – and if I did, I apologise – suggested that Mr Tip
13 made statements or gave evidence or anything of the sort.
14 All I'm suggesting, Chair, is that Mr Tip, like me, when he
15 puts a proposal about something that has happened, must
16 have got it from somebody. I do accept, without
17 reservation, that at that stage – and the Chair said this
18 repeatedly during the inspection – that this is not
19 evidence in the true sense of the word but surely,
20 Chairperson, I must be entitled to assume that a legal
21 representative of one of the parties who puts something
22 and, as the Chairperson pointed out, is now confirmed by an
23 eye witness on the spot, that it's not just a simple matter
24 of just a legal representative, whatever qualifications he
25 might have put, but that this statement has now actually

1 been confirmed by some – an eye witness who unfortunately
2 is no longer with us. Then the very minimum that I must be
3 entitled to, Chair, is that somebody must have said this to
4 Mr Tip. He didn't just wake up one day and think the
5 office was encircled and surrounded.

6 CHAIRPERSON: Do you wish to reply?

7 MR TIP SC: No thank you, Mr Chair.

8 CHAIRPERSON: I don't think that, in the
9 light particularly of what Mr Tip had said, appearing at
10 the time of the inspection, that he – it was a broad
11 outline, he didn't have full instructions, you should rely
12 upon what he said, but inasmuch as the admission appears to
13 be made – it's true, people were told this isn't evidence
14 but it doesn't matter, if an admission was made on the
15 scene by a witness, admittedly who's now deceased but the
16 strict rules of evidence don't apply at a Commission – an
17 admission made by a witness which happened to be recorded
18 at the inspection, would, can appropriately be put as
19 evidence of an admission made by the same person away from
20 the inspection somewhere else on another occasion. So I'll
21 allow you to put the question in relation to what Mr Bongo
22 said but I don't think we can take it any further on the
23 basis of what Mr Tip said because, to be fair to him, he
24 did say, both on page 7 and on page 8, that he didn't have
25 precise instructions and so forth and it wouldn't be fair

1 to him if you were to put it on that basis but put it on
2 the basis of what Mr Bongo said. The fact that he said it
3 at an inspection doesn't make, differ – doesn't make it in
4 any way different from whether he said it on some other –

5 MR MPOFU: I understand, Chairperson, I
6 understand. Thank you, Chairperson, I think that's an
7 elegant solution. Mr Gegeleza –

8 CHAIRPERSON: Sorry, there's one further
9 point. I'm reminded of the fact that Mr Tip also did say
10 that – page 6, "This witness, I think" – this is line 11 –
11 "This witness, I think, was not continuously here during
12 the event." So I think that should be put as well, that it
13 was said, Mr Bongo said something but it was said that he
14 wasn't continuously there. I think if the full totality of
15 that is put to the witness, the questions won't be unfair
16 and you can carry on.

17 MR MPOFU: Yes. Thank you, Chairperson,
18 I think that's a useful way of dealing with it and I want
19 to put it on the record, Chair, that this is not any
20 aspersion against Mr Tip. I know Mr Tip very well. All
21 I'm putting emphatically is that – and I'll only confine it
22 now to Mr Bongo as the Chair has suggested. Mr Gegeleza,
23 at the inspection in loco as you've heard the debate now,
24 Mr Bongo confirmed that the NUM office were partially
25 encircled and surrounded.

1 MR GEGELEZA: If it only could be made
2 clear on what day did you say this happened.

3 MR MPOFU: No, I'm sorry.

4 CHAIRPERSON: Let's give him the
5 information he wants. This was said at an inspection in
6 loco on the 2nd of October last year in the vicinity of the
7 NUM office and what –

8 MR GEGELEZA: The question was, Mr
9 Chairperson –

10 CHAIRPERSON: I want to finish. Mr Bongo
11 said it on the 2nd of October last year in the vicinity of
12 the NUM office at an inspection in loco. He was talking
13 about what had allegedly happened on the 11th of August.

14 MR GEGELEZA: Nobody, Mr Chairperson,
15 encircled the office on the 11th. May I also mention, Mr
16 Chairperson, that at the time of this confrontation Mr
17 Daluvuyo Bongo was not there. He had taken his vehicle to
18 Brits.

19 MR MPOFU: Oh, so there's a group – the
20 other group was even minus Mr Bongo, it was even smaller
21 than my estimation?

22 MR GEGELEZA: At that time he wasn't
23 there, he had taken his vehicle. He only arrived later
24 when we were chasing the strikers already.

25 MR MPOFU: Okay. In any event, when you

Page 4330

1 came back to the office was the whole situation and
 2 confrontation discussed? There was a kind of debriefing.
 3 MR GEGELEZA: It is so.
 4 MR MPOFU: And the details of what had
 5 happened and who ran where were discussed in that meeting?
 6 MR GEGELEZA: With us it was just the
 7 happiness about defeating the people who had come to attack
 8 us, that was the main discussion.
 9 MR MPOFU: Okay. Well, apart from the
 10 happiness, did you discuss the event itself?
 11 MR GEGELEZA: We did not speak about the
 12 event. What happened is, the branch chairperson then said
 13 he would go to management to go and ask for permission to
 14 go and hold a mass meeting about what had just transpired.
 15 He then left together, accompanied by other members of the
 16 branch. We, the stewards, then remained in the office and
 17 had ordinary discussions.
 18 MR MPOFU: And you also said that since
 19 that time you and the other – I don't want to call them
 20 attackers – the other NUM members involved in this, were
 21 kept at a place of safety, is that correct?
 22 MR TIP SC: Objection. It must be put
 23 accurately. The evidence was that there was a decision
 24 taken on the 12th of August 2012 that, for their own safety,
 25 NUM shop stewards across Lonmin would be removed from the

Page 4331

1 premises and given places of safety. It was not confined
 2 to the persons who were in the office on the 11th of August
 3 2012 and I'd appeal for the questions to be put with
 4 accuracy.
 5 CHAIRPERSON: That sounds like
 6 [inaudible].
 7 MR MPOFU: Okay. Some of the people who
 8 were part of your group of less than 20 were shop stewards,
 9 correct, NUM shop stewards?
 10 MR GEGELEZA: Yes.
 11 MR MPOFU: Were those shop stewards part
 12 of the group that was taken to a place of safety after the
 13 12th?
 14 MR GEGELEZA: It is so.
 15 MR MPOFU: And you said - how long have
 16 you been at the place of safety? Are you still there now?
 17 MR GEGELEZA: We are staying there, yes,
 18 even now.
 19 MR MPOFU: So in a space of about six
 20 months surely you must have discussed the events of the 11th
 21 with those people, apart from the meeting you had on the
 22 day?
 23 MR GEGELEZA: What happened is our
 24 branch, together with other branches, would from time to
 25 time go to speak to the strikers' representatives and many

Page 4332

1 of us would go to work as usual and then come back.
 2 MR MAHLANGU: I'm sorry, Chairperson, he
 3 says – I'm saying our branch would meet other branches.
 4 They would go and discuss about wages and they would also
 5 go and talk to the people representing the strikers and
 6 then we will go to our places of work as usual.
 7 MR MPOFU: I'm sorry, maybe you didn't
 8 understand the question and it might be my fault. What I'm
 9 saying to you, Mr Gegeleza, is that even if one were to
 10 accept that on that, on the 11th you only discussed
 11 happiness and you did not talk about the incident – which
 12 is unlikely, in my view – the fact that you have spent the
 13 past six months in the company of those people you call
 14 part of your group, I don't want to colour it –
 15 CHAIRPERSON: Sorry, Mr Mpofo, he didn't
 16 say that. He didn't say they were all in one place of
 17 safety. He said they were in places of safety. You
 18 haven't established that he and his colleagues who have
 19 left the premises and moved to safety are all under the same
 20 roof and have regular discussions after dinner every night
 21 about what happened. I think that kind of foundation
 22 should be laid, if it can be laid, before you can proceed
 23 with this questioning.
 24 MR MPOFU: Thank you, Chair.
 25 MR GEGELEZA: We are all at the same

Page 4333

1 place.
 2 MR MPOFU: Thank you. Yes, thank you.
 3 Now that that's behind us, the proposition I was putting to
 4 you was this, even if you didn't discuss it on that day,
 5 you have now had an opportunity for six months staying with
 6 the same people who were part of the attack, to have
 7 discussed it in some kind of detail, surely. What do you
 8 say to that?
 9 MR GEGELEZA: No, we just do our work as
 10 we do our job in the different structures of the NUM. We
 11 did not meet to discuss the events of the day in question.
 12 MR MPOFU: And you yourself have never
 13 asked these other gentlemen where the shots came from?
 14 MR GEGELEZA: No, I did not do that.
 15 MR MPOFU: And you, sitting there, you
 16 still don't know where the guns came from?
 17 MR GEGELEZA: It is so.
 18 CHAIRPERSON: You say "guns," it's not
 19 clear – it's not perhaps necessarily in the plural. It
 20 might just have been one. There may have been one, there
 21 may have been more but we don't know.
 22 MR MPOFU: Well – okay, let me put it
 23 this way. You don't where the shots emanated from?
 24 MR GEGELEZA: It is so.
 25 MR MPOFU: So as far as you know the

Page 4334

1 shots might even have been coming from the protesters.
 2 MR GEGELEZA: I would not be able to say
 3 so. I really do not know where the shots came from.
 4 MR MPOFU: Yes, no, I accept that but I'm
 5 saying therefore it is possible that the shots might even
 6 have come from the protesters.
 7 MR GEGELEZA: I only heard the shots.
 8 Where they came from, from which direction I am not – up to
 9 today I do not know.
 10 MR MPOFU: Mr Gegeleza, do you seriously
 11 want the Commission to believe that you were chasing these
 12 thousands of people who might have been shoot –
 13 CHAIRPERSON: He doesn't say there were
 14 thousands. He doesn't know the number, you remember? He
 15 said it was a large group. You put the numbers to him that
 16 were given in the statements of the security guards, 2 000
 17 says the one, 3 000 says the other one. So he doesn't know
 18 if that's right, all he knows is it was a lot of people.
 19 So you can't put that it was thousands, certainly on the
 20 basis of what he says.
 21 MR MPOFU: Yes. Okay, I was abbreviating
 22 what happened in the morning but I'll go through it again.
 23 The crowd of people which was estimated by two observers –
 24 CHAIRPERSON: He doesn't know whether
 25 that estimation is correct –

Page 4335

1 MR MPOFU: Ja, I'm not saying it's
 2 correct either –
 3 CHAIRPERSON: He says it was a large
 4 group. All you need is a large group, for your question.
 5 Let's not get involved in side issues that don't help us –
 6 MR MPOFU: Mr Gegeleza, you're saying
 7 that you were chasing this large group of people in a
 8 situation where it was possible, according to your
 9 evidence, that they were armed with guns and your group of
 10 five or 15 or whatever, was not armed with guns?
 11 MR GEGELEZA: We did chase the people,
 12 that is true, but whether one or the other had a gun, I
 13 have no idea.
 14 MR MPOFU: What are the names of the
 15 people who remained and did not flee when the others, more
 16 than 10, left - in other words of the less than 20 people.
 17 [12:10] MR GEGELEZA: I don't remember their
 18 names.
 19 MR MPOFU: All of them?
 20 MR GEGELEZA: What I need to do is,
 21 possibly to go and sit with them and ask them.
 22 MR MPOFU: Ask them what, their names?
 23 MR GEGELEZA: No, just to remind myself
 24 who was it of those who did not run away.
 25 MR MPOFU: What were the names of those

Page 4336

1 who ran away?
 2 MR GEGELEZA: I don't remember their
 3 names, all of them, but there are some that I remember.
 4 MR MPOFU: What are the names of the five
 5 who were with you on street B?
 6 MR GEGELEZA: You know the reference to
 7 names of people, that is not contained in my statement. I
 8 don't know, Mr Chairperson, how much that might endanger
 9 the safety of that person.
 10 MR MPOFU: Okay, fair enough. Now you've
 11 – those are two different things. Do you know the names of
 12 these people I've asked you about and do not wish to
 13 imperil their safety or, as you said earlier, you do not
 14 remember them, you have to meet with them or whatever you
 15 said?
 16 MR GEGELEZA: These are shop stewards
 17 with whom I worked and I know them.
 18 MR MPOFU: Have you been questioned in
 19 connection with an attempted murder case?
 20 MR GEGELEZA: It is so.
 21 MR MPOFU: Have you appeared in court?
 22 MR GEGELEZA: Since my birth I've never
 23 been before court.
 24 MR MPOFU: Okay. Do you know if anybody,
 25 any of these people that you don't want to name, have

Page 4337

1 appeared before the court in connection with an attempted
 2 murder case?
 3 MR TIP SC: I object to that, Mr Chair.
 4 What is the relevance of pursuing this kind of enquiry in
 5 the context of this Commission? There is a particular
 6 concern in this Commission which is, inter alia, that Mr
 7 Bongo was assassinated three days after the pointing out on
 8 2 October 2012. It has come up for discussion previously
 9 and if there is a basis upon which Mr Mpofo is pursuing the
 10 question of names and the like, then he must deal with the
 11 issue of safety squarely. What happened –
 12 CHAIRPERSON: Before you continue can I
 13 ask you a question? The two dockets we've got, if they're
 14 complete dockets – I'm not sure they are but if they are
 15 complete dockets, the important point is that there's no
 16 accused's name there, there is no mention anywhere in the
 17 investigation diary of a suspect having been identified.
 18 So as far as I can see – but on the information before us,
 19 the persons responsible haven't been identified by the
 20 police who are investigating the case, in which case it's a
 21 line that's probably going to get Mr Mpofo nowhere, but I'm
 22 also alive to the point that if, in fact, there's more to
 23 it than appears from the dockets before us, then the
 24 concerns that you've raised are relevant. But let's see
 25 what Mr Mpofo says about that, unless you want to add

1 something first before he takes – before he replies.
 2 MR TIP SC: Yes, I just want to add that
 3 we – or perhaps the interpreter should just, what I wanted
 4 to add –
 5 CHAIRPERSON: Perhaps I should say, my
 6 attention is drawn to the fact that one person is mentioned
 7 as a suspect in one of the dockets, but it's not suggested
 8 he's an accused, it's not suggested he was warned or
 9 anything of that kind which normally happens if it's
 10 accepted that a case against someone should be taken
 11 further, he should actually be prosecuted. So I did put
 12 that incorrectly but there may be more to it, as I said,
 13 than what we can see from the docket but please continue
 14 what you were going to say and then Mr Mpofu can reply.
 15 MR TIP SC: What I wanted to add, Mr
 16 Chair, was that NUM placed these two dockets before the
 17 Commission in the course of the evidence of Mr Gcilitshana
 18 in order to establish the extent of the enquiries that NUM
 19 had made in relation particularly not to the fact of there
 20 being those dockets, but there being the absence of dockets
 21 relating to fatalities. That was really the thrust of it.
 22 If Mr Mpofu can give an assurance that none of the
 23 questions which he is now intending to pursue are
 24 calculated to seek from this witness some information about
 25 names, which may compromise their safety, then I withdraw

1 any complaint about what he was doing, save that how an
 2 examination of what has taken place in respect of the
 3 criminal investigation of this witness can assist the
 4 Commission is obscure to me.
 5 MR MPOFU: Chairperson, maybe just to
 6 short-circuit this. I thought I had made it clear that
 7 what they talked about, safety of people, I accepted that
 8 immediately and I asked him whether that was the only
 9 reason or was it also because he would need to meet with
 10 them, and I didn't pursue the issue of names. What I'm
 11 doing now – so the assurance I'm giving that Mr Tip seeks,
 12 unreservedly, as far as the names issue is concerned. But
 13 apropos the objection, two points, Chair. One is that – I
 14 forgot to explain this to the witness – I represent the
 15 injured, as everybody knows. Some of those injured include
 16 the people who were injured on the 11th. Now, as far as the
 17 – and in fact we intend, I informed Mr Tip this morning to
 18 call one of them, one of the ones who got injured on the
 19 11th in particular –
 20 CHAIRPERSON: In other words, what you're
 21 saying is the two complainants in these two cases, the
 22 dockets of which are XX5 and XX6, those two complainants
 23 are both among your clients.
 24 MR MPOFU: That's correct, Mr Chair.
 25 CHAIRPERSON: Not number 1? Can I ask

1 you – it can't be a secret – which of the two do you
 2 propose calling?
 3 MR MPOFU: Mr Mabuyakhulu.
 4 CHAIRPERSON: Mister?
 5 MR MPOFU: Mabuyakhulu. That's one of
 6 the ones that were shot at the back.
 7 CHAIRPERSON: He is the one who is in
 8 XX6?
 9 MR MPOFU: Yes, the one who – where the
 10 bullet was not found.
 11 CHAIRPERSON: Well – yes, sorry, carry
 12 on.
 13 MR MPOFU: Chairperson, that's number 1.
 14 Number 2, as far as the issue of relevance is concerned
 15 clearly –
 16 CHAIRPERSON: That wasn't the question.
 17 Your question to which objection was taken was, did anybody
 18 appear in court as an accused –
 19 MR MPOFU: Yes.
 20 CHAIRPERSON: In connection with either
 21 of these two attempted murder cases.
 22 MR MPOFU: Yes, correct.
 23 CHAIRPERSON: Now, what is the relevance
 24 of that? The point taken by, or made – whether correctly
 25 or not is another matter – the point raised by Mr Tip is

1 that that information isn't going to help us one way or
 2 t'other to answer the questions that the President has
 3 posed for our answer under the terms of reference. That's
 4 his point really. Now what do you say about that?
 5 MR MPOFU: Yes, that's the one I'm
 6 addressing, Chair. Number 2, relevance. If, Chairperson,
 7 you accept that I represent these people and they, like the
 8 President or anybody else, would like to find out the truth
 9 about the circumstances under which they or their loved
 10 ones sustained some severe injuries, as the evidence will
 11 show, Chair, then one of the ways in which the questions
 12 around their injuries could or might be answered is either
 13 through this process or a criminal case or any other, any
 14 other process. So if their impression is that the people
 15 who shot their loved ones or themselves – in this case
 16 themselves as victims – have not been called to account in
 17 terms of the law, surely that is one of the relevant issues
 18 insofar as this Commission, in the preamble, is meant to
 19 determine the events that led to, inter alia, the injuries
 20 – the injured people, let's call it that. Then surely
 21 those injured people, insofar as they are parties to this
 22 Commission, are entitled to know whether or not their case
 23 is being pursued with any vigour or at all –
 24 CHAIRPERSON: Mr Mpofu, can I put a point
 25 to you?

<p style="text-align: right;">Page 4342</p> <p>1 MR MPOFU: Yes.</p> <p>2 CHAIRPERSON: Whether someone has</p> <p>3 appeared in court as an accused in respect of either of</p> <p>4 these two charges of attempted murder, is a fact that we</p> <p>5 can ascertain objectively by enquiring from the police. We</p> <p>6 don't have to spend time asking this witness about whether</p> <p>7 he's been to court, whether he knows anybody who's been</p> <p>8 charged or anything of that kind. If that's all you want</p> <p>9 to know, has anyone been charged with this, that we can</p> <p>10 find out without asking this witness –</p> <p>11 MR MPOFU: Well, Chair, no –</p> <p>12 CHAIRPERSON: - wasting time on that.</p> <p>13 MR MPOFU: I'm sorry, Chair – well, it</p> <p>14 might be a waste of time for some, Chair, but for the</p> <p>15 injured people it's not. The third issue that I wanted to</p> <p>16 raise, Chair, is that in this docket which has now been</p> <p>17 pointed out, what it says on XX5 is that the suspect here</p> <p>18 in this particular attempted murder case is Mr Brown and</p> <p>19 his other seven NUM members – I'm sorry, Mr Tip, it's XX5,</p> <p>20 the last two pages, the second – the last batch.</p> <p>21 CHAIRPERSON: 35 of the investigation</p> <p>22 diary.</p> <p>23 MR MPOFU: 35 of that, thank you. And it</p> <p>24 says –</p> <p>25 CHAIRPERSON: Sorry, that's the note in</p>	<p style="text-align: right;">Page 4344</p> <p>1 doesn't know whom the colonel, Colonel Mokwena, suspected</p> <p>2 on the 12th of August. Whether there's been any</p> <p>3 investigation thereafter, whether Colonel Mokwena's</p> <p>4 suspicions are shown to have any basis at all is something</p> <p>5 we don't know and he certainly can't help us on that, can</p> <p>6 he?</p> <p>7 MR MPOFU: Okay, Chair. My last</p> <p>8 submission. Number 8 of that same 7, same page, it says</p> <p>9 there, the Colonel says "Mr Julius as well as Brown should</p> <p>10 be thoroughly interrogated to clear as to who was part of</p> <p>11 the people who" –</p> <p>12 CHAIRPERSON: This witness isn't Mr</p> <p>13 Brown.</p> <p>14 MR MPOFU: [inaudible]</p> <p>15 CHAIRPERSON: This witness isn't Mr</p> <p>16 Brown.</p> <p>17 MR MPOFU: He might be one of the seven.</p> <p>18 CHAIRPERSON: Or he might not be but</p> <p>19 anyway, he says he hasn't been interrogated.</p> <p>20 MR MPOFU: Anyway, that's fine, Chair –</p> <p>21 okay.</p> <p>22 CHAIRPERSON: The Colonel said – and Mr</p> <p>23 Julius is, I think, one of the security people and that,</p> <p>24 Motlogeloa whose statement is exhibit ZZ4 and he may – he</p> <p>25 apparently is going to come and give evidence. So the</p>
<p style="text-align: right;">Page 4343</p> <p>1 the colonel's handwriting in the investigation diary and as</p> <p>2 far as I can see, that's the note dated the 12th of August.</p> <p>3 MR MPOFU: That's correct, Chair.</p> <p>4 CHAIRPERSON: The person appears to have</p> <p>5 thought that the person you mentioned was a suspect, others</p> <p>6 were – whether there was further investigation thereafter,</p> <p>7 we do not know but the point is if the people affected want</p> <p>8 to know what happened or is going to happen, that</p> <p>9 information can be obtained, not by asking this witness but</p> <p>10 by finding out from the police. I don't see any purpose in</p> <p>11 asking this witness these questions. If this information</p> <p>12 is important for us it can be obtained far more easily than</p> <p>13 by wasting time asking this witness.</p> <p>14 MR MPOFU: Chairperson, the last thing –</p> <p>15 I accept that, Chair.</p> <p>16 CHAIRPERSON: Alright, okay. Shall we</p> <p>17 move on?</p> <p>18 MR MPOFU: What I'm saying is that when</p> <p>19 here they talk about seven NUM members, this witness may or</p> <p>20 may not be one of those seven members. Surely I must be</p> <p>21 entitled, Chair – if this witness was there and it is said</p> <p>22 here that there are seven suspects, eight suspects actually</p> <p>23 –</p> <p>24 CHAIRPERSON: Does he know? He says he's</p> <p>25 never been interrogated by the police about this. He</p>	<p style="text-align: right;">Page 4345</p> <p>1 relevance of this line of questioning, if you were to ask</p> <p>2 Mr Julius about it, can be debated then but we don't have</p> <p>3 to debate it now with this witness.</p> <p>4 MR MPOFU: Okay, that's fine, Chair.</p> <p>5 CHAIRPERSON: Commissioner Hemraj says</p> <p>6 that I was incorrect in saying that he said he hadn't been</p> <p>7 interrogated.</p> <p>8 MR MPOFU: Yes, Chair.</p> <p>9 CHAIRPERSON: He did say he'd never</p> <p>10 appeared in court.</p> <p>11 COMMISSIONER HEMRAJ: Yes.</p> <p>12 MR MPOFU: Yes, he said he was</p> <p>13 interrogated, Chair.</p> <p>14 CHAIRPERSON: Alright, then I'm</p> <p>15 correcting a mistake that I made, but anyway I understood</p> <p>16 you to say you were going to move on to another point. Did</p> <p>17 I understand you correctly?</p> <p>18 MR MPOFU: Chair, I don't - we've</p> <p>19 already, I don't – we've spent enough time on this. I</p> <p>20 think the point is made. All I wanted to establish is that</p> <p>21 this witness is possibly one of the seven people and if he</p> <p>22 has not been pursued, as it were, that is something that my</p> <p>23 clients have an interest in, if this case has just been</p> <p>24 left to rot, as it were –</p> <p>25 CHAIRPERSON: Well, we don't know, we</p>

Page 4346

1 don't know that.

2 MR MPOFU: That's the line. I'm just

3 saying the relevance, I don't know it either.

4 CHAIRPERSON: He doesn't know whether the

5 case has been left to rot, does he, so what's the point of

6 asking him? There's something else I wish to point out

7 before we move on and that is Mr Brown, maybe that's the –

8 actually the name of Mr Setelele, he's given evidence, has

9 he not? And he was never asked about these things. No

10 suggestions of the kind that you're now making in relation

11 to him were made to him when he was in the witness box to

12 answer them. So that's another – so in fairness it should

13 be pointed out that when he gave his evidence no suggestion

14 of that kind was ever addressed to him and –

15 MR MPOFU: Ja. Well –

16 CHAIRPERSON: Let that be on record and

17 that those persons who are present hearing the debate

18 between us should be, are aware of that fact.

19 MR MPOFU: Yes.

20 CHAIRPERSON: Let's move on to the next

21 point.

22 MR MPOFU: Thank you, Chair, but the

23 record should also show that I was asking him in respect of

24 the other seven, not Mr Brown, but be that as it may. Were

25 you aware of the – I'm sorry if actually you've have

Page 4347

1 answered this, something tells me you might have – were you

2 aware of the advice of the security personnel at Lonmin

3 that your group should all vacate the offices?

4 CHAIRPERSON: He did say that. In fact

5 you'll find that in paragraph, round about 16 in his

6 statement.

7 MR MPOFU: Yes, that's probably where,

8 Chair.

9 CHAIRPERSON: That point's been covered.

10 MR MPOFU: Yes, okay Chair.

11 CHAIRPERSON: So perhaps you can cover

12 another one.

13 MR MPOFU: Yes. You've testified that

14 one of the reasons that you – okay no, let's start with

15 this. The weapons that were in the office, according to

16 your understanding, had been confiscated from strikers, is

17 that correct?

18 MR GEGELEZA: That's how I was told, yes.

19 MR MPOFU: Do you know from subsequent

20 discussions whether or not there was any violence

21 associated with that confiscation?

22 MR GEGELEZA: I did not hear anything

23 pertaining to that.

24 MR MPOFU: Okay, so it's possible that

25 these people just happily and voluntarily handed them over.

Page 4348

1 CHAIRPERSON: Possible but not very

2 likely.

3 MR MPOFU: Thank you, Chair. My point

4 exactly, thank you.

5 MR GEGELEZA: I don't know, I wasn't

6 there.

7 MR MPOFU: Okay, I'll leave it at that.

8 I think General Mpembe can learn a lot from NUM about the

9 handing over of weapons.

10 [12:30] CHAIRPERSON: Mr Mpfu –

11 MR MPOFU: Yes, Chair?

12 CHAIRPERSON: You make remarks like that,

13 people will – you're setting a bad example and some of your

14 younger colleagues may follow and I don't want them to

15 encourage them to do that. Have you finished your cross-

16 examination?

17 MR MPOFU: No.

18 CHAIRPERSON: Carry on then.

19 MR MPOFU: Chair, and my apologies to the

20 younger colleagues.

21 CHAIRPERSON: And to the older ones.

22 MR MPOFU: No, the older ones can look

23 after themselves. Chairperson, I would like to ask the –

24 I've asked Ms Pillay to find one of the videos, a short one

25 – I think it's X3, Ms Pillay.

Page 4349

1 CHAIRPERSON: Mr Tip, do we know what it

2 is? Does it have to have –d does it need an exhibit number

3 or –

4 MS PILLAY: Chair, as I understand it,

5 it's X3, and the clip that was shown yesterday and before

6 that as well.

7 CHAIRPERSON: I see, fine. I think to be

8 fair, I don't think this witness saw it, did he?

9 MS PILLAY: He did –

10 CHAIRPERSON: Then what –

11 MR MPOFU: It was played for him by Mr

12 Tip.

13 CHAIRPERSON: I see. Alright, okay, well

14 carry on.

15 [VIDEO IS SHOWN]

16 MR MPOFU: We are apparently in the wrong

17 place.

18 CHAIRPERSON: That was – you showed X3.

19 MS PILLAY: I think Mr Mpfu's probably

20 referring to X1 then, Chair.

21 CHAIRPERSON: Alright let's have a look

22 at X1 and let's hope that that's the one you want.

23 MR MPOFU: It's quite short, thanks.

24 [VIDEO IS SHOWN]

25 MR MPOFU: And if I can – can I indicate

Page 4350

1 when you can pause after?
 2 CHAIRPERSON: It'll be helpful to pause
 3 at some stage so we can count the number of people –
 4 MR MPOFU: Yes, I thought of that. Can
 5 you pause – now there's a tree. No, just ahead of that a
 6 little bit, yes.
 7 CHAIRPERSON: We don't have to count them
 8 while we're sitting, someone can count them during the
 9 lunch adjournment.
 10 MR MPOFU: Yes.
 11 CHAIRPERSON: And the parties can agree.
 12 I mean anyway, let's carry on.
 13 MR MPOFU: Let's carry on, Chair.
 14 [VIDEO IS SHOWN]
 15 MR MPOFU: Can you pause? Mr Gegeleza,
 16 can you see the part that has been paused?
 17 MR GEGELEZA: I see it, yes.
 18 MR MPOFU: I just want to assist the
 19 Commission by pointing out that, or rather asking you
 20 whether in front of that tree, is that where the gap is
 21 visible, the gap in the stop nonsense?
 22 MR GEGELEZA: That is the place, yes.
 23 MR MPOFU: And just for clarity's sake,
 24 the – alright, can you just play on a little bit?
 25 [VIDEO IS SHOWN]

Page 4351

1 MR MPOFU: Right. That, is that place
 2 where you saw another street perpendicular to the one where
 3 they were marching, leading us to street C?
 4 MR GEGELEZA: It is so.
 5 MR MPOFU: Were you part of that group?
 6 MR GEGELEZA: It is correct.
 7 MR MPOFU: Would it be fair to say that
 8 you were singing happily?
 9 MR GEGELEZA: Every day [inaudible] is if
 10 you sing union songs.
 11 MR MPOFU: Where were you coming from?
 12 MR GEGELEZA: We were returning from
 13 where we had been chasing the strikers.
 14 MR MPOFU: You remember that you marched
 15 again at about one o'clock towards the Wonderkop Stadium?
 16 MR GEGELEZA: It is correct.
 17 MR MPOFU: So this is not that return?
 18 MR GEGELEZA: No, this is not. This is
 19 the one when we were returning from chasing the strikers.
 20 MR MPOFU: Now, is this – is it this,
 21 during this march that you saw the injured person?
 22 MR GEGELEZA: No, I saw him during the
 23 chase, during the chase of the strikers. When we came back
 24 I did not see him.
 25 MR MPOFU: Okay, I asked this question

Page 4352

1 differently from Mr Gcilitshana but have you ever taken any
 2 interest as to who that person was and whatever happened to
 3 him?
 4 MR GEGELEZA: I would not have had any
 5 interest in a person who had come to attack me.
 6 MR MPOFU: So you know the gentleman?
 7 Did he come to attack you?
 8 MR GEGELEZA: He was together with the
 9 strikers.
 10 MR MPOFU: When did you see him with the
 11 strikers?
 12 MR GEGELEZA: I saw him there next to
 13 Schagan. They were surrounding him and when we approached
 14 them they left him there. He was trying to creep under the
 15 fence to go into the Schagan premises.
 16 MR MPOFU: Well, for what it's worth, I
 17 don't know if you do, whether you are interested or not but
 18 the gentleman will come and give evidence that he was
 19 indeed, he received a shot from the back and it protruded
 20 through his stomach, which is even currently bulging and
 21 bloated and you can almost see his intestines.
 22 MR GEGELEZA: I have no idea. The only
 23 thing I can say, I heard shots but who was shot and by
 24 whom, I don't know.
 25 MR MPOFU: Okay. Anyway, were you aware

Page 4353

1 of the rumour that was doing the rounds thereafter that two
 2 people had been killed?
 3 MR GEGELEZA: I heard it from the
 4 strikers when they spoke to the reporters. This was on the
 5 koppie.
 6 MR MPOFU: Sorry, this would be the
 7 period between the 11th and the 16th?
 8 MR GEGELEZA: It is correct.
 9 MR MPOFU: Finally, when you had this
 10 encounter with the protesters did you ever get an
 11 impression that they thought that the bullets would not
 12 injure them or affect them?
 13 MR GEGELEZA: It never appeared to me
 14 like that. I don't know much about bullets, I only heard
 15 the shots, the gunshots.
 16 MR MPOFU: In fact it is correct, is it
 17 not, that as soon as they heard those gunshots they ran for
 18 their lives?
 19 MR GEGELEZA: It is so.
 20 MR MPOFU: Thank you, Chairperson, I have
 21 nothing further.
 22 CHAIRPERSON: Ms Barnes – sorry, Ms
 23 Lewis, are you going to cross-examine on behalf of the
 24 families?
 25 MS LEWIS: Mr Chair, no, no questions on

Page 4354

1 behalf of the families.
 2 CHAIRPERSON: Thank you. Mr Burger, do
 3 you wish to cross-examine?
 4 MR BURGER SC: We have no questions to
 5 the witness, Mr Chair.
 6 CROSS-EXAMINATION BY MR SEMENYA SC:
 7 Thank you, Chair, I do. Mr Gegeleza, you are Pondo, am I
 8 right?
 9 MR GEGELEZA: It is correct.
 10 MR SEMENYA SC: And as you say, from
 11 where you come, people don't easily balk at a good fight,
 12 right?
 13 MR GEGELEZA: It sometimes happens, yes,
 14 that men don't run away, they take part in the fight.
 15 MR SEMENYA SC: It's actually considered
 16 very manly and brave to engage with a good fight, right?
 17 MR GEGELEZA: Yes, it is so.
 18 MR SEMENYA SC: And even regardless of
 19 numbers of opposition, that is not a factor to deter good
 20 one, a good fight, am I right?
 21 MR GEGELEZA: It is correct.
 22 MR SEMENYA SC: All you know is that one
 23 side is going to lose but you don't run away from a good
 24 fight.
 25 MR GEGELEZA: It is correct.

Page 4355

1 MR SEMENYA SC: And surely in the Eastern
 2 Cape when these confrontations are held, they can be fatal.
 3 MR GEGELEZA: That's correct.
 4 MR SEMENYA SC: That, as a consequence,
 5 is also not enough to deter you from getting into a good
 6 combat, am I right?
 7 MR GEGELEZA: It will depend on another
 8 person but pertaining to myself, yes, that is the position.
 9 It doesn't matter what has happened to the next person.
 10 MR SEMENYA SC: And in fact before, at
 11 times, going into these combats, it is not unusual for
 12 people to apply traditional medicine, right?
 13 MR GEGELEZA: There I have not been to
 14 that, I don't have the experience.
 15 MR SEMENYA SC: You are from the Eastern
 16 Cape, aren't you?
 17 MR GEGELEZA: Yes, it is so but in the
 18 years past in the area where I come from there hasn't been
 19 some fighting going on there.
 20 MR SEMENYA SC: No, just trust us a
 21 little bit. You've just told us where you come from nobody
 22 runs from a good fight.
 23 MR GEGELEZA: I'm still saying the same
 24 thing that I was there but, however, you would have people
 25 running away.

Page 4356

1 MR SEMENYA SC: But you can't then at the
 2 same time say you've never seen a fight.
 3 MR GEGELEZA: It is so.
 4 MR SEMENYA SC: So give us background
 5 about your – your home background. You do know there is
 6 occasion, there are occasions when they use traditional
 7 medicine, not correct?
 8 MR GEGELEZA: The only – the only
 9 medical, the only medicine that was used was to attract
 10 girlfriends, that is all.
 11 MR SEMENYA SC: Okay. Now, when you do,
 12 when you do use that medicine to get girlfriends, you do
 13 that truly believing that having applied this medicine,
 14 that will stand you in good stead to get these girlfriends,
 15 right?
 16 MR GEGELEZA: It is so.
 17 MR SEMENYA SC: And there are others who
 18 use the medicine for making them strong.
 19 [12:50] MR GEGELEZA: I do not have an idea there
 20 because I have never seen or experienced a person who uses
 21 such medicine.
 22 MR SEMENYA SC: You haven't been exposed,
 23 you say, to anybody who is using medicine for the purposes
 24 of making themselves strong?
 25 MR GEGELEZA: It is so. I cannot speak

Page 4357

1 about rumours.
 2 MR SEMENYA SC: Okay. You see it is not
 3 a rumour, we have post-mortem reports of people who were
 4 killed in Marikana, some of whom have fresh cut wounds,
 5 incisions like these traditional incisions.
 6 MR GEGELEZA: I cannot respond to that.
 7 I would not be able to say what the medicine applied for
 8 was, whether to make them strong or for whatever reason.
 9 MR SEMENYA SC: Do you know the practice
 10 of these incisions at all?
 11 MR GEGELEZA: I know that.
 12 MR SEMENYA SC: Apart from girlfriends,
 13 what do these incisions – what are they done for?
 14 MR GEGELEZA: Sometimes they're to
 15 protect the people against creatures such as Tokoloshe.
 16 MR SEMENYA SC: Okay, we're making
 17 progress. At least it is used for self-protection, this
 18 medicine.
 19 MR GEGELEZA: That's correct, yes.
 20 MR SEMENYA SC: And if they're good
 21 against Tokoloshe they would be even better against a human
 22 being, I would guess.
 23 MR GEGELEZA: I am not sure if that is
 24 the position and if – what I know is that it does have an
 25 effect on Tokoloshes.

Page 4358

1 MR SEMENYA SC: Oh, that you know as a
2 fact?

3 MR GEGELEZA: That is our belief, yes.

4 MR SEMENYA SC: And it is that type of
5 practice which would have 10 people confront a crowd of 3-
6 odd thousand or more of you, or a large crowd, as you used
7 the expression. Am I wrong?

8 MR GEGELEZA: I cannot respond to that
9 one because I don't know, I've never used that kind of
10 medicine that strengthens me

11 MR SEMENYA SC: You see we're trying to
12 understand how it is that a show of police force as large
13 as was in Marikana, was not a sufficient deterrent. Are
14 you able to help us?

15 MR GEGELEZA: I was far away from
16 Marikana at the time the police were there.

17 MR SEMENYA SC: Yes, I know but given
18 your background, how you approach conflict and if you were
19 there you would still have braved your way through these
20 numbers of police, is that right?

21 MR GEGELEZA: I am not sure because I've
22 never used this kind of stuff that makes you
23 confrontational towards other people.

24 MR MPOFU: Chairperson, I have to object.
25 I'm sorry, I don't want to interrupt my learned colleague

Page 4359

1 and I've tried to exercise some restraint. I just want to
2 maybe establish, because our evidence which we suggest that
3 the people were actually running away and that we even saw
4 that from the helicopter, ran away either towards the
5 shacks or towards other directions, so I don't know where
6 this evidence or where Mr Semenya bases this confrontation
7 of a large force of -

8 MR SEMENYA SC: Chair, we have seen the
9 visuals of the first breach, of the second breach,
10 culminating in the unfortunate shooting, so I don't know
11 what -

12 CHAIRPERSON: I'll allow you to put this
13 cross-examination but I don't think it should be unduly
14 lengthened.

15 MR SEMENYA SC: I didn't threaten to make
16 it lengthy, Chair.

17 CHAIRPERSON: It's a pre-emptive strike
18 on my part.

19 MR SEMENYA SC: Are you able to explain
20 and help us? The visuals we see are of people who, despite
21 an evident display of force, show some group of people
22 nevertheless seeking to penetrate that police line. Can
23 you explain why that arises?

24 MS BARNES: Chair, I'm sorry, I need to
25 object now. That is a particular interpretation of what

Page 4360

1 happened in respect of which no doubt evidence will be led
2 but no such evidence has yet been led. There's no evidence
3 yet of a breach or -

4 CHAIRPERSON: Perhaps the proposition can
5 be put on a conditional basis, that the factual findings
6 contended for are accepted and then your objection will
7 fall away. I did say to Mr Semenya I didn't think the
8 point should be unduly lengthened because this isn't an
9 expert on human reactions in the face of this kind of
10 situation but he is an amaPondo and so he can help us a
11 little bit. Mr Semenya, please proceed. We'll carry on
12 for about 15 minutes for a convenient stage for the
13 adjournment. Perhaps you can round this point off before
14 we take the lunch adjournment.

15 MR SEMENYA SC: Okay, let's take two
16 steps back. If necessary, I will show you visuals of men
17 who are nude, who are standing at the koppie and to whom it
18 appears there is application of some must.

19 MR MPOFU: No Chair, I'm sorry. It
20 appears to whom? No, Chairperson, I'm very sorry.

21 CHAIRPERSON: - show the videos in which
22 it appears - to him. I think "it appears" as he used it in
23 general means it appears to everyone who sees it. He says
24 he's going to do that. Whether the video does that is a
25 matter we can debate later but let's not waste time on

Page 4361

1 that.

2 MR SEMENYA SC: Chair, may we perhaps
3 take the lunch adjournment, I'll get the video clip and it
4 will probably appear to the witness.

5 CHAIRPERSON: I hope that during the
6 lunch adjournment we'll also [inaudible] repeat of the
7 video clip we saw. We will now adjourn for lunch.

8 [COMMISSION ADJOURNS COMMISSION RESUMES]

9 [14:03] CHAIRPERSON: The Commission resumes.
10 You're still under oath. Mr Semenya, I see we've been
11 given another piece of paper to look at during the
12 adjournment. The covering sheet is not very clear but I
13 take it that's not important, but are you going to continue
14 with your cross-examination?

15 SAZISO ALBERT GEGELEZA (CONTD):
16 CROSS-EXAMINATION BY MR SEMENYA (CONTD):
17 Yes Chair, thank you and I'll deal with this document
18 further down the line. For now, I would wish the witness
19 to be shown the clips and video footages. If you can zoom
20 in just so that we can see that with some greater clarity,
21 if you can.

22 MS PILLAY: Chair, for the purposes of
23 the record, this is slide 86 from exhibit L.

24 MR SEMENYA SC: Mr Gegeleza, if you don't
25 mind you may leave your witness stand, go closer and see

Page 4362

1 what appears on that video.
 2 [VIDEO IS SHOWN]
 3 MR BURGER SC: Chair, just before my
 4 learned friend shows this video, may I raise an objection
 5 or a question on this part of the evidence?
 6 My learned friend for the police, Mr Semenya, has
 7 offered us an expert report by, I think, a social
 8 anthropologist on muti and the meaning of muti in the
 9 particular culture. We haven't seen that report, no doubt
 10 that may be relevant when it is filed. When Bishop Seoka
 11 gave evidence on muti and expressed strong views, my
 12 learned friend cross-examined him and, in our submission,
 13 quite correctly. The Bishop abandoned his views and
 14 conceded that he was a lay witness, he couldn't assist the
 15 Commission. This witness has told the Commission that he
 16 doesn't know about muti in the context of fight and being
 17 either invisible or strong or whatever. I do not know how
 18 this is going to advance us, especially in the absence of
 19 the expert report which is to be furnished to us to tell us
 20 what muti is all about.
 21 CHAIRPERSON: Mr Burger, when I came back
 22 here - I mentioned it when I spoke to Mr Semenya - when I
 23 came back here onto the podium, whatever you call it where
 24 I am, I found in front of me the expert report. So I
 25 haven't read it but I assume that it contains material, I

Page 4363

1 take it, about Pondo people and the situation in Pondoland
 2 and I take it that Mr Semenya's intention is to put to the
 3 witness, as an amaPondo, certain things that are going to
 4 be dealt with by his witnesses in relation to that. If he
 5 goes beyond permissible limits you will obviously object at
 6 that point, but I'm not going to be reading it while the
 7 cross-examination continues, so perhaps if someone can take
 8 you my copy in the meanwhile, which you can look at,
 9 because you won't have to listen attentively to each answer
 10 as I have to - or as attentively to each answer as I have
 11 to.
 12 MR BURGER SC: Thank you, Chair.
 13 CHAIRPERSON: Mr Burger's been given - I
 14 can keep mine. Alright, so I take the point that you make.
 15 This gentleman is an amaPondo so he can be asked about the
 16 situation relating to the people from his ethnic group and
 17 it may be that if Mr Semenya gets a series of [indistinct]
 18 answers he may have to not proceed further with the cross-
 19 examination, but we can only see as the cross-examination
 20 proceeds, but obviously it will be open to you and to
 21 others to object if you consider the questions asked are
 22 objectionable, but I don't think I can make any ruling at
 23 this stage but you've very helpfully alerted us to the
 24 problem and particularly to the fact that you were not
 25 initially in possession of an expert statement.

Page 4364

1 MR BURGER SC: Thank you, Chair.
 2 MR MPOFU: Sorry Chairperson, I'm sorry
 3 to butt in before Mr Burger finishes but I just want to
 4 place on record that from our point of view, the mere fact
 5 that someone is Mpondo or Mthembu or whatever, is
 6 completely and utterly irrelevant to the issues that are
 7 being debated here. In fact, we take strong objection to
 8 any insinuation that that somehow qualifies anybody about
 9 the issues facing this Commission.
 10 CHAIRPERSON: If it is - I don't know
 11 whether it is, Mr Semenya will tell us - but if it is his
 12 case that particularly people from Pondoland, or some of
 13 them or a number of them, have particular views, he is -
 14 and rock drill operators in particular from Pondoland - if
 15 he has a rock drill operator from Pondoland in the witness
 16 box he can legitimately ask questions. There may well be a
 17 time, depending on the answers he gets, when he will not be
 18 able to proceed any further but I think it's premature for
 19 us at this stage to say that these questions can't be
 20 asked. So let's - you can't have a sort of anticipatory
 21 objection to questions which you think may be asked even if
 22 you don't know what the answer is going to be. So let's
 23 see how it develops. I understand your point about
 24 strongest objection and things being placed on record and
 25 so forth. They are on record but let Mr Semenya proceed.

Page 4365

1 MR SEMENYA SC: Mr Gegeleza, the visual
 2 you are watching now was taken on the 14th of August 2012,
 3 just around 16:21 in the afternoon.
 4 MR HANABE: Around?
 5 MR SEMENYA SC: 16:21. Was it your
 6 observation that there are men who are standing in line and
 7 naked?
 8 MR GEGELEZA: That is so.
 9 MR SEMENYA SC: I request that you show
 10 another image which is slide 87.
 11 [VISUAL IS SHOWN]
 12 MR SEMENYA SC: If you want to take the
 13 opportunity to look at it closer, you may, Mr Gegeleza.
 14 MR GEGELEZA: I can see clearly from
 15 here.
 16 MR SEMENYA SC: That also is a visual
 17 taken on the 14th of August 2012 around the same time.
 18 Okay, can we request that you be shown slide 90? Can that
 19 be played so that we see what appears there? It's a short
 20 one.
 21 [VIDEO IS SHOWN]
 22 MR SEMENYA SC: Okay, thank you. Now, Mr
 23 Gegeleza, it is not often happening during work as miners
 24 that you see men just being naked like that, am I right?
 25 MR GEGELEZA: That is so.

Page 4366

1 MR SEMENYA SC: Or it's not the usual
2 practice under normal circumstances to find them urinating
3 on some stuff, am I right?
4 MR GEGELEZA: A person can urinate
5 anywhere, there's no specific place where a person has to
6 urinate.
7 MR SEMENYA SC: That clip is an unusual
8 sight, that's all I'm trying to establish with you.
9 MR GEGELEZA: Yes, what I see there is
10 unusual because I see people who are armed. I further saw
11 people who were naked.
12 MR SEMENYA SC: To the proposed evidence
13 that will say this is a ritual being performed, from your
14 background would you be able to comment?
15 MR GEGELEZA: I cannot comment, I cannot
16 comment because I didn't see them doing anything, I just
17 saw them naked. Perhaps if I was nearer to them then I
18 would have been able to comment.
19 MR SEMENYA SC: But you are able to tell
20 us that's an unusual sight that you are seeing of men being
21 naked like that, right?
22 MR GEGELEZA: That is so.
23 MR SEMENYA SC: Do you know Ntelezi?
24 MR GEGELEZA: Yes.
25 MR SEMENYA SC: Just educate us, what is

Page 4367

1 it?
2 MR GEGELEZA: Where I am coming from we
3 usually sow or plant it in the yard and sometimes we place
4 it on rooftops and when you are having a belief or you are
5 of the belief that you are being attacked by some things or
6 certain animals, then you can take it and then use it to
7 bath.
8 MR SEMENYA SC: Use it?
9 MR GEGELEZA: To bath, to take a bath.
10 MR SEMENYA SC: The purpose being to
11 achieve what?
12 MR GEGELEZA: So that whatever it is that
13 perhaps you felt in the body or anything that was attacking
14 you, that it might not attack you again. For example, if
15 one has bad dreams we use it, when you have strange dreams
16 you use it bath.
17 MR SEMENYA SC: If you want to make
18 yourself fearless?
19 MR GEGELEZA: I've never reached that
20 one, that level.
21 MR SEMENYA SC: And do you know what, in
22 Pondoland, is called the Indlavini?
23 MR GEGELEZA: That's so.
24 MR SEMENYA SC: The expert we propose to
25 call says this about them – let me test with you whether

Page 4368

1 that is correct. Chair, I propose using this report, I
2 don't know whether we need to give it an exhibit number now
3 or perhaps later.
4 CHAIRPERSON: I take it you're just going
5 to put statements from it.
6 MR SEMENYA SC: That's right.
7 CHAIRPERSON: It hasn't got any extra
8 status at this stage, it's just propositions you're putting
9 to the witness, with which he'll either agree or not.
10 MR SEMENYA SC: Correct, Chair.
11 CHAIRPERSON: And when the witness, if
12 you call him, comes, then you can put the statements and
13 then we'll give it an exhibit number.
14 MR SEMENYA SC: I'd think it appropriate
15 that way, Chair, thank you. I just want to share with you
16 what we have as a report by a Prof Lamla. If you go to
17 page 4 of that document, the professor will say that – and
18 I'm reading at the top of the page – it says, "Also in
19 Pondoland there is a class of militant young men called
20 Indlavini (rascals). These follows are usually organised
21 in all male gangs." Would that be an accurate -
22 MR GEGELEZA: I disagree.
23 MR SEMENYA SC: Then the professor will
24 say, "They do not only clash with rival gangs of ruffians
25 but sometimes terrorise villagers as well." Would that be

Page 4369

1 your experience?
2 MR GEGELEZA: I don't know if – okay, or
3 if you can just afford me an opportunity to explain to you
4 exactly what Indlavini (rascals) means, perhaps this person
5 would see it differently.
6 MR SEMENYA SC: Okay.
7 [14:23] MR GEGELEZA: There in Pondoland the
8 rascal, which is Indlavini, is a person who has in fact
9 been called a young man. He has passed the level of
10 boyhood and there's another person also who is referred to
11 as Imbola. Indlavini and Imbola are in equal state.
12 However, they don't do or perform the same duties or do the
13 same things. The third one is referred to as Swenka.
14 Indlavini is not a person who likes, who is bellicose, who
15 likes to fight. A person who is bellicose is Imbola.
16 Swenka is a kind of person who dances where there's
17 singing. That is how things are in Pondoland.
18 MR SEMENYA SC: So the professor will say
19 that an Indlavini would look at the defeat as one big
20 humiliation.
21 MR GEGELEZA: It's not normal to hear in
22 Pondoland that Indlavini has taken part in a fight. People
23 who usually fight are those who are referred to as Imbola.
24 Indlavini is known as an entertainer, the person who
25 entertains.

<p style="text-align: right;">Page 4370</p> <p>1 MR SEMENYA SC: Okay, let's talk about 2 the Imbola, do they – 3 MR MPOFU: No – no, Chairperson, I'm so 4 sorry. This is all entertaining and so on but what has it 5 got to do with the Commission? No basis has been laid, 6 Chairperson, about whether those people in those pictures 7 are, one, either from Pondoland, two, are so-called 8 Indlavinis. So where are we going with this? 9 MR SEMENYA SC: I assume – let's give Mr 10 Semenya a chance to try to lay the foundation. 11 MR MPOFU: To lay the basis, okay, thank 12 you Chair. 13 CHAIRPERSON: There is evidence that a 14 lot of the RDOs come from Pondoland, Lusikisiki and 15 Flagstaff and places like that, but I must assume that when 16 counsel asks questions of this kind he is not just wasting 17 our time, he's got a purpose in doing it. If it becomes 18 clear that I'm wrong in that assumption then we'll have to 19 deal with it appropriately. 20 MR MPOFU: Okay. 21 CHAIRPERSON: It's premature at this 22 stage. 23 MR MPOFU: Yes, thank you Chair. All I 24 just want to establish is, the people – the naked, so- 25 called naked people, if there's a basis to suggest that</p>	<p style="text-align: right;">Page 4372</p> <p>1 with that comment? 2 CHAIRPERSON: It's been put, it's been 3 suggested to me by my isiXhosa-speaking interpreter, sorry, 4 isiXhosa-speaking assessor – I'll get it right the third 5 time, isiXhosa-speaking commissioner, that your 6 interpretation wasn't entirely correct on that, on the last 7 bit. So perhaps if the witness could repeat what he said 8 about lovemaking and so forth and then you can interpret it 9 again and we have those isiXhosa-speaking people here – if 10 my commissioner is correct, we'll get the correct 11 interpretation. Mr Madlanga is also here but I don't want 12 to reflect on you because for all I know your 13 interpretation was correct, but it may be that what was 14 said is also possible capable of being interpreted in 15 another way. So perhaps let's have another go again, get 16 the answer and then the interpretation and the isiXhosa- 17 speaking people, of whom there are many here today, will be 18 able to tell us whether we've got the right interpretation. 19 MR SEMENYA SC: No, it was your answer 20 that was interpreted. 21 MR GEGELEZA: We never – the issue of 22 making love is never mentioned there. I never even heard 23 about that. 24 MR SEMENYA SC: Okay. On page 6 of that 25 document –</p>
<p style="text-align: right;">Page 4371</p> <p>1 they are from Pondoland or so-called Indlavinis, then this 2 questioning might have some relevance. 3 MR SEMENYA SC: Mr Gegeleza, let's talk 4 about the Imbola then. Would they naturally look at a 5 defeat in a clash to be a big humiliation? 6 MR GEGELEZA: That's correct. 7 MR SEMENYA SC: So they would fight very 8 fiercely to avoid a defeat? 9 MR HANABE: They will fight? 10 MR SEMENYA SC: Fiercely, 11 fiercely. 12 CHAIRPERSON: - fearlessly. It's a 13 terrible language, isn't it? Fearlessly. 14 MR SEMENYA SC: Fearlessly, okay. My 15 English is not as good as Mr Ntsebeza. 16 MR GEGELEZA: No-one ever fights without 17 having fear in him because he knows that he might even die. 18 MR SEMENYA SC: The professor also says – 19 at least maybe you may agree with him here – that the 20 Indlavinis are also known for lovemaking. 21 MR GEGELEZA: In Pondoland there's never 22 any mention about making love. 23 MR SEMENYA SC: Okay, but the professor 24 then makes the point that to an Mpondo, killing a person in 25 a fight does not mean much. Would you associate yourself</p>	<p style="text-align: right;">Page 4373</p> <p>1 CHAIRPERSON: Mr Mahlangu has now stepped 2 forward and he may, if there's a dispute between 3 Commissioner Tokota and the interpreter, maybe we must 4 submit it to the arbitrament of Mr Mahlangu who can tell us 5 what's going on. 6 MR MAHLANGU: Chairperson, let me say the 7 interpretation has been, to an extent, quite correct but 8 what the interpreter is endeavouring to do is to use what 9 is called in Xhosa, [indistinct] language, avoiding the use 10 of the word "sex" because it's just very rarely used in 11 public amongst the Pondo-speaking people. 12 CHAIRPERSON: An interesting, totally 13 irrelevant byway. I suggest we move on. 14 MR MPOFU: I don't know how this 15 lovemaking thing is relevant to the Commission, honestly, 16 Chair. 17 CHAIRPERSON: Well – 18 MR MPOFU: Whichever – whether it's taboo 19 or not. 20 CHAIRPERSON: This Commission is not 21 about lovemaking. 22 MR MPOFU: Thank you, Chair. 23 MR SEMENYA SC: Shall we go to page 6 of 24 the report, Mr Gegeleza? 25 CHAIRPERSON: Can we now come back to the</p>

Page 4374

1 point? Ask your next question. I don't understand the
 2 lovemaking point but I'm not sure that I have to understand
 3 it because I'm not sure it's relevant, so can we carry on?
 4 MR SEMENYA SC: I've pointed the witness
 5 to page 6 of the report. I want to point you to the
 6 penultimate paragraph on that page. The professor will
 7 say, speaking about these warriors, that sometimes warriors
 8 may be sprinkled with water mixed with Ntelezi, while
 9 jumping over the sacred fire. They have to be naked,
 10 perhaps this is to cleanse them. Have you observed any
 11 similar practice?
 12 MR GEGELEZA: I have answered and said
 13 I've never come across such places.
 14 MR SEMENYA SC: Okay, let's go back to
 15 the 11th now, of August 2012. Before the shooting of the
 16 protesters by NUM leaders, there were only at that time
 17 mere sporadic incidents of intimidation, am I right?
 18 MR GEGELEZA: I never heard it said that
 19 NUM leaders shot, fired shots, but what I heard was just
 20 the shots that were being fired, it's something I heard.
 21 And I never heard it said that there was intimidation
 22 except on the night of the 10th and people who were
 23 intimidated were those who were going to work.
 24 MR SEMENYA SC: Yes, that's what I'm
 25 saying, that before the shooting that you heard there were

Page 4375

1 just sporadic incidents of intimidating those who sought to
 2 go to work.
 3 MR GEGELEZA: That is so.
 4 MR SEMENYA SC: And at that time the
 5 discontent among those who were protesting was really not a
 6 tension between NUM members and non-NUM members, am I
 7 right?
 8 MR GEGELEZA: It is possible and,
 9 further, there were some people who were not members of NUM
 10 because the strikers were from Karee and that there were
 11 two unions.
 12 MR SEMENYA SC: Well, simply put, some of
 13 the protesters were NUM members, correct?
 14 MR GEGELEZA: That is so.
 15 MR SEMENYA SC: Some of the protesters
 16 were belonging to other unions or non-unionised, am I
 17 right?
 18 MR GEGELEZA: It's possible because other
 19 people were not affiliated to any other unions.
 20 MR SEMENYA SC: But up to that point,
 21 there were no tensions between discernible groups like NUM
 22 is fight non-NUM members or non-NUM members are fighting
 23 NUM members, there was no such pattern visible.
 24 MR GEGELEZA: That is true because when
 25 we fought with the strikers we didn't know whether they

Page 4376

1 were members of NUM or any other union, we just saw
 2 strikers.
 3 MR SEMENYA SC: Now, the protesters who
 4 were coming to the NUM office had intended, didn't they, to
 5 engage the NUM leadership as well?
 6 MR GEGELEZA: I'm not sure if it is like
 7 that.
 8 MR SEMENYA SC: But they were never given
 9 a chance to come and present their concerns, if they had
 10 any.
 11 MR GEGELEZA: Because of the information
 12 that was given before their arrival.
 13 MR SEMENYA SC: So you agree with me,
 14 they were not given an opportunity to express themselves if
 15 they had anything to express at all?
 16 MR GEGELEZA: That is so.
 17 MR SEMENYA SC: You were operating on the
 18 reports given to you by the security, that they were coming
 19 to burn the office. Am I right?
 20 MR GEGELEZA: That's correct.
 21 MR SEMENYA SC: Now, Mr Gegeleza, this is
 22 important for me. It was available to all those people who
 23 were in the NUM office to simply lock the office and leave,
 24 right?
 25 MR HANABE: It was? Do you mean it was

Page 4377

1 available?
 2 MR SEMENYA SC: It was open to them to
 3 just lock the office and leave, on the advice of the
 4 security.
 5 MR GEGELEZA: When we heard that the
 6 office is about to be destroyed or there's no way that we
 7 can just - or there's no way we could leave that office, so
 8 we saw it fit to protect the office as well as our lives.
 9 MR SEMENYA SC: I'm going to ask the
 10 question again. It was physically possible for all of you
 11 to just lock the office and save your lives that way?
 12 MR GEGELEZA: It never crossed my mind to
 13 leave or to lock the office of the NUM and let it be
 14 attacked, whereas I was there.
 15 [14:43] CHAIRPERSON: I must appeal to members of
 16 the - people who are sitting in the auditorium, to please
 17 remain quiet. It only disturbs the proceedings if they
 18 make comments and interject while the witness is giving
 19 evidence and while his evidence is being interpreted. And
 20 if conduct of that kind continues, I may have to exclude
 21 certain people from the auditorium. I don't want to do
 22 that but I may have to do it if it continues, and let that
 23 be understood.
 24 MR SEMENYA SC: Are you saying it was not
 25 physically possible to just walk away and leave the office?

Page 4378

1 MR GEGELEZA: Personally I never thought
2 of such a thing.
3 CHAIRPERSON: You're not answering the
4 question. What counsel asks you is, was it possible in the
5 sense of physically possible for you to walk away? You
6 could walk away, there was nothing stopping you, tying you
7 down, keeping you in the office. If you had wanted to walk
8 away you could have done so. That's the question, what's
9 the answer?
10 MR GEGELEZA: What made me, or made me
11 not be able to think in that fashion was the fact that I
12 felt like we were being disrespected when we heard that our
13 office would just be attacked. That's why such a thing
14 never crossed my mind and no reasons were advanced as to
15 why we were going to be attacked.
16 CHAIRPERSON: You're still not answering
17 the question that counsel asked you. Repeat the question,
18 Mr Semenya?
19 MR SEMENYA SC: There was nothing to
20 impede any one of you from just locking the office and
21 walking away.
22 MR GEGELEZA: That is so.
23 MR SEMENYA SC: And had you done that,
24 your lives would not have been in danger, am I right?
25 MR GEGELEZA: I'm not sure if it was

Page 4379

1 going to be like that because the strikers were closer.
2 MR SEMENYA SC: No, Mr Gegeleza, you told
3 us some 10-odd people left. Their lives were not in danger
4 when they did.
5 MR GEGELEZA: But I was determined to
6 protect the office and my life. It was the same with the
7 other comrades, though we never discussed or talked about
8 that.
9 MR SEMENYA SC: Had you left, your life
10 would not have been threatened in anyway, am I right?
11 MR GEGELEZA: It could be so.
12 MR SEMENYA SC: But instead, you wanted
13 to fight off the people who were coming to the office, am I
14 right?
15 MR GEGELEZA: We had also heard that they
16 were coming to attack us.
17 MR SEMENYA SC: And you were going to
18 fight them off?
19 MR GEGELEZA: That is so.
20 MR SEMENYA SC: By using dangerous
21 weapons.
22 MR GEGELEZA: As we were carrying them.
23 MR SEMENYA SC: Including the firearm
24 that was used.
25 MR GEGELEZA: I don't know which firearm

Page 4380

1 was used.
2 MR SEMENYA SC: The fight would include,
3 not by any surprise to you, gunfire that you heard.
4 MR GEGELEZA: I don't know who was in
5 possession of the firearm. As I said, I just heard
6 gunshots.
7 MR SEMENYA SC: No, I'm not suggesting
8 you knew who possessed a firearm. I'm saying the fight you
9 contemplated, it didn't surprise you that a firearm was
10 used in it.
11 MR GEGELEZA: Yes, I was surprised and I
12 was also startled when I heard the gunshots.
13 MR SEMENYA SC: Okay. Now, there is a
14 point at which, after the fired - after the shots were
15 fired, that you see the people dispersing away from the NUM
16 office.
17 MR GEGELEZA: Yes, it was all that
18 strikers. They went back, they ran away.
19 MR SEMENYA SC: So at that point we know
20 that the NUM office is not under attack anymore, right?
21 MR GEGELEZA: Yes, at that stage there
22 were no attacks in the office because at that time we were
23 pursuing them.
24 MR SEMENYA SC: And at the time when you
25 were pursuing them your lives were not in danger, am I

Page 4381

1 right?
2 MR GEGELEZA: Had they turned, then it
3 was possible that our lives would have been in danger.
4 MR SEMENYA SC: Ja, you were inviting the
5 danger, that's what I'm saying. You have managed to repel
6 this group.
7 MR GEGELEZA: I disagree with you.
8 MR SEMENYA SC: Ja, tell me why?
9 MR GEGELEZA: The aim was that we wanted
10 to, as we were pursuing them, to chase them out of the
11 hostels so that we could see the direction to which they
12 would be running and the aim was to avoid any attack that
13 they might plan.
14 MR SEMENYA SC: So not only did you
15 intend to protect your life, protect the NUM office, you
16 also wanted them out of the hostel complex.
17 MR GEGELEZA: Yes, we had already
18 protected the NUM office as well as our lives, so we wanted
19 them - we wanted to see them as they were running, to see
20 as to where they were heading for or running to, so that
21 they could not plan any further attack.
22 MR SEMENYA SC: So you were aggressors by
23 this time, correct?
24 MR TIP SC: Chair, with respect, there's
25 an objection to that and the objection is that the witness

Page 4382

1 has on several occasions explained that the purpose of the
 2 pursuit was to keep the strikers who had attacked the
 3 office on the move in order to prevent them reforming
 4 another attack. Now that is part, with respect, of a
 5 defensive move rather than a conversion into aggression.
 6 CHAIRPERSON: The witness can give the
 7 answer instead of you. Mr Semenya, please proceed with the
 8 cross-examination.
 9 MR SEMENYA SC: Thank you, Chair. You
 10 are now being aggressors, with these people fleeing evident
 11 to you and you're pursuing them like that.
 12 CHAIRPERSON: Do you agree that you were
 13 aggressors at that point?
 14 MR GEGELEZA: I disagree with you in
 15 that, but anyone who was not present there, he could view
 16 or see it that way but to me, a person who was present
 17 there, I don't see it that way. I disagree. If that
 18 person were to see those people being pursued he would say,
 19 here are the aggressors.
 20 MR SEMENYA SC: He wouldn't look at the
 21 pursuers as people who are protecting their lives, right?
 22 MR GEGELEZA: Because that person did not
 23 see what had happened. He would see just people pursuing
 24 others and assume that they were aggressors.
 25 MR SEMENYA SC: And we're going to argue

Page 4383

1 that that is the turning point in this whole episode when
 2 the strikers see NUM being opposition, people who are
 3 responsible for the attack on them.
 4 MR GEGELEZA: It's possible that the
 5 problem, in fact, started on the 10th when the workers or
 6 employees were being escorted to work. Perhaps it could be
 7 possible that that started on a Saturday perhaps, it never
 8 worked well with the RDOs, the fact that people were being
 9 escorted to work. So what drove them to the office could
 10 have been the anger after seeing people being escorted to
 11 work. Those are my views.
 12 MR SEMENYA SC: Aggravated, no doubt, by
 13 then seeing you chasing them in hot pursuit, as you were
 14 doing, and they perceiving – as the evidence later will
 15 reveal – that they're being shot at by leadership of NUM.
 16 MR GEGELEZA: It's possible that perhaps
 17 it really aggravated.
 18 MR SEMENYA SC: Yes, because even on the
 19 13th when some groups of protesters are confronted by
 20 General Mpembe and the other police, they say the police
 21 are not an issue here. With that evidence, the point I'm
 22 making is they see their "enemy", in quotes, being NUM.
 23 MR GEGELEZA: I disagree then when you
 24 said they didn't have a problem with the police. In fact
 25 there were already security personnel that had passed away

Page 4384

1 and a problem at Western Platinum and further that they
 2 were blaming, they were blaming everyone.
 3 MR SEMENYA SC: Sorry, I meant the South
 4 African Police Service were not a problem as far as they
 5 were concerned.
 6 MR GEGELEZA: I cannot – I disagree that
 7 they didn't have, when it is said that they didn't have a
 8 problem with the police because when the police were saying
 9 some things to them they were not compliant, they didn't
 10 comply.
 11 MR SEMENYA SC: Let me finally establish,
 12 nobody in NUM had asked any of you to spend and put life at
 13 risk in the protection of the building, am I right?
 14 MR GEGELEZA: Yes, there's no – yes, no-
 15 one.
 16 MR SEMENYA SC: Those are the questions I
 17 have for the witness, Chair.
 18 CHAIRPERSON: Thank you, Mr Semenya.
 19 This is an appropriate stage to take the tea adjournment.
 20 Before we do so, may I enquire which of the parties'
 21 representatives wishes to cross-examine after we resume?
 22 Anybody?
 23 MR TIP SC: Just in that respect, Mr
 24 Power who was –
 25 CHAIRPERSON: Oh, Mr Power, I beg your

Page 4385

1 pardon.
 2 MR TIP SC: - who was here for the LRC,
 3 asked me to place on record that they had no questions.
 4 CHAIRPERSON: Thank you, alright.
 5 MR MPOFU: Chairperson?
 6 CHAIRPERSON: Yes?
 7 MR MPOFU: If I may, with your
 8 permission, if you may give – after the break – I have
 9 literally just one proposition which I forgot to put. It
 10 won't be more than three or four questions.
 11 CHAIRPERSON: "Literally" is a dangerous
 12 word sometimes.
 13 MR MPOFU: Well, I withdraw it. I
 14 withdraw just that word.
 15 CHAIRPERSON: We'll take the adjournment
 16 and after the adjournment, before Mr Tip re-examines I'll
 17 give you the opportunity to ask five questions.
 18 MR MPOFU: Thank you, Chairperson.
 19 [COMMISSION ADJOURNS COMMISSION RESUMES]
 20 [15:24] CHAIRPERSON: The Commission resumes.
 21 You're still under oath. Mr Mpfu, let's hear your five
 22 questions.
 23 SAZISO ALBERT GEGELEZA (CONTD):
 24 MR HANABE: Can I say something before?
 25 Mr Mahlangu has asked me to ask those who want Tswana

Page 4386

1 translation to proceed to the media room.
 2 CHAIRPERSON: Alright. So shall we wait
 3 for the Tswana speakers to proceed to the media room before
 4 we carry on or have they all gone? Alright, it looks as if
 5 we can proceed. Mr Mpofo?
 6 FURTHER CROSS-EXAMINATION BY MR MPOFU:
 7 Thank you, Chair. Mr Gegeleza, I want to put a proposition
 8 to you which I did put to Mr Gcilitshana to some extent,
 9 which I omitted to put to you earlier and for which I
 10 apologise, and it is that – and I'm inviting your comment –
 11 we're going to argue at the end of the case that this
 12 confrontation, as you call it, was, as Mr Semanya says, a
 13 turning point in two important respects, one being the type
 14 of weaponry which was carried by the strikers thereafter,
 15 two, being the place where they would usually meet. And
 16 I'd like to invite your comment for that.
 17 MR GEGELEZA: As I said earlier on that
 18 the possible thing is that what really angered them is what
 19 happened on the 10th of August when they saw that the
 20 workers were being escorted to their work. And further the
 21 other possible thing is what happened on Saturday.
 22 MR MPOFU: Thank you. So it's possible
 23 that that is what angered them. The second issue which I
 24 want to raise with you is that you have testified and Mr
 25 Setelele, or Mr Brown, has also testified that on the – at

Page 4387

1 about 4 o'clock I think is your estimation, he just says in
 2 the afternoon – the NUM held a meeting near the Wonderkop
 3 Stadium which, according to Mr Setelele, was attended by
 4 1 000 people. Am I correct that we are talking about the
 5 same meeting? In other words, sorry, the meeting that he
 6 talks about of over 1 000 people near Wonderkop is the same
 7 meeting that you place at about 4 o'clock?
 8 MR GEGELEZA: That is so.
 9 MR MPOFU: The evidence will be that that
 10 meeting took place at the same place outside the Wonderkop
 11 Stadium, you know where there are those green pipes, that
 12 the protesters had hitherto used as their meeting place.
 13 Can you confirm that?
 14 MR GEGELEZA: That is so.
 15 MR MPOFU: Now, from that – just that
 16 information which you've just confirmed, we're going to
 17 argue at the end of the case that, among other things, this
 18 confrontation resulted in a territorial occupation, for
 19 lack of a better word, by yourselves as the NUM, of the
 20 usual meeting place of the protesters so that they could no
 21 longer meet there and they, as a result, from that point on
 22 started meeting at the koppie.
 23 MR GEGELEZA: There was no confrontation
 24 at that time because at that time that Brown had addressed
 25 the meeting, there was no-one there except the workers who

Page 4388

1 had come to listen to what Brown had to say but no-one was
 2 ever expelled from that place.
 3 MR MPOFU: Yes, I accept that. My point
 4 is simply that by the time you had your meeting there, the
 5 successful eviction of the protesters who had been meeting
 6 there had occurred permanently and they, from that point,
 7 started to meet at the koppie. And I've run out of
 8 questions so I'll have to live by your answer. Thank you,
 9 Chair.
 10 MR GEGELEZA: I disagree with you in
 11 that.
 12 CHAIRPERSON: If there's a supplementary
 13 question you have to ask so that we get the full picture
 14 before us, I will give you permission to ask it.
 15 MR MPOFU: Chairperson, I'm indebted.
 16 Can I bank that permission for some other time? I'll use
 17 those questions when I'm not supposed to.
 18 CHAIRPERSON: If you need to draw on that
 19 account at this stage, you don't have to.
 20 MR MPOFU: Thank you very much,
 21 Chairperson, I appreciate the indulgence. Thank you, thank
 22 you, Chair.
 23 CHAIRPERSON: Before the adjournment when
 24 I asked if anyone else had questions to ask there was no
 25 response. Ramaphele – Mr Ramaphele, sorry. Did you

Page 4389

1 indicate?
 2 MR RAMAPHELE: Yes.
 3 CHAIRPERSON: If you want to ask some
 4 questions, please come to one of the seats in front so we
 5 can see you. Yes, Mr Ramaphele?
 6 CROSS-EXAMINATION BY MR RAMAPHELE: Thank
 7 you, Chairperson. Mr – is it Gegeleza – I represent two of
 8 the securities and one of your members that were killed on
 9 the 12th and one of the issues that I would to bring to the
 10 Commission is to establish the extent to which unions,
 11 including your union, might or might not have contributed
 12 to the deaths of my clients. Now, the first question that
 13 I would like to ask is, in the evidence that you gave about
 14 protecting the office were you, the decision that you were
 15 taking was it a personal decision or were you acting as
 16 leaders of the union?
 17 MR GEGELEZA: It was just a personal
 18 decision and something which I believed was done by the
 19 other comrades but no-one said nothing to me in that
 20 regard.
 21 MR RAMAPHELE: Many of you, of the 20 or
 22 so that were at the office, were shop stewards?
 23 MR GEGELEZA: That is so.
 24 MR RAMAPHELE: Will I be right if I say
 25 that shop stewards are at a level of leadership – maybe not

Page 4390

1 very high leadership, but level of leadership in the union?
 2 MR GEGELEZA: Yes, yes, it is so. In
 3 unions they have their positions according to the
 4 structures of that union.
 5 MR RAMAPHELE: Now the – you have just
 6 said that it could be that the strikers became angered by
 7 incidents a day or two before this particular one. Would
 8 you say that it was prudent for you to actually take the
 9 position of defending an office? As leadership, not as
 10 you, as leadership of the union?
 11 MR GEGELEZA: Because we had already
 12 received a report that the office was about to be attacked,
 13 so to me it was a right decision to make to protect myself
 14 and the office.
 15 MR RAMAPHELE: Are you saying that you
 16 did not have trust in the law enforcement authorities to
 17 protect your office, because I believe there's a satellite
 18 police station just a few steps away from it?
 19 MR GEGELEZA: They don't stay, in fact,
 20 in that office in that satellite police station. It's just
 21 a building, a structure.
 22 MR RAMAPHELE: Are you saying that it was
 23 not possible to contact the police and say, "We have
 24 information that our office is likely to be attacked, we
 25 would like police protection?"

Page 4391

1 MR GEGELEZA: Normally if there is a
 2 problem then NUM will tell that to the company and the
 3 company is the one that, in turn, will send their security
 4 personnel. It is not normal for NUM to just approach the
 5 police in the first instance.
 6 MR RAMAPHELE: So your first port of call
 7 in relation to security is the mine and the security of the
 8 mine came and advised that you should vacate.
 9 MR GEGELEZA: That's correct.
 10 MR RAMAPHELE: And you did not vacate?
 11 MR GEGELEZA: That is so, yes, because
 12 when they were also asked by the secretary, they said they
 13 will not protect the offices of the union.
 14 MR RAMAPHELE: Now, let's go to these two
 15 sides and you've elaborated in very well terms what your
 16 view is in relation to a side and dying in a side. Now,
 17 these two sides, the large group that you saw and the 30,
 18 who would you say was more prepared for a fight?
 19 MR GEGELEZA: I can say all of us because
 20 as the miners were approaching they had already prepared
 21 themselves and so, upon hearing that they were coming, we
 22 also prepared ourselves.
 23 MR RAMAPHELE: Of the 30 or so that were
 24 at the office, how many were injured in this confrontation?
 25 MR GEGELEZA: None of the people who were

Page 4392

1 in the office got injured, none of them got injured.
 2 MR RAMAPHELE: And as you have heard,
 3 there were two from this large group that was prepared for
 4 a fight that were badly injured.
 5 MR GEGELEZA: I never heard about the
 6 extent of his injuries but what I heard was that there were
 7 people in fact who were injured.
 8 [15:44] MR RAMAPHELE: Now let me make a
 9 proposition to you. It was the 30 that was more prepared
 10 for the fight than the large group that, when the 30
 11 attacked, turned back and fled. What would you say to
 12 that?
 13 MR GEGELEZA: I disagree with you in that
 14 because on the 10th there were some weapons that were taken
 15 from the strikers that clearly shows that they also had
 16 weapons.
 17 MR RAMAPHELE: Further, that open
 18 violence, open injury to individuals actually started after
 19 this incident. That is why the counsel say it became a
 20 turning point.
 21 MR TIP SC: Mr Chair, before the answer
 22 is given – and I'm reluctant to interfere at all with my
 23 learned friend's cross-examination but there is already
 24 evidence before the Commission in respect of events of
 25 intimidation and that there had been reports of assaults on

Page 4393

1 persons in the course of the night of the 10th/11th and that
 2 open violence, whatever that means, had not surfaced for
 3 the first time on the morning of the 11th.
 4 MR RAMAPHELE: Well, I can rephrase. You
 5 see, what we have seen as public killing of people, of your
 6 members, started from the time when this confrontation
 7 happened, Madibi was killed and then the two securities
 8 were killed, one of whom was a member of NUM.
 9 MR GEGELEZA: That is so.
 10 MR RAMAPHELE: So I think as a leader of
 11 the union, a shop steward, you're supposed to – if you
 12 agree – say that what happened, that confrontation might
 13 have contributed.
 14 MR GEGELEZA: That is so.
 15 MR RAMAPHELE: No, I thank you. Thank
 16 you, Chair.
 17 CHAIRPERSON: If there's no-one else who
 18 wishes to cross-examine, Mr Tip are you ready to re-
 19 examine?
 20 MR TIP SC: I'm to re-examine, though I'm
 21 happy to tell you that we have no questions for the
 22 witness.
 23 CHAIRPERSON: Nothing? Alright, thank
 24 you. Do you want anything else –
 25 COMMISSIONER HEMRAJ: No.

1 CHAIRPERSON: Do you want to ask
 2 anything? Do you know whether the shop stewards at the –
 3 at Lonmin, NUM shop stewards at Lonmin, have licensed
 4 firearms in their possession?
 5 MR GEGELEZA: I never heard anything
 6 about the firearms or regarding the firearms in that
 7 office.
 8 CHAIRPERSON: Thank you. Sorry?
 9 MR HANABE: You were saying thank you,
 10 Commissioner, and I was saying it in isiXhosa, enkosi.
 11 CHAIRPERSON: Yes, it's been interpreted
 12 already. Thank you for your evidence, you'll be excused.
 13 [NO FURTHER QUESTIONS - WITNESS EXCUSED]
 14 CHAIRPERSON: Yes, Mr Tip?
 15 MR TIP SC: Mr Chair, we propose to call
 16 our next witness, being the president of NUM, Mr Senzeni
 17 Zokwana, but may I respectfully suggest that it may be
 18 appropriate for us to make a fresh start with him at 9.30
 19 tomorrow morning?
 20 CHAIRPERSON: Yes, certainly. We already
 21 have his statement.
 22 MR TIP SC: You have the statement. The
 23 statement has been in circulation –
 24 CHAIRPERSON: Yes.
 25 MR TIP SC: - since well before the end

1 of last year.
 2 CHAIRPERSON: We've already had the
 3 statement. Will he be the last witness you're calling?
 4 MR TIP SC: Certainly that's our present
 5 intention, subject to matters that may arise, but that
 6 would complete the NUM parcel that we wish to place before
 7 the Commission at this time, Chair.
 8 CHAIRPERSON: Yes. Then the Commission
 9 will adjourn until 9.30 tomorrow morning.
 10 [COMMISSION ADJOURNED]

11 .
 12 .
 13 .
 14 .
 15 .
 16 .
 17 .
 18 .
 19 .



A				
abandoned 4362:13	afternoon 4365:3	4341:8 4342:7	arrow 4275:7	4330:24 4331:2
abbreviating 4334:21	4387:2	4356:23 4364:8	ascertain 4342:5	4343:2 4344:2 4365:2
able 4289:2 4304:13	age 4292:21	4384:22	asked 4285:8 4300:3	4365:17 4374:15
4324:11 4334:2	aggravated 4383:12,17	anymore 4380:20	4301:7 4303:11	4386:19
4357:7 4358:14	aggression 4382:5	anyway 4282:9	4323:2 4324:25	authorities 4390:16
4359:19 4364:18	aggressors 4381:22	4308:14 4317:15	4326:2 4333:13	available 4377:1
4366:14,18,19	4382:10,13,19,24	4344:19,20 4345:15	4336:12 4339:8	available 4279:7
4372:18 4378:11	ago 4279:21	4350:12 4352:25	4346:9 4348:24	4376:22
absence 4338:20	agree 4292:7,12,18	4379:10	4351:25 4363:15,21	avoid 4371:8 4381:12
4362:18	4317:20 4350:11	apart 4309:11 4330:9	4364:20,21 4378:17	avoiding 4373:9
absolutely 4319:23	4368:9 4371:19	4331:21 4357:12	4384:12 4385:3,25	aware 4278:25 4319:21
accept 4302:11 4314:5	4376:13 4382:12	apartheid 4292:20	4388:24 4391:12	4319:22 4346:18,25
4323:14 4325:12	4393:12	apologies 4348:19	asking 4275:9 4280:9	4347:2 4352:25
4326:16 4332:10	agreed 4297:7 4298:14	apologise 4326:12	4280:10,22,23	A2 4282:25
4334:4 4341:7	4312:4	4386:10	4289:18 4291:12	
4343:15 4388:3	ahead 4350:5	apparent 4286:4	4312:12 4342:6,10	B
accepted 4338:10	aim 4381:9,12	4324:5	4343:9,11,13 4346:6	B 4275:4,7 4310:11,12
4339:7 4360:6	al 4332:19	apparently 4320:6	4346:23 4350:19	4311:3,5,12,21
accompanied 4330:15	ALBERT 4274:6	4344:25 4349:16	asks 4370:16 4378:4	4313:3,7,12 4318:1,1
account 4341:16	4316:11 4361:15	appeal 4331:3 4377:15	aspersion 4328:20	4318:24 4336:5
4388:19	4385:23	appear 4282:19	assassinated 4337:7	back 4278:14,18
accuracy 4331:4	alerted 4363:23	4340:18 4361:4	assaults 4392:25	4282:1,16 4283:18,21
accurate 4368:21	alia 4324:7 4337:6	appeared 4298:12	assegai 4306:2,6	4284:22,22 4285:7,21
accurately 4330:23	4341:19	4336:21 4337:1	assegais 4276:25	4287:12 4293:21
accused 4338:8	alive 4337:22	4342:3 4345:10	4277:13	4294:6 4295:1
4340:18 4342:3	allegedly 4329:13	4353:13	assessor 4372:4	4302:23 4309:22
accused's 4337:16	allow 4327:21 4359:12	appearing 4327:9	assist 4339:3 4350:18	4318:11,14 4324:11
achieve 4367:11	alright 4276:13	appears 4275:16,22	4362:14	4330:1 4332:1 4340:6
act 4305:21 4309:11	4278:25 4281:17	4284:25 4286:25	associate 4371:25	4351:23 4352:19
acting 4389:15	4284:6 4286:17	4287:6,8 4327:12	associated 4347:21	4360:16 4362:21,23
add 4337:25 4338:2,4	4306:4 4309:25	4337:23 4343:4	assume 4326:20	4373:25 4374:14
4338:15	4343:16 4345:14	4360:18,20,22,22,23	4362:25 4370:9,15	4380:18 4392:11
address 4283:12	4349:13,21 4350:24	4362:1 4365:19	4382:24	background 4356:4,5
addressed 4324:19	4363:14 4385:4	application 4360:18	assumed 4326:5	4358:18 4366:14
4346:14 4387:24	4386:2,4 4393:23	applied 4356:13 4357:7	assumption 4325:9,11	bad 4291:4,20 4292:3
addressing 4341:6	altogether 4298:7	apply 4327:16 4355:12	4325:16 4370:18	4348:13 4367:15
adjourn 4361:7 4395:9	4299:13	appreciate 4388:21	assurance 4338:22	badly 4392:4
ADJOURNED 4395:10	amaPondo 4360:10	appreciation 4274:11	4339:11	ballistic 4289:2
adjournment 4316:5	4363:3,15	approach 4300:5	attack 4294:10 4298:2	ballistics 4282:7
4350:9 4360:13,14	ambulance 4287:13	4303:13 4358:18	4307:2 4315:1,2,3,17	bank 4388:16
4361:3,6,12 4384:19	AMCU 4325:17	4391:4	4315:20,25 4317:17	Barnes 4274:9,16,19,20
4385:15,16 4388:23	Andrew 4286:19	approached 4274:12	4317:22 4330:7	4274:25 4275:5,10,14
ADJOURNS 4316:6	4287:4	4276:15,21 4278:17	4333:6 4352:5,7	4275:18,23 4276:3,9
4361:8 4385:19	anger 4383:10	4285:5 4352:13	4367:14 4379:16	4276:13,19,24 4277:3
admission 4327:12,14	angered 4386:18,23	approaching 4283:10	4380:20 4381:12,21	4277:6,10,15,19
4327:17,19	4390:6	4317:25 4391:20	4382:4 4383:3	4278:5,12,18,22,25
admit 4283:8,9	animals 4367:6	appropriate 4316:3	attacked 4294:24	4279:8,13,16,20,24
admitted 4286:18	answer 4283:11	4322:25 4368:14	4367:5 4377:14	4280:4,9,18,22
4287:4,25	4291:11 4296:11	4384:19 4394:18	4378:13,15 4382:2	4281:4,9,13,17,23
admittedly 4327:15	4341:2,3 4346:12	appropriately 4327:18	4390:12,24 4392:11	4282:3,11,15,19,23
Adv 4296:4	4363:9,10 4364:22	4370:19	attackers 4330:20	4283:23 4284:1,6,17
advance 4362:18	4372:16,19 4378:9	approximately 4305:5	attacking 4367:13	4284:25 4285:12,17
advanced 4378:14	4382:7 4388:8	apropos 4339:13	attacks 4380:22	4285:24 4286:4,17,22
adverse 4291:7,13,16	4392:21	arbitrament 4373:4	attempted 4279:8	4287:3,16 4288:1,8
advice 4321:3 4347:2	answered 4341:12	area 4276:5 4355:18	4336:19 4337:1	4288:13,20 4289:6,11
4377:3	4347:1 4374:12	aren't 4281:19 4355:16	4340:21 4342:4,18	4289:20 4290:1,6,10
advised 4293:22 4294:1	answering 4304:1	argue 4315:10 4382:25	attended 4387:3	4353:22 4359:24
4391:8	4378:3,16	4386:11 4387:17	attention 4338:6	based 4302:1 4320:4,5
affairs 4324:8	answers 4363:18	arises 4359:23	attentively 4363:9,10	bases 4359:6
affect 4307:13 4353:12	4364:17	armed 4277:12 4303:6	attitude 4289:19	basis 4296:17 4319:24
affiliated 4375:19	anthropologist 4362:8	4307:10 4335:9,10	attract 4356:9	4326:1,6 4327:23
afford 4369:3	anticipatory 4364:20	4366:10	auditorium 4377:16,21	4328:1,2 4334:20
afraid 4301:4	anxious 4295:23	arrival 4301:11,12	August 4276:15,21	4337:9 4344:4 4360:5
African 4384:4	4298:20,21	4376:12	4279:3 4280:6,19	4370:5,11,25
	anybody 4289:12	arrived 4299:24	4288:9,12 4289:22	batch 4342:20
	4336:24 4340:17	4301:22 4329:23	4292:25 4329:13	bath 4367:7,9,9,16

<p>baton 4325:17 battalion 4306:5 baulk 4354:11 bear 4294:25 beg 4310:2 4384:25 began 4290:7 behalf 4353:23 4354:1 belief 4358:3 4367:4,5 believe 4334:11 4390:17 believed 4289:9 4389:18 believing 4356:13 bellicose 4369:14,15 belonging 4375:16 better 4284:15 4357:21 4387:19 beyond 4322:5 4363:5 big 4294:12 4296:13 4297:7,9 4307:23 4369:19 4371:5 birth 4306:19 4336:22 Bishop 4362:10,13 bit 4307:6,6 4323:22 4350:6,24 4355:21 4360:11 4372:7 Bizos 4307:15 blaming 4384:2,2 bloated 4352:21 block 4275:21 bluish 4311:15 body 4367:13 boilermaker 4276:4,6,9 Bongani 4281:24 Bongo 4300:1,3,6 4321:22 4322:11,20 4323:17,19,21 4327:21 4328:2,13,22 4328:24 4329:10,17 4329:20 4337:7 bottom 4285:24 box 4346:11 4364:16 boyhood 4369:10 boys 4292:21 branch 4299:25 4330:12,16 4331:24 4332:3 branches 4331:24 4332:3 brave 4354:16 braved 4358:19 bravery 4305:22 4309:12 breach 4359:9,9 4360:3 break 4385:8 bring 4389:9 Brits 4329:18 broad 4324:15,17 4325:4 4327:10 broke 4302:13 Brown 4301:1 4342:18 4344:9,13,16 4346:7 4346:24 4386:25 4387:24 4388:1 building 4275:8 4276:12 4314:1,9</p>	<p>4384:13 4390:21 buildings 4311:15 4314:1,7 bulging 4352:20 bullet 4282:5,6 4285:7 4285:21 4288:22,25 4340:10 bullets 4353:11,14 Burger 4307:14 4308:8 4308:12 4354:2,4 4362:3,21 4363:12 4364:1,3 Burger's 4363:13 burn 4322:15 4376:19 busy 4307:16 butt 4364:3 byway 4373:13</p> <hr/> <p style="text-align: center;">C</p> <p>C 4275:22 4318:1,4,8 4318:10,24 4351:3 calculated 4338:24 call 4300:7,10,14,17 4315:3 4317:8 4330:19 4332:13 4339:18 4341:20 4362:23 4367:25 4368:12 4386:12 4391:6 4394:15 called 4276:4 4284:12 4299:25 4341:16 4367:22 4368:19 4369:9 4370:25 4373:9 calling 4340:2 4395:3 can't 4283:3 4287:23 4289:4 4314:14 4334:19 4340:1 4344:5 4356:1 4364:20 capable 4372:14 Cape 4355:2,16 care 4286:24 carefully 4320:7 carried 4311:3 4386:14 carry 4297:5 4313:15 4328:16 4340:11 4348:18 4349:14 4350:12,13 4360:11 4374:3 4386:4 carrying 4276:16,22 4277:4,16,24 4305:25 4306:8 4379:22 cars 4312:4 case 4283:1 4289:14 4305:12 4307:24 4315:11 4336:19 4337:2,20,20 4338:10 4341:13,15,22 4342:18 4345:23 4346:5 4364:12 4386:11 4387:17 cases 4279:8,10 4339:21 4340:21 cause 4292:11 certain 4277:3 4363:3</p>	<p>4367:6 4377:21 certainly 4334:19 4344:5 4394:20 4395:4 Chairman 4274:8 4293:1 4295:1 Chair's 4321:3 chance 4274:16 4283:11 4315:11 4370:10 4376:9 change 4291:9 changed 4310:5 charged 4342:8,9 charges 4342:4 chase 4309:12,15,22 4316:14 4317:21 4335:11 4351:23,23 4381:10 chased 4310:14,14 4311:6,14 chasers 4311:8 chasing 4310:1,20 4311:2,5,25 4315:7 4329:24 4334:11 4335:7 4351:13,19 4383:13 chronological 4296:12 circulation 4394:23 circumstances 4292:13 4341:9 4366:2 clarification 4312:25 clarify 4278:13 clarity 4361:20 clarity's 4350:23 clash 4368:24 4371:5 class 4368:19 cleanse 4374:10 clear 4282:25 4283:2 4283:20 4300:13,16 4301:3,10 4319:23 4324:6 4325:14 4329:2 4333:19 4339:6 4344:10 4361:12 4370:18 clearer 4275:16 clearly 4324:5 4340:15 4365:14 4392:15 clients 4339:23 4345:23 4389:12 clinic 4286:12 clip 4319:15 4349:5 4361:3,7 4366:7 clips 4361:19 close 4300:2 closer 4318:23 4361:25 4365:13 4379:1 colleague 4279:18 4358:25 colleagues 4332:18 4348:14,20 colonel 4344:1,1,3,9,22 colonel's 4343:1 colour 4311:15 4332:14 combat 4355:6 combats 4355:11 come 4291:18 4294:6</p>	<p>4295:1 4306:25 4323:13 4324:24 4330:7 4332:1 4334:6 4337:8 4344:25 4352:5,7,18 4354:11 4355:18,21 4370:14 4373:25 4374:13 4376:9 4388:1 4389:4 comes 4368:12 coming 4294:9 4304:9 4307:10 4309:23 4311:5,6,16 4318:16 4322:15 4334:1 4351:11 4367:2 4376:4,18 4379:13,16 4391:21 comment 4282:17 4287:24 4315:12 4326:2 4366:14,15,16 4366:18 4372:1 4386:10,16 commentator 4321:21 4323:20 comments 4377:18 Commission 4274:2 4279:11 4291:7,10 4303:21 4306:23 4316:4,6,6,7 4325:5 4327:16 4334:11 4337:5,6 4338:17 4339:4 4341:18,22 4350:19 4361:8,8,9 4362:15,15 4364:9 4370:5 4373:15,20 4385:19,19,20 4389:10 4392:24 4395:7,8,10 commissioner 4295:19 4296:6 4345:5,11 4372:5,10 4373:3 4393:25 4394:10 Commission's 4291:10 company 4279:6,22,25 4281:5 4288:2 4332:13 4391:2,3 complainants 4339:21 4339:22 complaint 4292:11 4339:1 complete 4324:3 4337:14,15 4395:6 completely 4303:17 4364:6 complex 4313:23 4381:16 compliant 4384:9 comply 4384:10 compromise 4338:25 computers 4280:2 comrades 4293:6 4318:6 4379:7 4389:19 conceded 4317:20 4362:14 concern 4337:6 concerned 4339:12</p>	<p>4340:14 4384:5 concerning 4298:6 concerns 4337:24 4376:9 conditional 4360:5 conditions 4292:3,16 conduct 4377:20 conducting 4324:8 confident 4307:2 confine 4328:21 confined 4331:1 confirm 4321:21 4323:20 4387:13 confirmed 4326:22 4327:1 4328:24 4387:16 confirms 4285:20 confiscated 4347:16 confiscation 4347:21 conflict 4358:18 confront 4358:5 confrontation 4281:2 4288:6,17 4315:3 4329:16 4330:2 4359:6 4386:12 4387:18,23 4391:24 4393:6,12 confrontational 4358:23 confrontations 4355:2 confronted 4325:23 4383:19 connection 4336:19 4337:1 4340:20 conscious 4308:1 consequence 4355:4 consider 4363:21 considered 4354:15 considering 4321:7 consistent 4315:13 contact 4390:23 contained 4336:7 contains 4362:25 CONTD 4274:6 4316:11,12 4361:15 4361:16 4385:23 contemplated 4380:9 contended 4360:6 context 4323:2 4324:10 4324:13,16,17 4337:5 4362:16 continue 4274:3 4337:12 4338:13 4361:13 continued 4311:21 4313:3,11 4319:17 continues 4363:7 4377:20,22 continuously 4325:4 4328:11,14 contributed 4389:11 4393:13 convenient 4360:12 conversion 4382:5 copied 4296:2 copy 4363:8</p>
---	---	---	--	---

<p>cord 4286:2 corner 4304:9 correcting 4345:15 correctly 4275:17 4296:25 4297:24 4321:22,23 4323:21 4323:22 4340:24 4345:17 4362:13 couldn't 4362:14 could've 4289:14 counsel 4287:15 4319:11,17 4320:3 4370:16 4378:4,17 4392:19 count 4302:2 4350:3,7 4350:8 counter 4315:2 couple 4303:22 4306:5 4306:10 coupled 4283:17 course 4338:17 4393:1 court 4336:21,23 4337:1 4340:18 4342:3,7 4345:10 courtesy 4274:14 cover 4347:11 covered 4347:9 covering 4361:12 creatures 4357:15 creep 4352:14 criminal 4282:8 4339:3 4341:13 cross 4274:3 4307:22 4348:15 4363:18 crossed 4377:12 4378:14 cross-examination 4274:17,20 4290:16 4299:2 4307:25 4316:12 4354:6 4359:13 4361:14,16 4363:7,19 4382:8 4386:6 4389:6 4392:23 cross-examine 4290:13 4290:13 4353:23 4354:3 4384:21 4393:18 cross-examined 4362:12 cross-fire 4283:4 crowd 4277:24 4303:10 4303:24 4305:14 4321:15 4334:23 4358:5,6 crux 4326:4 culminating 4359:10 culture 4362:9 currently 4352:20 cut 4357:4 C5 4275:2,12,20</p> <hr/> <p style="text-align: center;">D</p> <p>d 4349:2 Daluvuyo 4300:1 4321:22 4322:11</p>	<p>4329:17 dances 4369:16 danger 4378:24 4379:3 4380:25 4381:3,5 dangerous 4379:20 4385:11 date 4288:11 dated 4343:2 day 4277:4 4284:19 4287:25 4306:16 4308:17 4317:11 4327:4 4329:2 4331:22 4333:4,11 4351:9 4390:7 days 4279:6 4288:14 4320:13 4337:7 dead-end 4287:22 deal 4289:4 4300:14 4337:10 4361:17 4370:19 dealing 4328:18 deals 4283:24 4317:7 dealt 4363:4 deaths 4389:12 debate 4294:12,15,21 4295:11 4296:7,13,21 4296:23 4297:8,15,21 4297:22 4298:6,19,20 4299:12,21 4328:23 4345:3 4346:17 4360:25 debated 4345:2 4364:7 debating 4295:11 4315:2 debriefing 4330:2 deceased 4327:15 decide 4301:15 decided 4296:4 4298:16 4301:10,18 4309:12 decision 4294:22 4296:23 4297:25 4330:23 4389:14,15 4389:18 4390:13 deep 4297:14 4298:20 defeat 4369:19 4371:5 4371:8 defeating 4330:7 defend 4299:14 4321:14 defending 4390:9 defensive 4382:5 definitely 4308:11 depend 4355:7 depending 4364:17 depends 4306:14,20,21 describe 4325:21 described 4287:10 4298:19 description 4296:16 4324:15 desire 4315:13 despite 4306:23 4359:20 destroyed 4377:6 detail 4333:7</p>	<p>details 4330:4 deter 4354:19 4355:5 determine 4341:19 determined 4379:5 deterrent 4358:13 develops 4364:23 diary 4337:17 4342:22 4343:1 Dibakwane 4277:22 4304:16 4305:1 Dibakwane's 4277:20 4305:4 didn't 4281:9 4291:3 4299:7 4302:2 4309:25 4313:10 4327:4,11,24 4332:7 4332:15,16 4333:4 4339:10 4359:15 4360:7 4366:16 4375:25 4376:4 4380:9 4383:24 4384:7,7,9 die 4371:17 died 4289:10 4325:18 4325:19 differ 4328:3 differed 4297:12 difference 4297:24 4299:18 different 4280:8 4286:16 4299:8 4308:6 4311:14 4328:4 4333:10 4336:11 differently 4352:1 4369:5 difficult 4286:14 4292:3,13 4296:2 difficulty 4324:10 dignity 4292:17,17 dinner 4332:20 directed 4314:17 direction 4304:11 4311:22 4316:15,18 4316:21 4321:12 4334:8 4381:11 directions 4311:14 4313:23 4314:7 4359:5 directly 4295:15 disagree 4368:22 4381:7 4382:14,17 4383:23 4384:6 4388:10 4392:13 discernible 4375:21 discontent 4375:5 discuss 4274:13 4330:10 4332:4 4333:4,11 discussed 4330:2,5 4331:20 4332:10 4333:7 4379:7 discussion 4295:23 4298:1,20,21 4330:8 4337:8 discussions 4274:15</p>	<p>4297:10,14 4330:17 4332:20 4347:20 disperse 4321:15 dispersing 4380:15 display 4359:21 dispute 4313:23 4373:2 disrespected 4378:12 distinct 4283:19 disturbs 4377:17 docket 4279:21 4281:24 4282:5 4284:18 4285:2 4286:5,25 4287:6,8 4338:13 4342:16 dockets 4279:10,14 4337:13,14,15,23 4338:7,16,20,20 4339:22 document 4281:19,25 4282:4 4284:20 4285:18 4361:17 4368:17 4372:25 doesn't 4282:5 4283:8 4283:9 4285:12 4302:7 4305:8 4320:20 4327:14 4328:3,3 4334:13,14 4334:17,24 4344:1 4346:4 4355:9 4362:16 doing 4324:17 4339:1 4339:11 4353:1 4366:16 4370:17 4383:14 doubt 4360:1 4362:9 4383:12 draw 4388:18 drawn 4338:6 dreams 4367:15,15 drill 4364:14,15 drove 4383:9 duties 4314:25 4369:12 duty 4274:4 dying 4391:16</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 4288:1 4309:21 4336:13 4386:9,17 easily 4343:12 4354:11 eastern 4280:16 4355:1 4355:15 educate 4366:25 effect 4300:13 4307:22 4357:25 eight 4343:22 either 4335:2 4340:20 4341:12 4342:3 4346:3 4359:4 4362:17 4368:9 4370:7 elaborated 4391:15 elegant 4328:7 emanated 4333:23 emphatically 4328:21 employed 4292:13 employees 4383:6</p>	<p>encircle 4319:6 encircled 4319:2,9 4321:13 4323:13 4327:5 4328:25 4329:15 encounter 4353:10 encourage 4348:15 endanger 4336:8 endeavouring 4373:8 ended 4288:7 enemy 4383:22 enforcement 4390:16 engage 4354:16 4376:5 English 4371:15 enjoy 4314:23 enkosi 4394:10 enquire 4384:20 enquiries 4338:18 enquiring 4342:5 enquiry 4326:6 4337:4 entertainer 4369:24 entertaining 4370:4 entertains 4369:25 entirely 4326:7 4372:6 entitled 4326:20 4327:3 4341:22 4343:21 Entrance 4282:1 4283:17 4284:22 episode 4383:1 equal 4369:11 escorted 4383:6,9,10 4386:20 especially 4314:24 4362:18 essence 4283:16 establish 4338:18 4345:20 4359:2 4366:8 4370:24 4384:11 4389:10 established 4289:16 4316:13 4332:18 estimate 4304:11 estimated 4303:24 4304:17,18 4305:14 4305:18 4334:23 estimation 4302:2 4329:21 4334:25 4387:1 ethnic 4363:16 event 4294:11 4303:5 4328:12 4329:25 4330:10,12 events 4331:20 4333:11 4341:19 4392:24 everybody 4339:15 eviction 4388:5 evidence 4278:2,6,13 4284:5,12 4289:2 4291:1 4294:1,12 4299:6 4300:11,12 4302:1 4313:21 4315:1 4318:22 4319:23 4321:8,9 4324:9,24 4325:12,15 4325:20,22,25 4326:13,19 4327:13</p>
--	---	--	--	---

4327:16,19 4330:23 4335:9 4338:17 4341:10 4344:25 4346:8,13 4352:18 4359:2,6 4360:1,2,2 4362:5,11 4366:12 4370:13 4377:19,19 4383:14,21 4387:9 4389:13 4392:24 4394:12 evident 4359:21 4382:10 exact 4288:11 exactly 4278:12 4302:6 4304:3 4305:13 4306:16 4348:4 4369:4 examination 4274:4 4307:23 4339:2 4348:16 4363:19 examine 4393:19 example 4315:25 4348:13 4367:14 excerpt 4322:10 exclude 4377:20 excused 4394:12,13 exercise 4359:1 exhibit 4274:22 4277:7 4277:20 4279:13,17 4281:18 4284:7,18 4305:5 4310:8 4317:3 4319:12 4344:24 4349:2 4361:23 4368:2,13 exit 4288:21 expelled 4388:2 experience 4355:14 4369:1 experienced 4356:20 expert 4360:9 4362:7 4362:19,24 4363:25 4367:24 explain 4286:7,10 4306:12 4320:17 4321:1 4339:14 4359:19,23 4369:3 explained 4382:1 explanation 4308:16 exposed 4356:22 express 4376:14,15 expressed 4362:11 expression 4358:7 extend 4300:17 extent 4338:18 4373:7 4386:8 4389:10 4392:6 extra 4368:7 extracted 4282:6 extremely 4292:6 eye 4326:23 4327:1 e-mail 4280:5,10 e-mails 4280:2	facilities 4286:12,14 facing 4284:2 4306:15 4364:9 fact 4279:1 4281:4 4283:17 4285:12 4287:18 4298:23 4299:21 4301:6 4306:24 4307:9 4319:22 4320:5 4324:20 4328:2,9 4332:12 4337:22 4338:6,19 4339:17 4342:4 4346:18 4347:4 4353:16 4355:10 4358:2 4363:24 4364:4,7 4369:8 4378:11 4383:5,8,24 4390:19 4392:7 factor 4354:19 facts 4289:16 factual 4360:5 fair 4302:11 4327:23 4327:25 4336:10 4349:8 4351:7 fairly 4296:11,14 fairness 4321:5 4323:1 4346:12 fall 4285:7 4360:7 families 4353:24 4354:1 far 4333:25 4337:18 4339:12,16 4340:14 4343:2,12 4358:15 4384:4 fashion 4378:11 fast 4304:4 fatal 4355:2 fatalities 4338:21 fault 4332:8 favour 4301:2 fear 4371:17 feared 4317:17 fearless 4367:18 fearlessly 4371:12,13 4371:14 felt 4367:13 4378:12 fence 4285:10 4352:15 Fern 4287:15 Ferncrest 4286:23 4287:5,16,17 fiercely 4371:8 fiercely 4371:10,11 fight 4306:16 4307:17 4354:11,14,16,20,24 4355:22 4356:2 4362:16 4369:15,22 4369:23 4371:7,9,25 4375:22 4379:13,18 4380:2,8 4391:18 4392:4,10 fighting 4306:14,21 4307:1 4355:19 4375:22 fight 4371:16 filed 4326:1 4362:10	finally 4353:9 4384:11 find 4275:1 4281:20 4297:17 4341:8 4342:10 4347:5 4348:24 4366:2 finding 4291:7,9,10,13 4291:16 4343:10 findings 4360:5 fine 4276:13 4320:25 4344:20 4345:4 4349:7 finish 4329:10 finished 4348:15 finishes 4364:3 fire 4278:1 4374:9 firearm 4379:23,25 4380:5,8,9 firearms 4394:4,6,6 fired 4283:5 4308:21 4321:15,20 4322:20 4325:7 4374:19,20 4380:14,15 first 4274:17 4275:8 4279:14 4282:13 4284:10 4298:9 4338:1 4359:9 4389:12 4391:5,6 4393:3 firstly 4323:11 fit 4377:8 five 4302:14 4303:6,9 4303:22 4305:16 4306:24 4309:12,14 4310:5,17 4335:10 4336:4 4385:17,21 Flagstaff 4370:15 fled 4309:21 4392:11 flee 4297:21 4299:16 4300:8,11,17 4301:16 4301:18 4335:15 fleeing 4298:6 4382:10 focused 4289:18 follow 4348:14 following 4277:23 4282:10 4317:11 follows 4368:20 foot 4319:16 footages 4361:19 force 4358:12 4359:7 4359:21 forgive 4274:10 forgot 4339:14 4385:9 form 4281:21 formed 4313:6 forth 4327:25 4364:25 4372:8 fortified 4305:21 forward 4324:12 4373:2 fought 4375:25 found 4285:19 4287:9 4298:1 4306:3 4340:10 4362:24 foundation 4332:21 4370:10 founded 4297:3	four 4311:15,16 4385:10 framed 4305:14 fresh 4357:4 4394:18 friend 4274:12 4307:15 4308:5 4317:10 4362:4,6,12 friend's 4392:23 front 4274:23 4278:10 4302:20 4303:15 4314:9 4318:6 4350:20 4362:24 4389:4 fruitful 4274:16 full 4325:10 4326:5 4327:11 4328:14 4388:13 furnished 4362:19 further 4274:7 4284:13 4287:21 4289:21 4290:10 4302:5 4310:23 4316:9 4323:23 4327:22 4328:8 4338:11 4343:6 4353:21 4361:18 4363:18 4364:18 4366:10 4375:9 4381:21 4384:1 4386:6,20 4392:17 4394:13	4346:8 4358:17 4361:11 4363:13 4376:8,12,14,18 4392:22 gives 4274:16 giving 4302:1 4319:23 4321:2 4324:24 4325:15 4339:11 4377:18 go 4279:13 4280:21 4281:18 4284:6,20 4285:1,18 4294:13,23 4297:3 4298:17,21 4310:15,23 4313:11 4330:13,13,14 4331:25 4332:1,4,5,6 4334:22 4335:21 4352:15 4361:25 4368:16 4372:15 4373:23 4374:14 4375:2 4391:14 goes 4363:5 going 4274:3 4283:25 4284:15 4285:3 4289:13,16 4290:12 4300:12 4305:22 4306:10,11 4310:16 4314:17,19 4315:10 4316:19 4321:10 4322:21 4337:21 4338:14 4341:1 4343:8 4344:25 4345:16 4353:23 4354:23 4355:11,19 4360:24 4361:13 4362:18 4363:3,6 4364:22 4368:4 4370:8 4373:5 4374:23 4377:9 4378:15 4379:1,17 4382:25 4386:11 4387:16 good 4290:24 4291:19 4291:22 4298:13 4303:14 4308:3 4354:11,16,19,20,23 4355:5,22 4356:14 4357:20 4371:15 Google 4274:24 great 4324:10 greater 4361:20 greatest 4326:11 green 4387:11 grew 4306:13 ground 4298:18 group 4276:20 4277:11 4278:6,7,9,23 4279:2 4279:2 4280:6 4282:20 4283:10 4293:17,23 4294:7,16 4294:17 4302:14 4303:5,9,11,13,14 4304:9 4305:18 4310:18,19,20 4311:3 4311:19 4317:12 4329:19,20 4331:8,12
F			G	
face 4360:9 face-off 4305:17			gangs 4368:21,24 gap 4310:19 4311:12 4313:21,22 4350:20 4350:21 gate 4310:15 gather 4289:23 4290:7 gathered 4293:17 gathering 4290:2 4317:12 4324:9 Gcilitshana 4338:17 4352:1 4386:8 Gegeleza's 4295:20 general 4348:8 4360:23 4383:20 gentleman 4284:19,21 4285:1,19 4286:18,22 4304:17 4321:6 4352:6,18 4363:15 gentlemen 4333:13 getting 4284:13 4355:5 girlfriends 4356:10,12 4356:14 4357:12 gist 4305:15 give 4278:2 4284:5,12 4304:11 4315:11 4324:17 4325:4,12,21 4329:4 4338:22 4344:25 4352:18 4356:4 4368:2,13 4370:9 4382:6 4385:8 4385:17 4388:14 given 4283:11 4294:9 4301:5,13 4325:7,25 4331:1 4334:16	

4332:14 4334:15 4335:4,4,7,9 4347:3 4351:5 4359:21 4363:16 4381:6 4391:17 4392:3,10 groups 4306:15 4307:17 4310:4 4375:21 4383:19 guard 4277:22 guards 4334:16 guess 4357:22 guidance 4323:7 gun 4286:2 4335:12 gunfire 4380:3 guns 4308:17,19 4333:16,18 4335:9,10 gunshot 4283:8 4322:19 gunshots 4318:10 4353:15,17 4380:6,12	4290:6 4307:1 4316:25 4318:10 4322:18 4324:10,12 4328:23 4334:7 4352:23 4353:3,14,17 4372:22 4374:18,19 4374:20,21,25 4377:5 4378:12 4379:15 4380:3,5,12 4392:2,5 4392:6 4394:5 hearing 4282:12 4346:17 4391:21 held 4355:2 4387:2 helicopter 4359:4 help 4335:5 4341:1 4344:5 4358:14 4359:20 4360:10 helpful 4275:18 4320:21 4350:2 helpfully 4363:23 helping 4274:21 helps 4320:16 Hemraj 4295:19 4296:4 4345:5,11 4393:25 he'd 4345:9 he'll 4368:9 he's 4275:16 4284:12 4298:9,9 4338:8 4342:7 4343:24 4346:8 4360:24 4370:17 hiding 4314:6,10 high 4390:1 hit 4285:1,5,6,9,13,14 4285:15 hitherto 4387:12 hold 4330:14 home 4356:5 honestly 4373:15 hope 4349:22 4361:5 hospital 4286:19,23 4287:4,5,12,14,16,17 4287:19,20,21,25 4311:21 4312:6,21 4313:3,12 hostel 4275:2,20 4304:10 4312:8 4313:23 4315:18,20 4381:16 hostels 4381:11 hot 4383:13 house 4298:1 human 4292:17 4357:21 4360:9 humiliation 4369:20 4371:5 hundred 4310:25 4315:12	4321:2 4335:13 4352:22 4356:19 identification 4312:18 identified 4337:17,19 identify 4325:1 illogical 4317:21 image 4365:10 Imbola 4369:11,11,15 4369:23 4370:2 4371:4 immediate 4289:7 immediately 4288:14 4339:8 impair 4292:16 impede 4378:20 imperil 4336:13 important 4337:15 4343:12 4361:13 4376:22 4386:13 impression 4341:14 4353:11 inasmuch 4327:12 inaudible 4283:21 4321:9 4331:6 4344:14 4351:9 4361:6 incident 4288:14 4289:21 4290:1,7 4324:20 4325:7 4332:11 4392:19 incidents 4280:3,7 4374:17 4375:1 4390:7 incisions 4357:5,5,10 4357:13 include 4339:15 4380:2 included 4276:25 including 4379:23 4389:11 incorrect 4345:6 incorrectly 4338:12 indebted 4296:6 4323:7 4388:15 indicate 4349:25 4389:1 indicated 4275:13,25 4281:25 4289:19 4310:13,16 indicates 4275:8 indistinct 4363:17 4373:9 individuals 4279:9 4280:5,11,13 4392:18 Indlaveni 4367:22 Indlavini 4368:20 4369:4,8,11,14,19,22 4369:24 Indlavinis 4370:8 4371:1,20 indulgence 4388:21 inference 4295:15 inferences 4289:15 information 4279:7 4280:18,21,23,24 4281:5,7 4288:5,8,13 4294:9 4295:6,8	4301:5,11,13 4308:7 4329:5 4337:18 4338:24 4341:1 4343:9,11 4376:11 4387:16 4390:24 informed 4317:11 4324:14 4325:5 4339:17 initial 4309:11 initially 4286:5,18 4287:4 4363:25 injure 4353:12 injured 4280:15,16 4281:10 4287:10,20 4288:7 4307:17 4309:8,10 4339:15,15 4339:16,18 4341:20 4341:21 4342:15 4351:21 4391:24 4392:1,1,4,7 injuries 4280:3,8,10 4281:6,10,14 4341:10 4341:12,19 4392:6 injury 4281:25 4285:21 4285:25 4392:18 inside 4276:12 4294:24 4295:11 4296:13 4297:18,23 4298:1,3 4299:25 4315:18,20 4322:12 insinuation 4364:8 insofar 4341:18,21 inspection 4320:20 4321:4 4322:23 4324:5 4326:18 4327:10,18,20 4328:3 4328:23 4329:5,12 instance 4280:15 4391:5 instructions 4320:5,6 4321:2 4325:10,13 4326:5 4327:11,25 intend 4339:17 4381:15 intended 4376:4 intending 4338:23 intensive 4286:24 intention 4363:2 4395:5 inter 4324:6 4337:6 4341:19 interest 4345:23 4352:2 4352:5 interested 4302:9 4313:14 4352:17 interesting 4373:12 interfere 4392:22 interject 4377:18 interpret 4276:16 4372:8 interpretation 4359:25 4372:6,11,13,16,18 4373:7 interpreted 4372:14,20 4377:19 4394:11 interpreter 4338:3 4372:3 4373:3,8	interrogated 4343:25 4344:10,19 4345:7,13 interrupt 4358:25 interruption 4307:18 4307:19 intestines 4352:21 intimidated 4374:23 intimidating 4375:1 intimidation 4374:17 4374:21 4392:25 investigate 4288:24 investigating 4302:5 4337:20 investigation 4337:17 4339:3 4342:21 4343:1,6 4344:3 invisible 4303:18 4362:17 invite 4386:16 inviting 4381:4 4386:10 involved 4330:20 4335:5 irrelevant 4364:6 4373:13 irrespective 4292:21 isiXhosa 4372:16 4394:10 isiXhosa-speaking 4372:3,4,5,9 isn't 4284:3 4289:6,11 4289:21 4290:7 4327:13 4341:1 4344:12,15 4360:8 4371:13 issue 4295:10 4337:11 4339:10,12 4340:14 4342:15 4372:21 4383:21 4386:23 issues 4307:23 4335:5 4341:17 4364:6,9 4389:9 It'll 4350:2 it's 4275:15 4276:6 4282:25 4283:4,20 4284:8,11 4285:4 4286:12 4287:16 4288:24 4295:10,15 4299:9 4300:13 4302:4 4304:18 4314:12,20 4315:2 4316:16 4317:5 4318:13 4319:14,15 4320:8 4321:8,9 4322:5,6,25 4323:18 4323:22 4326:23 4327:13 4333:18,19 4335:1 4337:20 4338:7,8,9 4342:15 4342:19 4347:24 4348:25 4349:5,23 4352:16 4354:15 4359:17 4364:18 4365:19 4366:1 4368:8 4369:21 4370:21 4371:12
H hadn't 4345:6 HANABE 4365:4 4371:9 4376:25 4385:24 4394:9 hand 4275:7 handed 4347:25 handing 4348:9 handwriting 4343:1 happen 4291:4 4343:8 happened 4280:19,25 4282:14 4288:3 4289:8,14,22 4302:9 4302:16 4303:16 4306:16 4318:4,8 4324:11,21 4326:15 4327:17 4329:2,13 4330:5,12 4331:23 4332:21 4334:22 4337:11 4343:8 4352:2 4355:9 4360:1 4382:23 4386:19,21 4393:7,12 happening 4286:15 4304:4 4312:9,10 4324:5,18 4365:23 happens 4338:9 4354:13 happily 4347:25 4351:8 happiness 4330:7,10 4332:11 happy 4321:1 4324:1 4393:21 hasn't 4344:19 4355:18 4368:7 haven't 4283:11 4332:18 4337:19 4356:22 4362:9,25 head 4285:9,14,20,25 heading 4381:20 hear 4281:3 4282:24 4286:20 4320:23 4323:5,18 4347:22 4369:21 4385:21 heard 4279:21 4284:10	I ICU 4286:24 idea 4279:12 4282:13 4284:5 4285:16 4286:3 4287:7,24 4298:13 4319:9	I information 4279:7 4280:18,21,23,24 4281:5,7 4288:5,8,13 4294:9 4295:6,8		

4372:2,2 4373:10,18 4374:3,20 4375:18 4383:4,16 4386:22 4390:20 4394:11 I'd 4277:6,17,19 4279:13 4324:1,3 4331:3 4368:14 4386:16 I'm 4360:19 I've 4324:20	laid 4332:22,22 4370:5 Lamla 4368:16 language 4324:16 4371:13 4373:9 laparotomy 4288:21 4289:1 large 4276:20 4304:9 4317:12 4321:11 4334:15 4335:3,4,7 4358:6,12 4359:7 4391:17 4392:3,10 late 4300:1 4322:10 lateral 4282:1 4283:18 4283:19,21 law 4341:17 4390:16 lay 4290:25 4362:14 4370:10,11 lead 4300:12 leader 4393:10 leaders 4374:16,19 4389:16 leadership 4376:5 4383:15 4389:25 4390:1,1,9,10 leading 4351:3 learn 4348:8 learned 4274:11 4307:15 4308:5 4358:25 4362:4,6,12 4392:23 leave 4294:17 4297:17 4298:23 4299:13 4300:7 4301:6,10 4317:22 4348:7 4361:25 4376:23 4377:3,7,13,25 leaving 4298:6 led 4310:10 4341:19 4360:1,2 left 4298:22,22 4299:21 4301:15,18 4315:14 4330:15 4332:19 4335:16 4345:24 4346:5 4352:14 4379:3,9 knew 4326:20,24 legitimate 4292:10 legitimately 4364:16 lengthened 4359:14 4360:8 lengthy 4359:16 let's 4283:23 4300:5,22 4302:11 4308:3 4313:20 4314:22 4315:3 4323:11 4329:4 4335:5 4337:24 4341:20 4346:20 4347:14 4349:21,22 4350:12 4350:13 4360:15,25 4364:20,22 4370:1,9 4371:3 4372:15 4374:14 4385:21 4391:14 level 4282:1,2 4284:23 4325:13 4367:20	4369:9 4389:25 4390:1 Lewis 4353:23,25 licensed 4394:3 life 4291:1 4379:6,9 4381:15 4384:12 light 4320:8 4323:24 4327:9 likes 4369:14,15 limitations 4300:15 limits 4363:5 line 4295:25 4313:24 4321:8,18,19,25 4326:6 4328:10 4337:21 4345:1 4346:2 4359:22 4361:18 4365:6 link 4289:2 listen 4320:7 4324:1 4363:9 4388:1 literally 4385:9,11 little 4323:22 4324:12 4350:6,24 4355:21 4360:11 live 4388:8 lives 4315:6,8 4353:18 4377:8,11 4378:24 4379:3 4380:25 4381:3,18 4382:21 lock 4376:23 4377:3,11 4377:13 locking 4378:20 loco 4320:20 4321:4 4322:23 4328:23 4329:6,12 long 4314:18,20 4315:20 4316:14 4331:15 longer 4289:8 4327:2 4387:21 Lonmin 4277:22 4286:19 4289:9 4293:22 4299:24 4330:25 4347:2 4394:3,3 look 4274:22 4275:15 4275:19 4277:6,19,20 4279:20 4281:17 4285:2 4300:22 4348:22 4349:21 4361:11 4363:8 4365:13 4369:19 4371:4 4382:20 looking 4276:5 4279:18 4289:5 4295:1,4,5,7,9 4299:23 looks 4288:25 4309:9 4386:4 lose 4306:15 4354:23 lost 4308:13 lot 4289:17 4295:23 4305:9 4334:18 4348:8 4370:14 lots 4289:13 love 4371:22 4372:22 loved 4341:9,15	lovemaking 4371:20 4372:8 4373:15,21 4374:2 lower 4282:1 4283:18 4284:22 LRC 4385:2 lunch 4350:9 4360:14 4361:3,6,7 Lusikisiki 4370:14 L4/5 4284:22	medical 4356:9 medicine 4355:12 4356:7,9,12,13,18,21 4356:23 4357:7,18 4358:10 meet 4310:10,12 4332:3 4333:11 4336:14 4339:9 4386:15 4387:21 4388:7 meeting 4330:5,14 4331:21 4387:2,5,5,7 4387:10,12,20,22,25 4388:4,5 member 4283:10 4393:8 members 4277:23 4278:7 4279:1,3 4308:18,21 4309:12 4325:8 4330:15,20 4342:19 4343:19,20 4375:6,6,9,13,22,22 4375:23 4376:1 4377:15 4389:8 4393:6 men 4354:14 4360:16 4365:6,24 4366:20 4368:19 mention 4282:9 4329:15 4337:16 4371:22 mentioned 4277:17 4280:14 4294:5 4299:15 4338:6 4343:5 4362:22 4372:22 mere 4364:4 4374:17 mess-up 4322:18 met 4311:6,16,18 metres 4310:25 4315:13 militant 4368:19 mind 4297:5 4305:20 4306:23 4310:6 4361:25 4377:12 4378:14 mine 4283:24 4363:14 4391:7,8 miners 4365:23 4391:20 mines 4292:13 minimum 4327:2 minus 4329:20 minutes 4308:8 4360:12 mistake 4277:18 4345:15 Mister 4340:4 mixed 4374:8 Mokwena 4344:1 Mokwena's 4344:3 moment 4289:5 moments 4279:21 months 4331:20 4332:13 4333:5 morning 4274:17
J ja 4296:6 4308:11,15 4322:3 4335:1 4346:15 4381:4,8 JANUARY 4274:1 job 4333:10 joined 4309:18,22 4314:3 Julius 4344:9,23 4345:2 jumping 4374:9 junction 4318:24 J88 4281:20 4283:17 4284:21			M Mabuyakhulu 4280:12 4284:19 4286:5 4340:3,5 machine 4292:14,20 Madibi 4393:7 Madlanga 4274:3,7,12 4372:11 Mahlangu 4274:24 4275:13,25 4276:17 4279:18 4297:13 4310:2 4332:2 4373:1 4373:4,6 4385:25 main 4310:15 4330:8 making 4296:20 4308:1 4346:10 4356:18,24 4357:16 4371:22 4372:22 4383:22 male 4368:21 man 4369:9 managed 4381:5 management 4330:13 manly 4354:16 map 4274:24 4275:1,11 4275:13,20,22,24,25 march 4321:11 4351:21 marched 4315:22 4351:14 marching 4277:24 4351:3 Marikana 4357:4 4358:13,16 mark 4275:10,20,23 4310:13 marked 4275:12 mass 4330:14 material 4362:25 matter 4274:13 4282:7 4302:7 4306:18 4324:9 4325:6,19 4326:23 4327:14 4340:25 4355:9 4360:25 matters 4289:4,15 4299:8 4395:5 mean 4278:18 4283:1 4284:11 4289:12 4301:24 4350:12 4371:25 4376:25 meaning 4362:8 means 4360:23 4369:4 4393:2 meant 4341:18 4384:3 media 4386:1,3	
K Karee 4285:9 4286:11 4286:11,13 4287:9,18 4375:10 keep 4308:2 4363:14 4382:2 keeping 4378:7 kept 4330:21 kill 4322:15 killed 4353:2 4357:4 4389:8 4393:7,8 killing 4371:24 4393:5 kilometre 4317:21 kind 4289:19 4330:2 4332:21 4333:7 4337:4 4338:9 4342:8 4346:10,14 4358:9,22 4360:9 4369:16 4370:16 4377:20 knew 4380:8 knobkerrie 4285:1,6,13 4285:15 4303:23 knobkerries 4276:25 4277:12 4303:6 knowing 4303:21 knowledge 4285:22 4287:1 known 4293:3 4369:24 4371:20 knows 4334:18 4339:15 4342:7 4371:17 koppie 4290:2,7 4315:25 4316:15,22 4316:23 4317:1,12 4353:5 4360:17 4387:22 4388:7				
L L 4361:23 lack 4387:19				

4293:2 4334:22 4339:17 4393:3 4394:19 4395:9 motivated 4315:4 Motlogeloa 4304:19,20 4344:24 Motlolegi 4304:18 move 4296:21 4298:24 4300:2 4303:12 4343:17 4345:16 4346:7,20 4373:13 4382:3,5 moved 4285:9 4296:13 4296:15 4332:19 moving 4304:10 Mpembe 4348:8 4383:20 Mpofu's 4349:19 Mpondo 4364:5 4371:24 Mthembu 4364:5 multitudes 4307:9,10 4309:13 murder 4279:8 4336:19 4337:2 4340:21 4342:4,18 muti 4362:8,8,11,16,20	4377:12 4378:1,14 4379:7 4383:7 4392:5 4394:5 nevertheless 4359:22 Ngema 4280:12 4281:24 4282:15,20 4284:2 4287:3 nicknames 4293:11,13 night 4332:20 4374:22 4393:1 nonsense 4310:19 4311:18 4350:21 non-NUM 4375:6,22 4375:22 non-unionised 4375:16 normal 4366:2 4369:21 4391:4 normally 4338:9 4391:1 note 4278:13 4342:25 4343:2 notice 4282:3 no-one 4371:16 4387:25 4388:1 4389:19 4393:17 Ntelezi 4366:23 4374:8 Ntsebeza 4371:15 nude 4360:17 NUM 4276:15,21 4278:7,7,8,9,10,19 4279:2 4283:10 4288:6 4290:19 4291:4,7,13,20 4293:7,17 4295:12 4303:18 4305:9 4308:17,21 4315:5 4318:23 4319:2 4321:3,12,14,15,20 4322:20 4324:21 4325:6,8 4328:24 4329:7,12 4330:20,25 4331:9 4333:10 4338:16,18 4342:19 4343:19 4348:8 4374:16,19 4375:6,9 4375:13,21,23 4376:1 4376:4,5,23 4377:13 4380:15,20 4381:15 4381:18 4383:2,15,22 4384:12 4387:2,19 4391:2,4 4393:8 4394:3,16 4395:6 number 4305:11 4334:14 4339:25 4340:13,14 4341:6 4344:8 4349:2 4350:3 4364:13 4368:2,13 numbered 4281:19 4324:18 numbers 4280:14 4306:14,17,21 4307:1 4307:13 4334:15 4354:19 4358:20	4361:10 4385:21 object 4282:22 4296:10 4300:9 4307:18 4319:10 4323:15 4326:6 4337:3 4358:24 4359:25 4363:5,21 objection 4282:24 4283:14 4297:2 4312:16 4319:19 4323:24 4324:4 4326:4,6,9,11 4330:22 4339:13 4340:17 4360:6 4362:4 4364:7,21,24 4381:25,25 objectionable 4320:8 4320:23 4363:22 objectionably 4323:5 objectively 4342:5 obscure 4339:4 obscured 4318:17 observation 4365:6 observe 4277:25 4285:11 4325:2 observed 4277:23 4278:3 4281:1 4316:14 4374:10 observers 4334:23 observing 4312:10 obtained 4325:10 4326:3 4343:9,12 obviously 4282:24 4283:1 4289:4 4320:4 4323:17 4363:5,20 occasion 4327:20 4356:6 occasions 4356:6 4382:1 occupation 4317:1 4387:18 occurred 4388:6 October 4325:13 4329:6,11 4337:8 odd 4358:6 offered 4362:7 officer 4285:19 officers 4294:4 4299:25 4301:12 4322:14 offices 4278:10 4280:1 4293:23 4295:13 4321:13 4347:3 4391:13 officials 4278:7,10 4279:3 4293:22 4321:16,20 Oh 4307:12 4321:19 4329:19 4358:1 4384:25 okay 4291:24 4293:12 4293:20,25 4294:11 4295:1 4300:5,18 4301:17 4302:3,10,11 4304:15 4307:12 4310:3,18 4311:2,8 4312:19,23 4317:15	4320:25 4321:9,19 4322:19 4329:25 4330:9 4331:7 4333:22 4334:21 4336:10,24 4343:16 4344:7,21 4345:4 4347:10,14,24 4348:7 4349:13 4351:25 4352:25 4356:11 4357:2,16 4360:15 4365:18,22 4369:2,6 4370:1,11,20 4371:14 4371:23 4372:24 4374:14 4380:13 older 4348:21,22 omitted 4386:9 omitting 4277:18 once 4300:20 4313:22 4324:6,16 ones 4339:18 4340:6 4341:10,15 4348:21 4348:22 open 4363:20 4377:2 4392:17,18 4393:2 opened 4279:9 opening 4310:16,23 4311:17 4314:2 operating 4376:17 operator 4364:15 operators 4292:14 4364:14 opportunity 4333:5 4365:13 4369:3 4376:14 4385:17 opposition 4354:19 4383:2 order 4296:12 4338:18 4382:3 ordinary 4330:17 organised 4368:20 originally 4287:18 outline 4325:5 4327:11 outside 4294:23 4297:23 4298:2,3,17 4298:17 4312:8,9 4322:13 4387:10 o'clock 4351:15 4387:1 4387:7	paper 4361:11 para 4295:16,18,25 paragraph 4277:7,10 4277:21 4285:4 4295:20 4296:9,14 4301:2 4304:22 4305:2 4316:24 4317:3 4347:5 4374:6 parameters 4300:15 parcel 4395:6 pardon 4310:2 4385:1 part 4276:16 4303:6 4305:12 4307:8 4310:18,20 4331:8,11 4332:14 4333:6 4344:10 4350:16 4351:5 4354:14 4359:18 4362:5 4369:22 4382:4 partially 4319:5 4321:13 4328:24 particular 4284:14 4289:18 4319:16 4337:5 4339:19 4342:18 4359:25 4362:9 4364:13,14 4390:7 particularly 4327:9 4338:19 4363:24 4364:12 parties 4326:21 4341:21 4350:11 4384:20 passage 4295:2 4317:4 passed 4369:9 4383:25 pattern 4375:23 pause 4350:1,2,5,15 paused 4350:16 penetrate 4359:22 penultimate 4374:6 perceiving 4383:14 perform 4274:5 4314:25 4369:12 performed 4366:13 period 4353:7 permanently 4388:6 permissible 4363:5 permission 4330:13 4385:8 4388:14,16 perpendicular 4351:2 person 4286:11 4309:6 4324:8 4325:18,19 4327:19 4336:9 4338:6 4343:4,5 4351:21 4352:2,5 4355:8,9 4356:20 4366:4,5 4369:4,8,10 4369:14,15,16,24 4371:24 4382:16,18 4382:22 personal 4389:15,17 personally 4308:22 4378:1 personnel 4347:2 4383:25 4391:4 persons 4331:2
N				
n 4320:12 naked 4365:7,24 4366:11,17,21 4370:24,25 4374:9 name 4336:25 4337:16 4346:8 names 4280:13 4281:14 4293:9,12,18 4335:14 4335:18,22,25 4336:3 4336:4,7,11 4337:10 4338:25 4339:10,12 naturally 4371:4 nature 4281:10,14,24 4294:20 near 4301:14 4309:5 4387:2,6 nearer 4278:3 4366:17 nearest 4287:12,20 necessarily 4283:25 4286:14 4296:19 4333:19 necessary 4360:16 need 4305:11 4319:21 4335:4,20 4339:9 4349:2 4359:24 4368:2 4388:18 neither 4296:22 never 4276:12 4297:5 4306:13,20,25 4326:12 4333:12 4336:22 4343:25 4345:9 4346:9 4353:13 4356:2,20 4358:9,22 4367:19 4371:21 4372:21,22 4372:22 4374:13,18 4374:21 4376:8	O			
oath 4274:5 4316:8				
			P	
			page 4277:6,21 4281:18 4281:20,20,20 4284:20 4285:2,4,18 4285:24 4286:5,25 4287:6 4319:15,16,17 4321:5 4324:18,18 4327:24,24 4328:10 4344:8 4368:17,18 4372:24 4373:23 4374:5,6 pages 4281:19 4296:1 4342:20 paid 4292:9,9 panga 4306:2,6,9 pangas 4276:25 4277:4 4277:16 4278:1	

4337:19 4346:17 4393:1 pertaining 4347:23 4355:8 physically 4377:10,25 4378:5 picture 4313:10 4388:13 pictures 4370:6 piece 4298:18 4361:11 Pillay 4348:24,25 4349:4,9,19 4361:22 pipes 4387:11 place 4274:11 4275:8 4281:6 4287:9 4288:18,19 4296:8,16 4296:22 4300:16 4306:13 4317:6 4325:11,21 4330:21 4331:12,16 4332:16 4333:1 4339:2 4349:17 4350:22 4351:1 4364:4 4366:5 4367:3 4385:3 4386:15 4387:7,10,10 4387:12,20 4388:2 4395:6 placed 4286:24 4338:16 4364:24 places 4331:1 4332:6 4332:17 4370:15 4374:13 plan 4315:17,19,24 4381:13,21 planned 4317:16 planning 4315:22 plant 4367:3 Platinum 4384:1 play 4350:24 played 4349:11 4365:19 please 4275:1,5,10,20 4275:24 4279:16,24 4290:15 4298:25 4338:13 4360:11 4377:16 4382:7 4389:4 plural 4333:19 podium 4362:23 point 4283:13,25 4284:1,14 4296:20,22 4297:11 4298:23 4299:9 4302:5 4307:20 4308:1,1,3 4310:12 4313:17 4314:17,19 4317:15 4324:9,25 4325:2 4328:9 4337:15,22 4340:24,25 4341:4,24 4343:7 4345:16,20 4346:5,6,21 4348:3 4360:8,13 4363:6,14 4364:4,23 4371:24 4374:1,2,5 4375:20 4380:14,19 4382:13 4383:1,21 4386:13	4387:21 4388:3,6 4392:20 pointed 4326:22 4342:17 4346:13 4374:4 pointing 4325:6,16,20 4337:7 4350:19 points 4283:24 4284:13 4284:15 4339:13 point's 4347:9 police 4285:19,20,25 4289:3 4303:12,15 4318:6,17 4337:20 4342:5 4343:10,25 4358:12,16,20 4359:22 4362:6 4383:20,20,24 4384:4 4384:8,8 4390:18,20 4390:23,25 4391:5 Pondo 4354:7 4363:1 Pondoland 4363:1 4364:12,14,15 4367:22 4368:19 4369:7,17,22 4370:7 4370:14 4371:1,21 Pondo-speaking 4373:11 port 4391:6 portion 4285:3 posed 4341:3 position 4320:15 4355:8 4357:24 4390:9 positions 4390:3 possessed 4380:8 possession 4289:3 4363:25 4380:5 4394:4 possible 4282:8 4289:14 4301:20,24 4302:7 4304:12 4312:13 4314:12 4317:18 4318:13 4334:5 4335:8 4347:24 4348:1 4372:14 4375:8,18 4377:10,25 4378:4,5 4381:3 4383:4,7,16 4386:18,21,22 4390:23 possibly 4277:17 4282:7 4335:21 4345:21 posterior 4283:20 postulated 4296:7 post-mortem 4357:3 Power 4384:24,25 practice 4357:9 4358:5 4366:2 4374:11 preamble 4341:18 precise 4327:25 premature 4364:18 4370:21 premises 4286:19 4289:9 4331:1 4332:19 4352:15	prepared 4290:22,25 4303:23 4305:17 4323:17 4391:18,20 4391:22 4392:3,9 present 4278:11 4294:3 4300:11 4301:6 4321:14 4346:17 4376:9 4382:15,16 4395:4 president 4341:2,8 4394:16 presumably 4289:1 4313:3 prevent 4382:3 previously 4337:8 pre-emptive 4359:17 prior 4289:21 probably 4337:21 4347:7 4349:19 4361:4 problem 4323:16 4363:24 4383:5,24 4384:1,4,8 4391:2 proceed 4275:3,6 4319:18 4323:4,5 4325:4 4332:22 4360:11 4363:18 4364:18,25 4382:7 4386:1,3,5 proceeded 4325:15 proceedings 4274:1,13 4325:25 4326:1 4377:17 proceeds 4363:20 process 4341:13,14 Prof 4368:16 professionalism 4274:14 professor 4368:17,23 4369:18 4371:18,23 4374:6 progress 4300:21 4357:17 proper 4312:18 proposal 4326:15 propose 4323:11 4340:2 4367:24 4368:1 4394:15 proposed 4366:12 proposing 4298:24 proposition 4333:3 4360:4 4385:9 4386:7 4392:9 propositions 4368:8 prosecuted 4338:11 protect 4300:4 4301:3 4315:5,8,13 4357:15 4377:8 4379:6 4381:15,15 4390:13 4390:17 4391:13 protected 4381:18 protecting 4315:16 4382:21 4389:14 protection 4384:13 4390:25 protesters 4311:11,25	4312:14 4318:23 4319:2 4334:1,6 4353:10 4374:16 4375:13,15 4376:3 4383:19 4387:12,20 4388:5 protesting 4375:5 protruded 4352:19 provided 4279:17 prudent 4390:8 public 4373:11 4393:5 purpose 4343:10 4367:10 4370:17 4382:1 purposes 4302:7,8 4305:12 4356:23 4361:22 pursue 4319:19,20 4338:23 4339:10 pursued 4341:23 4345:22 4382:18 pursuers 4382:21 pursuing 4337:4,9 4380:23,25 4381:10 4382:11,23 pursuit 4315:12 4382:2 4383:13 push 4310:23 pushed 4310:24 put 4274:8 4295:2 4296:11,14,17,25 4299:19 4300:10 4308:14,15 4320:9,20 4320:21,22 4322:22 4322:23 4323:19 4325:24 4326:3,4,25 4327:18,21 4328:1,1 4328:12,15,19 4330:22 4331:3 4333:22 4334:15,19 4338:11 4341:24 4359:12 4360:5 4363:2 4368:5,12 4372:2 4375:12 4384:12 4385:9 4386:7,8,9 puts 4304:24 4305:5 4323:12 4326:15,21 putting 4286:18 4297:20 4319:17 4320:3,4 4328:21 4333:3 4368:8	4340:17 4351:25 4362:5 4374:1 4377:10 4378:4,8,17 4378:17 4388:13 4389:12 questioned 4336:18 questioning 4332:23 4345:1 4371:2 questions 4274:8,17 4290:11 4316:9 4320:22 4328:15 4331:3 4338:23 4341:2,11 4343:11 4353:25 4354:4 4363:21 4364:16,19 4364:21 4370:16 4384:16 4385:3,10,17 4385:22 4388:8,17,24 4389:4 4393:21 4394:13 quiet 4377:17 quietly 4319:18,21 quite 4304:14 4325:23 4349:23 4362:13 4373:7 quotes 4383:22 quoting 4319:11
R				
raise 4342:16 4362:4 4386:24 raised 4324:20 4337:24 4340:25 Ramaphele 4388:25,25 4389:2,5,6,21,24 4390:5,15,22 4391:6 4391:10,14,23 4392:2 4392:8,17 4393:4,10 4393:15 ran 4285:6 4311:14 4312:5 4313:22,22,25 4313:25 4322:13 4330:5 4336:1 4353:17 4359:4 4380:18 rarely 4373:10 rascal 4369:8 rascals 4368:20 4369:4 RDO 4291:24 RDOs 4292:2,16 4370:14 4383:8 reached 4367:19 reactions 4360:9 read 4282:25 4283:5 4285:3 4296:8 4319:18,21 4320:21 4321:4,10,17,25 4322:9 4362:25 reading 4363:6 4368:18 ready 4393:18 realised 4309:18 really 4284:1,5,8 4289:15 4298:24 4299:9 4302:7 4305:15 4312:17				
Q				
qualifications 4326:24 qualifies 4364:8 question 4276:17 4283:14 4289:18,19 4291:12 4296:21 4298:10 4304:1,5 4305:14 4308:16 4312:12,17 4320:5,7 4323:2 4327:21 4329:8 4332:8 4333:11 4335:4 4337:10,13 4340:16				

4334:3 4338:21 4341:4 4375:5 4383:17 4386:18 reason 4289:18 4304:15 4307:8 4310:21 4317:23 4339:9 4357:8 reasons 4347:14 4378:14 recall 4274:12 receive 4280:21 4308:6 received 4280:11,19,23 4280:24 4281:4,8 4288:2,5,8,14 4301:5 4301:10 4317:8 4352:19 4390:12 record 4274:11 4328:19 4346:16,23 4361:23 4364:4,24,25 4385:3 recorded 4319:14 4327:17 red 4275:7 refer 4293:11 4300:21 4304:8 reference 4277:11 4317:6 4336:6 4341:3 referred 4287:14 4292:20 4369:10,13 4369:23 referring 4282:4 4349:20 refers 4285:14 reflect 4372:12 reforming 4382:3 reformulate 4283:13 4296:21 4297:3 regard 4389:20 regarding 4394:6 regardless 4354:18 regular 4332:20 relating 4338:21 4363:16 relation 4280:5,11 4287:19 4327:21 4338:19 4346:10 4363:4 4391:7,16 relevance 4337:4 4340:14,23 4341:6 4345:1 4346:3 4371:2 relevant 4285:3 4287:18 4307:23 4337:24 4341:17 4362:10 4373:15 4374:3 reluctant 4392:22 rely 4327:11 remain 4377:17 remained 4301:23 4302:12 4330:16 4335:15 remaining 4301:3 remarks 4348:12 remember 4288:10,16 4297:7 4301:8,25 4324:24 4334:14	4335:17 4336:2,3,14 4351:14 remind 4335:23 reminded 4328:9 removed 4288:18 4289:1 4330:25 repeat 4320:7 4361:6 4372:7 4378:17 repeatedly 4326:18 repel 4307:2 4381:5 rephrase 4393:4 replies 4338:1 reply 4327:6 4338:14 report 4280:2 4288:2 4288:22 4289:7 4294:7,8 4362:7,9,19 4362:24 4368:1,16 4373:24 4374:5 4390:12 reporters 4353:4 reports 4357:3 4376:18 4392:25 represent 4339:14 4341:7 4389:7 representative 4321:3 4326:21,24 representatives 4325:17 4331:25 4384:21 representing 4332:5 request 4365:9,18 require 4300:14 requires 4312:17,24 reservation 4326:17 resist 4303:23 respect 4279:9,10 4281:24 4284:14,18 4289:15 4292:10 4296:17 4300:17 4307:14 4312:25 4324:7 4325:24 4326:11 4339:2 4342:3 4346:23 4360:1 4381:24 4382:4 4384:23 4392:24 respectfully 4394:17 respects 4386:13 respond 4357:6 4358:8 response 4388:25 responsible 4337:19 4383:3 restraint 4359:1 result 4300:7 4387:21 resulted 4387:18 resume 4384:21 resumes 4274:2 4316:6 4316:7 4361:8,9 4385:19,20 return 4351:17 returning 4351:12,19 reveal 4383:15 re-examine 4393:20 re-examines 4385:16 rhetorically 4307:15 right 4274:25 4275:7	4275:12 4276:10 4281:15 4282:1 4283:18 4284:22 4286:1 4289:24 4297:11 4310:25 4311:24 4313:2,11 4334:18 4351:1 4354:8,12,16,20 4355:6,12 4356:15 4358:20 4365:24 4366:3,21 4368:6 4372:4,18 4374:17 4375:7,17 4376:19,24 4378:24 4379:10,14 4380:20 4381:1 4382:21 4384:13 4389:24 4390:13 rise 4325:7 risk 4384:13 ritual 4366:13 rival 4368:24 road 4296:15 4302:19 4304:10 rock 4364:14,15 roof 4332:20 rooftops 4367:4 room 4386:1.3 rot 4345:24 4346:5 rough 4298:18 round 4284:10 4313:16 4347:5 4360:13 rounds 4353:1 ruffians 4368:24 rule 4320:24 rules 4327:16 ruling 4324:4 4363:22 rumour 4353:1 4357:3 rumours 4357:1 run 4311:12 4312:4,5 4313:24 4318:13 4322:14 4335:24 4354:14,23 4388:7 running 4282:20 4283:2,8 4298:7 4309:18,22 4311:21 4312:13,21 4313:2,3 4314:11 4355:25 4359:3 4381:12,19,20 runs 4355:22 Rustenburg 4286:24 4287:5	Saturday 4276:21 4279:3 4289:25 4383:7 4386:21 save 4339:1 4377:11 saw 4289:25 4309:4,6 4309:21 4314:10 4316:19 4349:8 4351:2,21,22 4352:12 4359:3 4361:7 4366:10,17 4376:1 4377:8 4386:19 4391:17 saying 4280:4 4294:17 4294:18 4295:12,13 4297:20,22 4298:9,9 4305:16 4309:20 4314:6 4321:24 4323:22 4332:3,9 4334:5 4335:1,6 4339:21 4343:18 4345:6 4346:3 4355:23 4374:25 4377:24 4380:8 4381:5 4384:8 4390:15,22 4394:9,10 says 4277:22 4278:14 4281:25 4283:6,17 4285:4,13,25 4286:1 4288:22 4297:14 4298:22 4299:5 4305:8 4316:24 4321:23 4322:10,11 4322:19,20 4332:3 4334:17,17,20 4335:3 4337:25 4342:17,24 4343:24 4344:8,9,19 4345:5 4360:23 4367:25 4368:18 4371:18 4386:12 4387:1 SAZISO 4274:6 4316:11 4361:15 4385:23 scared 4307:5,6,7,9 scene 4327:15 Schagan 4276:8,10,12 4309:5 4352:13,15 seats 4389:4 second 4342:20 4359:9 4386:23 secret 4340:1 secretary 4299:25 4391:12 securities 4301:15 4389:8 4393:7 security 4277:22 4293:22 4294:4 4299:25 4301:12 4322:13 4334:16 4344:23 4347:2 4376:18 4377:4 4383:25 4391:3,7,7 see 4277:12,13 4278:1 4278:22 4281:21,22 4282:2,16,18,18 4283:23 4284:21,23	4284:24 4285:10,15 4290:3,5 4291:21 4295:14 4303:1,4 4306:17 4307:20 4308:3,17,19 4312:2 4314:10 4315:22 4318:13,16 4320:8 4324:18 4337:18,24 4338:13 4343:2,10 4349:7,13 4350:16,17 4351:24 4352:10,21 4357:2 4358:11 4359:20 4361:10,20 4361:25 4363:19 4364:23 4365:14,19 4365:24 4366:9,10,16 4369:5 4380:15 4381:11,19,19 4382:16,17,18,23,23 4383:2,22 4389:5 4393:5 seeing 4366:20 4383:10 4383:13 seek 4338:24 seeking 4359:22 seeks 4339:11 seen 4282:5 4356:2,20 4359:8 4362:9 4393:5 sees 4360:23 self-protection 4357:17 Semenya's 4363:2 send 4391:3 sense 4326:19 4378:5 sensible 4283:13 sent 4280:2,5 sentence 4295:9 Senzeni 4394:16 Seoka 4362:10 series 4363:17 seriously 4287:10 4292:16 4334:10 Service 4384:4 Setelele 4294:1 4295:2 4300:6,22 4301:1 4346:8 4386:25 4387:3 Setelele's 4295:7,16 setting 4348:13 settlement 4290:4 4316:20,20 seven 4342:19 4343:19 4343:20,22 4344:17 4345:21 4346:24 severe 4341:10 sex 4373:10 shack 4290:4 4316:20 shacks 4359:5 shaft 4280:17,21 shafts 4280:8 share 4368:15 sheet 4361:12 she's 4283:25 shoot 4285:6 4334:12 shouted 4285:5 shooter 4284:3 shooting 4284:4
--	--	---	--	---

4359:10 4374:15,25 shop 4293:3 4330:25 4331:8,9,11 4336:16 4389:22,25 4393:11 4394:2,3 short 4308:2 4348:24 4349:23 4365:19 shorten 4308:15 short-circuit 4339:6 shot 4279:2,22 4280:6 4282:15,20 4284:3,9 4284:11,19,21 4287:11,11 4309:5,7 4340:6 4341:15 4352:19,23 4374:19 4383:15 shotgun 4322:18 shots 4283:5 4284:9 4308:21 4309:1 4321:7,15,20 4322:19 4325:7 4333:13,23 4334:1,3,5,7 4352:23 4353:15 4374:19,20 4380:14 show 4310:7,8 4341:11 4346:23 4358:12 4359:21 4360:16,21 4365:9 showed 4349:18 shown 4275:16 4344:4 4349:5,15,24 4350:14 4350:25 4361:19 4362:2 4365:11,18,21 shows 4362:4 4392:15 side 4275:7 4283:19 4286:1 4303:13 4304:2 4306:25 4308:17 4311:6 4312:6 4320:12,15 4335:5 4354:23 4391:16,16 sides 4296:2 4391:15 4391:17 sight 4366:8,20 signify 4283:19 similar 4374:11 similarly 4287:3 simple 4323:18 4326:23 simply 4286:17 4375:12 4376:23 4388:4 sing 4351:10 singing 4351:8 4369:17 sir 4276:3 4289:6,21 4290:18 4291:11 4301:12 4310:2,7,9 4312:11 4314:5 4315:10,19 4317:6,13 4318:7 4333:8 sit 4335:21 sitting 4309:1 4333:15 4350:8 4377:16 situation 4325:23 4330:1 4335:8 4360:10 4363:1,16	six 4331:19 4332:13 4333:5 slide 4361:23 4365:10 4365:18 smaller 4329:20 social 4362:7 solution 4328:7 somebody 4283:3 4309:4 4323:13 4326:16 4327:3 songs 4351:10 soon 4353:17 sorry 4293:1 4299:1 4300:25 4310:3 4320:1 4323:17 4328:8 4329:3 4332:2 4332:7,15 4340:11 4342:13,19,25 4346:25 4353:6,22 4358:25 4359:24 4360:19,20 4364:2,2 4370:4 4372:3 4384:3 4387:5 4388:25 4394:8 sort 4326:13 4364:20 sought 4375:1 sounds 4331:5 South 4384:3 sow 4367:3 so-called 4370:7 4371:1 space 4331:19 speak 4325:15 4330:11 4331:25 4356:25 speakers 4386:3 speaking 4372:17 4374:7 spear 4303:7,23 4305:17 4306:10 spears 4277:25 specific 4280:5,10 4366:5 speculate 4289:12 speculation 4284:8,11 4289:12 spend 4289:16 4342:6 4384:12 spent 4332:12 4345:19 spinal 4286:2 spoil 4307:22 spoke 4294:4 4298:18 4301:2 4353:4 4362:22 sporadic 4374:17 4375:1 spot 4326:23 spots 4324:9,25 4325:1 4325:16 sprinkled 4374:8 squarely 4337:11 stadium 4283:7 4289:23 4310:25 4312:14 4321:12 4351:15 4387:3,11 stage 4301:7 4311:9 4319:1,3 4325:10 4326:17 4350:3	4360:12 4363:23 4364:19 4368:8 4370:22 4380:21 4384:19 4388:19 stand 4304:3 4305:23 4306:11 4356:14 4361:25 standing 4302:18 4304:10 4305:16 4312:8 4360:17 4365:6 stand-off 4307:16 start 4274:21 4313:20 4323:11 4347:14 4394:18 started 4290:2 4383:5,7 4387:22 4388:7 4392:18 4393:6 startled 4380:12 state 4301:11 4369:11 stated 4288:1 statement 4277:7,20,21 4282:25 4283:3,6,9 4285:2,3,18,20,25 4295:2,3,6,7,16,20 4296:9 4299:5,19,20 4299:24 4300:16,22 4301:22 4302:12 4304:8,18 4305:5 4316:25 4326:1,25 4336:7 4344:24 4347:6 4363:25 4394:21,22,23 4395:3 statements 4326:13 4334:16 4368:5,12 station 4303:12,15 4318:6,18 4390:18,20 status 4368:8 stay 4294:13,18 4295:13 4297:23 4298:10,21 4299:13 4390:19 stayed 4298:23 staying 4312:7 4331:17 4333:5 stead 4356:14 stepped 4373:1 steps 4360:16 4390:18 steward 4393:11 stewards 4293:3 4330:16,25 4331:8,9 4331:11 4336:16 4389:22,25 4394:2,3 stick 4305:17 4306:5 sticks 4276:25 4277:12 4277:25 4303:22 4306:1,5,8,10 stomach 4352:20 stones 4278:7,14,23 stood 4303:10,23 stop 4289:17 4299:10 4307:25 4310:19 4311:18 4350:21 stopped 4293:3 stopping 4378:6 store 4276:4,6,10	straight 4312:6 strange 4367:15 street 4275:4,7,22 4310:11,12,15 4311:3 4311:5,7,9,12,17,21 4312:13 4313:3,6,7 4313:11,11 4314:4,9 4318:1,1,4,8,10,11,24 4318:24 4336:5 4351:2,3 strengthens 4358:10 strict 4327:16 strike 4359:17 strikers 4281:2 4288:6 4294:9 4297:17 4300:3 4301:5,14,22 4304:9 4306:3,3 4309:18 4310:14,22 4315:1 4316:14 4317:25 4329:24 4331:25 4332:5 4347:16 4351:13,19 4351:23 4352:9,11 4353:4 4375:10,25 4376:2 4379:1 4380:18 4382:2 4383:2 4386:14 4390:6 4392:15 striking 4276:14,20,20 4277:4,11 4278:6,23 4279:2,22 4289:22 strong 4356:18,24 4357:8 4362:11,17 4364:7 strongest 4364:24 struck 4285:7 structure 4390:21 structures 4333:10 4390:4 stuff 4358:22 4366:3 subject 4395:5 submission 4344:8 4362:12 submit 4373:4 subsequent 4347:19 subsequently 4281:5 successful 4388:5 successfully 4310:24 sufficient 4358:13 suggest 4275:14 4296:20 4359:2 4370:25 4373:13 4394:17 suggested 4283:4 4296:12 4300:1 4326:12 4328:22 4338:7,8 4372:3 suggesting 4326:14 4380:7 suggestion 4346:13 suggestions 4346:10 supplementary 4388:12 suppose 4299:9 4322:21 supposed 4388:17	4393:11 sure 4283:24 4284:13 4284:15 4288:23 4322:21 4337:14 4357:23 4358:21 4374:2,3 4376:6 4378:25 surely 4326:19 4331:20 4333:7 4341:17,20 4343:20 4355:1 surfaced 4393:2 surprise 4380:3,9 surprised 4380:11 surround 4319:4 surrounded 4321:13 4323:13 4327:5 4328:25 surrounding 4352:13 suspect 4337:17 4338:7 4342:17 4343:5 suspected 4344:1 suspects 4343:22,22 suspicious 4344:4 sustained 4341:10 Swenka 4369:13,16
T				
				table 4320:12,15 taboo 4373:18 take 4274:4 4284:12 4288:23 4289:20 4296:8 4314:21,22 4316:4,8 4321:2 4327:22 4354:14 4360:14,15 4361:3,13 4363:1,2,7,14 4364:7 4365:12 4367:6,9 4368:4 4384:19 4385:15 4390:8 taken 4281:6 4286:13 4287:13,19,20 4296:23 4306:3 4316:25 4325:11 4329:17,23 4330:24 4331:12 4338:10 4339:2 4340:17,24 4352:1 4365:2,17 4369:22 4392:14 takes 4338:1 talk 4283:4 4332:5,11 4343:19 4370:1 4371:3 talked 4339:7 4379:7 talking 4299:5,6 4329:12 4387:4 talks 4283:7 4387:6 tea 4308:5 4314:23 4316:5,13 4384:19 tea-time 4307:24 telephone 4317:8 tell 4275:1 4279:24 4282:5 4295:9 4307:24 4308:5 4362:19 4364:11 4366:19 4372:18 4373:4 4381:8 4391:2

4393:21 telling 4297:16 4303:20 4306:23 tells 4347:1 tension 4375:6 tensions 4375:21 terms 4295:15 4341:3 4341:17 4391:15 terrible 4371:13 territorial 4387:18 terrorise 4368:25 test 4367:25 testified 4276:14,19,24 4317:24 4347:13 4386:24,25 testimony 4292:25 4293:1 thank 4274:8,19 4275:19 4276:2,3,13 4279:19 4282:11 4295:18 4296:1,2,5 4299:4,17 4300:25 4302:10 4304:7 4308:4,10,11,11 4314:16 4316:10,13 4317:6,6 4320:10 4323:6 4327:7 4328:6 4328:17 4332:24 4333:2,2 4342:23 4346:22 4348:3,4 4353:20 4354:2,7 4361:17 4363:12 4364:1 4365:22 4368:15 4370:11,23 4373:22 4382:9 4384:18 4385:4,18 4386:7,22 4388:8,20 4388:21,21 4389:6 4393:15,15,23 4394:8 4394:9,12 thanks 4297:6 4308:5 4349:23 that's 4337:21 4349:22 that's 4274:25 4276:13 4277:1,7,20 4278:12 4282:7,24,25 4287:22 4297:19 4298:9,13,22 4298:23 4299:17 4300:11 4302:9 4304:21 4305:13 4310:19 4317:4 4319:17 4320:25 4328:6,18 4333:3 4334:18 4340:5,13 4341:3,5 4342:8,25 4343:2 4344:20 4345:4 4346:2,7,12 4347:7,18 4361:13 4366:8,20 4367:23 4368:6 4374:24 4378:8,13 4381:5 4391:9 4395:4 there's 4275:7 4285:17 4285:18 4288:21 4298:2 4303:12 4310:4,4,5 4319:1,20	4328:8 4329:19 4337:15,22 4344:2 4346:6 4350:5 4360:2 4366:5 4369:10,16 4370:25 4371:21 4373:2 4377:6,7 4381:24 4384:14 4388:12 4390:17 4393:17 they'd 4316:25 they're 4320:23 4337:13 4357:14,20 4383:15 thing 4304:3 4315:4,4 4343:14 4352:23 4355:24 4373:15 4378:2,13 4386:18,21 things 4287:11 4291:22 4305:21 4308:2,15 4336:11 4346:9 4363:3 4364:24 4367:5 4369:13,17 4384:9 4387:17 think 4275:15 4276:9 4282:23 4283:11,12 4283:13 4287:22 4288:11,20 4289:16 4291:19 4294:1 4295:19 4297:4 4298:6,8 4304:18 4307:20,21,23,25 4313:1,2,15 4316:2 4319:11 4327:4,8,22 4328:6,10,11,12,14 4328:18 4332:21 4344:23 4345:20 4348:8,25 4349:7,8 4349:19 4359:13 4360:7,22 4362:7 4363:22 4364:18,21 4368:14 4378:11 4387:1 4393:10 third 4284:9 4285:4 4342:15 4369:13 4372:4 thoroughly 4344:10 thought 4307:12 4308:14 4312:3 4339:6 4343:5 4350:4 4353:11 4378:1 thousand 4358:6 thousands 4305:18 4307:3 4334:12,14,19 threaten 4359:15 threatened 4379:10 three 4284:9 4310:4 4311:15 4337:7 4385:10 threw 4278:7 throng 4324:11 throwing 4278:23 thrown 4278:14 thrust 4338:21 Till 4308:23 time 4277:23 4278:19 4280:24 4281:2	4282:13 4284:3 4289:17 4299:12 4301:13,22 4304:4 4306:19 4308:11 4310:16 4315:22 4316:3 4317:25 4319:22 4321:7 4322:16 4325:3 4327:10 4329:16,22 4330:19 4331:24,25 4342:6,12,14 4343:13 4345:19 4356:2 4358:16 4360:25 4364:17 4365:17 4370:17 4372:5 4374:16 4375:4 4380:22,24 4381:23 4387:24,24 4388:4,16 4393:3,6 4395:7 times 4355:11 Tip 4274:10,18 4282:22 4283:14,16,22 4296:10,19 4298:18 4300:9 4312:16,20,24 4313:1,2 4319:8,10 4319:20 4320:2,21,22 4320:24 4321:3,5,10 4322:10 4323:5,11,12 4323:12,15,17,25 4324:3 4326:12,14 4327:4,7,9,23 4328:9 4328:20,20 4330:22 4337:3 4338:2,15 4339:11,17 4340:25 4342:19 4349:1,12 4381:24 4384:23 4385:2,16 4392:21 4393:18,20 4394:14 4394:15,22,25 4395:4 Tip's 4326:9 today 4282:13 4308:23 4334:9 4372:17 toe-to-toe 4303:10 Tokoloshe 4357:15,21 Tokoloshes 4357:25 Tokota 4373:3 told 4279:25 4306:13 4306:20 4325:14 4327:13 4347:18 4355:21 4362:15 4379:2 tomorrow 4394:19 4395:9 top 4286:1 4324:19 4368:18 totality 4328:14 totally 4373:12 traditional 4277:24 4355:12 4356:6 4357:5 train 4308:13 transcript 4319:16 transferred 4286:23 4287:5,14,21 translated 4323:8 4325:9	translation 4386:1 transpired 4330:14 transported 4288:19 trapped 4298:13,17 treated 4296:11 treatment 4287:21 tree 4350:5,20 trial 4282:8 tried 4359:1 true 4326:19 4327:13 4335:12 4375:24 truly 4356:13 trust 4355:20 4390:16 truth 4341:8 try 4370:10 trying 4278:13 4299:9 4301:3 4307:21 4308:2 4352:14 4358:11 4366:8 Tswana 4385:25 4386:3 turn 4284:17 4312:5 4313:11 4391:3 turned 4284:10 4310:11 4381:2 4392:11 turning 4284:4 4383:1 4386:13 4392:20 two 4279:1,1,9 4280:5 4280:7,11 4283:24 4288:6 4299:24 4305:17 4306:15 4307:17,17 4311:15 4334:23 4336:11 4337:13 4338:16 4339:13,21,21,22 4340:1,21 4342:4,20 4353:1 4360:15 4370:7 4375:11 4386:13,15 4389:7 4390:7 4391:14,17 4392:3 4393:7 tying 4378:6 type 4358:4 4386:13 t'other 4341:2 T-junction 4312:5 4313:4,10	4345:15 4377:23 unduly 4299:3,10 4359:13 4360:8 unfair 4328:15 unfortunate 4359:10 unfortunately 4308:14 4325:24 4327:1 unfruitfully 4289:17 union 4351:10 4376:1 4389:11,16 4390:1,4 4390:10 4391:13 4393:11 unions 4375:11,16,19 4389:10 4390:3 unit 4286:16 4306:4 unnecessary 4307:19 unreservedly 4339:12 unusual 4355:11 4366:7,10,20 urinate 4366:4,6 urinating 4366:2 use 4356:6,12,18 4367:6,8,15,16 4373:8,9 4388:16 useful 4275:11 4328:18 uses 4356:20 usual 4332:1,6 4366:1 4387:20 usually 4367:3 4368:20 4369:23 4386:15 utterly 4364:6
V				
				vacate 4293:23 4294:2 4295:12 4297:21 4299:13 4300:7,11 4347:3 4391:8,10 van 4299:24,24 various 4276:22 vehicle 4288:19 4329:17,23 version 4283:2,5 4325:24 vicinity 4278:8 4289:23 4300:3 4301:14 4319:24 4325:11 4329:6,11 victims 4341:16 video 4319:15 4349:15 4349:24 4350:14,25 4360:24 4361:3,7,19 4362:1,2,4 4365:21 videos 4348:24 4360:21 view 4326:3 4332:12 4364:4 4382:15 4391:16 views 4362:11,13 4364:13 4383:11 vigour 4341:23 villagers 4368:25 violence 4347:20 4392:18 4393:2 visible 4303:3 4350:21 4375:23 visual 4365:1,11,16 visualised 4288:22
U				
				unanimity 4298:13 underpaid 4292:6 understand 4275:17 4283:18 4286:11 4293:21 4297:24 4298:25 4299:7,22 4320:11 4321:8,23,24 4323:8,10,21 4326:11 4328:5,6 4332:8 4345:17 4349:4 4358:12 4364:23 4374:1,2 understanding 4347:16 understands 4323:1 understood 4278:5 4299:18 4321:22 4323:20 4325:3

visuals 4359:9,20 4360:16 voluntarily 4347:25 VTS021 4319:15 vulnerable 4317:22 <hr/> <p style="text-align: center;">W</p> <hr/> wages 4292:10 4332:4 waist 4286:2 wait 4386:2 wake 4327:4 walk 4377:25 4378:5,6 4378:7 walking 4283:6,7 4378:21 want 4274:11 4283:12 4289:17 4299:19 4301:9 4307:15,24 4308:15 4315:11,17 4320:17,23 4321:5 4323:11 4325:1,2,21 4328:18 4329:10 4330:19 4332:14 4334:11 4336:25 4337:25 4338:2 4342:8 4343:7 4348:14 4349:22 4350:18 4358:25 4359:1 4364:3 4365:12 4367:17 4368:15 4370:24 4372:11 4374:5 4377:21 4385:25 4386:7,24 4389:3 4393:24 4394:1 wanted 4321:1 4338:3 4338:15 4342:15 4345:20 4378:7 4379:12 4381:9,16,18 4381:19 wants 4329:5 warned 4338:8 warriors 4374:7,7 wasn't 4288:13 4294:3 4297:14 4310:17 4324:15 4328:14 4329:22 4340:16 4348:5 4372:6 waste 4342:14 4360:25 wasting 4308:11 4342:12 4343:13 4370:16 watching 4312:8,8 4365:2 water 4374:8 way 4283:6 4292:25 4306:12 4313:12 4318:15 4321:1 4324:12 4328:4,18 4333:23 4341:1 4358:19 4368:15 4372:15 4377:6,7,11 4382:16,17 ways 4283:5 4341:11 weapon 4289:2,3 weaponry 4386:14	weapons 4276:16,22,25 4277:24 4278:1 4347:15 4348:9 4379:21 4392:14,16 well-founded 4297:4 went 4293:21 4298:14 4298:17 4303:14 4310:12,19,22 4313:21 4314:2,8 4316:14,18 4317:16 4318:8,11 4322:16,16 4380:18 western 4280:15 4384:1 we'll 4298:13 4360:11 4361:6 4368:13 4370:18 4372:10 4385:15 we're 4276:5 4284:13 4289:13,16 4308:10 4350:8 4357:16 4358:11 4382:25 4386:11 4387:16 we've 4312:3 4337:13 4345:18,19 4361:10 4372:18 4395:2 whatsoever 4299:12 what's 4286:4 4295:8 4303:15 4346:5 4373:5 4378:8 Whichever 4373:18 whilst 4294:24 4310:13 4311:5 4315:18 who's 4327:15 4342:7 wish 4290:13,14 4291:12,15 4319:19 4319:20 4327:6 4336:12 4346:6 4354:3 4361:18 4395:6 wishes 4384:21 4393:18 withdraw 4338:25 4385:13,14 witness 4274:8 4279:16 4300:10,14,22 4312:20 4323:1 4325:3 4326:2,23 4327:1,15,17 4328:10 4328:11,15 4338:24 4339:3,14 4342:6,10 4343:9,11,13,19,21 4344:12,15 4345:3,21 4346:11 4349:8 4354:5 4361:4,18,25 4362:14,15 4363:3 4364:15 4368:9,11 4372:7 4374:4 4377:18 4381:25 4382:6 4384:17 4393:22 4394:13,16 4395:3 witnesses 4363:4 witness's 4283:1 4295:6 4296:11 wondering 4309:1	Wonderkop 4275:2 4276:5 4289:23 4351:15 4387:2,6,10 won't 4289:20 4328:15 4363:9 4385:10 word 4283:18,19 4326:19 4373:10 4385:12,14 4387:19 words 4292:10 4298:5 4306:22 4310:3 4335:16 4339:20 4387:5 work 4280:1 4292:2,13 4292:16 4293:2,2 4332:1,6 4333:9 4365:23 4374:23 4375:2 4383:6,9,11 4386:20 worked 4288:19 4336:17 4383:8 workers 4276:14,20 4277:4,11,16 4278:6 4278:23 4279:2,22 4289:22 4383:5 4386:20 4387:25 working 4285:8 4286:11,13 4287:9 workshop 4276:8,10 4283:10 4287:10 4309:5 worth 4282:10 4289:5 4302:5 4352:16 wouldn't 4291:6 4304:3 4327:25 4382:20 would've 4284:2 wound 4282:1 4283:18 4284:22 4285:21 4286:2 4288:21 wounds 4357:4 wrong 4291:18,21 4349:16 4358:7 4370:18 <hr/> <p style="text-align: center;">X</p> <hr/> Xhosa 4373:9 XX5 4279:14 4281:18 4339:22 4342:17,19 XX6 4284:18 4339:22 4340:8 x-ray 4282:5 4288:22 X1 4349:20,22 X3 4348:25 4349:5,18 <hr/> <p style="text-align: center;">Y</p> <hr/> yard 4298:3,17 4367:3 year 4329:6,11 4395:1 years 4355:18 yesterday 4274:13 4276:19 4277:1 4278:6,13,15 4318:20 4349:5 young 4368:19 4369:9 younger 4348:14,20 you'd 4277:20 4294:25 4298:5 4323:19	you'll 4281:20 4323:5 4347:5 4394:12 you're 4274:3,5 4275:8 4278:25 4282:4 4284:15 4290:22,25 4295:9 4296:20 4298:24 4299:9,23 4302:9 4303:20 4308:1 4309:1 4313:14 4316:8 4335:6 4339:20 4346:10 4348:13 4361:10 4368:4,8 4378:3,16 4382:11 4385:21 4393:11 4395:3 you've 4275:12 4284:15 4288:1 4296:6 4306:25,25 4317:19 4322:22,23 4328:23 4336:10 4337:24 4346:25 4347:13 4355:21 4356:2 4363:23 4387:16 4391:15 YY1 4295:16 YY2.1 4274:22,24 YY2.2 4275:15,19 4310:8 YY3 4319:12,13 4324:6 4324:19 <hr/> <p style="text-align: center;">Z</p> <hr/> Zokwana 4394:17 zoom 4361:19 ZZ2 4277:7 4295:5,25 4317:3 ZZ3 4277:20 4305:5 ZZ4 4304:20 4344:24 <hr/> <p style="text-align: center;">0</p> <hr/> 000 4303:24,24 4304:16 4304:16,17,18,25 4305:6,7,15,15 4334:16,17 4387:4,6 09:36 4274:2 09:56 4281:22 <hr/> <p style="text-align: center;">1</p> <hr/> 1 4339:25 4340:13 4387:4,6 10 4286:5,25 4299:21 4300:7 4301:7 4309:21 4310:5 4335:16 4358:5 10th 4374:22 4383:5 4386:19 4392:14 10th/11th 4393:1 10-odd 4379:3 10:16 4291:2 10:36 4301:9 10:48 4308:13 11 4328:10 11th 4276:15,21 4279:3 4280:6,19,20,23,25 4281:6 4288:17 4289:22 4291:20 4292:24,25 4299:12 4307:16 4320:12 4321:11 4324:14,21 4324:22,22,22 4329:13,15 4331:2,20 4332:10 4339:16,19 4353:7 4374:15 4393:3 11:30 4316:7 11:50 4326:10 12th 4288:17 4317:11 4324:13 4330:24 4331:13 4343:2 4344:2 4389:9 12:10 4335:17 12:30 4348:10 12:50 4356:19 13 4317:2 4322:2 13th 4383:19 14 4303:1 4305:22 4306:24 4310:4 14th 4365:2,17 14:03 4361:9 14:23 4369:7 14:43 4377:15 15 4295:20,25 4296:9 4296:14 4301:2 4302:17 4303:2,21 4305:22 4308:8 4310:4 4335:10 4360:12 15:24 4385:20 15:44 4392:8 16 4322:7,8 4347:5 16th 4288:9,11 4353:7 16:21 4365:3,5 17 4277:7 4295:16,18 <hr/> <p style="text-align: center;">2</p> <hr/> 2 4277:21 4303:24 4304:16,18,25 4305:15 4334:16 4337:8 4340:14 4341:6 2nd 4325:13 4329:6,11 2.22 4305:2,3 2.9 4277:21 20 4301:19,23 4302:5,6 4302:8,12,13 4309:16 4331:8 4335:16 4389:21 2012 4276:15 4293:1 4325:13 4330:24 4331:3 4337:8 4365:2 4365:17 4374:15 2013 4274:1 <hr/> <p style="text-align: center;">3</p> <hr/> 3 4282:1 4285:2 4295:25 4303:24 4304:16,17 4305:6,7 4305:15 4334:17 4358:5 30 4274:1 4293:17 4294:7 4316:24
---	---	--	---

4317:3 4391:17,23
4392:9,10
34 4317:8
35 4342:21,23

4

4 4277:7 4282:1 4287:6
4368:17 4387:1,7

5

5 4285:18,24 4287:6

6

6 4319:15,16 4321:18
4321:19 4324:18
4328:10 4372:24
4373:23 4374:5

7

7 4284:20 4304:22
4319:17 4321:8
4327:24 4344:8

8

8 4321:5 4327:24
4344:8
86 4361:23
87 4365:10

9

9 4281:18,20,20 4322:1
4322:6
9.30 4394:18 4395:9
90 4365:18

