

# 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 92    15 MAY 2013    PAGES 9775 TO 9887

#### HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



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1 [PROCEEDINGS ON 15 MAY 2013]  
 2 [09:35] CHAIRPERSON: The Commission resumes. I  
 3 understand that Advocate Burger wishes to cross-examine now  
 4 and Advocate Jele is agreeable thereto and she considers  
 5 this a suitable stage which Advocate Burger can be  
 6 interposed. I understand the logistical reasons, from his  
 7 point of view he would rather cross-examine now. So he  
 8 will cross-examine as soon as I've reminded the witness  
 9 that he's still under oath. Generaal-Majoor u is nog  
 10 steeds onder eed. Mnr Burger gaan nou vrae aan u stel.  
 11 Yes, Mr Burger.  
 12 MR BURGER SC: Thank you Chair and thank  
 13 you to my learned friend Ms Jele. Chair before I can  
 14 commence the questioning you're aware that there's unrest  
 15 at Lonmin again. May I just read for the benefit of the  
 16 Commission a media release by Lonmin, issued yesterday? It  
 17 reads as follows, "Following today's unprotected work  
 18 stoppage at Lonmin, management has met with the  
 19 representatives of AMCU, NUM, Solidarity and UASA on the  
 20 mine. The leadership of each union has assured Lonmin that  
 21 they did not call for the work stoppage and therefore do  
 22 not support it. Lonmin's Executive Vice President Mining,  
 23 Mark Munroe said and I quote "Lonmin is fully committed to  
 24 achieving a fair and peaceful resolution of the dispute  
 25 although this is yet to be achieved. In the meantime the

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1 physical safety of everyone at Marikana remains our  
 2 overriding priority and must take precedence over all other  
 3 matters. Embarking on unlawful and unprotected work  
 4 stoppages puts lives and livelihoods at risk while families  
 5 also suffer due to the loss of earnings. Lonmin's recovery  
 6 depends on everyone working together to meet our production  
 7 targets safely and efficiently. As a mine community we  
 8 need to work together to return Lonmin to where we believe  
 9 it should be. We have therefore urged all employees to  
 10 return to work and for their representatives to continue  
 11 meeting with management. We believe that through  
 12 respectful dialogue between unions and management we will  
 13 be able to resolve the issues that have been raised and  
 14 maintain the excellent momentum that together we have  
 15 achieved in the last six months." Chair so far the quote.  
 16 "To address any employees concerns about safety Lonmin has  
 17 increased the number of security officials on its property  
 18 and again a quote "Lonmin does not permit or condone the  
 19 carrying of firearms on company property. Anyone found  
 20 guilty of this violation of company policy will be reported  
 21 to the police and face disciplinary action. We have  
 22 investigated every allegation of firearms being in union  
 23 offices and none of our searches have uncovered any  
 24 weapons. Nevertheless, we've agreed to increase the number  
 25 of random searches of offices and individuals" said Munroe.

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1 "Lonmin will continue discussion with union representatives  
 2 to ensure conditions for the safe resumption of mining."  
 3 CHAIRPERSON: On our desks this morning  
 4 is a document on the Protea Coin letterhead. It's a letter  
 5 addressed on the 19th of November 2012 to Mr Danie van  
 6 Tonder, senior investigator assigned, to the Commission.  
 7 Was it put here by you or by those assisting you? Or must  
 8 I look to the evidence leaders?  
 9 MR BURGER SC: No Chair, it's a document  
 10 which I will hand in through this witness. It was given to  
 11 the Commission in November last year but in the context of  
 12 the debate yesterday of the Lonmin helicopter I thought we  
 13 need some clarity on that and I'll address it with this  
 14 witness. In due course Ms Pillay will tell me what the  
 15 exhibit number is but we'll get there.  
 16 CHAIRPERSON: Well if it's -  
 17 MS PILLAY: Chair, GGG26. It's the brief  
 18 in crowd management of platoon commanders.  
 19 CHAIRPERSON: Yes, Mr Burger, please  
 20 proceed with your -  
 21 MR BURGER SC: General, I would have  
 22 preferred to ask you questions in Afrikaans but it may take  
 23 too long so bear with me. I'm going to pose the question  
 24 to you in English and you'll answer it in Afrikaans. I  
 25 intend to deal with two subjects with you. The first is

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1 the relationship between the South African Police Service  
 2 and the Lonmin. Before dealing with the 13 points referred  
 3 to by Mr Mpofu yesterday you indicated that you would like  
 4 to explain how you see that relationship to the Commission  
 5 as it unfolded during the events in August of last year.  
 6 This is your opportunity.  
 7 GENERAAL-MAJOOR ANNANDALE: Dankie,  
 8 Voorsitter. Die Suid Afrikaanse Polisie Diens funksioneer  
 9 op 'n beginsel van vennootskapspolisiëring,  
 10 gemeenskapspolisiëring en ook sektor polisiëring.  
 11 Voorsitter, om ons konstitusionele mandaat te vervolg is  
 12 ons afhanklik van hierdie vennootskappe. Selfs Staande  
 13 order 262 verwys na die vennootskap met gemeenskap en ander  
 14 belange groepe. Die vennootskap wat ons gehad het met  
 15 Lonmin is niks anderste as vennootskappe wat ons elke dag  
 16 en deurlopend en orals in die land ervaar met ander vennote  
 17 nie. Ek persoonlik het did altyd as uiters professioneel  
 18 ervaar. Ons kon nie funksioneer in the betrokke omgewing  
 19 sonder dat ons iemand wat getroud met is met die omgewing  
 20 gehad het as ons oë en ore nie. Ons was afhanklik van  
 21 hulle terugvoer, van hulle CCTV. Hulle het letterlik  
 22 honderde sekuriteits beamptes wat orals oor hulle perseel  
 23 versprei was wat vir ons waardevolle terugvoer gegee het in  
 24 terme van insidente van intimidasie en ook groeperings van  
 25 groepe potensieël of protesteerders. Ons het byvoorbeeld

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1 by hulle planne gekry van die uitleg van die hostelle, in  
 2 terme van die fase ses beplanning wat ons gehad het.  
 3 Voorsitter, Marikana is geïsoleer in terme van dis nie in  
 4 'n stedelike opset wat die polisie pertinente  
 5 infrastruktuur het nie.  
 6 CHAIRPERSON: An urban area where the  
 7 police have in infrastructure. I think is what he says.  
 8 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 9 ek kan na verskeie gevalle verwys en ek wil nie te veel tyd  
 10 omslag nie, en waar die polisie pertinent met ander  
 11 rolspelers 'n soort gelyke verhouding gehad het. As ek na  
 12 enkeles verwys, ons het 'n samewerking met Sunparke in die  
 13 Kruger Nasionale Park teen 'n poging tot teen renoster  
 14 stropery. Voorsitter, ons gebruik hulle gidse, ons gebruik  
 15 hulle spoorsnyers, ons werk saam met hulle op hulle  
 16 chopper, hulle werk saam met ons op ons chopper. So ook  
 17 met Eskom 'n pertinente geval wat ek by betrokke was in  
 18 Mpumalanga en as gevolg van sekere protes en geweldsaksies  
 19 het ons lede ontplooi in 'n geïsoleer area wat ons ook van  
 20 hulle hostelle gebruik gemaak het om ons lede te  
 21 akkommodeer. Net so met sport stadions gebruik ons hulle  
 22 fasiliteite vir die vestiging van 'n JOC. Om terug te kom  
 23 na Marikana en Lonmin, Voorsitter, ons kan eenvoudig net  
 24 nie 'n operasie van hierdie omvang hanteer het sonder die  
 25 interaksie en die samewerking van 'n belangrike rolspeler

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1 nie.  
 2 CHAIRPERSON: The co-operation of an  
 3 important role player.  
 4 MR BURGER SC: 13 examples were given to  
 5 you as what Mr Mpofu described as the "toxic relationship"  
 6 between Lonmin and SAPS. Now as to the responsibility of  
 7 that submission, I'll address that at the end, I don't want  
 8 to debate that with you. But may I briefly look at these  
 9 13 points to see what they do show us? The first point  
 10 relied upon is the fact that Mr Sinclair was appointed as a  
 11 liaison person between SAPS and Lonmin. If you take into  
 12 account that there are more than 30 000 people employed at  
 13 Lonmin and that the police contingent was at its peak round  
 14 about 800 people would it be a manifestation of a  
 15 functional and responsible partnership to have a liaison  
 16 person appointed to liaise between Lonmin and the SAPS in  
 17 these circumstances?  
 18 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 19 dit kon nie anders nie, dit sou chaos gewees het as die  
 20 polisie iets pertinent informasie of inligting nodig gehad  
 21 het en ons moes elke keer iemand gekontak het om dit te  
 22 probeer bekom.  
 23 MR BURGER SC: The second manifestation  
 24 was strangely formulated as the partnership about people  
 25 suspected. I think what was meant was that there was

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1 something wrong with the fact that the police and Lonmin  
 2 exchanged information on criminal activity. Now what I  
 3 want to ask you is are you aware that there's a regular  
 4 interaction between Lonmin and the police in the exchange  
 5 of criminal activity in the neighbourhood?  
 6 CHAIRPERSON: Information about criminal  
 7 activity in the neighbourhood?  
 8 MR BURGER SC: Yes.  
 9 CHAIRPERSON: Thank you Sir.  
 10 GENERAAL-MAJOOR ANNANDALE: Ek is bewus  
 11 daarvan, Voorsitter.  
 12 MR BURGER SC: In fact we know that this  
 13 co-operation resulted as a request directed by General  
 14 Mpmembe.  
 15 GENERAAL-MAJOOR ANNANDALE: Dit is  
 16 korrek, Voorsitter.  
 17 MR BURGER SC: And I put to you, General,  
 18 that this is a next indication of a functional and  
 19 responsible partnership between Lonmin and the SAPS.  
 20 GENERAAL-MAJOOR ANNANDALE: Dit is so,  
 21 Voorsitter.  
 22 MR BURGER SC: The third indication  
 23 relied upon by -  
 24 CHAIRPERSON: Sorry to interrupt you.  
 25 Before you move from the second indication is there

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1 anything unusual about such a relationship? A relationship  
 2 with the exchange of information about criminal activity?  
 3 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 4 nee daar's 'n standaard verpligting op elke lid van die  
 5 publiek, verskeie rolspelers in die elk geval om sodanig  
 6 samewerking te gee in die Suid Afrikaanse Polisie diens so  
 7 dis niks onbehoorlik nie.  
 8 MR BURGER SC: The third indication  
 9 relied upon was the establishment of what was referred to  
 10 as the Lonmin JOC. Now the facts to you were wrong and we  
 11 know now what the correct facts are and you gave that to  
 12 us. May I ask you this, was there anything unusual about  
 13 the SAPS JOC being situated on the Lonmin property in these  
 14 circumstances?  
 15 [09:55] GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 16 nee ek het ook verwys dat in stadions tydens die  
 17 Wêreldbeker moet verskeie, verskeie aksies dan gebruik ons  
 18 die fasiliteit mees geskik, mees sentraal tot die  
 19 spesifieke operasie. So daar was niks onbehoorlik daar  
 20 nie.  
 21 MR BURGER SC: Would it be correct to say  
 22 that to have a SAPS JOC under these circumstances outside  
 23 of the Lonmin property would have been quite impractical?  
 24 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 25 ja dit maak nie sin nie, dit is nie prakties haalbaar ons

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1 ver verwyder is nie.

2 CHAIRPERSON: Practically feasible. It

3 would not have been practically feasible to be so far

4 removed from the scene.

5 MR BURGER SC: We know that Lonmin had

6 CCTV material available which was accessed by the police,

7 the fourth point relied upon by Mr Mpofu was the joint use

8 of the CCTV material between Lonmin and SAPS. Now I can

9 cut this one short if I put to you that that is again a

10 manifestation of a functional and responsible partnership

11 relationship between these two parties.

12 GENERAAL-MAJOOR ANNANDALE: Dit is

13 korrek, Voorsitter.

14 MR BURGER SC: General, for Lonmin in

15 these circumstances to have CCTV footage and refuse to give

16 it to the police would have been in breach of their civil

17 duty wouldn't it?

18 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

19 enersyds en dan andersyds ook is daar 'n regsplig om

20 sodanige opnames beskikbaar stel sou daar dan 'n kriminele

21 daad gewees het en ons dit nodig het vir bewyslewering.

22 MR BURGER SC: The fifth point relied

23 upon is that the medical staff employed by Lonmin was

24 jointly employed, deployed by the, with the medical staff

25 of the SAPS in these circumstances where thousands of

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1 strikers had to be confronted. Was there anything unusual

2 in that in your experience?

3 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

4 korreksie polisie het nie mediese personeel van hulle eie

5 nie. Maar dit ontplooiing is nie onbehoorlik nie, ons het

6 soveel sodanige groot gebeurtenisse wat ons ook dan staat

7 maak op die ontplooiing van mediese personeel deur ander

8 rolspelers.

9 MR BURGER SC: The sixth point relied

10 upon is the fact that Mr Botes was present in the SAPS JOC

11 from time to time and you would remember the passage read

12 from his statement where he could overhear at some point in

13 time a discussion between the senior generals of the SAPS,

14 what is your comment on that as an indication of a toxic

15 relationship between Lonmin and SAPS.

16 GENERAAL-MAJOOR ANNANDALE: Voorsitter ek

17 dink dat ons NED JOC is daar iets soos meer as 30

18 rolspelers wat nie van die polisie is nie wat betrokke is

19 en ons het later aan deur die optrede na die 16e het ons

20 ook verteenwoordigers van die Provinsiale

21 Verkeersdepartement gehad. Dit is nie vreemd dat ons ander

22 rolspelers het nie, dit is van juis ook die benaming Joint

23 Operational Centre is, dis nie eksklusief noodwendig 'n

24 polisie sentrum nie. Mnr Botes was deurlopend teenwoordig,

25 ons het hom een stadium het ons hom verskoon, dit was

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1 tydens die spesiale JOCOM want die bespreking tydens die

2 spesiale JOCOM was 'n suiwer eksklusiewe polisie aksie wat

3 ons beplan het. Hy was egter na die tyd ingelig vir sekere

4 pertinente takings soos om die sekuriteit te sê dat binne

5 in hierdie spesifieke omgewing gaan daar polisie optrede

6 plaasvind en dat hulle bewus is daarvan dat hulle nie hulle

7 begewe in die betrokke area nie en byvoorbeeld om te kyk of

8 hy kan kragopwekkers vir ons op bystand plaas sou ons die

9 optrede in die nag moes in vat.

10 MNR BURGER SC: Maar kan die kommissie

11 aanvaar dat hy geen insette gelewer het by operasionele of

12 strategiese beplanning nie.

13 CHAIRPERSON: Dalk sal dit nodig wees vir

14 die tolk om te vertaal, wat u nou gesê het.

15 MR BURGER SC: I'm so sorry.

16 KOMMISSARIS: U is reg, u het die volste

17 reg om Afrikaans te gebruik as jy wil. Maar met die

18 gevolge wat jy alreeds aangedui het.

19 MR BURGER SC: No it was a slip of

20 concentration on my side, I'm sorry, Chair. May the

21 Commission assume that Mr Botes did not take part in the

22 operational and strategic planning which was done by the

23 police general?

24 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

25 dis korrek, operasionele en strategiese beplanning is die

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1 polisie se verantwoordelikheid.

2 MR BURGER SC: The seventh point relied

3 upon is what Mr Mpofu for once correctly called the Coin

4 chopper and somehow from the Coin chopper he deduced an

5 untoward relationship between SAPS and Lonmin. May I ask

6 you to have a look at the letter which should be before

7 you, General, GGG26, it's a letter from Protea Coin, it was

8 addressed to the evidence leaders in November last year and

9 it addresses this very point. You'll see in the first

10 sentence what the letter addresses is a meeting held by

11 the author and the request directed to him for a summary of

12 the events on the 16th of August 2012 whereas we took video

13 footage, I suppose what he meant was, during which we took

14 video footage from one of our helicopters deployed at

15 Lonmin on the 16th. That's what the letter addresses. The

16 author also tells us about the scale of the Coin operation

17 at Lonmin in the third unnumbered paragraph on page 1 where

18 he says PCG, that's the Coin operation, PCG provides

19 security services to Lonmin mine and has approximately 500

20 security personnel permanently employed at the Lonmin

21 mining sites. On page 2 and nearer to you, General, in the

22 first unnumbered paragraph about four lines down he

23 identifies the two helicopters at Lonmin on the 16th by

24 referring to the R44 and the B3 and then I pick it up four

25 lines from the end of that first unnumbered paragraph where

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1 he says although the SAPS PCG and Lonmin personnel were  
 2 present at the same location Protea Coin was functioning  
 3 independently from the SAPS and in accordance with the  
 4 security requirements from Lonmin and before I ask you to  
 5 confirm the correctness on your knowledge can I just read  
 6 you the last sentence there following. The primary  
 7 function of the SAPS related to containing the actions and  
 8 movement of the illegal strikers whilst PGC security  
 9 mandate from Lonmin remained the protection of its  
 10 personnel and assets on the mine. Would that be as you  
 11 understood the position on the ground?

12 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 13 behalwe om te sê ja dat die polisie se verantwoordelikhede  
 14 was uiteraard actions and movement of the illegal strikers  
 15 maar Protea Coin was nie teenwoordig in ons JOC nie, hulle  
 16 was nie deel van die beplanning nie. Maar die rol van PCG  
 17 of Protea verstaan ek dit in terme van die beskerming, die  
 18 betrokke verantwoordelikheid wat hulle het teenoor hulle  
 19 kliënt in terme van eiendom en personeel.

20 MR BURGER SC: I read to you for your  
 21 comment from the third line of the next paragraph. Mr De  
 22 Waal offered their resources to Major General Annandale as  
 23 this was a normal practice of PCG and the SAPS to cooperate  
 24 on security matters such as cash in transit, illegal  
 25 miners, etcetera. Major General Annandale asked if we

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1 could clear the airspace with our two helicopters but to  
 2 keep them on standby with our two helicopters at the open  
 3 field at the mine.

4 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 5 ek het Mnr De Waal ontmoet enkele maande voor die Marikana  
 6 insident. Dit was in 'n vergadering wat ons die  
 7 samewerking bespreek het tussen, pertinent die ontplooiing  
 8 van spesiale taakmag en nasionale intervensie eenheid. In  
 9 terme van die hantering van in transito rooftogte. Dit was  
 10 reeds op die 15e het hy aan gedoen by die JOC area en vir  
 11 my en Generaal Mpembe ingelig dat hulle teenwoordig is en  
 12 dat daar sodanige tjopper beskikbaar is sou ons dit wou  
 13 gebruik en ek het hom gemeld dat ons pertinent twee  
 14 choppers het wat ons, wat ons gebruik maar daar's ook 'n  
 15 derde chopper 'n Oryx wat beskikbaar is van die Nasionale  
 16 Lugmag.

17 CHAIRPERSON: The national air force. I  
 18 think he said it was on standby.

19 GENERAAL-MAJOOR ANNANDALE: En vir hom  
 20 gevra om bewys te wees daarvan en dat hulle nie in die  
 21 betrokke direkte omgewing van die koppie moet vlieg nie.  
 22 Hy het vir my die versekering gegee dat daar een helikopter  
 23 toegewys is aan hulle sekuriteit dienste en dat dit die  
 24 kleiner R44 of Robertson helikopter was en dat hy die B3 of  
 25 die, ons verwys na die Squirrel helikopter dat hy daarmee

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1 deur gekom het in terme van besoek of sy  
 2 verantwoordelikhede ten opsigte van sy ontplooiing daar.

3 [10:15] GENERAAL-MAJOOR ANNANDALE: En dat die  
 4 kleiner helikopter slegs gebruik word om op die perimeter,  
 5 so baie wyer as die koppie area te vlieg in terme van  
 6 moniteering van pertinente sleutel punte wat hulle  
 7 geïdentifiseer het as deel van hulle verantwoordelikheid.

8 MR BURGER SC: The next paragraph also  
 9 indicates the General Mpembe was taken up in the B3 at his  
 10 own request and we can ask him about it when he comes but  
 11 to the extent that you have knowledge, do you - was that  
 12 also your impression?

13 GENERAAL-MAJOOR ANNANDALE: Ek kan dit so  
 14 bevestig, Voorsitter.

15 MR BURGER SC: And just finally from this  
 16 Exhibit, the last sentence on that second page, you will  
 17 see PGC in fact paid for the B3 helicopter, to confirm your  
 18 version, that was their helicopter, they flew it for their  
 19 own account, its wasn't paid for by Lonmin.

20 GENERAAL-MAJOOR ANNANDALE: Dis korrek,  
 21 Voorsitter.

22 MR BURGER SC: The eighth point to  
 23 substantiate a toxic relationship by Mr Mpofu was that  
 24 George, the interpreter into Fanagalo was made available by  
 25 Lonmin. General, is there any conceivable basis to

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1 criticise the fact that Lonmin provided an interpreter into  
 2 Fanagalo to facilitate a dialogue between the trade unions  
 3 and the SAPS on the one side and the strikers on the other?

4 GENERAAL-MAJOOR ANNANDALE: Ons het net  
 5 eenvoudig nie die kapasiteit gehad nie in die polisie om  
 6 iemand wat kan Fanagalo spreek nie. Dit was nie vreemd  
 7 nie, dis nie ongehoord nie.

8 MR BURGER SC: And very much on the same  
 9 level is point 9. It is criticised that there were Lonmin  
 10 management in the Nyalas when the trade union presidents  
 11 went to the koppie on the afternoon of the 15th with the  
 12 police. Is there anything untoward in your experience in  
 13 that?

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 15 ek weet nie was is mnr Kwadi se amptelike posisie by die  
 16 myn is nie, maar ek weet hy is verantwoordelik vir  
 17 arbeidsverhoudinge of betrekkinge. En soos ek dit verstaan  
 18 en soos ek ook self ervaar het was hy en 'n mnr Kgotle, was  
 19 hulle integraal deel van die pogings wat Generaal Mpembe  
 20 gehad het om in gesprek te tree met die presidente van AMCU  
 21 en NUM.

22 MR BURGER SC: Is Mr Kwadi's presence  
 23 again the manifestation of responsible behaviour by Lonmin  
 24 in order to diffuse the situation?

25 GENERAAL-MAJOOR ANNANDALE: As ek net kan

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1 meld soos ek dit verstaan dit, mnr Kwadi, het hy die  
2 vergadering wat Generaal Mpembe met die twee presidente  
3 gehad het vroër op die Woensdag het hy dit gefasiliteer.  
4 En die besoek van die tweede delegasies van onderskeidelik  
5 NUM en AMCU was dat voortspruitend uit die vroër  
6 vergadering op die Woensdag. En Generaal Mpembe het dit  
7 belangrik geag dat hierdie goue draad of dat die - dat Mr  
8 Kwadi pertinent bewus bly van die hele verwikkeling soos  
9 dit afspeel. Ek dink die woord dat ek soek is om  
10 kontinuïteit te bou.

11 MR BURGER SC: General, the 10th point  
12 relied upon is the fact that Lonmin briefed the National  
13 Commissioner and yourself on the 13th August as to the  
14 events at Lonmin. Now, speaking purely for myself, I have  
15 great difficulty understanding the logic of that, but  
16 perhaps you can help me. What is unusual or exceptional in  
17 the fact that Lonmin explains what was happening after it  
18 had called for the police to come, and the police arrived  
19 on site? Can you think of any reason to criticise that?

20 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
21 daar was reeds op die 13de, op 'n ander vlak met die  
22 Provinsiale Kommissaris en haar delegasie, was daar reeds  
23 'n soortgelyke interaksie tussen die twee partye met 'n  
24 terugvoer en dit was dieselfde op die Maandagaand toe die  
25 Nasionale Kommissaris daar was, dit is net so standaard dat

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1 mens alle sodanige informasie wat jy kan kry in die  
2 agtergrond moet bespreek, eerstehands hoor.

3 MR BURGER SC: The eleventh point is a  
4 rehashing of what had gone before. It is criticised that  
5 Mr Botes was present at six hours on the 16th August at the  
6 JOC meeting.

7 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
8 mnr Botes was 'n JOC verteenwoordiger. Hy het 'n  
9 pertinente terugvoer geleentheid gehad in terme van  
10 informasie, presentasie mense was by die werkstasies  
11 opgedaag het, gevalle van intimidasie, roetes, wat ook al  
12 die geval was, so hy was net 'n amptelike verteenwoordiger  
13 tydens die JOC en die JOCOM vergaderings.

14 MR BURGER SC: The twelfth point had to  
15 be reformulated by Mr Tip and in the end it appeared to  
16 have been a criticism that SAPS at times attended Lonmin's  
17 briefing in the morning as to what was happening. You  
18 remember Mr Tselesana gave evidence that he attended the  
19 Lonmin briefings and the suggestion seems to be that  
20 because members of the SAPS also attended that, that was a  
21 manifestation of an adverse relationship between Lonmin and  
22 SAPS.

23 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
24 eerstens was ek nie bewus van ander vergaderings dan die  
25 wat ek reeds na verwys het in my getuïenis tussen Generaal

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1 Mpembe en dan ook die een van die 15de nie. Maar sou daar  
2 enige sodanige bywoning wees, weet ek nie wat is die  
3 verband in terme van 'n onbehoorlike verhouding tussen -  
4 MR BURGER SC: The last point, what was  
5 termed the most symbolic, I don't have to put to you  
6 because it was wrong in all its factual components, so it's  
7 just nonsense. It is this story that the Commander was in  
8 a Lonmin chopper at the time of the shooting. Now we know  
9 there was no Lonmin chopper, we know he wasn't in the air  
10 at the time of the shooting, and we don't know where he was  
11 in the JOC, so like the Holy Roman Empire, it was wrong in  
12 all three of its components, but if you want to add to that  
13 criticism, you are welcome to do so.

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
15 ek staan by my antwoord wat ek het gegee het onder  
16 kruisverhoor van Advokaat Mpofu.

17 MR BURGER SC: General, referring to the  
18 three points out of the thirteen points I have debated with  
19 you, I put to you that that is a manifestation of a  
20 responsible and functional relationship between Lonmin and  
21 SAPS during the period 9 to 16 August 2012.

22 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
23 dit is so.

24 MR BURGER SC: The second point I want to  
25 debate with you, General, is a debate between you and my

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1 learned friend Mr Budlender. You will remember when he  
2 asked you questions, he referred to an opening, it's an  
3 opening by the police and he read the following passage  
4 from that opening to you and then followed a question. Let  
5 me read you what he read from the opening and then put the  
6 question again to you. The opening said, "Senior officers  
7 also made efforts to get Lonmin management to address  
8 workers, but management's constant refrain was that it was  
9 not prepared to negotiate outside collective bargaining  
10 structures". Do you remember that?

11 GENERAAL-MAJOOR ANNANDALE: Ek onthou  
12 dit, Voorsitter.

13 MR BURGER SC: And he did that to debate  
14 with you a proposition as to what the police might do in  
15 future differently from what they had done at Marikana.  
16 And as we know him, he did it very fairly, he said it's  
17 with hindsight and it's in that context that he put the  
18 following question to you, and I want to debate that  
19 question with you from a different angle. Mr Budlender put  
20 it, in the record page 8545, the following question. He  
21 says "But with the benefit of hindsight, and I stress, with  
22 the benefit of hindsight, would it not have been a good  
23 thing if the South African Police Service had said the  
24 following to Lonmin, "Look here, you have previously spoken  
25 to representatives of the rock drill operators about the

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1 amounts of money they are paid, why don't you speak to  
2 representatives of this group, if necessary through a trust  
3 Mediator with experience of labour matters." Do you  
4 remember that question?

5        GENERAAL-MAJOOR ANNANDALE:        Ek onthou die  
6 vraag, Voorsitter.

7        MR BURGER SC:        And you then gave the  
8 bending of the rules answer. Let me read you your answer,  
9 refresh your memory and then have my debate with you. Page  
10 8546, you said "Voorsitter wat ons nou weet met  
11 nabetrugting en gegewe die erns van die uitkoms, sal van  
12 die polisie se kant af ons waarskynlik 'n extra poging  
13 aanwend, sonder om die kwotasie wat aangehaal is deur  
14 Advokaat Budlender noodwendig die strekking van die woorde  
15 sodanig te gebruik, en alhoewel ons totaal respekteer dat  
16 daar 'n Arbeidswetgewing is, sal on versoek gegrond wees on  
17 op die feit dat dit 'n abnormale situasie is, ek wil amper  
18 se dat ons diskresie moet gebruik on die reels te buig".

19        CHAIRPERSON:        Would you want to have the  
20 transcript before you before you answer the question? It's  
21 a long passage that's put to you.

22        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
23 dit sal baie help as ek kan.

24        MR BURGER SC:        General, the first passage  
25 I read you was from page 8545 from line 5, that's Mr

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1 Budlender, and your answer is at page 8546 from line 17.  
2 Just throw your eye over that.

3        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
4 ek het dit gelees. Ek kan ook onthou dat ek gese dat dit  
5 sal waarskynlik - die polisie het die eerste  
6 verantwoordelikheid om wette te respekteer en dit sal  
7 onbehoorlik wees van die polisie on dan gesien te word laat  
8 hulle mense amper wil ek se verplig om – en ek probeer dit  
9 nou hierso op voor – maar ek kry dit - en ek wil amper sê  
10 dat ons, ons eerste verantwoordelikheid in wetgewing te  
11 respekteer en dit sou onbehoorlik wees van die polisie om  
12 dan gesien te word laat hulle mense amper, wil ek sê  
13 verplig om nie -

14 [10:35] En ek probeer dit nou hierso opspoor maar ek kry  
15 dit, ek sien hierso en ek wil amper sê dat ons, ons eerste  
16 verantwoordelikheid om wetgewing te respekteer maar toe het  
17 dit gestop en ek kan onthou ek het nog verder, het ek  
18 geantwoord.

19        MR BURGER SC:        You say that at page 8547  
20 from line 22.

21        GENERAAL-MAJOOR ANNANDALE:        Ek kry dit  
22 nou, baie dankie.

23        MR BURGER SC:        General, I accept that. I  
24 want to give you a second reason why it's quite unrealistic  
25 to play out this scenario and suggest you'll do it

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1 differently in future. There's a number of reasons why it  
2 was quite unrealistic to expect of Lonmin to negotiate with  
3 the strikers and let me list you some of the more important  
4 ones. Firstly the strikers did not want to negotiate, they  
5 wanted to be told from when they would be paid R12 500 per  
6 month. They wanted R12 500 per month but until today  
7 nobody knows how that amount is calculated and arrived at.  
8 By the time the suggestion is that Lonmin should negotiate  
9 with the strikers they had killed people during the  
10 previous days, they had stolen firearms from security  
11 personnel and from the South African Police Services which  
12 it was believed were carrying under blankets at the koppie.

13        MR MSIMANG:        Chairperson –  
14        CHAIRPERSON:        Mr Msimang?  
15        MR MSIMANG:        Really I don't want to  
16 interfere with my learned friend cross-examination, he's  
17 supposed to cross-examine, I wonder if this is cross-  
18 examination of he's just putting a version which he can do  
19 by way of leading witnesses, this is just –

20        CHAIRPERSON:        Mr Msimang the general is  
21 not one of Mr Burger's witnesses. So he's not bound by the  
22 rules applicable to examination in chief. He's entitled to  
23 ask questions in cross-examination by asking leading  
24 questions. So that I think is your answer to your point.  
25 So I think Mr Burger can continue. I'll give you the

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1 opportunity to apply the point I've put to you, if there's  
2 something that I've overlooked but it's his cross-  
3 examination, he's entitled to cross-examine. Sometimes a  
4 friendly cross-examiner who asks leading questions may find  
5 that the answers that he elicits have put the value that  
6 would otherwise be the case. But that's a matter for  
7 argument later. I don't think I can stop Mr Burger asking  
8 these questions. So Mr Burger I suggest that you, unless  
9 you want to say something further Mr Msimang?

10        MR MSIMANG:        Yes, not that, Chairperson,  
11 my, the point of my objection is if you're cross-examining  
12 a witness you're trying to extract or to get you know some  
13 version out of that, but he's not doing that. He's putting  
14 a version, he's telling and he can do that by leading  
15 witnesses to do that, not under cross-examination.

16        CHAIRPERSON:        Mr Msimang, that's not my  
17 understanding of the limits on cross-examination. A cross-  
18 examiner is entitled to put a leading question, to put a  
19 version and to say to the witness do you agree or disagree.  
20 That's been my experience during all the years that I've  
21 been involved in litigation and my - commissioner Mr Tokota  
22 and commissioner Ms Advocate Hemraj have the same  
23 experience. So I don't think that's a good point. I  
24 disallow your objection. Mr Burger, you may continue.  
25        MR BURGER SC:        General, just to recap.

1 I'm debating with you why it would be unrealistic to have  
 2 expected of Lonmin to negotiate with the strikers in that  
 3 period in August and I was putting the following  
 4 proposition to you, let me repeat it and we'll pick up the  
 5 threads again. The strikers at that point in time, I call  
 6 it say the 15th of August had killed people during the  
 7 previous four days and had hidden firearms in their midst.  
 8 So much so that the police believed that the firearms were  
 9 carried underneath blankets. Now that was a third reason  
 10 why it would be quite unrealistic to expect Lonmin to go to  
 11 the koppie and to negotiate with these people. The fourth  
 12 reason why they shouldn't be expected to have done that is  
 13 there was an existing wage agreement in place which had  
 14 until October 2013 to run and that was agreed to with a  
 15 full mandate from the workers previously. The strikers  
 16 were at the time taking part in an unprotected strike, was  
 17 part of an illegal gathering and were acting in contempt of  
 18 a court order and there's evidence before the commission,  
 19 inter alia by the President of NUM that it would have been  
 20 dangerous to try and negotiate with the striking workers.  
 21 Then what I want to put to you is, General, in view of  
 22 SAPS's policy not to discuss labour issues with employers  
 23 it is unlikely that you would bent the rules and would have  
 24 suggested to Lonmin, even with the benefit of hindsight  
 25 that they should go to the koppie and negotiate with the

1 strikers.  
 2 CHAIRPERSON: Mr Burger, that's not what  
 3 Mr Budlender was suggesting. What Mr Budlender suggested  
 4 was something slightly different. If you look at page 8545  
 5 of the transcript you will see it's the question put by Mr  
 6 Budlender, which I think you read from line 5 to line 13,  
 7 let me read it again. But with the benefit of hindsight  
 8 and I stress with the benefit of hindsight would it not  
 9 have been good thing if the South African Police Services  
 10 had said the following to Lonmin. Look here you previous  
 11 spoke with the representatives of the Rock Drill Operators  
 12 about the amount of money they are paid, why don't you  
 13 speak to the representatives of this group if necessary  
 14 through a trusted mediator with experience of labour  
 15 matters. That was the suggestion, in other words not that  
 16 a discussion necessarily should take place on the koppie in  
 17 the circumstances to which you referred but that they  
 18 should talk to them and they should talk to them in  
 19 necessary through a trusted mediator. That's what was put  
 20 by Mr Budlender. So I don't think you're putting it  
 21 entirely correctly, Mr Burger.  
 22 Now I understand that there's two points. The  
 23 one point, the point that you were making that Lonmin for  
 24 reasons which have been articulated were unwilling to go to  
 25 the koppie to negotiate with the strikers in the

1 circumstances then prevailing. The other question is  
 2 whether they should have agreed to negotiate as I said put  
 3 if necessary through a mediator, not on the koppie but in,  
 4 in circumstances of safety where the considerations that  
 5 you've mentioned are not, were not present. That was Mr  
 6 Budlender's point as I understood it and as it appears from  
 7 the passage I read. So if you want raise that point with  
 8 the witness you may do so. But I don't think it's  
 9 appropriate to talk about circumstances of negotiation on  
 10 the koppie in the presence of armed people who are  
 11 illegally there, disobeying a court order.  
 12 MR BURGER SC: Sir, I will certainly put  
 13 that. Let me just say why I'm putting what I'm putting is,  
 14 this finds its genesis in the opening by the police where  
 15 the criticism is that Lonmin management had to address the  
 16 workers but the constant refrain was they're not prepared.  
 17 That's, I read that as addressing the workers. Secondly, I  
 18 didn't believe my learned friend Mr Budlender would suggest  
 19 that you would send in a mediator where you're not safe  
 20 enough to go yourself and there's just no scenario here  
 21 that there were representatives willing to go to a neutral  
 22 ground and talk. That's just not on the cards. But let me  
 23 put that and then I'll go back to my proposition which is  
 24 the more serious one. General, you've heard the debate or  
 25 what the Chair, indicated to me on what was put by –

1 CHAIRPERSON: Perhaps I'll make it clear  
 2 what I'm ruling. I'm not stopping you from putting the  
 3 question you put. My point related to your suggestion  
 4 that's what Mr Budlender said, but the wider question, what  
 5 I call the first point, you obviously have the fullest  
 6 right to put to the witness, I won't stop you doing that.  
 7 MR BURGER SC: Let me accommodate that  
 8 point. I'm indebted to you, Chair. Let me put my wider  
 9 point gentlemen and then we'll go the text here. The wider  
 10 point is the following. It would be quite unrealistic to  
 11 have expected of Lonmin on the 14th, 15th and 16th of August  
 12 to go to the koppie and try to negotiate with the strikers  
 13 for the reasons I've given to you. What is your comment to  
 14 that?  
 15 GENERAAL-MAJOUR ANNANDALE: Voorsitter,  
 16 my eie persoonlike interaksie rondom hierdie aspek en ek  
 17 was nie nou betrokke met die interaksie tussen unies en  
 18 Lonmin nie, dit was meestal Generaal Mpembe, dit was laat  
 19 middag op die 15e, net voor die vertrek van die onderskeie  
 20 twee delegasies vanaf die JOC area na die forward holding  
 21 area. Voorsitter, en terwyl ons gewag het dat ons kan  
 22 vertrek het NUM pertinent, die President van NUM het na my  
 23 toe gekom en gesê hy voel nie gemaklik om te gaan nie, kan  
 24 hy ekstra mense saam vat, kan hy van sy eie en ek het dit  
 25 verstaan as hy eie lyfwagte addisioneel tot die delegasie



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1 wat ooreengestem is en dit het taamlik oortuigend vir my  
 2 gevat nadat ek vir hom gesê die spesiale taakmag sal in die  
 3 voertuie wees en hulle sal ook sodanige hoog opgelei en dat  
 4 hulle sal uit 'n pantser voertuig uit onderhandel.  
 5 Voorsitter, maar ek het dieselfde gesprek gehad met mnr  
 6 Kwadi en mnr Kgotle. Vir hulle gevra of dit nie sal help  
 7 as hulle ook die groep toespreek nie en hulle het my verwys  
 8 na van die aspekte wat Adv Burger nou genoem het en ek sal  
 9 net vinnig daaraan raak. Om te sê dat daar is definitiewe  
 10 bestuursbesluit was dat hulle nie kan gaan nie wens die  
 11 onwettigheid, dat dit nie 'n beskermende protes aksie is  
 12 nie. Hulle het my verwys na die abnormaliteit van die  
 13 situasie, die gewapendheid, of dat die persone sodanige  
 14 gewapen is, die aggressie, hulle het my verwys na die  
 15 geskiedenis van geweld.

16 CHAIRPERSON: I think the word is  
 17 abnormality of the situation. It was, they were  
 18 complaining about the abnormality of the situation.

19 GENERAAL-MAJOOR ANNANDALE: Hulle het vir  
 20 my pertinent vermeld dat daar 'n loon ooreenkoms was wat  
 21 geldig was vir twee jaar.

22 CHAIRPERSON: I think it was actually  
 23 binding for two years, it wasn't that it was being in  
 24 existence for two years, it was a two year agreement, it  
 25 was a wage agreement but it was binding for two years.

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1 GENERAAL-MAJOOR ANNANDALE: So hulle het  
 2 gesê hulle gaan oor lone onderhandel nie. Hulle het  
 3 pertinent ook gesê dat daar griewe prosedure in plek is en  
 4 dat enige pertinente griewe wat daar is kan deur bestaande  
 5 strukture deur die unies en dan ook in terme van die  
 6 struktuur wat voorsiening gemaak is voor, binne die griewe  
 7 prosedure. Maar hulle het gesê dat hulle nie koppie toe  
 8 gaan nie. Dat hulle om 'n tafel sal sit om sodanige griewe  
 9 te bespreek. Voorsitter, en ek praat vir myself, ek as 'n  
 10 individu het dit gerespekteer, hulle het dit vir my  
 11 duidelik gestel en ek het dit gerespekteer.

12 CHAIRPERSON: Put it clearly and I  
 13 respected, hulle het dit duidelik gestel, they put it  
 14 clearly and I respected it, that's his answer I think.

15 MR BURGER SC: You accepted it, General,  
 16 as a reasonable and a rational response?

17 [10:54] GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 18 dis redelik gegewe die omstandighede soos afgespeel het  
 19 aanvaar.

20 MR BURGER SC: Then the narrower  
 21 proposition, as put by learned friend, Mr Budlender, may I  
 22 put to that there was never an opportunity, as far as  
 23 you're aware, of speaking to representatives of the  
 24 strikers in that time period. They didn't delegate people  
 25 to go and negotiate on their behalf.

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1 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 2 die enigste delegasie wat daar was, was die vyf persone wat  
 3 met ons onderhandel het. Ek weet nie of daar 'n verdere  
 4 gesprek was en dit het nie onder my aandag gekom dat  
 5 hierdie delegasie sal nou pertinent as die amptelike  
 6 verteenwoordigers wees nie. Ek het dit altyd gesien dat  
 7 sou deur, pertinent, AMCU, as 'n unie wees.

8 MR BURGER SC: And, General, there was  
 9 never during that period a suggestion either by Lonmin or  
 10 by AMCU or by NUM or by the strikers that a trusted  
 11 mediator with experience in labour matters be brought into  
 12 the equation?

13 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 14 nie waarvan ek bewus is nie.

15 MR BURGER SC: And what we can be  
 16 confident on is that the South African Police Services  
 17 won't make such a suggestion, because that's pure labour  
 18 politics and you wouldn't meddle into that.

19 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 20 dit is onder die Arbeidswetgewing. Ons het van die eerste  
 21 toeligting aan ons onderhandelaars gesê dat ons moet fokus  
 22 in terme van polisie operasionele aspekte en nie namens die  
 23 werkgewer gaan optree in terme van arbeids aspekte nie.

24 CHAIRPERSON: - said, were they not to  
 25 speak on behalf of the employer, as I understood the

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1 answer. Am I right, Major-General?

2 GENERAAL-MAJOOR ANNANDALE: On behalf the  
 3 employer on labour-related aspects or matters.

4 MR BURGER SC: Sir, I'm at the end of my  
 5 two major questions. I just want to end off with a short  
 6 debate on Potchefstroom, but is this perhaps a convenient  
 7 time for the tea adjournment?

8 CHAIRPERSON: We will take the tea  
 9 adjournment at this stage.

10 [COMMISSION ADJOURNS COMMISSION RESUMES]

11 [11:31] CHAIRPERSON: The Commission resumes.  
 12 I'm sorry we took time to come back, but there were matters  
 13 we were attending to in chambers. Generaal-Majoor, u is  
 14 nog steed onder eed.

15 CHARL ANNANDALE: s.o.e.

16 CHAIRPERSON: Mr Burger?

17 MR BURGER SC: General, why was General  
 18 Naidoo not invited to Potchefstroom?

19 GENERAAL-MAJOOR ANNANDALE: Het ek u reg  
 20 gehoor, Naidoo?

21 MR BURGER SC: Ja.

22 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 23 nee hy was teenwoordig.

24 MR BURGER SC: I don't see him on GGG3 on  
 25 the name list of officers and members. I might have

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1 overlooked it, but I don't see it there. So he was there?

2           GENERAAL-MAJOOR ANNANDALE:       Hy was daar,

3 Voorsitter.

4           CHAIRPERSON:           On page 2 of that document,

5 name list of officers and members called up, and there are

6 four major-generals, and his name is not one of them.

7           MR BURGER SC:           It may be because he sent

8 it out, Chair, that he counted himself in without going

9 onto the list.

10          CHAIRPERSON:           Ja, you're probably right.

11          MR BURGER SC:           General, there are some 40

12 odd senior officers and other policemen at Potchefstroom.

13 We haven't seen an agenda, and we haven't seen minutes of

14 what happened day-by-day. I know we've got exhibit L, but

15 that's an end product. What was the agenda like for the

16 first morning, for example? Where do we find that?

17          GENERAAL-MAJOOR ANNANDALE:       Voorsitter,

18 dis reg, daar was nie 'n formele agenda, of daar was ook

19 nie amptelike notules gehou nie.

20          MR BURGER SC:           I find that strange. You

21 have a large number of policemen considering what was a

22 most important incident over a period of six days. We

23 don't have an agenda or minutes?

24          GENERAAL-MAJOOR ANNANDALE:       Voorsitter,

25 ons het nie gehad nie. Ons het geglo dat die eindproduk

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1 die narratiewe pertinent sal so omvattend wees dat dit sal

2 verwoord wat die besprekings was.

3           CHAIRPERSON HEMRAJ:           Is there not a

4 programme at least of which units were supposed to meet on

5 which days, who were to attend which meetings, at least?

6           GENERAAL-MAJOOR ANNANDALE:       Kommissaris,

7 daar was nie 'n program nie. Die program het homself

8 afgespeel in terme van die verwickelinge op die dag in

9 terme van groeperings wat moes ontmoet.

10          CHAIRPERSON:           There must have been – I

11 can understand that there wasn't a formal agenda, but there

12 must have been some structure to the meeting. I mean, some

13 matters have been – things just weren't just discussed on a

14 basis of one thing after another, without any order at all.

15 Surely certain matters must have been raised pertinently on

16 day 1, and there must have been discussions about them,

17 would that be right?

18          GENERAAL-MAJOOR ANNANDALE:       Voorsitter,

19 daar was verseker strukture. Daar was 'n fasiliteerder,

20 Brigadier Van Graan, en dan was dit – Adv Burger het ook

21 gevra die eerste dag, die provinsiale kommissaris het die

22 vergadering of die verrigtinge geopen, en sy het verwys na

23 die kommissie van ondersoek wat deur die President

24 daargestel is, en ons verantwoordelikheid om samewerking te

25 gee en feite op die tafel te sit. En dan was dit, dit wat

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1 ons reeds tot ons beskikking gehad het, pertinent videos,

2 fotos.

3           CHAIRPERSON:           Photographs?

4           MR MAHLANGU:           And photographs, yes.

5           GENERAAL-MAJOOR ANNANDALE:       En dit was

6 vertoon gewees. En dan was die struktuur daarna basies

7 gewees om terug te gaan na die 10de – ek dink ons het

8 teruggegaan tot die 10de. En dan ook die agtergrond voor

9 dit in terme van gebeure by Implats en dan - so,

10 Voorsitter, die struktuur was basies dat daar chronologiese

11 volgorde was, beginnende - tye en dan elke dag soos dit

12 ontvou het. En dan, soos wat die terugvoer gegee is deur

13 die onderskeie groepe van die betrokke dae, die

14 betrokkenes, hetsy dit dan nou per eenheid was of per

15 groepering, was dit dan nou vervat in bewysstuk L en ook

16 die narratiewe dokument. So tipies, aan die einde van die

17 dag hulle het gewys – sal dit vertoon word, dis waar ons

18 nou staan met die konsep samestelling van die PowerPoint.

19          CHAIRPERSON:           Sorry, we interrupted you.

20 I think you wanted to proceed with your cross-examination.

21          MR BURGER SC:           Thank you. Me Van Graan,

22 what was her rank?

23          GENERAAL-MAJOOR ANNANDALE:       Voorsitter,

24 dit is 'n manlike persoon, dit is Brigadier Van Graan,

25 manlik.

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1           MR BURGER SC:           Where did he slot in,

2 because I don't see him on the list of invitees?

3           GENERAAL-MAJOOR ANNANDALE:       Ek vermoed,

4 en ek praat onder korreksie, miskien sal u opmerk daar 'n

5 Van der Walt, ek weet nie of daarop 'n Van der Walt is nie?

6           MR BURGER SC:           Van der Walt, ja, legal

7 services. There is a Brigadier Van der Walt, legal

8 services from headquarters.

9           GENERAAL-MAJOOR ANNANDALE:       Voorsitter,

10 ja, daar was deur Noordwes Provinsie, soos ek verneem,

11 geskakel met die hoof uitvoerende regsbeampte van die

12 polisie. En die aanvanklike aanleiding was dat dit sou

13 Brigadier Van der Walt wees, maar toe's daar 'n vervanging

14 gestuur in terme van Brigadier Van Graan uit dieselfde

15 kantoor uit, ook regsafdeling. He was not available and he

16 was replaced by Van Graan.

17          MR BURGER SC:           And Brigadier Van Graan

18 was not at Marikana during the 9th to the 16th of August?

19          GENERAAL-MAJOOR ANNANDALE:       Nee, hy was

20 nie, voorsitter.

21          MR BURGER SC:           I must say I'm puzzled.

22 Brigadier Van Graan comes there, he doesn't know what

23 happened, he doesn't have an agenda, so he says let's start

24 at the beginning? What was the structure of the debate?

25          GENERAAL-MAJOOR ANNANDALE:       Ek het nie

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1 die laaste gedeelte van u opmerking gehoor nie.

2 MR BURGER SC: I don't understand the

3 structure of the debate. We've heard from Luitenant

4 Colonel Botha, who was called there for his video footage,

5 but he can't remember whether it was ever shown.

6 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

7 nee, daar was niks vreemd nie. Ons wou pertinent nie gehad

8 het dat een van ons wat betrokke was dit fasiliteer nie,

9 dit was makliker as 'n persoon wat nie daar was nie dit

10 fasiliteer sodat daar nie aannames gemaak word nie, dat 'n

11 persoon wat glad nie bewus is van die omstandighede nie,

12 dat hy dit kan vat stap vir stap kronologies.

13 MR BURGER SC: General, and you now spend

14 six days there on what was a very traumatic incident, and

15 it unfolds before your eyes and it's debated and written

16 down. Apart from the lack of cameras and video cameras and

17 radios - I'm not really interested in that, you've dealt

18 with that - at the end of that period, as a general in the

19 South African Police Service, if I ask you what had gone

20 wrong - what, in your view, had gone wrong at Marikana from

21 a SAPS perspective, what would you answer me?

22 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

23 dit gaan ongelukkig 'n taamlike lywige antwoord wees.

24 Voorsitter, hier het ons 'n groep rotsbreek operateurs

25 gehad wat hulle benadering - het op dit wat hulle

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1 waargeneem het in die Implats staking vroeër in die jaar

2 van 2012, en hulle het buite die strukture van die

3 Arbeidswetgewing het hulle gegaan om loon eise daar te

4 stel. En gegewe hulle kritiese belangrikheid in die

5 mynwyse, is daar toe met hulle in gesprek getree oor 'n

6 toelaag. Hulle het dit ervaar as 'n - en dis my

7 perspektief - as 'n relatiewe maklike proses om 'n toelaag

8 te kry, nie noodwendig 'n loonverhoging maar 'n toelaag, en

9 gesien dat dit 'n proses is moontlik om dan groter voordele

10 trek in terme van ook 'n loonverhoging. Die proses het

11 momentum gekry en AMCU, pertinent, het die geleentheid

12 gesien om hulle te ondersteun en dan sodanig potensiële

13 lede te werf. Daar word toe potensiële nie-haalbare eise

14 gestel in terme van 'n sekere bedrag. NUM het in die

15 proses begin lede verloor. Daar was 'n konflik tussen die

16 unies. Die situasie het verder ge-eskaleer en daar is

17 prosesse van intimidasie en geweld gebruik. Die unie

18 leierskap het nie noodwendig totale beheer gehad oor hulle

19 lede nie. Die polisie het toe op 'n stadium betrokke

20 geraak as bemiddelaar in terme van die

21 onderhandelingsprosesses wat ons gevestig het. Maar toe

22 hierdie groep merk dat dit ook nie lei dat hulle, hulle sin

23 kry in terme van die betrokke eis wat hulle gemaak het vir

24 R12 500 nie, het hulle begin ekstra druk op die owerhede

25 uitvoer in terme van die - basies hulle toe hulle toorn en

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1 geweld het hulle teen die polisie begin rig.

2 [11:50] GENERAAL-MAJOOR ANNANDALE: Hulle teen

3 die polisie begin rig.

4 CHAIRPERSON: Anger, I would imagine.

5 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

6 die, wat ons geglo het dat ons voldoende maatreëls daar

7 gestel het en dat ons het nie 'n volskaalse aanval verwag

8 op die polisie lyn nie.

9 CHAIRPERSON: Full scale attack on the

10 police line, I think.

11 GENERAAL-MAJOOR ANNANDALE: Ons geloof

12 dat ons voldoende voorbereid was, was gebaseer op ons

13 ervaring en oor die duisende gevalle wat ons suksesvol

14 hanteer het oor baie jare. Ons inligting en informasie was

15 ongelukkig baie beperk en eers met 20/20 nabetrugting het

16 ons bewus geword daarvan dat daar is sekere aantal dinge

17 plaasgevind het wat ons nie bewus was van nie.

18 CHAIRPERSON: 20/20 hindsight he became

19 aware of a number of things we weren't aware of initially,

20 I think that's what he said.

21 GENERAAL-MAJOOR ANNANDALE: En na die tyd

22 blyk dit vir ons duidelik te wees dat daar 'n aanval beplan

23 was, voor die tyd beplan was op die polisie en dat die

24 moeti pertinent dalk 'n groter rol gespeel het as was ons

25 gedink het. As ons kyk na die tipiese kleredrag wat die

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1 pertinent militante groep gedra het in terme van ekstra

2 laag klere, komberse. As ons kyk dat daar duidelike

3 hergroeperings punt beplan was.

4 CHAIRPERSON: The moving points was

5 planned, I think.

6 GENERAAL-MAJOOR ANNANDALE: Dat daar

7 pertinente formasies was in terme van die beweging.

8 CHAIRPERSON: Pertinently or specific

9 formations in terms of movement, in terms of the beweging.

10 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

11 hierdie groep het die heelyd by mekaar gebly, hulle het

12 saam beweeg in drie aanslae op die polisie lyn. Die

13 grootste meerderheid, waarskynlik 90% van die mense het

14 hoofsaaklik in 'n westelike rigting weg beweeg, slegs

15 hierdie groep het dit goed geag om in 'n oostelike rigting

16 te beweeg. Die veld was beplan en gekoördineerd om

17 verskeie plekke amper gelyktydig aan die brand gesteek.

18 CHAIRPERSON: Various spots of the veld

19 was set alight at the same time, simultaneously I think.

20 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

21 so ek dink dit het begin by 'n groep persone en dit het

22 geëindig by 'n groep persone, wat dit nie ten doel gehad

23 het om deur aanvaarbare en erkende wettige prosesse te gaan

24 om 'n spesifieke doelwit te bereik nie.

25 CHAIRPERSON: I don't think he means

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1 legal measures, he means unacceptable illegal measures to  
2 reach a particular goal.

3        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
4 en ons het baie lesse daaruit geleer en daar is reeds  
5 aangedui ek dink ons Advokaat Semenya dat ons sodanige  
6 lesse gaan ons in 'n amptelike ekstra verklaring gaan ons  
7 dit beskikbaar stel tot hierdie kommissie.

8        CHAIRPERSON:        Extra additional statements  
9 which will be made available to the commission.

10        MR BURGER SC:        To bring that nearer home  
11 to the SAPS itself any special lessons that you learned at  
12 the end of Potchefstroom for example of what happened  
13 between scene 1 and scene 2. If one has a look at exhibit  
14 L and you go to page, to slide 208 and you go then from  
15 there to slide 252 that's really the burning point between  
16 scene 1 and scene 2. It seems to me that there's very  
17 little by way of photographic recording, video recording,  
18 blow by blow information as to what happened in that 18  
19 minute period.

20        MS JELE:        Chairperson, sorry before we  
21 show those photographs perhaps a warning might be given.

22        CHAIRPERSON:        I hadn't spotted  
23 photographs were being shown. Thank you for drawing it to  
24 my attention. We're going to see a number of slides I  
25 think which will depict dead bodies of people who were

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1 family members or loved ones of some of the people in the  
2 auditorium and I think that seeing those photographs may  
3 cause them distress as in the past. So I would ask that  
4 the pictures not be shown or images not be shown until two  
5 minutes have elapsed after what I've now said has been  
6 interpreted. If everyone who is reminded to leave has left  
7 so I think we can proceed.

8        GENERAAL-MAJOOR ANNANDALE:        Ekskuus,  
9 meneer, u het verwys na die video gebrek aan pertinente  
10 video of foto's.

11        MR BURGER SC:        Ja, it strikes me that we  
12 have very little information in that critical period to  
13 assist us to see exactly what had happened. Did that weigh  
14 with you and the other generals or is that not surprising?

15        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
16 nee vir seker het dit, ons het gesien dat ons vermoë om  
17 opnames te maak is totaal ontoereikend en sonder om in te  
18 veel besonderhede in te gaan pertinent dat ons dan op ons  
19 helikopter, alle helikopters met ons tegniese beeldvormings  
20 kamera hê. Maar, Voorsitter, ook dat ons 'n lewendige lyn  
21 kan hê, a live link vanaf so helikopter na byvoorbeeld 'n  
22 JOC area en dan het ek verwys na die opgradering in terme  
23 van video kameras in gebruik deur openbare orde, die  
24 opleiding, tegniese aspekte, die bewyslewering daarvan.  
25 Maar, Voorsitter, om verdere te gaan in iets wat ons moet

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1 verseker gaan navors en gaan kyk na die haalbaarheid  
2 daarvan. Dat ons kameras kan hê in pertinente voertuie  
3 potensieel bevelvoerders, Nyalas in die geval en potensieel  
4 selfs verder gaan dat ons selfs kameras aan die man, deel  
5 is van die uitrusting van pertinente polisiemanne. Want  
6 daar's natuurlike tegnologiese en koste beperkings maar ons  
7 moet verseker daarna gaan kyk.

8        MR BURGER SC:        A final question.

9        CHAIRPERSON:        Before you ask your final  
10 question. Can I ask a question. Those things that you've  
11 discussed have any of them been implemented?

12        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
13 'n groot aantal van ons helikopters het sodanige kameras.  
14 In die geval van Noord Wes was die betrokke kamera op, was  
15 buitewerking in terme van tegniese herstelwerk wat  
16 plaasgevind het. Voorsitter, dan het ons reeds met die  
17 Nasionale Vervolgingsgesag in samewerking met hulle ook ons  
18 speurdiens en ook ons forensiese afdeling, rekordsentrum,  
19 Voorsitter, het ons gekyk na die opleiding van video  
20 operateurs en daar het reeds sodanige opleiding plaasgevind  
21 20 video operateurs is opgelei en 11 in 'n meer gevorderde  
22 opleiding. Voorsitter, en dan is daar reeds 12 meer  
23 gevorderde kameras gelewer aan van ons provinsies en  
24 eenhede en ek weet ook pertinent die provinsie Noord Wes  
25 het enkele meer kommersiële van die rak kameras reeds

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1 aangekoop.

2        CHAIRPERSON:        Are they operational as we  
3 speak?

4        GENERAAL-MAJOOR ANNANDALE:        Kommissaris,  
5 sover ek verneem is die 12 kameras wat reeds versprei is  
6 operasioneel.

7        CHAIRPERSON:        Are they at Marikana today?

8        GENERAAL-MAJOOR ANNANDALE:        Voorsitter,  
9 ek kan nie vir u 'n positiewe bevestiging daarvan gee nie.  
10 Voorsitter, met u vergunning tydens die tee breek was dit  
11 net so vlugtig aan my genoem dat daar een van ons video  
12 operateurs was vandag met die dood gedreig tydens 'n  
13 opname. Ek weet nie watse kamera het hy gehad nie.

14        CHAIRPERSON:        At Marikana, today?

15        GENERAAL-MAJOOR ANNANDALE:        Dis korrek,  
16 Voorsitter. Ek het nie die volle besonderhede nie.

17        MR BURGER SC:        General, shortly after the  
18 events of the 16th a press statement was prepared and  
19 General Phiyega delivered that on the 17th. At the same  
20 time as I understand it there was a statement prepared for  
21 the President to inform him of the events. If those  
22 assumptions of mine are correct may we assume that what was  
23 said in the press statement exhibit of the 17th will be  
24 substantially the same that was told to the President in  
25 the résumé of events sent through to him.

<p style="text-align: right;">Page 9819</p> <p>1 [12:10] GENERAAL-MAJOOR ANNANDALE: Voorsitter,  2 ja, die verklaring of die verslag vir die President was  3 eintlik voorberei vir die Minister – ek dink van DIRCO,  4 maar, ja, bedoel vir die President.  5 CHAIRPERSON: Minister of International  6 Relations and Cooperation, DIRCO, but, as you've added,  7 also for the eyes the President.  8 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  9 en soos ek dit het is die kern van die persverklaring asook  10 die verslag is dit baie dieselfde.  11 CHAIRPERSON: Thank you, Mr Burger. Ms  12 Jele, do wish now to proceed with your cross-examination  13 into which Mr Burger's cross-examination was inserted, as  14 it were.  15 MS JELE: I would like to, yes, please,  16 Chairperson.  17 CHAIRPERSON: Well, please do so.  18 MS JELE: Thank you, Chairperson.  19 General Annandale, as I mentioned earlier, I'll try to deal  20 with issues with you in a somatic manner and the next theme  21 that I would like to address is broadly the theme of issues  22 relating to planning. It encompasses issues related not  23 only to the process of making plans that were implemented  24 during the course of the fateful week, but also the  25 information available and that fed into that plan as well</p>	<p style="text-align: right;">Page 9821</p> <p>1 GENERAAL-MAJOOR ANNANDALE: Ek merk die  2 sin.  3 MS JELE: Now, you have dealt to a  4 certain extent in examination-in-chief with the experience  5 of those individuals that I might describe as having  6 constituted the senior leadership of SAPS on the ground  7 during the course of that week, and I would specifically  8 refer from Monday, the 13th August onwards. What I would  9 like to focus on is not their experience, but their  10 training and specifically what their training would have  11 contained and how training would have related to their POP  12 experience, and to this end we distributed a number of  13 documents - my colleague, Ms Hardy, did so on Monday, that  14 are copies of Excel spreadsheets listing the training  15 history as well as the disciplinary history, or the summary  16 of the disciplinary record of yourself, General, as well as  17 a number of other individuals in the senior leadership of  18 SAPS that were present during the course of that week. Do  19 you have those documents available in front of you? I hope  20 you do, General.  21 CHAIRPERSON: We're going to have to mark  22 them. May I suggest that we go through them now, say which  23 one's you're going to use first. We could probably call  24 them all GGG 27.1, 27.2, 27.3, etcetera. Now which one –  25 is that acceptable to you?</p>
<p style="text-align: right;">Page 9820</p> <p>1 as the personnel available to implement that plan – put it  2 together. And firstly, as a reference, I would like you to  3 look at FFF1, which is the policy document on crowd  4 management, and specifically to look at paragraph 4.3.2,  5 which I believe is on page 8 of the document.  6 CHAIRPERSON: What is the exhibit number,  7 Ms Jele?  8 MS JELE: FFF1, Chairperson.  9 CHAIRPERSON: Thank you.  10 CHAIRPERSON: - number, you did tell us,  11 but what is it again?  12 MS JELE: 4.3.2, Chairperson. I see a  13 number 8 in the top right-hand corner of the page.  14 CHAIRPERSON: Yes, thank you.  15 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  16 ek het die betrokke paragraaf voor my.  17 MS JELE: General, I would like to refer  18 you specifically to the last – the sentence before last, as  19 it were. The sentence beginning, the planning, and it's  20 the sentence that reads, "The planning and operational  21 command of public order operations must always be entrusted  22 to commanders of POP units in consultation with the  23 Provincial Commissioner, as they are trained and usually  24 experienced in such matters. Do you see that particular  25 sentence, General?"</p>	<p style="text-align: right;">Page 9822</p> <p>1 MS JELE: Certainly, Chairperson.  2 CHAIRPERSON: Which is the first one to  3 which you wish to refer?  4 MS JELE: I would first like to refer to  5 General's own, career developments, as it is entitled.  6 CHAIRPERSON: Yes. So that will be  7 exhibit GGG 27.1, right. And the next one? Let's do them  8 all now, and then let's –  9 MS JELE: Chairperson, thereafter I would  10 like to refer to the training history of General Mbombo.  11 CHAIRPERSON: That will be GGG 27.2.  12 MS JELE: Thereafter the history of  13 General Mpembe.  14 CHAIRPERSON: That's 27.3.  15 MS JELE: Then that of Brigadier Calitz,  16 followed by that of –  17 CHAIRPERSON: That's 27.4.  18 MS JELE: Indeed, Chairperson.  19 CHAIRPERSON: Followed by?  20 MS JELE: Followed by that of General  21 Naidoo.  22 CHAIRPERSON: 27.5.  23 MS JELE: And finally, 27.6, would be  24 that of Brigadier Fritz.  25 CHAIRPERSON: Yes, thank you. I take it</p>

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1 everyone who's following this has marked his or her  
2 documents accordingly, and the witness has too, I take it.  
3 So for ease of reference you can just refer to the exhibit  
4 numbers and we can proceed, hopefully, with expedition.

5 MS JELE: I'll do that. Thank you,  
6 Chairperson. General, in your own history I note that  
7 during the course of a certain period in the mid-eighties,  
8 so to speak – it's the second bullet point under your  
9 career developments, you were part riot and crowd control.  
10 Is that correct?

11 GENERAAL-MAJOOR ANNANDALE: Korrek.

12 MS JELE: And what would be bullet point  
13 17 of exhibit GGG 27.1 indicates further that some 13 years  
14 ago, 12 years prior the incident at Marikana, you underwent  
15 a crowd management – some crowd management training,  
16 correct?

17 GENERAAL-MAJOOR ANNANDALE: Dis korrek.

18 MS JELE: Despite these elements of your  
19 history, you assert that you are not, yourself, an expert  
20 in public order policing. You've said so consistently,  
21 General, have you not?

22 GENERAAL-MAJOOR ANNANDALE: Dis korrek.

23 MS JELE: Now, if one turns to exhibit  
24 GGG 27.2, one sees the courses undertaken in her career by  
25 General Mbombo. One presumes that the SAPS has provided us

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1 with the complete history of her training experience. As  
2 you will note that there is absolutely no crowd control or  
3 public order policing training at all in her history.

4 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
5 net Generaal Mbombo sal kan bevestig of dit die volledige  
6 rekord is. Ons vervat rekords op wat ons verwys na as 'n  
7 SAP96, waaronder dit pertinent dan nou opleiding  
8 gereflekteer word.

9 MS JELE: General, are you suggesting  
10 that there are other documents that we might be referred to  
11 that would be more complete in terms of this history, if  
12 only to be able to note its contents for the purposes of  
13 the questions that I will be putting to you?

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
15 ek het nog nie klaar geantwoord nie, ek het net gewag dat  
16 daar vertolking gedoen word. Wat ek verneem het van lede  
17 is dat die SAP96 van hulle is nie noodwendig 'n totale  
18 refleksie van die opleiding wat hulle gedoen het nie. So  
19 wat ek sê daar is nie noodwendig dokumente nie, ek sê net  
20 elke individu sal sy of haar pertinente rekord moet  
21 bevestig vir die korrektheid daarvan.

22 MS JELE: I appreciate that, General, but  
23 when we requested specifically all of the records that were  
24 available for the training history of the individuals that  
25 we identified, this is what your legal team provided us

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1 with. For our purposes, this is the information that we  
2 have and we can work with. Could we at least note that  
3 this is what they have provided us, and should there be a  
4 need to follow up in respect of any further information, we  
5 will either deal with it with their legal representatives  
6 in terms of further documents or alternatively with the  
7 witnesses themselves.

8 CHAIRPERSON: Mr Semenya, if there are  
9 further documents, it's clearly desirable that Ms Jele get  
10 them before the witnesses come, because it's going to waste  
11 a lot of time if the witness goes in the box, information  
12 is then made available and there's cross-examination on it.  
13 So if there are other documents which are relevant in this  
14 regard, the SAP96, is that the name of the document? If  
15 they are available, or can be made available, I think it  
16 would be helpful if Ms Jele got them sooner rather than  
17 later, before the witnesses come, so that we can deal with  
18 this aspect – this particular point she's busy with, as  
19 expeditiously as we can. I'm sure you'll be able to assist  
20 in that regard.

21 MR SEMENYA SC: I have already given the  
22 direction, Chair.

23 CHAIRPERSON: Thank you. I'd expected  
24 that something of the kind had happened.

25 MS JELE: I'm sorry to belabour the

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1 point, Chairperson, but in order to prepare and to  
2 establish whether or not there would be any value in  
3 waiting in respect of this witness, might Mr Semenya be  
4 able to give me some indication, or at the very least  
5 during the lunch break give us some indication of when that  
6 documentation might become available?

7 CHAIRPERSON: It sounds as if this  
8 particular witness, you've got the information you need to  
9 cross-examine him. I take it you want to cross-examine him  
10 on the others as well, do you?

11 MS JELE: I have a few questions related  
12 to their training history as we have it, Chairperson, but I  
13 would like to ask –

14 CHAIRPERSON: Well, carry on for the  
15 moment, and then it may be that further cross-examination  
16 on the point may have to be deferred until tomorrow or even  
17 later, but it sounds as if Mr Semenya has given the  
18 necessary instructions. So one hopes that it will be  
19 promptly attended to.

20 MS JELE: I'm sure it will. I look  
21 forward to it. Thank you, Chairperson. General, can we at  
22 least confirm that from the face of GGG 27.2, General  
23 Mbombo has no – taken no courses in public order policing,  
24 taken no training in crowd management?

25 GENERAAL-MAJOOR ANNANDALE: Dit is

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1 korrek, Voorsitter.

2 MS JELE: Now, if you might turn to GGG

3 27.3, which reflects the history of the training courses

4 taken by General Mpembe? Again, General Mpembe, you'll

5 note on the face of this document, has taken no courses in

6 crowd management or public order policing.

7 CHAIRPERSON: Is that correct? Onlus en

8 skare, but you did tell us earlier that you are challenged

9 as far as Afrikaans is concerned – linguistically

10 challenged. The very first course he took is Onlus en

11 skare beheer basies, which means riot and crowd control

12 basic. Admittedly, it appears to be taken in 1986, and it

13 may be that the curriculum of that course has changed since

14 1986, but certainly a course in crowd control was taken by

15 him in another century under another regime.

16 MS JELE: Indeed, Chairperson. A course,

17 I suppose, quite similar, or certainly more limited than

18 the nearer year experience that the general had in the riot

19 control unit, between '86 and '87. Perhaps the General

20 might assist in that respect.

21 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

22 die kursus, onlus en skarebeheer is steeds 'n amptelike

23 erkende kursus, en dis dus nog geldig. My ervaring van die

24 verskil is, die kursus wat ek in 2000 gedoen het was 'n

25 fokus in terme van pertinent die wet of die reëling van

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1 byeenkomste.

2 CHAIRPERSON: Regulations of Gatherings

3 Act.

4 GENERAAL-MAJOOR ANNANDALE: Soos wat ek

5 onthou was daar omvattende werksessies wat deur ons polisie

6 regsafdeling aangebied was reg deur die land, maar die

7 offisiere sal moet getuig of hulle ook sodanige werksessie

8 bygewoon het. Ek weet nie of –

9 MS JELE: Certainly, but General, on the

10 face of it, if your history is anything to go by and you

11 don't consider yourself a POP expert, we could consider

12 that the course that General Mpembe attended would not also

13 make him, on the face of this document again, an expert in

14 public order policing. I'm speaking of his training, not

15 of his experience. You've spoken about his experience.

16 [12:30] GENERAAL-MAJOOR ANNANDALE: Voorsitter,

17 ja daar kan 'n reuse debat wees in terme van watter kundige

18 daar stel. Maar wat ek weet dit is nie uitsluitlik beperk

19 tot pertinente opleiding nie.

20 CHAIRPERSON: If one compares your

21 training with his I take it the course in riot and crowd

22 control which is the second entry under your - on exhibit

23 GGG27.1 was presumably more or the less the same as the

24 course which General Mpembe took also 1986.

25 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

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1 ek aanvaar ons kan dit met redelike akkuraatheid -

2 CHAIRPERSON: You then went for a second

3 course -

4 MS JELE: My apologies, Chairperson, if

5 Mr Mahlangu could do the interpretation because I'm sure

6 you've understood the General's answer.

7 CHAIRPERSON: Oh alright. I ask

8 forgiveness. Two of those courses, one in '86 and one in

9 '87 and then you took another one later in '87, the

10 officers course in Riot and Crowd Control. And

11 subsequently in 2000 you took a course in Crowd Management,

12 so you would appear to have attended four courses in this

13 category whereas General Mpembe's only attended one and

14 that was in 1986, is that correct?

15 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

16 myne het drie dan, Onder Offisier, Officer's Course and

17 Crowd Management, nie vier nie.

18 CHAIRPERSON: Four because the Riot and

19 Crowd Control there are two dates, 1986 it looks like

20 January and then 1987 so that's why I counted those as two,

21 you count those as one. Those are two and then we've got

22 the Officers Course and it looks like July '87 and the

23 crowd management one in 2000 so two plus one, plus one is

24 four in my arithmetic.

25 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

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1 miskien praat ons verby mekaar. Die tweede bullet Riot and

2 Crowd Control is een kursus then the fourth bullet

3 Officer's Course in Riot and Crowd Control.

4 CHAIRPERSON: I thought the second bullet

5 was two courses, that there were two dates. If I was wrong

6 on that then the point I made falls away.

7 GENERAAL-MAJOOR ANNANDALE: Oh I see what

8 you mean, absolutely, Chairperson, ja.

9 MS JELE: It was a while back General,

10 we'll forgive you for having forgotten the specific dates.

11 GENERAAL-MAJOOR ANNANDALE: Chairperson,

12 if I can just mention in terms of the officer's Course, in

13 the 80s that was the understanding that everyone that goes

14 on a commissioned officers course become a lieutenant or a

15 commissioned officer, had to do the officer's course, now I

16 do not know if it's just not reflected in General Mpembes

17 and I also do not know when he became an officer but that

18 was standard. After the completion of your 13 weeks

19 officer's course you also then did an officer's course in

20 Crowd Management.

21 MS JELE: Thank you, General. To the

22 extent that we will deal with this perhaps we should first

23 continue with the training histories of others.

24 Specifically I'd like to turn to the training history of

25 Brigadier Calitz. Now thank you very much for pointing out

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1 that the training that occurred, that's the first bullet  
2 point 1987 in March would have been similar training that  
3 yourself and General Mpembe attended. On my reading and  
4 again to the extent that there are certain courses  
5 described in Afrikaans, was there any other training course  
6 directed at crowd management, or riot control, riot and  
7 crowd control attended by Brigadier Calitz that you can  
8 discern from this document General?

9 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
10 al wat my pla en ek het nou baie vinnig deur General Mpembe  
11 en ook deur Brigadier Calitz se uiteensetting gegaan en  
12 tensy ek het dit mis merk ek nie op hulle offisier's kursus  
13 nie.

14 MS JELE: Just in practical terms,  
15 General, so we can just be organised going forward. The  
16 listed documents we would refer to were sent on Friday and  
17 you were provided with copies on Monday. Were you provided  
18 an opportunity to look through these? Just so I know ahead  
19 of time as I ask the question.

20 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
21 ek het 'n geleentheid gehad.

22 CHAIRPERSON: Opportunity.

23 MS JELE: General, can we take it that on  
24 the face of these documents as far as things are concerned  
25 Brigadier Calitz has no more specific public order policing

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1 and training than General Mpembe certainly?

2 CHAIRPERSON: General, I'm sorry to  
3 interrupt you. There's a workshop on pepper spray. I take  
4 it that also is part of public order policing isn't it?  
5 Isn't pepper spray used as a means of dispersing a crowd or  
6 am I reading more into it than is there?

7 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
8 dit is nie beperk tot die gebruik net in skade bestuur  
9 oortreders nie. Om terug te kom na die Advokaat se vraag.  
10 Dis moeilik net in terme van die kursus en ek weet nie wat  
11 is die modules binne die kursus nie so ek weet werklik nie  
12 of daar dalk pertinent in een van die kursus geraak word  
13 aan 'n openbare order hantering nie. Ek weet nie.

14 MS JELE: Well then perhaps that's the  
15 kind of detail we might further need from the SAPS but that  
16 as it may based on the description of these specific  
17 courses especially some of which you have also taken, if I  
18 can turn to GG27.5 which is the training course history of  
19 General Naidoo. I see again the same course in 1987 which  
20 you referred to for General Mpembe which Brigadier Calitz  
21 also took. I don't see any other training directed at  
22 public order policing, specifically directed at it.

23 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
24 behalwe die Junior Commander Level 2 Warrant Officer ek  
25 weet nie of daar module is nie, ek kan regtig daaroor

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1 getuig nie.

2 CHAIRPERSON: Sorry a candidate officer  
3 course, kandidaat offisier which he took 1993. I think  
4 that you said it was every person who went for training to  
5 be an officer that's to be promoted from warrant officer to  
6 lieutenant I take it, had a course or underwent a course  
7 which included an element of public order policing. Is  
8 that what you said earlier?

9 GENERAL-MAJOOR ANNANDALE: Sir, yes but I  
10 do not know when that was stopped, whether it was still  
11 applicable in '93 I cannot attest to that and then also  
12 then just two lines down "Introduction to Community  
13 Policing" I also do not know if there may be specific  
14 reference to that, I really do not know.

15 MS JELE: Now let's just turn to the last  
16 one which the history of the courses taken by Brigadier  
17 Fritz, again I see the same basic course, this time taken  
18 in 1985. Most of his history unfortunately for me is in  
19 Afrikaans. Do you see anything that jumps at you General  
20 that might involve public order policing training or crowd  
21 management training of any kind?

22 GENERAAL-MAJOOR ANNANDALE: Weereens in  
23 1993 0702 die kandidaat offisierskursus self daar is ten  
24 opsigte van Generaal-Majoor Naidoo. And Chairperson, then  
25 on the next page "Binnelandse Beveiliging", ek weet ook nie

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1 wat was die inhoud van die betrokke kursus in 1996 nie.

2 CHAIRPERSON: I take it that's internal  
3 security, I think.

4 MS JELE: General, I would submit that  
5 there are two things that arise from these two particular  
6 histories to the extent that they correctly record the  
7 training experience of the senior leadership of SAPS on  
8 point. In terms firstly of FFF1 and the requirement that  
9 individuals planning and at the helm of such operations  
10 have not just POP expertise but also POP training, there's  
11 very little in the form of POP amongst the senior officers  
12 of SAPS taking care of this operation.

13 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
14 maar dit blyk dat almal behalwe -

15 CHAIRPERSON: Before you answer Mr  
16 Semenya wants to say something. Mr Semenya.

17 MR SEMENYA SC: Chair our reading of FFF1  
18 does not require POP expertise. It just refers to POP  
19 commanders.

20 MS JELE: With respect to my colleague,  
21 Mr Semenya, it suggests that operational command of public  
22 order operations must always be entrusted, not just a  
23 commander of POP units but precisely because they are both  
24 trained and experienced in crowd management. And I  
25 mentioned that I was focusing on their training in this



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1 question.

2 MR SEMENYA SC: Chair, I must still

3 repeat it does not talk about being a POP expert.

4 CHAIRPERSON: No, no it doesn't say that,

5 but Counsel, Ms Jele's point is that it does say they must

6 have been trained in such matters and she's probing their

7 training in such matters. I think - the point you made is

8 on record but I think she can proceed so you may proceed,

9 Ms Jele.

10 MS JELE: Thank you.

11 CHAIRPERSON: While you are concentrating

12 on the training, I understand Mr Semenya's point, if you

13 can call it an objection is related more to the other half

14 of what's required and the experience. But you're busy

15 with training at the moment so proceed.

16 MS JELE: To the extent that the General

17 actually referred to their expertise I thought it more

18 appropriate to ask them about that rather than the General

19 in question. I did want to focus on training and

20 specifically on the fact that we're speaking of individuals

21 who have to be "in operational command of such gatherings."

22 Now perhaps this is an appropriate time to dive into a

23 different question which would be linked to that. You've

24 mentioned General that you were chairing the JOCOM, does

25 that acquaint you to the concept of C JOC in standing order

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1 262?

2 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

3 net voor ek dit antwoord, dat bewyse GGG27.1 tot 6 met die

4 uitsondering van General Mbombo is al die ander offisiere

5 opgelei in skade bestuur. Voorsitter, dan moet ons nooit

6 vergeet dat hierdie nie 'n suiwer generiese skade operasie

7 was nie, dit was die hibriede operasie.

8 CHAIRPERSON: The hybrid operation en dat

9 die betrokkenheid van iemand soos byvoorbeeld Brigadier

10 Fritz was binne sy veld van verantwoordelikheid, binne sy

11 veld van opleiding en sy veld van kennis rondom die

12 spesiale taakmag. Voorsitter, en dan die voorsitter van

13 die JOCOM vergadering en die C JOC is nie die selfde

14 persoon nie.

15 MS JELE: Well we'll have to come back to

16 that, General. Just to confirm a couple of things for the

17 sake of clarity. Firstly those individuals that you

18 referred to and for the sake of argument exclude Brigadier

19 Fritz all underwent the course that was available between

20 1985 and 1987 which you said is still relevant today, is

21 that correct?

22 GENERAAL-MAJOOR ANNANDALE: Ek het gesê

23 die kursus is steeds geldig.

24 MS JELE: I accept that. We would put it

25 to you that amongst that senior leadership responsible for

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1 operational command in their various roles within that

2 particular context it will be our submission that they had

3 insufficient training and public order policing to comply

4 fully with the requirements of the policy on crowd

5 management.

6 CHAIRPERSON: Before you answer the

7 question, Major-General, Mr Semenya wishes to say

8 something.

9 MR SEMENYA SC: Well, Chair, in all

10 fairness perhaps Ms Jele may want to put it to the witness

11 what adequate public order policing training is there, what

12 the yardstick for it is, etcetera.

13 [12:50] CHAIRPERSON: There is something in that

14 point, the witness will have difficulty in answering that

15 question as you framed it but perhaps you can reframe it in

16 a way that successfully evades or avoids the objection.

17 MS JELE: Respectfully, Chairperson, I

18 will take the time to look through the transcript but we

19 made a number of submissions to Brigadier Mkhwanazi, who is

20 directly responsible for that course development, with

21 respect to whether to not it was or was not sufficient and

22 made direct submissions in that respect. So that has

23 already been dealt with in the record and secondly -

24 CHAIRPERSON: We know that, but remember

25 you are asking questions of a witness. The witness wasn't

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1 here when Brigadier Mkhwanazi was giving evidence. So you

2 can't say, you can understand my question in the light of

3 what I put to Brigadier Mkhwanazi because the witness will

4 say I'm sorry I wasn't here when Brigadier Mkhwanazi gave

5 evidence, and remember the purpose of your question has to

6 be in such a way that it has to be so framed that it's fair

7 to the witness so that he can answer it. So if you will

8 take that to heart and take a couple of steps back as Mr

9 Mpfu likes to say, and reframe the question I'm sure we

10 can proceed.

11 MS JELE: I appreciate that, Chairperson.

12 To the extent that that training, according to the

13 information provided to us, does not go beyond a couple of

14 days worth of training, would you submit that within those

15 couple of days having taken place in 1986, if an individual

16 does not steep themselves constantly in the work of crowd

17 management, it would be fallacious to suggest they have

18 sufficient training and it is stated in FFF1, experience to

19 be at the helm of even that portion of this particular

20 operation that requires crowd management?

21 MR SEMENYA SC: Chair, I thought my

22 learned colleague is dealing with training, not courses

23 attended. Training would entail all operations that they

24 have been doing over the years.

25 MS JELE: Apologies to my colleague, Mr

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1 Semenya, I would have assumed that that was within the  
2 experience clause which we stated that we are not dealing  
3 with at this stage. That all of the operations they might  
4 have been involved with, would have been related to their  
5 experience and not to their training. Perhaps we are  
6 speaking at cross purposes.

7 CHAIRPERSON: She is right you know, Mr  
8 Semenya. I think we better let her proceed, the witness I  
9 think has been asked a question which is sufficiently fair  
10 for him to be able to deal with it adequately.

11 MAJoor-Generaal ANNANDALE: Voorsitter,  
12 nee my rekolliesie van die opleiding is verseker dat dit  
13 nie net ? paar dae was nie. Ek weet nie waarop baseer  
14 Brigadier Mkhwanazi dit nie. Inteendeel ek sal nie verbaas  
15 wees as dit dieselfde lengte was as wat die huidige  
16 opleiding is nie. Dan weet ek ook dat Brigadier Calitz was  
17 self verbonde aan die openbare order eenheid vir ? taamlie  
18 tyd en ek is nie bewus van die totale tyd nie, en as ek dit  
19 nie mis het nie dink ek hy was selfs ? peltonbevelvoerder  
20 wat ? senior betrokke pos is binne so ? openbare eenheid.  
21 Ek is amper klaar, Voorsitter. Dan ek het verwys na my  
22 ervaring, in terme van die hantering van skade bestuur en  
23 dit is oor baie-baie jare, en baie-baie gevalle. Soos ek  
24 verneem is Generaal Mpembe ook al vir die afgelope 12 of 13  
25 jaar is hy in die provinsie in sy betrokke pos. En so ook

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1 Generaal Naidoo het baie blootstelling gehad tydens sy  
2 ontplooiing en toe hy gestasioneer was in die provinsie van  
3 Kwazulu-Natal. Maar elkeen van hulle sal uit daar kan  
4 uitbrei in terme van hoe betrokke hulle was en waste  
5 ervaring hulle het.

6 MS JELE: And we certainly look forward  
7 to probing their experience with them to get the full  
8 picture of the fulfilment of the requirements of that  
9 policy. Thank you, General. Chairperson, I'm about to  
10 move to another subcategory, would this be an appropriate  
11 time for the lunch break?

12 [COMMISSION ADJOURNS COMMISSION RESUMES]

13 [14:06] CHAIRPERSON: Commission resumes.  
14 Kolonel-Majoor, jy is nog steeds onder eed. Ms Jele, do  
15 you have more questions for this witness?

16 MS JELE: Chairperson, I understand my  
17 colleague, Ms Lewis, would like to say a couple of words.

18 CHAIRPERSON: Oh, yes Ms Lewis, you're  
19 back appearing for the families?

20 MS LEWIS: For the families and for AMCU,  
21 Mr Chair.

22 CHAIRPERSON: And for AMCU.

23 MS LEWIS: Mr Chair, I would like to make  
24 an application on behalf of both the families and AMCU.  
25 The memorial service for Mr Stevens, the AMCU official and

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1 member who was killed over the weekend, is scheduled to  
2 take place tomorrow at 4 o'clock. Mr Stevens has come to  
3 be known personally by the legal teams for both AMCU and  
4 the families and by the family members and I believe also a  
5 large number of Mr Mpofu's clients. On that basis, Mr  
6 Chair, I would like to request that we adjourn tomorrow at  
7 2:30 to enable those who would like to attend the memorial  
8 service to do so.

9 CHAIRPERSON: We will take a half hour  
10 lunch break tomorrow, resume at half past 1 and, has anyone  
11 got any objection to this proposal? No. So we will take a  
12 half hour lunch break tomorrow, resume at half past 1, sit  
13 until half past 2. Does it have to be half past 2? Can it  
14 not be a little bit later? I know they have got to get  
15 somewhere by 4 o'clock.

16 MS LEWIS: Mr Chair, the reason for the  
17 requested time is that apparently the memorial service will  
18 be very full and it will take some time for people to get  
19 there.

20 CHAIRPERSON: Alright, we will then  
21 adjourn at half past 2 tomorrow.

22 MS LEWIS: I'm indebted to the  
23 commission.

24 CHAIRPERSON: I can understand from what  
25 Ms Lewis said, that it's important for a number of the

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1 people who are connected with this commission, those who  
2 are in attendance in the auditorium from day to day, and  
3 also some of the legal representatives it very important  
4 that they should be at that memorial service. Clearly it's  
5 an appropriate request in the circumstances.

6 MS LEWIS: I'm indebted, Mr Chair.

7 CHAIRPERSON: Are you now in a position  
8 to proceed?

9 MS JELE: Chairperson, firstly might I  
10 ask Mr Semenya, we have come to some kind of clarification  
11 with regards to the records and/or further documentation  
12 that we might need to deal with, sorry dealt with earlier.  
13 Mr Semenya?

14 MR SEMENYA SC: Chair, there was mention  
15 made of SAP96. We have all of those and we have compared  
16 the documents we have on the career paths of the  
17 individuals. They are accurate as far as the SAP96 goes,  
18 it's just that that document has a whole host of personal  
19 information about the individuals which my learned  
20 colleague would not need for the purposes of questions.

21 CHAIRPERSON: Ja, the documents we have  
22 got of course have got their ID numbers which should have  
23 actually been blocked before we got them, but that's water  
24 under the bridge to some extent, I suppose. Is there a  
25 problem in showing the documents to Ms Jele if she is an

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1 advocate? I'm quite sure -

2 MR SEMENYA SC: We are satisfied, I have

3 shown them to her.

4 CHAIRPERSON: You have shown them to her?

5 MR SEMENYA SC: Yes.

6 CHAIRPERSON: I see. Now I understand,

7 but you don't want to put them in as Exhibits for the

8 reasons you have mentioned and I take it that Ms Jele does

9 insist on that either. She is really interested in the

10 particular information related to training and so forth, is

11 that so?

12 MS JELE: And to the extent that the

13 legal team have confirmed that what is in the SAP96 is

14 duplicated in the Excel spreadsheets that we have been

15 provided, we are happy to accept those Excel spreadsheets.

16 It's not just ID numbers. I have seen those documents.

17 The names of their relatives for example are contained

18 therein and I fully understand their desire not to disclose

19 them.

20 CHAIRPERSON: So you are able to proceed

21 at this stage are you?

22 MS JELE: I am, thank you Chairperson.

23 CHAIRPERSON: Good.

24 MS JELE: General, as I'm mentioned

25 earlier I'm now going to look at a different aspect of the

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1 issue of planning. One of the issues that you dealt with

2 during your earlier testimony is the role that Lieutenant-

3 Colonel Scott had in putting the plan together, correct?

4 MAJOOR-GENERAAL ANNANDALE: Korrek,

5 Voorsitter.

6 MS JELE: You also in your testimony

7 referred to a number of individuals whom you stated

8 contributed to the plan to the extent that it was, if I

9 might paraphrase your testimony General, a group effort.

10 Would that be correct?

11 MAJOOR-GENERAAL ANNANDALE: Korrek,

12 Voorsitter.

13 MS JELE: Could I ask you to go to the

14 statement of, I believe I can't see his rank but Pitsi,

15 William Mthate Pitsi which was also distributed during the

16 course of Monday by Ms Hardy. I understand he is a

17 Colonel. Pitsi, Chairperson P-I-T-S-I. Indeed,

18 Chairperson. I suppose we must, Chairperson, GGG28, Ms

19 Pillay?

20 CHAIRPERSON: Yes Ms Pillay is not with

21 us, so we will make it Exhibit GGG28. I'm told she nodded

22 her head, I didn't notice that. She is with us, welcome

23 aboard. Let's carry on.

24 MS JELE: Thank you, Chairperson. My

25 first reference would be to the very first paragraph of

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1 this statement and specifically it's last sentence which

2 was that on 16 August at 6AM Colonel Pitsi was called up to

3 Marikana. Do you see that, General?

4 MAJOOR-GENERAAL ANNANDALE: Ek merk dit

5 so op in paragraaf 1 dit is korrek, Voorsitter.

6 MS JELE: Now in the remaining paragraphs

7 of the statement, he describes the work that he did on the

8 16th but my query is this, according to Lieutenant Scott's

9 statement, his work on the plan was done on the 14th and we

10 shall go to Lieutenant-Colonel Scott's statement at that

11 stage. I'm somewhat perplexed to how Colonel Pitsi, who is

12 one of the individuals if I'm not mistaken that you

13 mentioned, had contributed to that plan and to the putting

14 together of the plan, could have done so if he was only at

15 Marikana on the 16th.

16 MAJOOR-GENERAAL ANNANDALE: Voorsitter,

17 nee hy was voor die 16de betrokke selfs in paragraaf 2

18 verwys hy na 2008-12-08 15, during the day a large group of

19 people assembled, dan gaan hy aan en sê hy, this gathering

20 continued on the 16th of August.

21 MS JELE: In that paragraph, with respect

22 General, he mentions what had been going on, on the 15th.

23 He doesn't suggest he was there. He suggests that this is

24 what happened on the 15th and thereby on the 16th when I

25 arrived things continued. Nowhere in his statement and we

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1 have two versions of his statement simply typed

2 differently, does he make any mention of having done any

3 work on the plan and having being anywhere near Marikana on

4 the 14th certainly.

5 MAJOOR-GENERAAL ANNANDALE: Voorsitter,

6 sy verklaring moet hy verduidelik dit blyk asof hy fokus op

7 die 16de, maar ek getuig hy was teenwoordig gewees.

8 CHAIRPERSON HEMRAJ: Ms Jele, the

9 statement we have been given, the warning statement, says

10 in paragraph 1, 2 and 3 and then it goes to paragraph 8 on

11 the next typed page and then we have a manuscript page

12 attached with paragraph 4 and 5, and then what looks like a

13 page just for the signature and Commissioner of oaths, the

14 last page.

15 MS JELE: My apologies, Commissioner,

16 perhaps there is a difficulty with the photocopies. My

17 understanding is the handwritten document that you have was

18 typed for the benefit of the reader, and that perhaps those

19 paragraphs that you are missing in typed format might be

20 available to you in handwritten format. Might I ask my

21 attorney, Ms Mahonde, to just have a look at the document

22 that you have before you to make sure that you do have the

23 full statement.

24 CHAIRPERSON HEMRAJ: The manuscript is

25 only paragraph 4 and 5. It does not have a 6 or a 7.

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1 MS JELE: I will ask Ms Mahonde to just  
 2 have a look at the documents, you have to make sure that  
 3 you do have a full document, thank you, Commissioner.  
 4 There obviously seems to have been a problem with the  
 5 photocopying. We will try to make sure that we address  
 6 that.

7 CHAIRPERSON: Sorry, before you carry on.  
 8 Let me ask has the Major-General if he has got a copy of  
 9 the correct document? Have you got a copy of the full  
 10 statement properly typed without omissions or major skipped  
 11 sections or anything like that?

12 MAJOOR-GENERAAL ANNANDALE: Dit blyk so  
 13 te wees dat ek die volledige een het, Voorsitter.

14 CHAIRPERSON: Have you got paragraph 6  
 15 and 7? Because we haven't.

16 MAJOOR-GENERAAL ANNANDALE: Op bladsy 3  
 17 van die handgeskrewe een, dit is korrek, Voorsitter.

18 MS JELE: Chairperson, would you wish for  
 19 me to read into the record paragraph 6 and 7, at the very  
 20 least so that you might -

21 CHAIRPERSON: Are they relevant to the  
 22 point that you are busy with? Because if they are not,  
 23 then we don't have to waste time on it now.

24 MS JELE: They are not.

25 CHAIRPERSON: We will be a copy, a

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1 complete copy later, which we can read it at our leisure,  
 2 and derive such edification therefrom as we can.

3 MS JELE: They are indeed not relevant to  
 4 my current line of questioning, Chairperson. I would  
 5 appreciate your indulgence in that regard. The next  
 6 document that I was hoping to refer to, is Exhibit GGG9,  
 7 which is the statement of Colonel Makhubela, General. Do  
 8 you have that in front of you, General?

9 MAJOOR-GENERAAL ANNANDALE: If I can just  
 10 have a moment, please.

11 CHAIRPERSON: What did you say the  
 12 exhibit number was?

13 MS JELE: GGG9, Chairperson.

14 CHAIRPERSON: GGG9.

15 MS JELE: Colonel Makhubela.

16 MAJOOR-GENERAAL ANNANDALE: I do have the  
 17 statement in front of me.

18 MS JELE: Now I'm certainly hoping that  
 19 the photocopy that everybody has includes this paragraph 6,  
 20 could you turn to that paragraph, General.

21 MAJOOR-GENERAAL ANNANDALE: Ek het die  
 22 betrokke paragraaf.

23 MS JELE: Colonel Makhubela is one of the  
 24 individuals you had mentioned, if our notes are correct,  
 25 had contributed to the formulation of the plan?

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1 MAJOOR-GENERAAL ANNANDALE: Korrek.

2 MS JELE: In paragraph 6 he states that  
 3 the aim to use barbed wire to manage, to control the said  
 4 employees to be searched as only one entrance or exit was  
 5 to be made for the weapons they were having. You see that,  
 6 General? Now in reading that, our query is that seemingly  
 7 the Colonel Makhubela certainly did not have an  
 8 understanding of the plan as you have described it to us in  
 9 detail and as was described in detail in numerous other  
 10 documents, and we therefore wonder how he could possibly be  
 11 said to have contributed to a plan that he himself  
 12 seemingly does not understand, per at the very least the  
 13 drafter thereof which would be Lieutenant-Colonel Scott.

14 MAJOOR-GENERAAL ANNANDALE: Voorsitter,  
 15 dit is duidelik dat Kolonel Makhubela die vorige aksie wat  
 16 ons oorweeg het om die koppie te omsingel, het hy ingebring  
 17 in sy verklaring verwysend na die 16de. Maar hy sal dit  
 18 self kan verduidelik in die konteks van hoe hy dit verstaan  
 19 het. In paragraaf 7 meld hy dan nou, "I also state that  
 20 each vehicle were to be spread about plus minus 100 metres  
 21 of barbed wire and we were putting them about 100 metres  
 22 away from the place the said employees had gathered." Maar  
 23 hy sal dit self kan verduidelik, dit was ? vorige plan wat  
 24 ons gehad het.

25 MS JELE: General, I'm sure we will

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1 canvas this with him. I would disagree though if one looks  
 2 at paragraph 5, references being made to 15:45 and what  
 3 happens then. If one looks at paragraph 8, references  
 4 being made to what has been referred to by the SAPS as the  
 5 attack ,for lack of a better word, of the miners. So in  
 6 our submission, he would be speaking chronologically about  
 7 what was taking place at that time. But your quite right,  
 8 we will canvas it in detail with him.

9 MAJOOR-GENERAAL ANNANDALE: That's fine.

10 MS JELE: So my next request would be for  
 11 you to look at the statement of Lieutenant-Colonel Mere,  
 12 which I also believe was part of that documents photocopied  
 13 and provided by Ms Hardy during the course of Monday.  
 14 GGG29, indeed Chairperson, can I at the very least have  
 15 some reassurance that you have the full statement in front  
 16 of you and that would include paragraph 1 through to 10?  
 17 I'm glad to see we have acquiescence in this respect.

18 CHAIRPERSON: My colleague, Advocate  
 19 Tokota says we have.

20 MS JELE: I'm glad to hear it. General,  
 21 do you also have it in front of you?

22 MAJOR-GENERAL ANNANDALE: Chairperson,  
 23 the versions I have of Mere consists of, it ends at  
 24 paragraph 7 with 8 being the affirmation of the oath.

25 [14:26] MS JELE: You're speaking of a

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1 handwritten version are you not, General, there should be a  
 2 typed version that begins at paragraph 1 and ends at  
 3 paragraph 9. It was listed amongst the statements provided  
 4 to us by the SAPS, it's number 46A, the handwritten version  
 5 you've just referred to having been number 46. Does that  
 6 assist you?

7 GENERAL-MAJOR ANNANDALE: I do not have a  
 8 typed version. I just have the handwritten version.

9 MS JELE: [Inaudible].

10 GENERAL-MAJOR ANNANDALE: I now have a  
 11 typed version which I haven't studied.

12 MS JELE: I appreciate that, General, I'm  
 13 sure I'll give you whatever time you need through this  
 14 particular statement. My first reference would be to the  
 15 first sentence on paragraph, in paragraph 2. Lieutenant-  
 16 Colonel Meyer refers to his work on the 16th again. There  
 17 seems to be an indication and you had testified to his –

18 CHAIRPERSON: I'm sorry, Ms Jele, you  
 19 notice that this is a further statement and he refers to an  
 20 earlier statement he made in August September. So it may  
 21 be that the reason that this statement concentrates on  
 22 things that happened on the 16th is because it's possible  
 23 really that other dates were dealt with in the earlier  
 24 statement.

25 MS JELE: There were –

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1 CHAIRPERSON: We can't be sure unless we  
 2 know what the other statements said.

3 MS JELE: There were indeed two  
 4 statements and I will refer to the second statement. I  
 5 wanted to refer to this one first, if I might.

6 CHAIRPERSON: I'm just saying the fact  
 7 that he only deals with events on the 16th in this statement  
 8 doesn't mean he wasn't there earlier.

9 MS JELE: Chairperson, to the extent that  
 10 he was there on the 16th I would like to flag, with respect,  
 11 to this particular statement that he makes no mention of  
 12 having done anything to contribute to the plan itself. As  
 13 a matter of fact with regards to paragraph 3 he certainly  
 14 deals with Lieutenant Scott making the presentation of the  
 15 operational plan for the day. So he refers to the plan at  
 16 the top of paragraph 3 but he does not mention that he  
 17 contributed in any way to it.

18 MR SEMENYA SC: No but, Chair, the  
 19 statement says, it's purpose is to deal with specific  
 20 questions now put to him which had not been put to him  
 21 before.

22 MS JELE: Let's deal with that shall we,  
 23 Chairperson, perhaps we should look at the handwritten  
 24 version of the statement since that is the earlier  
 25 statement.

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1 CHAIRPERSON HEMRAJ: - not in possession  
 2 of that statement, Ms Jele, as yet.

3 MS JELE: I'm sorry to hear that,  
 4 Commissioner, if I might have a moment to consult with my  
 5 team.

6 CHAIRPERSON: Yes of course, I'm not sure  
 7 a moment will be enough but we'll give you time.

8 MS JELE: We do have one copy available,  
 9 might it - might it be photocopied for the benefit –

10 CHAIRPERSON: Yes, yes.

11 MS JELE: Of the commissioners.

12 CHAIRPERSON: Do you have to deal with  
 13 this particular topic now or can you move onto another  
 14 topic while this statement's being copied and then when  
 15 it's ready, when you're finished the other topic we're  
 16 dealing with in the meanwhile you can then come back to  
 17 this point or would that unduly disturb the cross-  
 18 examination that you've prepared?

19 MS JELE: I can certainly deal with other  
 20 elements of this exact topic and perhaps my colleagues  
 21 could arrange, with the assistance of the evidence leaders  
 22 a photocopy of the last version. I see, Mr Chaskalson is  
 23 kindly nodding his head, I'm hoping that that's feasible.  
 24 In that case I'd turn next to the statement of Lieutenant-  
 25 Colonel Scott himself which I believe is exhibit SSS18. I

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1 would like first to refer you to paragraph 8 of exhibit and  
 2 my focus specifically will naturally be on the work that  
 3 Lieutenant-Colonel Scott says that he stated to the extent  
 4 that the context of the criticism that you made with  
 5 respect to Gary White's statement had to do with Gary  
 6 White's conclusion that Lieutenant Scott was responsible  
 7 for the plan and the implications that had, that had given  
 8 his expertise. Now if one looks at Lieutenant Scott's own  
 9 statement I would put it to you he gives no indication that  
 10 anybody gave him any assistance or that it was any kind of  
 11 team effort. Might I read from paragraph 8, certainly from  
 12 the fifth line down. "I started working on an operational  
 13 strategy, I concluded an appreciation of the environment,"  
 14 is the next sentence. Last sentence of that paragraph  
 15 before the three bullet points, "I presented the following  
 16 strategy." If one then moves to paragraph 9, "I therefore  
 17 proposed the SAPS mission which," and that would be the  
 18 last sentence of that paragraph, "was accepted and adopted  
 19 by the SAPS senior management in the JOC." These are the  
 20 first two paragraphs I'd like to refer you to, to at least  
 21 acknowledge that he does not, in these two paragraphs,  
 22 suggest that it was anyone other than him that worked at  
 23 the very least on the presentation that he ended up making  
 24 to the JOC?

25 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

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1 die oggend van die 14de, die Dinsdag, as ek praat van die  
 2 oggend dan praat ek van die nag, so die vroeëre oggend ure  
 3 van die 14de het Luitenant Kolonel Merafi van Openbare  
 4 Order, pertinent saam hom vergesel tydens hierdie inspeksie  
 5 en die familiarisering van die omgewing wat hy gedoen het  
 6 saam met Mnr Sinclair. Voorsitter, dan het ek ook  
 7 verduidelik dat die JOC het sekere verteenwoordigers gehad  
 8 en dat buiten die JOCOM vergaderings was daar interaksie  
 9 tussen die JOC verteenwoordigers in terme van hulle veld  
 10 van verantwoordelikheid en Luitenant Kolonel Scott.  
 11 Chairperson, outside of the JOCOM meetings this JOC  
 12 representatives had interaction with Lieutenant-Colonel  
 13 Scott in terms of their specific fields of responsibility.  
 14 MS JELE: I have -  
 15 GENERAAL-MAJOOR ANNANDALE: Net nog 'n  
 16 oomblikkie ekskuus. Voorsitter, dan tydens die JOCOM  
 17 vergaderings het ek verduidelik dat die aard van die JOCOM  
 18 vergaderings was as sulks en dit het behels dat sekere  
 19 strategie voorgelê is.  
 20 MS JELE: I want to interrupt you,  
 21 General, in this respect. I will deal with the statement  
 22 of Colonel Merafi. Can we look just at the statement of  
 23 Lieutenant-Colonel Scott -  
 24 CHAIRPERSON: Let's look at the statement  
 25 as you suggest. If one goes up in, from the three bulleted

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1 paragraphs, four lines above, or in fact five lines above,  
 2 "I conclude in appreciation of the environment  
 3 incorporating the background information I had been given  
 4 during the course of the night," and now these words, "and  
 5 reflected the police's views on how to deal with the  
 6 situation as was discussed that evening." Doesn't that  
 7 indicate that inputs he had received from other officers  
 8 were taken into account by him and incorporated in what he  
 9 produced.  
 10 MS JELE: I will get to those issues,  
 11 Chairperson, if I might just be allowed to deal with  
 12 certain other aspects of Lieutenant-Colonel Scott's  
 13 statement. I will deal thereafter not only with events of  
 14 that evening but also naturally with any input and  
 15 contribution of Colonel Merafi.  
 16 CHAIRPERSON: In fact he said that the  
 17 appreciation that he concluded reflected the police's views  
 18 on how to deal with the situation. Now that seems to  
 19 indicate that there were police inputs which he took into  
 20 account. That's the only point I put to you. So the  
 21 question that you put was what constitutional lawyers call  
 22 over broad.  
 23 MS JELE: I appreciate that, Chairperson,  
 24 my point and it was something that I was hoping to show  
 25 through the testimony of the general was that no individual

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1 mentions at any time other than Lieutenant-Colonel Scott  
 2 having anything to do and or any input informally or  
 3 otherwise in the formulation of the plan and it is based on  
 4 that information that Gary White's comments with respect to  
 5 its formulation were made and I was hoping to show that the  
 6 evidence does not suggest any one other than Lieutenant-  
 7 Colonel Scott has done so to the extent that it does.  
 8 CHAIRPERSON: There's two issues. The  
 9 first issue is the criticism of Mr White for saying that  
 10 mister, that Colonel Scott was the sole author of the plan,  
 11 that you explained he relied upon what he saw in the  
 12 statement and you want to understand why he came to that  
 13 conclusion. The second question of course is whether the  
 14 conclusion in light of all the information we have or are  
 15 going to have is correct and that's the point I take it  
 16 you're now dealing with?  
 17 MS JELE: I am trying to yes,  
 18 Chairperson. I just want to make reference to those  
 19 further segments of Lieutenant-Colonel Scott's statement  
 20 that I deem relevant to this particular point. If one  
 21 turns the page over to page 4 of 19, the top of paragraph  
 22 10 again the sentence, "I hereafter conceptualised the  
 23 three escalating stages of deployment," and General, please  
 24 me to just make these references and then after that I'm  
 25 sure we can discuss them. My next reference would be to

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1 paragraph 13 and to the middle of paragraph 13 where  
 2 Lieutenant-Colonel Scott states, "I drafted the visible  
 3 policing strategy in order to show police presence in the  
 4 area hoping to dissuade the further gathering of the  
 5 protesters with the weapons at the koppie. I zoned the  
 6 Wonderkop area into four sectors," etcetera and then  
 7 thereafter the last reference I'd like to make in this  
 8 specific statement are paragraph 30 to 32. After having  
 9 described the process by which this plan was put together  
 10 and we'll deal with the issues of the night of the 13th  
 11 certainly soon, "I briefed the JOCOM says he at paragraph  
 12 30 on the strategy to employ and the proposal was accepted  
 13 by JOCOM and I was instructed by Major General Annandale to  
 14 brief the commanders. I made the arrangement over the  
 15 radio." His tone suggests, you would agree that he  
 16 certainly does not deem any input sufficiently significant  
 17 or any actions by other sufficiently significant to have  
 18 informed and or being part of this planning process.  
 19 CHAIRPERSON HEMRAJ: May I just  
 20 understand your position on this please, Ms Jele, before  
 21 you answer, General. The position that the, that  
 22 Lieutenant General Scott drafted this plan entirely on his  
 23 own without input from anyone else or that having received  
 24 the input he alone drafted the plan without any assistance?  
 25 MS JELE: Commissioner, our difficulty is

<p style="text-align: right;">Page 9859</p> <p>1 that part of the criticism that has been geared towards Mr 2 White is that his conclusion that there was a difficulty in 3 the manner in which the SAPS put together was the plan was 4 based on information provided to us that suggested that 5 Lieutenant-Colonel had done essentially all the work 6 himself and that that information in Gary White's 7 preliminary opinion was being challenged by the SAPS in 8 providing us with information at this stage with respect to 9 input provided by others. This is not information that we 10 have from any other source but the general. There is 11 nothing in any of the statements of the individuals that 12 the general referred to as having contributed to the plan 13 that so much as mentioned having had so much of a chat with 14 Lieutenant-Colonel Scott and Lieutenant-Colonel Scott 15 speaks of formulating the plan as though it was indeed his 16 baby. After that the discussions with regard to adoption 17 would be a separate set of issues that I would like to 18 canvas with the general, Commissioner.</p> <p>19 CHAIRPERSON HEMRAJ: Do I understand that 20 to mean that yes he might have received input but that 21 according to the statements he alone drafted the plan, is 22 that what I understand?</p> <p>23 MS JELE: No, Commissioner, it's, no he 24 did not receive input –</p> <p>25 CHAIRPERSON HEMRAJ: He did not receive</p>	<p style="text-align: right;">Page 9861</p> <p>1 MR SEMENYA SC: No, Chair. I can, as I 2 put to the basis of my objection. It is that the 3 conclusion arrived at by Mr White is based on secondary 4 information that was available to him. So I can understand 5 how he comes to the conclusion he does. Contrary that with 6 the statement, with the evidence of the witness who was 7 present and says as a matter of fact this the state of 8 affairs. Now it is put to the witness that that must be a 9 fabrication because you are saying it as an adjustment of 10 the true reality. Now I'm asking what is the basis of 11 that, where is that evidence going to come from?</p> <p>12 CHAIRPERSON: Let's see what Ms Jele has 13 to say. What do you say about Mr Semenya's point?</p> <p>14 MS JELE: Might I take you to the 15 transcript of Mr Semenya's opening address or rather no my 16 apologises, that's Mr Semenya's examination of Brigadier 17 Mkhwanazi, specifically to page 2966 of the transcript. At 18 line 13 to 15. In Mr Semenya's words at the time, "now can 19 I invite you to what was then done that has by Colonel 20 Scott in devising the plan," I assumed that Mr Semenya at 21 the time had the benefit of having consulted with the 22 general and therefore even in his words it was a Colonel 23 Scott plan until the general found himself in this witness 24 box.</p> <p>25 CHAIRPERSON HEMRAJ: But hasn't it always</p>
<p style="text-align: right;">Page 9860</p> <p>1 input –</p> <p>2 MS JELE: The input is an afterthought 3 after having seen Gary White's statement.</p> <p>4 CHAIRPERSON HEMRAJ: Thank you.</p> <p>5 MS JELE: And as I see it you might now 6 have been provided with the handwritten version of –</p> <p>7 CHAIRPERSON: I'm sorry, Ms Jele, I 8 omitted to call upon Semenya who turned his light on.</p> <p>9 MR SEMENYA SC: Chair the, 10 CHAIRPERSON: The light of his 11 microphone.</p> <p>12 MR SEMENYA SC: The proper version now 13 made has far serious consequences. I can understand Mr 14 White coming to conclusions as he did on secondary 15 information. This witness tells us I was as a matter of 16 fact in the JOC I know these people contributed to the plan 17 and to then suggest it as an afterthought would want to 18 know what the basis of that evidence will be.</p> <p>19 CHAIRPERSON: To be fair, she's given the 20 basis. She says it's based on the fact that in the 21 statements of these people none of them mention having 22 taken part in the planning. Now whether that's a good 23 point or a bad point is another matter. But she has 24 provided the basis upon which she is putting forward the 25 proposition, I think, isn't it so?</p>	<p style="text-align: right;">Page 9862</p> <p>1 been referred to as Lieutenant-Colonel Scott's plan?</p> <p>2 MS JELE: And that is precisely our 3 point, Commissioner, that is the difficulty.</p> <p>4 CHAIRPERSON HEMRAJ: Has it ever been 5 explained in any document thus far before us that there was 6 no input from anyone else or that he alone drafted this 7 plan?</p> <p>8 MS JELE: The issue is the omission from 9 any of the document, any of the statements of the 10 individuals referred to by the general to mention said 11 input.</p> <p>12 [14:46] They don't mention it and some of their 13 statements suggest they weren't even there on the day and 14 at the time that Lieutenant-Colonel Scott was putting that 15 plan together. If they weren't there surely they could not 16 have implemented it. If they did not understand it clearly 17 as for example as per the description of the plan of 18 Colonel Makubela then surely there's a question mark as to 19 whether or not they did indeed make a substantial 20 contribution to said plan per the testimony of the general.</p> <p>21 CHAIRPERSON: Ms Jele, would I be correct 22 in saying that you infer from a number of factors which 23 I'll put to you in a moment that what the witness is saying 24 on this point is not correct. Your inference is based upon 25 A, what was put by Mr Semenya in the passage you've read</p>

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1 plus the fact that none of the persons who are alleged or  
2 certainly those you've referred to so far, who are alleged  
3 to have participated in the plan mention that in their  
4 statements. You therefore draw the inference that they,  
5 that it was Colonel Scott's own plan unassisted by these  
6 people and the evidence of the witness on the point is that  
7 it isn't true. Would that be correct?

8 MS JELE: That would be correct,  
9 Chairperson.

10 CHAIRPERSON: You can carry on with the  
11 question. Mr Semenya, I beg your pardon, did you want to  
12 reply, I beg your pardon I was –

13 MR SEMENYA: If I may, Chair –

14 CHAIRPERSON: You've got the benefit of  
15 my prime facie view, but you may show me I was wrong.

16 MR SEMENYA SC: If I may, if I may,  
17 Chair, just refer to the exhibit EEE12, GGG12 which is the  
18 statement of General Mpmembe. On paragraph 26 if Mr White  
19 had it he would have read that the statement says the  
20 commanders of the various SAPS units and disciplines  
21 participated in the development of this plan after  
22 consulting everyone, so the English is written there, at  
23 JOCOM I then approved both the operational strategy and  
24 mission statement.

25 CHAIRPERSON: I wasn't aware of that when

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1 Annandale as having been those that did in fact contribute  
2 to the plan and if I might with respect for example to the  
3 meeting of the 13th which is the meeting I take it is being  
4 referred to by Lieutenant-Colonel Scott, my colleague Mr  
5 Fischer will assist me but we have record of the National  
6 Commissioner indicating that there was no discussion of the  
7 plan at that meeting. Certainly we have no minutes of that  
8 meeting.

9 CHAIRPERSON: No sorry, I remember that  
10 place to the evidence very well. That's what she said and  
11 one of the witnesses, I can't remember which one it was  
12 said that there was a discussion of the plan after she  
13 left. The evidence was that she left, I can't remember  
14 about midnight or shortly after that, and thereafter the  
15 discussion was continued, the plan was then discussed. So  
16 that passage doesn't assist. I originally thought that was  
17 a very important point but it fell away in the light of the  
18 subsequent evidence that I've repeated to you.

19 MS JELE: Whatever might have discussed  
20 thereafter I would have assumed would be recorded by  
21 Lieutenant-Colonel Scott when he describes that meeting at  
22 paragraph 5 of his statements and continues about what  
23 further work was done in that respect which considering the  
24 paragraph 8 starts at the next day I presume it's a  
25 reflection of what was done. Again nothing in the

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1 I, what I said a few moments ago. If that passage that was  
2 read is also the passage that I put to you earlier where,  
3 this is exhibit, FF18 statements, this is Scott's  
4 statement.

5 MS JELE: I believe you're looking for  
6 paragraph 8 if I'm not mistaken, Chairperson.

7 CHAIRPERSON: No it's his statement dated  
8 the 18th of October, I was just looking for the date. In  
9 that, in paragraph 8 he says he concluded, I mentioned to  
10 you before, conclude an appreciation of the environment,  
11 incorporating the background information I had been given  
12 during the course of the night and reflected the police's  
13 views on how to deal with the situation as was discussed  
14 that evening. So doesn't that say on the 18th of October  
15 already that, I didn't, I may have drawn up the plan by  
16 myself but in, but in drawing it I took into account what  
17 had been put to me during the course of the night and the  
18 views of the police which were expressed during the  
19 discussion. So isn't it fair to say that the inference you  
20 draw is to some extent contradicted by the passage that Mr  
21 Semenya read as well as that passage?

22 MS JELE: I can take it no further then  
23 the individuals in questions certainly don't mention it.  
24 The individuals that were, excluding General Mpmembe, the  
25 individuals that were specifically identified by General

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1 statement reflecting any such discussion. At the very  
2 least nothing recorded with respect to any contribution to  
3 the plan.

4 CHAIRPERSON: I don't want us to be  
5 bogged down on this issue. I suggest you proceed by saying  
6 this is the inference you draw based upon the facts that  
7 you've stated and then let the witness answer what you say  
8 about the inference and then we can carry on.

9 MS JELE: If I might just give the  
10 witness one more reference that is another one that  
11 contributes to that inference and that is –

12 CHAIRPERSON: You can put the, put to the  
13 witness what you base your inference on and ask him to  
14 comment on the inference and then you can carry on with  
15 something else.

16 MS JELE: I appreciate that, Chairperson.  
17 The additional point that we have based in the inference on  
18 is contained in the statement of Lieutenant-Colonel Merafi  
19 which I believe is in evidence as exhibit GGG15 and  
20 specifically from paragraph 22 onwards. In which he refers  
21 to the meeting of the 14th and says Lieutenant-Colonel Scott  
22 presented, we accepted, if one turns over the page, his  
23 exact words are, "we agree that we must adopt a strategy."  
24 But he does not suggest that there was a process of input  
25 nor for that matter do the JOCOM minutes which would be the



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1 final reference that I'd like to make, and it is that  
 2 totality of information or lack thereof that I would  
 3 appreciate the General to comment on.  
 4 CHAIRPERSON: You indicated what your  
 5 inference is, you indicated what you base it on and the  
 6 witness can now reply.  
 7 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 8 ek het getuig en ek kan net getuig oor die feite aan my  
 9 bekend. Ek aanvaar as ons aantal persone vat, sê ons vat  
 10 tien persone om 'n verklaring te skryf onafhanklik in terme  
 11 van hulle waarneming van dieselfde gebeure dan sal sodanige  
 12 persone nie noodwendig almal op dieselfde aspekte reageer  
 13 nie want dit is individuele waarneming. Die persone na wie  
 14 ek verwys het was voor die 16de reeds betrokke. Luitenant  
 15 Kolonel Merafi was egter nie, op die 16de self was hy nie  
 16 betrokke gewees nie. Luitenant Kolonel Merafi het egter  
 17 vir Luitenant Kolonel Scott geassisteer in die nag na waar  
 18 ek verwys het, toe hulle die beplanning begin het saam met  
 19 mnr Sinclair in terme om die omgewing te verstaan. Ek het  
 20 ook verduidelik dat daar individuele interaksie plaasgevind  
 21 het wat die offisiere kan self oor getuig, pertinent tussen  
 22 Luitenant Kolonel Scott en Brigadier Calitz byvoorbeeld  
 23 tussen hom en Brigadier Fritz. Voorsitter, maar baie  
 24 belangrik is die, die interaksie tydens die JOCOM  
 25 vergaderings. Nadat daar konsolidasie van insette

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1 voorgehou was in die JOCOM vergadering deur Luitenant  
 2 Kolonel Scott het elke bevelvoerder teenwoordig die  
 3 geleentheid gehad om kommentaar te lewer en insette te  
 4 lewer rondom so 'n pertinente voorstel. Sou 'n  
 5 bevelvoerder geen inset gelewer het nie is dit uiteraard  
 6 aanvaarding van saamstem tot die voorstel en op die einde  
 7 van die dag is sodanige voorstelle word dit dan aanvaar as  
 8 die amptelike polisie benadering en die oorhoofse  
 9 bevelvoerder was teenwoordig tydens die JOCOM vergaderings  
 10 en dit het sy goedkeuring weggedra. Ek kan pertinent  
 11 verwys na Luitenant Kolonel Pitsi wat reeds op die 15de was  
 12 hy teenwoordig gewees by die area bekend as forward holding  
 13 area 2, en so was die ander bevelvoerders ook teenwoordig  
 14 op die 16de. So die verwysing daarna is nie 'n nagedagte  
 15 vanaf myself nie. Dit is 'n weergee van die feite soos wat  
 16 dit plaasgevind het.  
 17 MS JELE: General, indeed you've dealt  
 18 with the issue of the limitation for example of the minutes  
 19 with regard to what they do reflect about those discussions  
 20 that you're now referring to, I believe during the cross-  
 21 examination by my colleague Mr Budlender. If I might one  
 22 of the fundamental difficulties that we would like to flag  
 23 is that if there was such input we would submit that even  
 24 that the input would be insufficient because the  
 25 appropriate approach and process by which to put together a

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1 plan of this nature in an operation that is as complicated  
 2 and as complex as this one was on your own version, a  
 3 hybrid plan with thousands of individuals, with individuals  
 4 who had already passed away by the time this particular  
 5 plan was being put together would have required the plan to  
 6 be ripped apart, challenged, questioned, reconsidered with  
 7 every imaginable facet thereof being taken into account.  
 8 In our submission and that is based on the expertise of the  
 9 expert that we will be calling that is what would have had  
 10 to have happened regardless of whether or not any input  
 11 might have put into the plan. Could I have your comment on  
 12 that?  
 13 GENERAAL-MAJOOR ANNANDALE: Die  
 14 beplanning was uiteraard was dit bespreek, ontleed.  
 15 CHAIRPERSON: Discussed and analysed.  
 16 GENERAAL-MAJOOR ANNANDALE: Daar was  
 17 voorstelle gewees, daar was teen voorstelling gewees. Ons  
 18 het net besef dat hierdie was 'n vloeibare situasie in 'n  
 19 veranderende omgewing. Die feit dat die vervatting nie  
 20 gereflekteer is nie beteken nie dit was nie bespreek of  
 21 ontleed nie.  
 22 MR SEMENYA SC: The interpretation is not  
 23 right. The fact that it was not reflected does not mean it  
 24 was not discussed and analysed.  
 25 CHAIRPERSON: The fact that it is not

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1 reflected, doesn't mean it was not discussed and analysed.  
 2 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 3 ek het ook verwys na die operasionalisering van die plan en  
 4 dat ons die heelyd gebou het in terme van die power point  
 5 slides soos wat aan die kommissie voorgehou is en die  
 6 finale besluitneming is reflekteer op die beplanning.  
 7 CHAIRPERSON: Reflected in the plan. I  
 8 think this is a suitable stage for us to take the tea  
 9 adjournment.  
 10 MS JELE: Sorry, Chairperson, I just have  
 11 one more question on this topic. Might I just round up  
 12 this topic, would that be feasible.  
 13 CHAIRPERSON: Well I wanted to ask a few  
 14 questions about the topic as well. So perhaps we can have  
 15 tea first.  
 16 MS JELE: I appreciate that.  
 17 CHAIRPERSON: We will take the tea  
 18 adjournment.  
 19 [COMMISSION ADJOURNS COMMISSION RESUMES]  
 20 [15:25] CHAIRPERSON: The Commission resumes.  
 21 Again, Generaal-majoor, u is nog steeds onder eed.  
 22 CHARL ANNANDALE: s.u.o.  
 23 CHAIRPERSON: You said you have a – just  
 24 one question more, one aspect more that you want to deal  
 25 with on this topic?

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1 MS JELE: I do, Chairperson.  
 2 CHAIRPERSON: Please do so.  
 3 MS JELE: Would you like to pose your  
 4 questions first or shall I?  
 5 CHAIRPERSON: No, the question I would  
 6 ask, is the one that you're going to ask.  
 7 MS JELE: I appreciate that, Chairperson.  
 8 Now my question was going to be in light of the description  
 9 that you've made, General, of all of the inputs and of the  
 10 process that you described. Would you be so kind as to  
 11 assist us and give us an indication to your knowledge, when  
 12 that took place? So that we can have a clear idea, for  
 13 example, of which witnesses we need to deal with this issue  
 14 with and which JOCOM minutes for example we need to peruse  
 15 with greater clarity. During what period, say for example,  
 16 evening of the 13th to whenever that process ended, were  
 17 these inputs and exchanges, appreciating that on your  
 18 version they might have been informal and outside of the  
 19 JOC, but during what period did this process take place?  
 20 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 21 vanaf die aand van die 13de Augustus deurlopend totdat -  
 22 MS JELE: When you say, the end, perhaps  
 23 it's an interpretation issue, do you mean until for example  
 24 the JOCOM is half past three on the 16th, is that what  
 25 you're telling me?

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1 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 2 nee, tot tyd en wyl my onttrekking op die 25ste Augustus.  
 3 MS JELE: It was my understanding,  
 4 General, that Lieutenant-Colonel Scott made a presentation  
 5 of plan as it stood, certainly during the morning of the  
 6 14th, am I correct in that?  
 7 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 8 nee, ek was self nie teenwoordig die oggend van die 14de  
 9 nie. Soos ek verneem, was daar 'n plan rondom 'n sektor  
 10 polisiëring en hoë sigbaarheidsoperasie was bespreek op die  
 11 oggend van die 14de.  
 12 MS JELE: Certainly out of the plans that  
 13 we have seen, the last one that see is that of the 14th,  
 14 which outlines various stages and encompasses what  
 15 eventually ended up being an attempted implementing Stage 3  
 16 on the 16th, to the extent that there might be anything  
 17 further thereafter, I presume that would be the portion of  
 18 that plan that was not recorded?  
 19 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 20 nee, die middag van die 14de, u sal merk in Bewysstuk SS3,  
 21 die betrokke slide wat sê, Coordinating Instructions 14  
 22 August -  
 23 MS JELE: Sorry, General, could you  
 24 specify which page of SS3, so that I can find it, thank  
 25 you?

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1 GENERAAL-MAJOOR ANNANDALE: Jammer,  
 2 Voorsitter, my bladsye is nie genommer soos wat die ander  
 3 bladsye genommer is in volgorde van die, ek dink soos die  
 4 evidence leaders dit gemerk het nie. But if you go to SS3  
 5 and then specifically the slide that starts with Operation  
 6 on Platinum Lonmin Mine Marikana 14 August 2012, and then  
 7 it says, stage 1 and you go to the 11th page on that. Every  
 8 page has two slides on it, so the 11th page, the top slide  
 9 says, Coordinating Instructions 14 Aug '12.  
 10 MS JELE: We found it, thank you,  
 11 General.  
 12 GENERAAL-MAJOOR ANNANDALE: That was then  
 13 that afternoon, Chairperson, on 13:00 the commanders were  
 14 recalled for a job briefing and it was basically during  
 15 that that the people were recalled from the sector patrols  
 16 which was the – at the order of the day during the morning.  
 17 And then when they deployed, stage 1 took effect in terms  
 18 of the dialogue monitoring.  
 19 MS JELE: Thank you, General. I do  
 20 appreciate the clarification. I have one last query for  
 21 you with respect to the elements of planning. The issue of  
 22 Intelligence you've touched on and I just have two short  
 23 questions in that respect. You mentioned the difficulties  
 24 that there were in actually gathering the Intelligence that  
 25 you might have needed. You did mention that in your

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1 testimony earlier, did you not, General?  
 2 GENERAAL-MAJOOR ANNANDALE: Ek het daarna  
 3 verwys, Voorsitter.  
 4 MS JELE: General, is the lack of  
 5 Intelligence or the inability to gather Intelligence, not  
 6 something that in your experience would be worth certainly  
 7 noting and recording Intelligence reports?  
 8 MR HANABE: Can you repeat the question,  
 9 Advocate?  
 10 MS JELE: Is the lack of Intelligence or  
 11 the inability to obtain Intelligence not something in and  
 12 of itself worthy recording in Intelligence reports?  
 13 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 14 ek weet werklik nie en ek wil nie probeer snaaks wees nie,  
 15 maar ons verwys altyd daarna dat ons Intelligensie mense  
 16 skryf met 'n uitveër. So Voorsitter, ek weet nie of dit  
 17 standaard is in terme van hoe hulle tipies Intelligensie  
 18 verslae lyk, wat hulle meld en gebrek en of hulle net fokus  
 19 op inligting wat beskikbaar is nie.  
 20 MS JELE: General, just one thing, the  
 21 fact that it was conveyed to you that there was difficulty  
 22 garnering such Intelligence, is something that you would  
 23 have factored in and taken into account in considering what  
 24 you did know or did not know in terms of planning for the  
 25 operation going forward, not so?

<p style="text-align: right;">Page 9875</p> <p>1            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 2 ja, ons was bewus dat daar 'n gebrek is aan volledige 3 inligting en ons fokus was op die bietjie Intelligensie wat 4 ons gehad het. 5            MS JELE:            Thank you, General. 6            CHAIRPERSON:            I'd like to ask a few 7 questions on the topic that Ms Jele has been busy with. I 8 understood to say that there was a PowerPoint presentation 9 of the plan. What date was that? 10           GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 11 luitenant-kolonel Scott het dit begin bou reeds die aand 12 van die 13de, Maandagaand die 13de. 13           CHAIRPERSON:            Did he present it to the 14 JOC or to the JOCOM? 15           GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 16 ja, op die 13de die aand het hy dit gebruik om die 17 Nasionale Kommissaris te orienteer, so dit was maar 18 hoofsaaklik die Google lugfoto met dan oriëntasie in terme 19 van waar ons, ons bevind en waar die Koppie is en waar die 20 aanval op die polisiebeamptes en die ander persone 21 plaasgevind het. Voorsitter, en dan so ver ek verneem het, 22 het hy dit die oggend gebruik, dis in die JOCOM vergadering 23 op die 14de en dan die vergaderings wat ek dan nou 24 voorgesit het dan ook. 25           CHAIRPERSON:            Yes, I see that you</p>	<p style="text-align: right;">Page 9877</p> <p>1 of action be utilised here, namely that the protestors 2 first be engaged with the SAPS hostage negotiators, to 3 enable them to seek a peaceful resolution, before moving to 4 an intervention to enforce the law. This strategy, if 5 successful, would defuse the situation without the need for 6 a tactical intervention and allow for a peaceful 7 resolution." 8            I take it that the strategy referred to, is the 9 strategy of negotiation first. But am I interpreting this 10 paragraph correctly, which says effectively, this was the 11 STF approach, obviously not exclusively the STF approach, 12 but this was the STF approach, who always used dialogue 13 first and if that fails, you then resolve the situation 14 with a tactical option. And it was recommended that that 15 approach be adopted at Marikana. Would that be a fair 16 summary of what paragraph 7 says? 17           GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 18 ek dink dis redelik. STF werk baie nou saam met die 19 gyselaaronderhandeling en selfmoordvoorkomingspan in terme 20 van die aktiwiteit wat hulle na uitgeroep word. 21 Voorsitter, as ek net kan meld, dis nie 'n eksklusiewe 22 benadering vanaf STF nie. Dit is ook 'n standaard 23 benadering in terme van openbare orde. 24           CHAIRPERSON:            You see, it is specifically 25 stated in seven, that this was the procedure always</p>
<p style="text-align: right;">Page 9876</p> <p>1 referred to an earlier meeting of the JOCOM, the JOC 2 Committee, JOCOM on the morning of the 14th of August, 3 that's at 6AM. That's dealt with in slide 63. That was an 4 earlier plan and after that, as appears from slide 66, 5 there was what's described as the arrival of external role 6 players and the JOCOM was then established and we have the 7 structure of that. That appears in slide 66 and then we 8 have the structure of the JOCOM set out in slide 68, where 9 Lieutenant-Colonel Scott is described as being, I presume, 10 responsible for planning or perhaps responsible is the 11 wrong word, but he's involved in the planning aspect of the 12 JOCOM work. Would that be correct? 13           GENERAAL-MAJOOR ANNANDALE:        Korrek, 14 Voorsitter. 15           CHAIRPERSON:            But what I particularly 16 want to ask you about is paragraph 7 and following, of 17 Lieutenant-Colonel Scott's statement, that's FFF18. He is 18 discussing, as I understand it, what happened on the Monday 19 night, the 13th. And he's really discussing, as I see it, 20 as far as I can see, what was discussed quite late that 21 night into the early hours of the next morning. He says, 22 "It was discussed that in hostage release operations the 23 STF will always use dialogue first, through the SAPS 24 hostage negotiators, before opting to resolve the situation 25 with a tactical option and recommended that the same course</p>	<p style="text-align: right;">Page 9878</p> <p>1 adopted, always adopted by the STF and it was recommended 2 that the same course of action be utilised at Marikana. 3 That's what it says. So that seems that what I put to you 4 was a fair summary of what that paragraph says. Now what 5 I'd like to know from you is, who made that recommendation? 6 Or firstly, who discussed that this is the STF approach and 7 who recommended that the same course of action be utilised 8 at Marikana? 9           GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 10 dit was genoem deur Luitenant-Kolonel Scott die 11 Maandagaand. 12           CHAIRPERSON:            Do you know what was meant 13 by the expression, a tactical option and then on the next 14 page, it's part of the same sentence, an intervention to 15 enforce the law. What sort of action was envisaged by 16 those two phrases, tactical option and intervention to 17 enforce the law? 18           GENERAAL-MAJOOR ANNANDALE:        Tactical 19 option, Voorsitter, enige offensiewe aksie wat geneem word, 20 hetsy dit in Openbare Orde of dan enige ander aktiwiteit 21 wat geneem word deur die polisie. Die uitvoering, die 22 "enforce the law" is dan, sou ons dan moet oorgaan tot 23 enige van die offensiewe aksies van Openbare Orde. 24 [15:45] CHAIRPERSON:            I - 25           GENERAAL-MAJOOR ANNANDALE:        Specifically</p>

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1 the offensive actions in terms of public order policing.

2 MR MAHLANGU: Specifically, yes, thank

3 you, specifically the offensive action in terms of POP.

4 CHAIRPERSON: In the context of STF

5 operations, however, what would normally be covered by the

6 expression, "tactical option"?

7 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

8 dit kan 'n wye veld dek, maar dis hoofsaaklik die taktiese

9 benadering om arrestasies uit te voer.

10 CHAIRPERSON: Tactical approaches to

11 carrying out arrest? Tactical operations involve or

12 include – if you want to arrest someone who doesn't want to

13 be arrested, so how do you deal with it, in the STF?

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

15 in terme van hulle vaardighede en hulle toerusting, sal die

16 tipiese arrestasie wees van iemand wat hulle nie vrywillig

17 oorgee tot arres nie. Voorsitter, dit kan behels, en ek

18 wil regtig, en u sal my vergun dat ek nie te veel in terme

19 van hulle taktiek ingaan nie, maar ek sal daaraan raak.

20 Hulle het toerusting om byvoorbeeld in 'n plek in te kom

21 wat 'n verdagte homself in 'n vertrek of in 'n kamer of

22 iets geïsoleer het. Hulle kan so 'n benadering doen van 'n

23 gebou se dak af, deur met touwerk af te gaan na die

24 betrokke venster toe. Voorsitter, en dan is dit die

25 gebruik van pirotegnies in terme van die disoriëntering van

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1 so 'n individu, wat dan die proses van arrestasie

2 vergemaklik.

3 CHAIRPERSON: Let's apply that to a

4 situation where a STF member is trying to arrest someone on

5 an open piece of ground in front of a koppie, who had a

6 panga in his hand and doesn't want to be arrested and

7 indicates that he is going to hack at the would be

8 arresters to death, if he carries on with the attempted

9 arrest. What would the tactical option be then?

10 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

11 die situasie sal natuurlik afhang van hoeveel spesiale

12 taakmagde pertinent dan gekonfronteer word deur so 'n

13 individu, maar hulle benadering sal waarskynlik dieselfde

14 wees, om te probeer om so 'n persoon te disoriënteer.

15 CHAIRPERSON: You disorientate them, I

16 take it, by using amongst other things, a stun grenade or

17 teargas?

18 GENERAAL-MAJOOR ANNANDALE: Meer

19 skokgranaat as CS-gas.

20 CHAIRPERSON: Stun grenades that were

21 used, or a stun grenade actually was used initially on the

22 13th, the Monday, did it disorientate the persons concerned?

23 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

24 ek weet nie of dit net in 'n groot groep ingegooi was en of

25 dit om pertinent 'n aanval af te weer nie. Ek het nie daai

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1 feite tot my beskikking nie.

2 CHAIRPERSON: Now the last aspect I want

3 to deal with, is it seems from what you say as if the basic

4 idea as contained in para 7, was raised by Colonel Scott.

5 I think it seems a fair inference in what you say, the

6 proposal was accepted. He then went off and conceptualised

7 it, I think he says in his statement. He worked out the

8 operation strategy he says, in eight, and then he sets out

9 in para 9 of his affidavit his proposal in relation to the

10 guidelines and the stages and so on. I take it the broad

11 outline of what he said, seems to have been accepted by the

12 JOCOM, would that be correct?

13 GENERAAL-MAJOOR ANNANDALE: Korrek,

14 Voorsitter.

15 CHAIRPERSON: So I take it the plan was

16 worked out in detail, other people contributed details and

17 inputs as to how this plan could be made most effective?

18 That seems to be a fair summary of the evidence, is that

19 correct?

20 GENERAAL-MAJOOR ANNANDALE: Dit is

21 redelik, Voorsitter.

22 CHAIRPERSON: Thank you.

23 MS JELE: Thank you, Chairperson. I'm

24 moving on now to a different topic, to the extent, General,

25 that you're in a position. I know you weren't on the

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1 ground to talk to us about elements of the implementation

2 of the plan. I'll just cover some of those aspects with

3 you. And my first question is truly a question seeking

4 your assistance and guidance, General. You have now

5 mentioned General Mpembe was the overall commander. You

6 chaired the JOCOM, correct?

7 GENERAAL-MAJOOR ANNANDALE: Dis korrek,

8 Voorsitter.

9 MS JELE: General, would you be so kind

10 as to point me to the document or the directive or the

11 Standing Order that identifies the Chair of the JOCOM and

12 the role that you would be responsible for playing –

13 obviously I don't want to ask you questions to the extent

14 that you would not have had any responsibilities, but I've

15 referred you to Standing Order 262. Obviously the person

16 referred to as a C-JOC would be General Mpembe. Could you

17 point me to a document or a Standing Order or some

18 reference in order to provide the Commission clarity on the

19 definition of the Chair of the JOCOM, the responsibilities

20 of the Chair of the JOCOM, please?

21 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

22 nee, ek is nie bewus van so 'n dokument nie.

23 MS JELE: General, there is a difficulty

24 there. How would your colleagues have known exactly what

25 your responsibilities were versus the responsibilities of

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1 General Mpmembe, if his role is identified in the Standing  
2 Order, that I presume such members are knowledgeable of and  
3 therefore his responsibilities are clear in that specific  
4 sense. And you're telling me that the position you were  
5 taking at the very least, is not specifically defined in  
6 any such document. Do you understand my difficulty there,  
7 General?

8 GENERAAL-MAJOOR ANNANDALE: Nee, ek  
9 verstaan nie, Voorsitter. Die Voorsitter van 'n JOCOM is  
10 niks anderste as die Voorsitter van enige vergadering nie.

11 CHAIRPERSON: What is his role?

12 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
13 tipies sal die oorhoofse bevelvoerder sodanige vergadering  
14 voorsit. Generaal Mpmembe het my egter versoek om dit te  
15 doen, synde hy besig was pertinent met onderhandelings met  
16 die unies en die myn. So die rol sal wees tipies om te kyk  
17 dat die onderskeie verteenwoordigers daar is van die  
18 onderskeie eenhede. So die bevelvoerders teenwoordig sal  
19 dan verwys dat hulle teenwoordig is en dan moet die  
20 verwagte aantal lede wat hulle ontplooi, die pertinente  
21 voertuie wat hulle beskikbaar het vir die dag. Die  
22 vergadering het dan gewoonlik begin met 'n eerste  
23 toeligting deur die Intelligensie verteenwoordiger en dan  
24 as daar pertinente Intelligensie takings is, een van die  
25 takings is pertinent rondom Intelligensie en ek weet nie of

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1 die kommissie gesien het, daar was een of ander slide wat  
2 daar wys, daar is sulke klein icons, mannetjies wat geplaas  
3 is in 'n informele nedersetting. Pertinent was Brig  
4 Engelbrecht versoek om informante te plaas in die  
5 nedersetting sodat hulle kan rapporteer aan die JOC soos  
6 wat daar groeperings van die verskillende gebiede af  
7 beweeg.

8 CHAIRPERSON: Put informers in the plural  
9 in the various settlements, I think that's what the witness  
10 said.

11 MR MAHLANGU: Informers?

12 CHAIRPERSON: Yes, informers in the  
13 settlement.

14 GENERAAL-MAJOOR ANNANDALE: En dan op die  
15 pertinente punt het hy gesê dat dit is vir hom net moeilik  
16 om enige van sy beriggewers te kry om informasie te gee.  
17 So dit sal vir hom nie moontlik wees nie. Voorsitter, en  
18 dan as ons met die lys afgaan, dan sal die Speurdiens-  
19 bevelvoerder, Brigadier Van Zyl, sal hy vordering gee,  
20 indien enige, rondom die ondersoek waarmee die speurders  
21 besig is.

22 CHAIRPERSON: Are you effectively saying  
23 that in your capacity as the chairman or the person  
24 presiding over the JOCOM, you would see first that everyone  
25 was there who should be there. And thereafter call on each

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1 of them to report on those aspects that were relevant for  
2 the sections which they were responsible for. Is that  
3 effectively what you're saying?

4 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
5 dis presies wat dit is en dan is daar fasilitering, as daar  
6 dan 'n gesprek is in terme van persone geleentehede te gee  
7 om insette te kry.

8 CHAIRPERSON: Anything else?

9 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
10 nee, tensy daar enige verdere onduidelikhede is.

11 CHAIRPERSON: I must say, I got the  
12 impression that your role was a bit more extensive than  
13 that. If you look at slide 67, you are described as the  
14 Chief of Staff of the Command Cell. And your role is given  
15 as being coordinated on the running of the operation, by  
16 managing the JOC with the designated role players  
17 representing each field. I take it you accept that as an  
18 accurate description of your role?

19 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
20 dis korrek, ja, my punt wat ek oor getuig het, was my rol  
21 as JOCOM voorsitter.

22 CHAIRPERSON: But you weren't only the  
23 JOCOM chairman, as I understand it, you were actually the  
24 Chief of Staff of the Command Cell.

25 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

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1 ja, Chief of Staff is niks anderste as die regterhand of  
2 die tweede in bevel van die oorhoofse bevelvoerder nie.

3 CHAIRPERSON: I can understand that in  
4 the absence of the Commander of the JOC, who would normally  
5 be the Chair of the committee, it was your function to take  
6 the Chair in his place, as part of your role as his 2IC and  
7 as the Chief of Staff? I think that's correct, is it not?

8 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
9 ja, in praktyk het dit beteken as generaal Mpmembe uit was,  
10 soos byvoorbeeld die Woensdagmiddag wat hy onderhandel het  
11 met die unies en met Lonmin. As hy teruggekeer het, het ek  
12 hom op hoogte gehou in terme van die pertinente  
13 verwickelinge in sy afwesigheid. Verder was ons dan  
14 hoofsaaklik saam gewees in die JOC, behalwe natuurlik die  
15 tydperk toe hy in die tjopper was, maar verder was ons  
16 meestal saam, ook saam.

17 CHAIRPERSON: It's already six minutes  
18 past four, but if there is one more question or short,  
19 small aspect you want to deal with, you can do it now,  
20 otherwise we'll adjourn till tomorrow morning?

21 MS JELE: I'm afraid, Chairperson,  
22 there's more than just one short aspect. It wouldn't take  
23 me long, but there certainly are at least two or three  
24 questions I'd like to follow up on. Would you prefer that  
25 I begin that tomorrow morning?

1 CHAIRPERSON: Can you do it tomorrow  
2 morning?  
3 MS JELE: I can, Chairperson.  
4 CHAIRPERSON: We'll adjourn till half  
5 past nine tomorrow morning.  
6 [COMMISSION ADJOURNED]  
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