

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 119 19 AUGUST 2013 PAGES 12248 TO 12289



© REALTIME TRANSCRIPTIONS

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



Page 12248

1 [PROCEEDINGS ON 19 AUGUST 2013]
 2 [14:04] CHAIRPERSON: We are starting later today
 3 than we'd originally intended to because Advocate Semanya,
 4 the leading counsel for the police service's mother died
 5 last week and he and the members of the SAPS team were at
 6 her funeral this morning as was Commissioner Tokota. They
 7 requested us, therefore, to start at 2 o'clock this
 8 afternoon which we agreed to. I'm sure all those
 9 associated with the Commission will join with me in
 10 extending our condolences to the Semanya family for the
 11 loss of Advocate Semanya's mother and we hope and pray that
 12 her soul will rest in peace with light perpetually shining
 13 upon it. We hope that what we said will be conveyed to
 14 Advocate Semanya and the family. This morning the
 15 Constitutional -
 16 SPEAKER: Sorry, Mr Chairman, before you
 17 proceed.
 18 CHAIRPERSON: Yes, forgive me.
 19 SPEAKER: On behalf of SAPS legal team
 20 and the Semanya family we would like to say thanks for the
 21 indulgence that we were granted to allow us to go to the
 22 funeral of our colleague's mother and we will also convey
 23 the message.
 24 CHAIRPERSON: This morning the
 25 Constitutional Court handed down its judgment in the

Page 12249

1 application brought by the arrested and injured miners for
 2 relief in respect of the funding they sought for their
 3 costs in respect of their continued participation in the
 4 proceedings of the Commission. The judgment in paragraph
 5 19 of the judgement it is stated that the application was
 6 dismissed. But that doesn't bring the matter before us, as
 7 far as the funding is concerned, to an end because as I
 8 have indicated previously, I was informed that there is a
 9 possible donor who is contemplating providing funding for
 10 the arrested and injured miners. It was anticipated that
 11 the decision of the possible donor would already have been
 12 reached but I was informed this morning that the final
 13 decision will be made tomorrow, and that I would be
 14 informed by close of business tomorrow afternoon whether
 15 the answer would be yay or nay. I understand that counsel
 16 for Lieutenant Baloyi and counsel for the Monene family are
 17 here, prepared to continue with the cross-examination of
 18 Major-General Mpembe and in the circumstances it seems to
 19 me to be appropriate that they should be permitted to be
 20 cross-examined. I see Mr Mpofu is here, depending upon the
 21 decision of the donor, or he may well be back in a funded
 22 capacity as it were and if he is, he will of course, have
 23 the opportunity of reading the transcript of what's going
 24 to happen today. Although I don't know how long he's going
 25 to be with us this afternoon and tomorrow. And if, of

Page 12250

1 course, the answer is no then we will have to have a
 2 meeting to consider, with the parties as to in what way of
 3 working with the Commission should be altered to
 4 accommodate the fact. And we would seek at the meeting to
 5 find a way of ensuring that the report ultimately produced
 6 by the Commission is not one sided. But that's a matter
 7 which may in fact fall away if the potential donor sees its
 8 way to clear to make the funding available. It would
 9 render these proceedings more inclusive than they would
 10 otherwise be. Do you wish to say anything, Mr Mpofu?
 11 MR MPOFU: Yes, thank you very much,
 12 Chairperson, thank you. As I indicated, Chairperson, we
 13 are here solely just to report back as you've already
 14 touched on the issue of the Constitutional Court and also
 15 to maybe map out what the way forward is in terms of our
 16 instructions from clients. But before I touch on those
 17 matters, Chairperson, which is the Constitutional Court and
 18 the instructions of client, I'd like to just indicate that
 19 we are grateful for the efforts that the commissioners have
 20 made and we hope that once the decision is taken we will
 21 have an opportunity to meet with the potential donors.
 22 Obviously just to iron out the terms of that funding but
 23 for now it's simply to say thank you to the commissioners
 24 for those efforts.
 25 CHAIRPERSON: Thank you, Mr Mpofu.

Page 12251

1 MR MPOFU: More particularly a question
 2 that will arise, which is linked to what I'm going to say
 3 is whether that funding is in the nature of the interim
 4 funding that we were talking about or whether it is more
 5 long term. But those are matters that obviously will be
 6 ironed out with the funder at the right time. And I say
 7 that, Chairperson, because the Constitutional Court, in its
 8 wisdom, decided the matter as you have seen, on the basis
 9 that it was confined to part A of the application which was
 10 just the issue of the interim funding. Our own view -
 11 unfortunately we were not given a hearing, the
 12 Constitutional Court is entitled to make a decision on
 13 their papers. Had we been given that hearing we would have
 14 indicated that our own view and that in concurrence with
 15 the counsel for the President and the Minister was that the
 16 appeal would have been heard on both part A and part B and
 17 the matter would have been finalised. But unfortunately we
 18 didn't have that opportunity. And that therefore means
 19 that - and I've just had a discussion, the counsel for the
 20 President and the Minister called me about an hour ago,
 21 also he was equally surprised but felt that what this means
 22 now is that the Constitutional Court in so many ways has
 23 said that it doesn't want to pre-empt the review
 24 application itself which is part B. So what has happened,
 25 unfortunately is now to resuscitate that part of the

Page 12252

1 application, which means that effectively the
2 Constitutional Court is sending us back to the High Court
3 for the review application, for part B. And in fairness
4 the Constitutional Court did say that this decision does
5 not pre-empt the outcome of the main application. But what
6 it does mean, Chairperson, with your permission just to
7 explain, what it does mean is that we are back to square
8 one where the issue of interim funding then surfaces. In
9 other words what should happen between -

10 CHAIRPERSON: To interrupt you, my
11 understanding from what I've heard from the potential donor
12 is it mightn't - what is envisaged might not be limited to
13 interim funding.

14 MR MPOFU: Yes. Well it might, or it
15 might not, Chairperson, if we decide to pursue the main
16 application then of course the question - all I'm saying is
17 that the question that arises what happens between now and
18 then? And I must add, Chairperson, the parties by
19 agreement in the amended notice of motion had said that the
20 part B should be on an expedited basis. So the question
21 that arises is assuming we'll get an expedited date,
22 assuming the instructions will be to pursue part B, what
23 then happens between tomorrow and that date? And as
24 Chairperson has correctly pointed out part of the answer to
25 that question might be whatever discussions we then have

Page 12253

1 with the donor. Another part is the instructions which I
2 will talk about just now. And maybe, Chairperson, because
3 already there have been some disturbing reporting on the
4 outcome of the Constitutional Court, in fairness it is to
5 explain that it was only on part A but that also in
6 paragraphs 15 and 16 of the Constitutional Court judgment -

7 CHAIRPERSON: In view of the fact that a
8 number of people in the courts who haven't heard or seen
9 what's in those paragraphs and I take it there may well be
10 many people watching these proceedings on YouTube or on
11 television, it perhaps would be helpful if you read those
12 paragraphs out so that they and everybody could in fact be
13 aware of what the CC has said in that regard.

14 MR MPOFU: Thank you, Chairperson. Yes,
15 thank you, Chairperson. Paragraph 15 of the judgment says
16 the following, "It may be that it would be commendable and
17 fairer to the applicants that they be afforded legal
18 representation at state expense in circumstances where
19 state organs are given these privileges and where mining
20 corporations are able to afford the huge legal fees
21 involved. The power to appoint a commission of inquiry is
22 mandated by the Constitution. It is afforded by the
23 President as part of his executive powers. It is open to
24 the President to search for the truth through a commission.
25 The truth so established could inform corrective measures

Page 12254

1 if any are recommended, influence future policy, execution
2 action, executive action and even the initiation of
3 legislation." It goes on to say "A commission search for
4 truth also serves indispensable accountability and
5 transparency purposes. Not only do the victims of the
6 events investigated and those closely affected need to know
7 the truth, the country at large does too. So ordinarily a
8 functionary setting up a commission has to ensure an
9 adequate opportunity to all who should be heard by it."

10 And the Constitutional Court goes on "Absent a
11 fair opportunity the search for truth and the purpose of
12 the Commission may be compromised." And paragraph 16,
13 Chairperson, it says "This means" - the Constitutional
14 Court then says "This means that unfairness may arise when
15 adequate legal representation is not afforded." And then
16 it says, "But this doesn't mean that courts have the power
17 to order the executive branch of government on how to
18 deploy state resources. And whether the desirable
19 objective of equality of arm before a commission translates
20 into a right to legal representation that must be provided
21 at State expense is a contestable issue. A consideration
22 that comes into play is that it is the object of the Legal
23 Aid Act to render or make available legal aid to indigent
24 persons and to provide legal representation at State
25 expense as contemplated in the Constitution. It's

Page 12255

1 provisions have not been challenged as constitutionally
2 invalids nor has the refusal by Legal Aid, South Africa to
3 grant the applicants legal aid been challenged on review."
4 Thank you, Chairperson. Chairperson, I'm grateful for the
5 indulgence. I'm reading through that, it should be made
6 clear that the question which the Constitutional Court says
7 is contestable which is whether such legal representation
8 should be provided at State expense is still open and it is
9 the question that will be subject to instructions debated
10 when the part B of the application is heard, hopefully on
11 an expedited basis.

12 CHAIRPERSON: If it becomes necessary.

13 MR MPOFU: Should it become necessary,
14 that's correct. Now the last issue then, Chairperson that
15 I would like to deal with is the question of - as you can
16 see our clients arrived at the Constitutional Court and
17 between the delivery of the judgment and now we have been
18 consulting with them.
19 [14:24] Those consultations are ongoing, Chairperson, but
20 so far I can just mention that their feeling is that
21 firstly they would have preferred it if they had been given
22 a hearing to air their views. Whether they win or lose the
23 application is something else but to have been given the
24 opportunity and for that reason they seem inclined at this
25 stage to want to pursue part B but that was before the news

1 that we got here. So obviously that will now be
 2 incorporated into the consultations. They have also asked
 3 us to, or rather instructed my attorneys to seek permission
 4 for them to hold a peaceful demonstration or gathering for
 5 lack of a better word, and that is a matter that we are
 6 also consulting with them and they indicated that they
 7 might be holding a peaceful march to the Union Buildings
 8 among other places in pursuit of their rights to legal
 9 representation at state expense. But all those matters
 10 will also, I suppose, be incorporated on the outcome of the
 11 discussions we'd have with the funders. But those are our
 12 instructions at this stage, Chairperson.

13 There is, of course, still the prospect of it
 14 being settled even before we could go to court. But
 15 unfortunately, Chairperson, then the most important part of
 16 our instructions are that until all those issues are
 17 resolved, whether in court or in the streets or with the
 18 discussions with the donor or whatever, until there is
 19 funding on the table their position is that they their
 20 participation will be provisionally withdrawn or rather
 21 they'll continue with the provisional withdrawal of their
 22 participation.

23 But, Chairperson, as usual when we asked them to
 24 give us an opportunity to come to this forum so that we can
 25 say exactly rather than leaving it to speculation, they

1 kindly allowed us to come and brief the Commission on the
 2 status quo. Thank you, I appreciate the opportunity.
 3 Sorry, Chairperson, I've just been given an instruction. A
 4 small thing, just to say, well two things, Chairperson, one
 5 might seem unrelated. As the Chairperson knows that on
 6 Friday was the commemoration service of the victims. It
 7 turns out that there were two commemoration services and
 8 just happy to report, Chairperson, that everything went
 9 smoothly and the statement was made there and I would like
 10 to repeat it now that the people who are criticising the
 11 commission should exercise some restraint and we made it
 12 clear that it is not your fault or the commissioners' fault
 13 that the delays have happened, Chairperson. And also that
 14 it's unfair to criticise a judge by commentators, some of
 15 whom have never even been here because a judge is not able
 16 to answer for himself and I think the big crowd that was
 17 there appreciated those remarks, Chairperson. And we made
 18 the point very clear that our confidence in the commission
 19 remains unshaken. We wouldn't be doing all these efforts
 20 to get funding and to get legal representation into a
 21 commission that we believed was a waste of time. That
 22 would be a contradiction in terms and I just wanted to say
 23 that those remarks were appreciated, Chairperson. The last
 24 point, Chairperson, that I've been asked to mention is that
 25 the congregation that met on Friday among the things that

1 they did was a very touching move where they circulated
 2 buckets to collect money, or a collection to assist the
 3 legal team and people were putting R5, R10, whatever they
 4 could. And I don't think the money - we've entrusted the
 5 money to Bishop Seoka and I don't know if he has already
 6 counted it but the issue's not really how much it is. I
 7 think that the mere fact that they should make that gesture
 8 also indicates the fact that they want the commission, as
 9 soon as possible, to continue and to find the truth and for
 10 them to get the closure that is needed. Thank you,
 11 Chairperson.

12 CHAIRPERSON: Thank you, Mr Mpofu. Mr
 13 Gumbi, are you in a position to cross-examine the Major-
 14 General?

15 MR GUMBI: Yes, Chairperson but I think
 16 my learned colleagues will start first. There are certain
 17 information on -

18 CHAIRPERSON: Sorry to interrupt you,
 19 that's your colleague Advocate Masevhe.

20 MS MASEVHE: Yes that's correct,
 21 Chairperson, we are ready to proceed.

22 CHAIRPERSON: Yes.

23 MR MPOFU: But before any proceedings, in
 24 case I overstep my mandate, could we be excused. Thank
 25 you, Chairperson, for the opportunity.

1 CHAIRPERSON: You've got a lot of clients
 2 here, I don't know whether they want to go as well.
 3 Perhaps we should take a short adjournment for five minutes
 4 so they can all leave and then we can re-assemble.

5 MR MPOFU: Yes thank you, Chairperson.

6 [COMMISSION ADJOURNS COMMISSION RESUMES]

7 [14:45] CHAIRPERSON: I'm informed that the
 8 interpreter has gone across the courtyard and will be
 9 interpreting to those who wish to receive the benefit of
 10 the interpretation in the room opposite where the
 11 simultaneous translation equipment has been set up. Major-
 12 General, you're still under oath. It's a long time ago
 13 that you took the oath. Perhaps you should take it again.
 14 Stand up, please. Do you swear the evidence you'll give
 15 before the Commission, the further evidence you'll give
 16 before the Commission will be the truth, the whole truth,
 17 nothing but the truth. Please raise your right hand, say,
 18 "I swear, so help me God."

19 WILLIAM MPEMBE: I swear, so help me God.

20 CHAIRPERSON: Thank you. Please sit
 21 down. Ms Milwesi, you're going to - sorry, Ms Masevhe, I
 22 must get it right -

23 MS MASEVHE: Yes, Chairperson, I'm here
 24 now.

25 CHAIRPERSON: Ms Masevhe, I got it right

Page 12260

1 the second time. Please begin with your cross-examination
2 of the witness.

3 CROSS-EXAMINATION BY MS MASEVHE: Thank
4 you, Chairperson. Just for the record, my name is Takalani
5 Masevhe. I represent the family of Warrant-Officer Hendrik
6 Tsietsi Monene, the warrant-officer who was murdered on the
7 13th of August 2013. General, good afternoon.

8 MAJOR-GENERAL MPEMBE: Good afternoon,
9 Advocate.

10 MS MASEVHE: Yes, General, I would like
11 to take you back – or I see my colleagues for the South
12 African Police Services would like to mention something,
13 Chairperson.

14 CHAIRPERSON: Yes, they can do so. I
15 thought they might be going to tell you that it was 2012
16 when your client's relative was killed, but if there is
17 anything else they want to say, they must say it now or
18 forever hold their peace.

19 MR NGALWANA: Chairperson, I want to say
20 this on the record, so it's rather a challenge when this –
21 ah, there it's come out now. Chairperson, sorry for the
22 interruption. I had a brief conversation with my two
23 learned friends who are about to cross-examine now. It's
24 not an objection; it's perhaps something of guidance that I
25 would seek from the Commission. Usually when a cross-

Page 12261

1 examiner cross-examines a witness, one of the things he or
2 she does is to put the version of his or her witness to the
3 cross-examinee. Now as I understand it, none of the
4 statements on which my two colleagues are going to cross-
5 examine were deposed to by their witnesses. These are Mr
6 Mpfu's witnesses. I checked with Mr Mpfu about whether
7 or not he's going to call these witnesses so that we can
8 test their version and their evidence under cross-
9 examination. I thought I was going to do this on record
10 while he was here, but he sprung it on me when he decided
11 no, we are going to step out. So I pulled him by his
12 jacket sleeve and asked him a question, and he said well,
13 we're not sure; we may, we may not, and so it puts a little
14 bit of a quandary if a cross-examiner is going to use a
15 statement of a witness who may not be called, we would have
16 no way of testing that in cross-examination.

17 CHAIRPERSON: Well, perhaps you will deal
18 with that problem as and when it arises. Of course we have
19 the other problem that if the cross-examiner doesn't put
20 what the witness says because the witness may not come and
21 the witness then does come, then your client has got to be
22 recalled. So one way to deal with it might be to disregard
23 that part of the cross-examination based upon statements
24 put by a witness who ultimately doesn't come, but anyway,
25 shall we cross that bridge when we get there, if we get

Page 12262

1 there? And the weight of the evidence is a matter to be
2 considered as well, but anyway, we'll deal with that when
3 we get there. I did understand from Mr Gumbi that he's got
4 some documents which he will be giving you before he cross-
5 examines. He hasn't done so yet, so your position will be
6 covered as far as he is concerned. You heard what Mr
7 Ngalwana said; please commence with your cross-examination.

8 MS MASEVHE: Thank you, Chairperson.
9 Although it's a definite sure thing that our cross-
10 examination is going to cover the statement of two
11 witnesses that have been circulated to various parties, and
12 while it's true that those witnesses are not going to be
13 called by us, but they are going to be called by Adv Mpfu.
14 We have canvassed this issue with the evidence leaders and
15 our view, if I might add at this stage, is that if Mr Mpfu
16 for an example doesn't want to call the specific witnesses,
17 there are statements which are before this Commission and
18 we believe that we should be able to deal with the contents
19 in as far as it relates to our client, or the circumstances
20 wherein he was killed, with the General. Otherwise if we
21 don't do it we lose this opportunity with the General at
22 this stage, and –

23 CHAIRPERSON: The statements have been
24 filed. I understand that if Mr Mpfu doesn't call them
25 they may well be called by the evidence leaders in any

Page 12263

1 event.

2 MS MASEVHE: That is correct,
3 Chairperson.

4 CHAIRPERSON: So anyway, proceed in the
5 meanwhile and as and when there's an objection we can deal
6 with it.

7 MS MASEVHE: Thank you, Chairperson.
8 General, on the 7th of June 2013 when you were testifying in
9 chief you testified that you saw Warrant-Officer Monene
10 being chopped and killed in front of you. Do you recall
11 that part of your evidence, General?

12 MAJOR-GENERAL MPEMBE: Correct,
13 Chairperson.

14 MS MASEVHE: And you further testified,
15 General, that you saw how Warrant-Officer Lepaaku was
16 killed. Do you recall that as well?

17 MAJOR-GENERAL MPEMBE: Correct,
18 Chairperson.

19 MS MASEVHE: For ease of reference, that
20 is contained on the record, page 11813, line 4 to 8. I'm
21 not going to read it out. General, the family of Warrant-
22 Officer Monene is particularly interested in finding out
23 that, you know, leading to the event where he was killed,
24 was he entrapped within this group of protesters? General,
25 my question is that was he entrapped by the protesters,

Page 12264

1 that is Warrant-Officer Monene, when he was killed?
 2 MAJOR-GENERAL MPEMBE: Chairperson, maybe
 3 if I may be explained what is meant by "entrapped"?
 4 MS MASEVHE: Encircled by the group of
 5 protesters when he was killed.
 6 CHAIRPERSON: I think the point is the
 7 people were around him and he couldn't get out, so in that
 8 sense he was trapped there, and then he was then killed.
 9 So what they want to know from you, is that what you saw?
 10 MAJOR-GENERAL MPEMBE: Chairperson, the
 11 protesters, they, Warrant-Officer Monene was out of the
 12 Nyala and when they were attacked I couldn't see whether
 13 there were protesters behind him. The only incident where
 14 I remember is that the protesters were coming from the
 15 front and there might also be the others that were on the
 16 side, but at the back there were the police. So at this
 17 stage one could not say that he was entrapped.
 18 MS MASEVHE: Okay, General, how many
 19 protesters did you see each hacking and killing Warrant-
 20 Officer Lepaaku and Warrant-Officer Monene, if you recall
 21 at all? How many did you see?
 22 MAJOR-GENERAL MPEMBE: Chairperson, one
 23 could not count them, but there was a group of protesters.
 24 I could not count to say how many, but there were many who
 25 attacked Warrant-Officer Monene.

Page 12265

1 CHAIRPERSON: Can you give us an
 2 indication, you say they attacked him; did they attack him
 3 with pangas or with spears or assegais? What weapons did
 4 they use?
 5 MAJOR-GENERAL MPEMBE: Chairperson, the
 6 instruments that I saw there were pangas, inculas, and they
 7 also utilised knobkieries.
 8 CHAIRPERSON: Approximately how many?
 9 You know, you say you can't give us the exact number, but
 10 you know, was it two or three? Was it half a dozen or was
 11 it a dozen or more than that? Approximately how many
 12 people were attacking him?
 13 MAJOR-GENERAL MPEMBE: Chairperson,
 14 approximately I can count from five up, plus or minus five,
 15 and the only thing that I know also, they took his firearm.
 16 MS MASEVHE: And General, how far were
 17 you from this attack?
 18 MAJOR-GENERAL MPEMBE: Chairperson, I was
 19 not so much closer nor far, but I could see what is
 20 happening. I was at a reasonable distance from them.
 21 MS MASEVHE: Can you maybe indicate,
 22 General, by indication of metres?
 23 CHAIRPERSON: It's sometimes easier to
 24 ask him if he can point out in the auditorium, in the
 25 council chamber more or less what the distance was, and

Page 12266

1 then we can ask someone – I think the attorney for the
 2 police services helped us in the past – to pace out the
 3 distance. He did it very well last time, so I'm sure he'll
 4 repeat his success. Can you indicate to us more or less in
 5 the council chamber how far away you were from Mr Monene,
 6 Lieutenant Monene, when he was being attacked?
 7 Approximately.
 8 MAJOR-GENERAL MPEMBE: Chairperson, as I
 9 indicated last that I'm very weak in what, in measurements,
 10 but I remember –
 11 CHAIRPERSON: I understand that, but
 12 we're not asking you for mathematical precision. You know,
 13 more or less a distance between you and that side of the
 14 table, you and the other side of the table, or distance
 15 between you and Adv Budlender, or counsel for the police,
 16 or how far, more or less?
 17 MAJOR-GENERAL MPEMBE: Chairperson, from
 18 that seat and I think somewhere here, that could be the
 19 distance. I was on the other far side –
 20 CHAIRPERSON: That seat, I'm not sure
 21 which one you refer to.
 22 MAJOR-GENERAL MPEMBE: Let's say the
 23 first seat on the other side –
 24 CHAIRPERSON: Oh, the back row –
 25 MAJOR-GENERAL MPEMBE: Yes.

Page 12267

1 CHAIRPERSON: The back row –
 2 MAJOR-GENERAL MPEMBE: And then it was on
 3 the, he was on the extreme left-hand side and there was a
 4 Nyala behind him and the Nyala also moved there. That's
 5 how I remember.
 6 CHAIRPERSON: So the distance is from the
 7 back row to where?
 8 MAJOR-GENERAL MPEMBE: And to that table
 9 there.
 10 CHAIRPERSON: Is that the table –
 11 MAJOR-GENERAL MPEMBE: It's one, the
 12 second table –
 13 CHAIRPERSON: The second table, yes, I
 14 see, from the back.
 15 SPEAKER: 15. 1-5.
 16 CHAIRPERSON: Thank you very much. So
 17 there you have the answer; approximately 15 paces.
 18 MS MASEVHE: Thank you, Chairperson. And
 19 General, if you were at the distance of 15 metres, what
 20 prevented you and your colleagues from trying to ward off
 21 these protesters from hacking Warrant-Officer Monene to
 22 death?
 23 CHAIRPERSON: Were there people in
 24 between, or were there people between Warrant-Officer
 25 Monene and you at the time the hacking was taking place?

<p style="text-align: right;">Page 12268</p> <p>1 MAJOR-GENERAL MPEMBE: Chairperson, as I 2 said, the people that were there is Lieutenant Baloyi, who 3 was also under attack, and others they were in a Nyala, and 4 there were some few that were outside. So others, as I 5 indicated with my drawings, they were at the back. 6 CHAIRPERSON: You say at the back, you 7 see, but the question you're being asked is was it possible 8 for you to run forward to where the attack was taking place 9 and assist in warding off the attack? 10 MAJOR-GENERAL MPEMBE: Chairperson, the 11 attack would have been warded off and as it has been seen 12 on the video, there was tear smoke and I think that also 13 played a major role, and then the protesters moved with the 14 tear smoke to attack the police, and they were very close 15 nearer when they attacked the members, and I think that 16 played the major role in terms of how those police were 17 attacked. 18 MS MASEVHE: General, how did you – I 19 would assume that you were with a group of other police 20 officers. Is that correct? Were you in a group of other 21 police officers? Were you with other police officers when 22 this happened? 23 MAJOR-GENERAL MPEMBE: Correct, 24 Chairperson. 25 MS MASEVHE: Now how did you and these</p>	<p style="text-align: right;">Page 12270</p> <p>1 been warded off, I also called off the police not to follow 2 them. 3 MS MASEVHE: Okay. General, in the event 4 that this Commission finds that the people who attacked 5 Warrant-Officer – or let me put it rather, who murdered 6 Warrant-Officer Monene and Warrant-Officer Lepaaku should 7 be prosecuted, will you be in a position to can identify 8 these attackers, General? 9 MAJOR-GENERAL MPEMBE: Chairperson, as I 10 said, they attacked the Warrant-Officer in such a manner 11 that there were a group of five, upwards. But the only way 12 that one will be able to identify them is in accordance 13 with the circumstantial evidence. For example, we know 14 that the firearm of Warrant-Officer Monene was taken and I 15 know the people that I spoke with them during the 16 negotiation, and if anything like that firearm which was 17 the firearm of Warrant-Officer Monene can be found in 18 possession, I can place the person on the scene. Correct, 19 Chairperson, but with regard to me having communicated with 20 them earlier, and then also other materials that could be 21 found in possession of that suspect. 22 CHAIRPERSON: I understand people have 23 been arrested and charged in respect of this incident. Is 24 that correct? 25 MAJOR-GENERAL MPEMBE: Correct,</p>
<p style="text-align: right;">Page 12269</p> <p>1 other police officers evade, you know, this attack at the 2 scene? Because it seems like the police were being 3 attacked. How did you then survive this attack? 4 MAJOR-GENERAL MPEMBE: It's not a 5 question of surviving. I think all of us we could also 6 have been attacked, maybe been reached. It was the 7 question that Warrant-Officer Monene was more closer than 8 the other police officers. 9 MS MASEVHE: And General, why didn't you 10 or other officers, or rather you instruct other officers to 11 fire live ammunition or do something in order to ward off 12 these protesters? Why was it difficult to do that? 13 MAJOR-GENERAL MPEMBE: Chairperson, it's 14 not an easy instruction to say "fire," because each member 15 when he is under imminent attack, they know that he has to 16 defend himself, and as I have indicated from where I was, 17 the member had a firearm. There were also other members 18 nearer to him, and in such circumstances the member can 19 utilise his own discretion and the attack to the member 20 should be seen by the member, that the attack is unlawful 21 and is imminent. So under those circumstances, but what I 22 can say is that I did make sure that the police officials 23 also, we ran to the place to assist those members that were 24 attacked, and hence there was a time where the protesters 25 left the scene, and when I realised that the attack has</p>	<p style="text-align: right;">Page 12271</p> <p>1 Chairperson. 2 COMMISSIONER HEMRAJ: The question really 3 was whether you would be able to identify them if you see 4 them again. 5 MAJOR-GENERAL MPEMBE: The answer is yes, 6 on the ground that I did communicate with them and also for 7 the fact that they are being found in possession of the 8 firearm of Warrant-Officer Monene. 9 CHAIRPERSON: Of course you communicated 10 with the whole group of them, didn't you? We saw it on the 11 video, and so at that stage you didn't know which of them 12 was the one who, or were the ones who were going to attack 13 Warrant-Officer Monene. As far as the firearm is 14 concerned, that is, you correctly say, would be 15 circumstantial evidence. The real question is, will you be 16 able to say I saw that person as one of the people 17 attacking Warrant-Officer Monene, and it sounds from what 18 you say as if the answer to that one would be no, you won't 19 be able to go that far in your evidence. Is that correct? 20 MAJOR-GENERAL MPEMBE: Correct, 21 Chairperson. 22 MS MASEVHE: General, let's go back to 23 your arrival at Marikana. You testified that on your 24 arrival at Marikana the Lonmin management had informed you 25 of the violence that had occurred in the few days before</p>

Page 12272

1 the 13th. Is that correct?
 2 MAJOR-GENERAL MPEMBE: Correct,
 3 Chairperson.
 4 MS MASEVHE: And you further testified
 5 that Brigadier Calitz had informed you that on the 12th of
 6 August the protesters had hacked and killed two Lonmin
 7 security, that is Mr Mabelane and Mr Hasaan Fundi. Is that
 8 correct?
 9 MAJOR-GENERAL MPEMBE: Correct,
 10 Chairperson.
 11 [15:04] MS MASEVHE: Now General, knowing the
 12 violence that there had occurred in these few days before
 13 the 13th, what measures were put in place by the police to
 14 ensure the safety of the police officers who were attending
 15 to the protesters on the 13th of August?
 16 MAJOR-GENERAL MPEMBE: Chairperson, I did
 17 indicate that the commanders, and in particular I did
 18 mention Lieutenant-Colonel Merafe, that the members of
 19 different units had bulletproofs, and it's also the
 20 commander and the members' responsibility to have the
 21 bulletproof. Secondly is that they were orientated on the
 22 place and Colonel Merafe indicated that because he is
 23 working with them, he will continue orientating them. The
 24 members were issued, as I have indicated, there were
 25 different units on that day, that's Public Order Policing

Page 12273

1 members, there were also National Intervention members,
 2 there were also TRT members, and members of the Public
 3 Order Policing also had pistols on themselves. So those
 4 were the measures that were taken in order to protect the
 5 members.
 6 Chairperson, I did indicate that I attended the
 7 place personally; I applied a situational appropriateness
 8 to ensure that there is no unnecessary confrontation with
 9 the protesters, and that also made us in terms of the
 10 measures that they were there, made me also to believe that
 11 the members were safe. Chairperson, the members, and in
 12 particular Warrant-Officer Monene, he was also being
 13 deployed, or posted to be in the Nyala. It is just maybe
 14 the commander that was there, how come that the members
 15 went outside the Nyala, because that to me as an iron
 16 vehicle could have been used as a safe house for the
 17 Warrant-Officer.
 18 CHAIRPERSON: Does that mean that you
 19 didn't order the occupants of the Nyala to get out of it?
 20 MAJOR-GENERAL MPEMBE: Correct,
 21 Chairperson.
 22 CHAIRPERSON: Now before Adv Masevhe
 23 continues, one of the policeman who was killed on the spot
 24 was hacked and shot twice, and the other, what happened to
 25 the other? The other was hacked and stabbed. Is that

Page 12274

1 correct? We have photographs of them. You don't have to
 2 look at them, but the one was hacked and stabbed to death,
 3 and the other was hacked and shot. Now can you tell us
 4 whether Warrant-Officer Monene was the one who was shot as
 5 well as being hacked, or was he the one who was stabbed as
 6 well as being hacked?
 7 MAJOR-GENERAL MPEMBE: Chairperson, he
 8 was hacked and he was also shot.
 9 MS MASEVHE: Now General, I would like to
 10 refer the Commission to the revised witness statement of
 11 Simphiwe Booi, Mr Simphiwe Booi, which is exhibit BBB3 on
 12 page 7, paragraph 33, that is – I don't know if you are in
 13 possession of the said statement. It's exhibit BBB3.
 14 MAJOR-GENERAL MPEMBE: Correct,
 15 Chairperson, I am in possession of the statement.
 16 MS MASEVHE: Now General, would you like
 17 to look at page 7 of that statement, paragraph 33?
 18 MAJOR-GENERAL MPEMBE: Yes, Chairperson,
 19 I'm on page 7, paragraph –
 20 CHAIRPERSON: Would I be correct in
 21 thinking this statement hasn't yet been put as an exhibit?
 22 Is that correct?
 23 MS PILLAY: Chair, it's exhibit BBB3.
 24 CHAIRPERSON: BBB3, oh, thank you. I was
 25 wrong then. Thank you.

Page 12275

1 MS MASEVHE: General, I would like to
 2 refer you to line 7 from the top where he testifies of the
 3 events of the 13th of August and he alleges that line 7, it
 4 starts with "Official attacks," and then it's got a full
 5 stop, but then I would like to start immediately after the
 6 full stop wherein he says, "When the negotiations failed
 7 and when the General started counting, we stood up, sang a
 8 song, and left. It seemed as if there was a non-verbalised
 9 understanding in terms of which the police were to escort
 10 us until we got back to the koppie. Then out of the blue I
 11 later heard shots being fired by the police. There was
 12 teargas and stun grenades fired by the police. Thereafter
 13 live ammunition was used." Now General, what I want to
 14 know from you is that how accurate is this statement? When
 15 was live ammunition fired by the police, if it was ever
 16 fired by the police?
 17 MAJOR-GENERAL MPEMBE: I just wanted the
 18 question to be repeated.
 19 MS MASEVHE: Okay, General, he says that
 20 live ammunition was used by the police. Maybe I can put
 21 small questions. The first question would be, was live
 22 ammunition ever used by the police on the 13th of August at
 23 that scene?
 24 CHAIRPERSON: Before you answer, can I
 25 ask you this question? You've seen the statement, have

Page 12276

1 you? The statement that's been put to you.
 2 MAJOR-GENERAL MPEMBE: Yes, Chairperson –
 3 CHAIRPERSON: Have you read it?
 4 MAJOR-GENERAL MPEMBE: Ja, I've read it.
 5 CHAIRPERSON: I see, fine. So you may
 6 proceed. I was afraid that the passage might be taken
 7 effectively out of context – I'm not suggesting
 8 deliberately, but effectively out of context, and the
 9 witness might be at a disadvantage, but he doesn't seem to
 10 be, so you can carry on.
 11 MS MASEVHE: Thank you, Chairperson. Now
 12 General, the question is that did the police ever fire live
 13 ammunition at the scene of the 13th of August?
 14 MAJOR-GENERAL MPEMBE: Chairperson, when
 15 the scene was attended there were members that said yes, we
 16 did use the live ammunition in self-defence. But at the
 17 same as the question also indicated, no officer did order
 18 the utilisation of the live ammunition.
 19 MS MASEVHE: So General, according to
 20 what you have witnessed, when did the police use live
 21 ammunition? Was it before or after the attack on the
 22 police?
 23 MAJOR-GENERAL MPEMBE: Chairperson, I did
 24 testify that the police were attacked. The attack was
 25 unlawful. The attack was imminent, and in that process

Page 12277

1 those members that utilised the live ammunition, one could
 2 ever say yes, they utilised the live ammunition in self-
 3 defence.
 4 COMMISSIONER HEMRAJ: I don't think
 5 you've answered the question though. She wants to know
 6 whether the police used live ammunition before or after the
 7 attack. Do you know that? Can you say?
 8 CHAIRPERSON: Perhaps the question should
 9 be rephrased. It should be before or after or during,
 10 because if the, depending on the length of time during
 11 which the attack took place, it may be that some live
 12 ammunition was fired while the attack was taking place, so
 13 the real question is was live ammunition used before the
 14 attack commenced, or was it after the attack was over, or
 15 was it during the attack?
 16 MAJOR-GENERAL MPEMBE: Chairperson, live
 17 ammunition was used while the attack was imminent.
 18 CHAIRPERSON: How long did the attack
 19 take – the attack, it was, I take it, a series of attacks
 20 really because it wasn't just one single attack. How long
 21 did the attacks take place? Over what period?
 22 MAJOR-GENERAL MPEMBE: Chairperson, I
 23 could not count, but what I saw is that when immediately
 24 the protesters came rushing to the police, and particularly
 25 when the chopping was taking place, then the members also

Page 12278

1 said that that's the time when they utilised the
 2 ammunition.
 3 COMMISSIONER HEMRAJ: When you say the
 4 members said they utilised the ammunition, is this
 5 something that was told to you subsequent to the event?
 6 MAJOR-GENERAL MPEMBE: Correct,
 7 Chairperson.
 8 COMMISSIONER HEMRAJ: Now at the time, at
 9 the time of the actual event, are you able to say when live
 10 ammunition was used?
 11 MAJOR-GENERAL MPEMBE: No, Chairperson.
 12 CHAIRPERSON: - I asked the question was,
 13 as appears from slides 57 and 58 of exhibit L, there were
 14 quite a number of shell casings found on the scene
 15 afterwards, and 98 sharp-point bullets were fired, and 56
 16 non-lethal ones. So there was, a fair amount of ammunition
 17 was fired at the scene.
 18 MS MASEVHE: Chairperson, you asked a
 19 question and I presume that the witness now has to answer
 20 what you have asked in relation to exhibit L.
 21 CHAIRPERSON: You heard what I said. I
 22 pointed out that if you look at exhibit L, particularly
 23 slide 58 that is being shown now on the screen, you will
 24 see that 64 9mm bullets were fired, and 34 5.56mm bullets,
 25 a total of 98, not to mention the 56 non-lethal items as

Page 12279

1 well. So a fair amount of ammunition was expended. Over
 2 what period did that take place? We see that six POP
 3 people fired, six TRT people, three NIU people, so you
 4 know, did the engagement – if one can call it that – did
 5 that extend over several minutes?
 6 MAJOR-GENERAL MPEMBE: Chairperson, I
 7 could not check the time, but it was quick and the
 8 ammunition that were used during that attack.
 9 MS MASEVHE: General, I would like to
 10 refer you back to the very same statement of Mr Booie, that
 11 is paragraph 34 of this statement, and wherein he states
 12 that – are you on –
 13 MAJOR-GENERAL MPEMBE: Yes, correct,
 14 Chairperson.
 15 MS MASEVHE: - yes, wherein he states
 16 that, "I reiterate that we were a very small group that
 17 posed no threat whatsoever either to the police or any
 18 other person. The shooting which sparked the violence was
 19 completely unnecessary and all the deaths should
 20 accordingly be laid squarely at the door of the SAPS." Now
 21 General, you hear what he says. What is your comment on
 22 this, particularly the fact that they didn't pose any
 23 threat and that the shooting by the police sparked the
 24 attack?
 25 MR NGALWANA: Chair, just for the record,

Page 12280

1 that is one example of a factual account that we would want
2 to cross-examine this witness on.
3 CHAIRPERSON: She's not putting it as a
4 fact. She's saying this is an allegation that's been made
5 by someone, who may or may not come and give evidence, who
6 may be called by counsel for the arrested strikers, if he
7 comes back, or he may be called by the evidence leaders if
8 he doesn't, but this witness is in the box now and she's
9 not putting it as a fact; she's simply asking for his
10 comment. So I don't think there's anything wrong with
11 that, so you can carry on.

12 MS MASEVHE: Thank you, Chairperson.
13 General, would you be able to answer the question?

14 MAJOR-GENERAL MPEMBE: Chairperson, I did
15 indicate that on that day the total number of the
16 protesters who were armed with dangerous weapons were
17 between 100 to 200.

18 CHAIRPERSON: The thrust of what is being
19 put – or sorry, I must rephrase it. The thrust of what's
20 been said in the statement upon which you were asked to
21 comment is that even though they may have had dangerous
22 weapons, they were proceeding towards the koppie, posing no
23 threat whatever to the police or any other person, and that
24 if the shooting by the police hadn't taken place the deaths
25 wouldn't have occurred. That's what is said here in

Page 12282

1 not imminent from the NUM and only the police were there.
2 Chairperson, whether it is correct that the
3 shooting sparked violence, which I totally also disagree,
4 we have utilised teargas in all other operations where we
5 disperse people; the people never attacked the police in
6 the manner that the police were attacked on that day. In
7 terms of the experience that I have, it was the first time
8 that when the teargas is used, as they claim, then they
9 attacked the police.

10 CHAIRPERSON: Did they start attacking
11 the police before or after the stun grenade, the first stun
12 grenade was fired?

13 MAJOR-GENERAL MPEMBE: Chairperson, as it
14 could have been seen there at the video, the movements of
15 the other protesters you could not see clearly, but others
16 they reacted because of the teargas, and others said that
17 they reacted because of the stun grenade, so their reasons
18 are different. But what I'm saying is that –

19 CHAIRPERSON: The question I asked you
20 was did any attack take place by the strikers before the
21 stun grenade, the first stun grenade was fired?

22 MAJOR-GENERAL MPEMBE: No, Chairperson.

23 CHAIRPERSON: Now when a stun grenade is
24 fired there are two reports normally, aren't there? There
25 are two, like explosions. Is that right? Is that correct?

Page 12281

1 paragraph 34. Now do you agree with that statement or
2 would you disagree with it?

3 MAJOR-GENERAL MPEMBE: I totally disagree
4 with it, Chairperson, and my reasons are as follows. I
5 went personally as a senior officer to speak to the
6 protesters. They vehemently refused to hand over the
7 dangerous weapons to the police. If they did not pose any
8 threat, why they could not hand over the dangerous weapons
9 to the police? Chairperson, in any country any sensible
10 law-abiding citizen when requested by a General in the
11 police to hand over the weapons, he could comply with the
12 instruction. The fact that they refused to hand over
13 weapons, Chairperson, I have a strong belief that they
14 already had an intention to attack the police because if
15 they did hand over the weapons they did not have any weapon
16 to attack or to use it to attack the police.

17 Secondly, I made sure that they understand what
18 I'm saying, Chairperson, and I said to them we are not
19 going to arrest you. The only thing that we want, because
20 you are so angry, we want the dangerous weapons, and the
21 reason that NUM was there to attack them is not correct,
22 Chairperson. The police were there to protect everybody,
23 not only the protesters or any other person. Secondly to
24 say that they were defending themselves against the NUM is
25 not correct because the NUM was not there, the attack was

Page 12283

1 When a stun grenade is fired, one hears two reports. Is
2 that right? Two explosions.

3 MAJOR-GENERAL MPEMBE: Oh, yes,
4 Chairperson.

5 CHAIRPERSON: And a person who wasn't
6 familiar with the stun grenade, would such a person
7 possibly think that live ammunition, sharp ammunition was
8 being used?

9 MAJOR-GENERAL MPEMBE: It is correct,
10 Chairperson, but the usual reaction will be that you run
11 away from the explosion, but not to attack the police.

12 MS MASEVHE: Now finally, General, I
13 would like to refer you to the statement of Mr Xolani
14 Nzuza, it's a witness statement. It has been circulated
15 amongst all the parties, and I would like to refer you to
16 page 3, paragraph 10 thereof.

17 CHAIRPERSON: Before we do that, I think
18 in the interest of good housekeeping we should mark this
19 exhibit with an exhibit number, and so Ms Pillay still
20 remembers her skills from over a month ago; can she tell us
21 what the next exhibit number is?

22 [15:24] MS PILLAY: Chair, it would be exhibit
23 HHH21.

24 CHAIRPERSON: Thank you. The witness
25 statement of Xolani Nzuza has been marked exhibit HHH21.

Page 12284

1 Thank you.

2 MS MASEVHE: Thank you, Chair –

3 CHAIRPERSON: Now you're being referred

4 to that statement. You have a copy, have you, Major-

5 General?

6 MAJOR-GENERAL MPEMBE: Correct,

7 Chairperson.

8 CHAIRPERSON: What's the paragraph

9 number?

10 MS MASEVHE: It's paragraph 10 on page 3.

11 CHAIRPERSON: Thank you.

12 MS MASEVHE: General, I would like to –

13 MAJOR-GENERAL MPEMBE: I'm sorry,

14 Chairperson, just also maybe before we leave from this

15 point, it's also that even the witness here indicated that

16 they requested the police to accompany them to the koppie,

17 and secondly I did indicate that in terms of the Regulation

18 of Gatherings Act, section 9(1), the police could escort

19 them to ensure that – that I wanted just to add to my

20 answers.

21 CHAIRPERSON: Yes, you've added that to

22 your answers now. Yes, please proceed with the cross-

23 examination.

24 MS MASEVHE: Thank you, Chairperson. Mr

25 Nzuzi here, General, states that, "All of a sudden the

Page 12285

1 police released teargas into the crowd, followed by stun

2 grenades and live ammunition from the ground and from a

3 helicopter. There was pandemonium with strikers running

4 away mainly in the direction of the koppie. Some of the

5 policemen were among the fleeing crowd and there were

6 violent encounters with the strikers. I saw one of the

7 workers collapsing in front of me and realised that he had

8 been shot by the police fire." Now General, I would like

9 you to comment on this because he again makes an allegation

10 of shooting by the police, and the teargas and the stun

11 grenades that were released by the police from the

12 helicopters.

13 MAJOR-GENERAL MPEMBE: Chairperson, I can

14 only say that it is only the teargas, the stun grenade that

15 were used, not live ammunition. The live ammunition was

16 only used in self-defence and the reasons that I've given

17 with the previous statement are the same.

18 MS MASEVHE: Thank you. Chairperson,

19 thank you; that will be all of our questions. Thank you.

20 CHAIRPERSON: Yes, my colleague Adv

21 Hemraj wishes to ask you some questions on this point.

22 COMMISSIONER HEMRAJ: Just for some

23 clarity, General, exactly what was it that you saw as

24 regards Warrant-Officer Monene, you say he was about 15

25 metres away to your left. Do I understand that he was

Page 12286

1 slightly in front of you as well?

2 MAJOR-GENERAL MPEMBE: As I indicated

3 before, he was on the, not in front but on the left-hand

4 side, but I could see what was happening there.

5 COMMISSIONER HEMRAJ: And the protesters,

6 the body of protesters were in front of Warrant-Officer

7 Monene?

8 MAJOR-GENERAL MPEMBE: Correct,

9 Chairperson.

10 COMMISSIONER HEMRAJ: When the stun

11 grenade and the teargas was fired, did that area, did the

12 gas permeate that area, the smoke?

13 MAJOR-GENERAL MPEMBE: It was also

14 covered with the smoke.

15 COMMISSIONER HEMRAJ: So when you say you

16 saw the protesters run towards the police, was there smoke

17 in that area as well?

18 MAJOR-GENERAL MPEMBE: Correct,

19 Chairperson.

20 COMMISSIONER HEMRAJ: And at the time of

21 the actual attack on Warrant-Officer Monene, could you see

22 the actual attack, or could you just see a lot of people

23 around the police? I'd just like to know exactly what it

24 is that you saw.

25 MAJOR-GENERAL MPEMBE: I saw the actual

Page 12287

1 attack with a number of people coming to Warrant-Officer

2 Monene.

3 COMMISSIONER HEMRAJ: You actually saw

4 him being struck by different people?

5 MAJOR-GENERAL MPEMBE: Correct,

6 Chairperson.

7 COMMISSIONER HEMRAJ: Yes, thank you.

8 MAJOR-GENERAL MPEMBE: Maybe I might also

9 add that the reasons for the death will assist, or maybe

10 corroborate what I'm saying.

11 CHAIRPERSON: Yes, thank you, General.

12 Mr Gumbi, are you ready now to commence your cross-

13 examination? I know you haven't given all the documents

14 yet –

15 MR GUMBI: Yes.

16 CHAIRPERSON: - given notice of all the

17 documents, but –

18 MR GUMBI: Yes, Chairperson.

19 CHAIRPERSON: - perhaps you can make some

20 progress before 4 o'clock when we adjourn?

21 MR GUMBI: Yes, Chairperson, I was – it's

22 my submission in fact that I've just distributed my index

23 of all the document I will rely on my cross-examination of

24 General Mpeembe. I think there are more than 30 –

25 CHAIRPERSON: Yes, but the reason, you

Page 12288

1 see the reason for our requirement that notice be given
2 beforehand is that it enables the witness to read the
3 documents before being cross-examined.

4 MR GUMBI: Yes.

5 CHAIRPERSON: Of course it enables us to
6 prepare as well.

7 MR GUMBI: Yes.

8 CHAIRPERSON: And it prevents cross-
9 examination by ambush, which is not something we encourage.

10 MR GUMBI: Yes, Chairperson.

11 CHAIRPERSON: So if you can start your
12 cross-examination now in a way which doesn't take undue
13 advantage of the witness, if there's for example a document
14 that you want to refer to which the witness hasn't had an
15 opportunity to read – he may well have read them, but if he
16 hasn't had the opportunity to read a particular document
17 you're referring to, then perhaps we can give him an
18 opportunity to do so, but please begin, make as much
19 progress as you can.

20 MR GUMBI: Chairperson, it's my
21 submission, because all these documents, quite a number of
22 documents I've referred to, I don't think the witness is in
23 possession of those documents. For effectiveness of my
24 cross-examination I think it will be better if the witness
25 is in possession of all the documents I've indicated in my

Page 12289

1 index –

2 CHAIRPERSON: Does that mean you're
3 effectively asking for your cross-examination to continue
4 tomorrow morning?

5 MR GUMBI: Yes, Chairperson.

6 CHAIRPERSON: And we should postpone at
7 this stage?

8 MR GUMBI: Yes, Chairperson, for sake of
9 the witness to have all the documents.

10 CHAIRPERSON: Yes, in the circumstances
11 we will adjourn then until 9 o'clock tomorrow morning.

12 MR GUMBI: Thanks.

13 CHAIRPERSON: We'd like the statements,
14 please, as well. I don't know if you've given it to the
15 evidence leaders, so we'd also like to prepare, so not only
16 the General, but also we can have the opportunity this
17 evening of reading the documents. We'll adjourn now and
18 the matter will resume tomorrow morning at 9 o'clock.

19 [COMMISSION ADJOURNED]



<p>A</p> <p>able 12253:20 12257:15 12262:18 12270:12 12271:3,16 12271:19 12278:9 12280:13</p> <p>Absent 12254:10</p> <p>accommodate 12250:4</p> <p>accompany 12284:16</p> <p>account 12280:1</p> <p>accountability 12254:4</p> <p>accurate 12275:14</p> <p>Act 12254:23 12284:18</p> <p>action 12254:2,2</p> <p>actual 12278:9 12286:21,22,25</p> <p>add 12252:18 12262:15 12284:19 12287:9</p> <p>added 12284:21</p> <p>adequate 12254:9,15</p> <p>adjourn 12287:20 12289:11,17</p> <p>ADJOURNED 12289:19</p> <p>adjournment 12259:3</p> <p>ADJOURNS 12259:6</p> <p>Adv 12262:13 12266:15 12273:22 12285:20</p> <p>advantage 12288:13</p> <p>Advocate 12248:3,11 12248:14 12258:19 12260:9</p> <p>afford 12253:20</p> <p>afforded 12253:17,22 12254:15</p> <p>afraid 12276:6</p> <p>Africa 12255:2</p> <p>African 12260:12</p> <p>afternoon 12248:8 12249:14,25 12260:7 12260:8</p> <p>ago 12251:20 12259:12 12283:20</p> <p>agree 12281:1</p> <p>agreed 12248:8</p> <p>agreement 12252:19</p> <p>ah 12260:21</p> <p>aid 12254:23,23 12255:2,3</p> <p>air 12255:22</p> <p>allegation 12280:4 12285:9</p> <p>alleges 12275:3</p> <p>allow 12248:21</p> <p>allowed 12257:1</p> <p>altered 12250:3</p> <p>ambush 12288:9</p> <p>amended 12252:19</p> <p>ammunition 12269:11 12275:13,15,20,22 12276:13,16,18,21 12277:1,2,6,12,13,17 12278:2,4,10,16 12279:1,8 12283:7,7</p>	<p>12285:2,15,15</p> <p>amount 12278:16 12279:1</p> <p>angry 12281:20</p> <p>answer 12249:15 12250:1 12252:24 12257:16 12267:17 12271:5,18 12275:24 12278:19 12280:13</p> <p>answered 12277:5</p> <p>answers 12284:20,22</p> <p>anticipated 12249:10</p> <p>anyway 12261:24 12262:2 12263:4</p> <p>appeal 12251:16</p> <p>appears 12278:13</p> <p>applicants 12253:17 12255:3</p> <p>application 12249:1,5 12251:9,24 12252:1,3 12252:5,16 12255:10 12255:23</p> <p>applied 12273:7</p> <p>appoint 12253:21</p> <p>appreciate 12257:2</p> <p>appreciated 12257:17 12257:23</p> <p>appropriate 12249:19</p> <p>appropriateness 12273:7</p> <p>approximately 12265:8 12265:11,14 12266:7 12267:17</p> <p>area 12286:11,12,17</p> <p>aren't 12282:24</p> <p>arises 12252:17,21 12261:18</p> <p>arm 12254:19</p> <p>armed 12280:16</p> <p>arrest 12281:19</p> <p>arrested 12249:1,10 12270:23 12280:6</p> <p>arrival 12271:23,24</p> <p>arrived 12255:16</p> <p>asked 12256:2,23 12257:24 12261:12 12268:7 12278:12,18 12278:20 12280:20 12282:19</p> <p>asking 12266:12 12280:9 12289:3</p> <p>assegais 12265:3</p> <p>assist 12258:2 12268:9 12269:23 12287:9</p> <p>associated 12248:9</p> <p>assume 12268:19</p> <p>assuming 12252:21,22</p> <p>attack 12265:2,17 12268:3,8,9,11,14 12269:1,3,15,19,20 12269:25 12271:12 12276:21,24,25 12277:7,11,12,14,14 12277:15,17,18,19,20 12279:8,24 12281:14 12281:16,16,21,25</p>	<p>12282:20 12283:11 12286:21,22 12287:1</p> <p>attacked 12264:12,25 12265:2 12266:6 12268:15,17 12269:3 12269:6,24 12270:4 12270:10 12276:24 12282:5,6,9</p> <p>attackers 12270:8</p> <p>attacking 12265:12 12271:17 12282:10</p> <p>attacks 12275:4 12277:19,21</p> <p>attended 12273:6 12276:15</p> <p>attending 12272:14</p> <p>attorney 12266:1</p> <p>attorneys 12256:3</p> <p>auditorium 12265:24</p> <p>August 12248:1 12260:7 12272:6,15 12275:3,22 12276:13</p> <p>available 12250:8 12254:23</p> <p>aware 12253:13</p> <p>B</p> <p>B 12251:16,24 12252:3 12252:20,22 12255:10,25</p> <p>back 12249:21 12250:13 12252:2,7 12260:11 12264:16 12266:24 12267:1,7 12267:14 12268:5,6 12271:22 12275:10 12279:10 12280:7</p> <p>Baloyi 12249:16 12268:2</p> <p>based 12261:23</p> <p>basis 12251:8 12252:20 12255:11</p> <p>BBB3 12274:11,13,23 12274:24</p> <p>behalf 12248:19</p> <p>belief 12281:13</p> <p>believe 12262:18 12273:10</p> <p>believed 12257:21</p> <p>benefit 12259:9</p> <p>better 12256:5 12288:24</p> <p>big 12257:16</p> <p>Bishop 12258:5</p> <p>bit 12261:14</p> <p>blue 12275:10</p> <p>body 12286:6</p> <p>Booi 12274:11,11 12279:10</p> <p>box 12280:8</p> <p>branch 12254:17</p> <p>bridge 12261:25</p> <p>brief 12257:1 12260:22</p> <p>Brigadier 12272:5</p> <p>bring 12249:6</p> <p>brought 12249:1</p>	<p>buckets 12258:2</p> <p>Budlender 12266:15</p> <p>Buildings 12256:7</p> <p>bulletproof 12272:21</p> <p>bulletproofs 12272:19</p> <p>bullets 12278:15,24,24</p> <p>business 12249:14</p> <p>C</p> <p>Calitz 12272:5</p> <p>call 12261:7 12262:16 12262:24 12279:4</p> <p>called 12251:20 12261:15 12262:13 12262:13,25 12270:1 12280:6,7</p> <p>canvassed 12262:14</p> <p>can't 12265:9</p> <p>capacity 12249:22</p> <p>carry 12276:10 12280:11</p> <p>case 12258:24</p> <p>casings 12278:14</p> <p>CC 12253:13</p> <p>certain 12258:16</p> <p>Chair 12274:23 12279:25 12283:22 12284:2</p> <p>Chairman 12248:16</p> <p>challenge 12260:20</p> <p>challenged 12255:1,3</p> <p>chamber 12265:25 12266:5</p> <p>charged 12270:23</p> <p>check 12279:7</p> <p>checked 12261:6</p> <p>chief 12263:9</p> <p>chopped 12263:10</p> <p>chopping 12277:25</p> <p>circulated 12258:1 12262:11 12283:14</p> <p>circumstances 12249:18 12253:18 12262:19 12269:18 12269:21 12289:10</p> <p>circumstantial 12270:13 12271:15</p> <p>citizen 12281:10</p> <p>claim 12282:8</p> <p>clarity 12285:23</p> <p>clear 12250:8 12255:6 12257:12,18</p> <p>clearly 12282:15</p> <p>client 12250:18 12261:21 12262:19</p> <p>clients 12250:16 12255:16 12259:1</p> <p>client's 12260:16</p> <p>close 12249:14 12268:14</p> <p>closely 12254:6</p> <p>closer 12265:19 12269:7</p> <p>closure 12258:10</p> <p>collapsing 12285:7</p> <p>colleague 12258:19</p>	<p>12285:20</p> <p>colleagues 12258:16 12260:11 12261:4 12267:20</p> <p>colleague's 12248:22</p> <p>collect 12258:2</p> <p>collection 12258:2</p> <p>Colonel 12272:22</p> <p>come 12256:24 12257:1 12260:21 12261:20 12261:21,24 12273:14 12280:5</p> <p>comes 12254:22 12280:7</p> <p>coming 12264:14 12287:1</p> <p>commander 12272:20 12273:14</p> <p>commanders 12272:17</p> <p>commemoration 12257:6,7</p> <p>commence 12262:7 12287:12</p> <p>commenced 12277:14</p> <p>commendable 12253:16</p> <p>comment 12279:21 12280:10,21 12285:9</p> <p>commentators 12257:14</p> <p>commission 12248:9 12249:4 12250:3,6 12253:21,24 12254:3 12254:8,12,19 12257:1,11,18,21 12258:8 12259:6,6,15 12259:16 12260:25 12262:17 12270:4 12274:10 12289:19</p> <p>Commissioner 12248:6 12271:2 12277:4 12278:3,8 12285:22 12286:5,10,15,20 12287:3,7</p> <p>commissioners 12250:19,23 12257:12</p> <p>communicate 12271:6</p> <p>communicated 12270:19 12271:9</p> <p>completely 12279:19</p> <p>comply 12281:11</p> <p>compromised 12254:12</p> <p>concerned 12249:7 12262:6 12271:14</p> <p>concurrence 12251:14</p> <p>condolences 12248:10</p> <p>confidence 12257:18</p> <p>confined 12251:9</p> <p>confrontation 12273:8</p> <p>congregation 12257:25</p> <p>consider 12250:2</p> <p>consideration 12254:21</p> <p>considered 12262:2</p> <p>Constitution 12253:22 12254:25</p>
--	---	--	---	--

<p>Constitutional 12248:15,25 12250:14,17 12251:7 12251:12,22 12252:2 12252:4 12253:4,6 12254:10,13 12255:6 12255:16</p> <p>constitutionally 12255:1</p> <p>consultations 12255:19 12256:2</p> <p>consulting 12255:18 12256:6</p> <p>contained 12263:20</p> <p>contemplated 12254:25</p> <p>contemplating 12249:9</p> <p>contents 12262:18</p> <p>contestable 12254:21 12255:7</p> <p>context 12276:7,8</p> <p>continue 12249:17 12256:21 12258:9 12272:23 12289:3</p> <p>continued 12249:3</p> <p>continues 12273:23</p> <p>contradiction 12257:22</p> <p>conversation 12260:22</p> <p>convey 12248:22</p> <p>conveyed 12248:13</p> <p>copy 12284:4</p> <p>corporations 12253:20</p> <p>correct 12255:14 12258:20 12263:2,12 12263:17 12268:20 12268:23 12270:18 12270:24,25 12271:19,20 12272:1 12272:2,8,9 12273:20 12274:1,14,20,22 12278:6 12279:13 12281:21,25 12282:2 12282:25 12283:9 12284:6 12286:8,18 12287:5</p> <p>corrective 12253:25</p> <p>correctly 12252:24 12271:14</p> <p>corroborate 12287:10</p> <p>costs 12249:3</p> <p>couldn't 12264:7,12</p> <p>council 12265:25 12266:5</p> <p>counsel 12248:4 12249:15,16 12251:15,19 12266:15 12280:6</p> <p>count 12264:23,24 12265:14 12277:23</p> <p>counted 12258:6</p> <p>counting 12275:7</p> <p>country 12254:7 12281:9</p> <p>course 12249:22 12250:1 12252:16 12256:13 12261:18 12271:9 12288:5</p>	<p>court 12248:25 12250:14,17 12251:7 12251:12,22 12252:2 12252:2,4 12253:4,6 12254:10,14 12255:6 12255:16 12256:14 12256:17</p> <p>courts 12253:8 12254:16</p> <p>courtyard 12259:8</p> <p>cover 12262:10</p> <p>covered 12262:6 12286:14</p> <p>criticise 12257:14</p> <p>criticising 12257:10</p> <p>cross 12260:25 12261:4 12261:8,25 12262:4,9 12284:22 12287:12 12288:8</p> <p>cross-examination 12249:17 12260:1,3 12261:16,23 12262:7 12287:23 12288:12 12288:24 12289:3</p> <p>cross-examine 12258:13 12260:23 12280:2</p> <p>cross-examined 12249:20 12288:3</p> <p>cross-examinee 12261:3</p> <p>cross-examiner 12261:14,19</p> <p>cross-examines 12261:1</p> <p>crowd 12257:16 12285:1,5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dangerous 12280:16,21 12281:7,8,20</p> <p>date 12252:21,23</p> <p>day 12272:25 12280:15 12282:6</p> <p>days 12271:25 12272:12</p> <p>deal 12255:15 12261:17,22 12262:2 12262:18 12263:5</p> <p>death 12267:22 12274:2 12287:9</p> <p>deaths 12279:19 12280:24</p> <p>debated 12255:9</p> <p>decide 12252:15</p> <p>decided 12251:8 12261:10</p> <p>decision 12249:11,13 12249:21 12250:20 12251:12 12252:4</p> <p>defence 12277:3</p> <p>defend 12269:16</p> <p>defending 12281:24</p> <p>definite 12262:9</p> <p>delays 12257:13</p> <p>deliberately 12276:8</p>	<p>delivery 12255:17</p> <p>demonstration 12256:4</p> <p>depending 12249:20 12277:10</p> <p>deploy 12254:18</p> <p>deployed 12273:13</p> <p>deposed 12261:5</p> <p>desirable 12254:18</p> <p>didn't 12251:18 12269:9 12271:10,11 12273:19 12279:22</p> <p>died 12248:4</p> <p>different 12272:19,25 12282:18 12287:4</p> <p>difficult 12269:12</p> <p>direction 12285:4</p> <p>disadvantage 12276:9</p> <p>disagree 12281:2,3 12282:3</p> <p>discretion 12269:19</p> <p>discussion 12251:19</p> <p>discussions 12252:25 12256:11,18</p> <p>dismissed 12249:6</p> <p>disperse 12282:5</p> <p>disregard 12261:22</p> <p>distance 12265:20,25 12266:3,13,14,19 12267:6,19</p> <p>distributed 12287:22</p> <p>disturbing 12253:3</p> <p>document 12287:23 12288:13,16</p> <p>documents 12262:4 12287:13,17 12288:3 12288:21,22,23,25 12289:9,17</p> <p>doesn't 12249:6 12251:23 12254:16 12261:19,24 12262:16,24 12276:9 12280:8 12288:12</p> <p>doing 12257:19</p> <p>donor 12249:9,11,21 12250:7 12252:11 12253:1 12256:18</p> <p>donors 12250:21</p> <p>don't 12249:24 12258:4,5 12259:2 12262:21 12274:1,12 12277:4 12280:10 12288:22 12289:14</p> <p>door 12279:20</p> <p>dozen 12265:10,11</p> <p>drawings 12268:5</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 12270:20</p> <p>ease 12263:19</p> <p>easier 12265:23</p> <p>easy 12269:14</p> <p>effectively 12252:1 12276:7,8 12289:3</p> <p>effectiveness 12288:23</p> <p>efforts 12250:19,24 12257:19</p>	<p>either 12279:17</p> <p>enables 12288:2,5</p> <p>Encircled 12264:4</p> <p>encounters 12285:6</p> <p>encourage 12288:9</p> <p>engagement 12279:4</p> <p>ensure 12254:8 12272:14 12273:8 12284:19</p> <p>ensuring 12250:5</p> <p>entitled 12251:12</p> <p>entrapped 12263:24,25 12264:3,17</p> <p>entrusted 12258:4</p> <p>envisaged 12252:12</p> <p>equality 12254:19</p> <p>equally 12251:21</p> <p>equipment 12259:11</p> <p>escort 12275:9 12284:18</p> <p>established 12253:25</p> <p>evade 12269:1</p> <p>evening 12289:17</p> <p>event 12263:1,23 12270:3 12278:5,9</p> <p>events 12254:6 12275:3</p> <p>everybody 12253:12 12281:22</p> <p>evidence 12259:14,15 12261:8 12262:1,14 12262:25 12263:11 12270:13 12271:15 12271:19 12280:5,7 12289:15</p> <p>exact 12265:9</p> <p>exactly 12256:25 12285:23 12286:23</p> <p>examination 12261:9 12262:10 12284:23 12287:13 12288:9</p> <p>examine 12261:5</p> <p>examiner 12261:1</p> <p>examines 12262:5</p> <p>example 12262:16 12270:13 12280:1 12288:13</p> <p>excused 12258:24</p> <p>execution 12254:1</p> <p>executive 12253:23 12254:2,17</p> <p>exercise 12257:11</p> <p>exhibit 12274:11,13,21 12274:23 12278:13 12278:20,22 12283:19,19,21,22,25</p> <p>expedited 12252:20,21 12255:11</p> <p>expended 12279:1</p> <p>expense 12253:18 12254:21,25 12255:8 12256:9</p> <p>experience 12282:7</p> <p>explain 12252:7 12253:5</p> <p>explained 12264:3</p> <p>explosion 12283:11</p>	<p>explosions 12282:25 12283:2</p> <p>extend 12279:5</p> <p>extending 12248:10</p> <p>extreme 12267:3</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 12250:4,7 12253:7 12253:12 12258:7,8 12271:7 12279:22 12280:4,9 12281:12 12287:22</p> <p>factual 12280:1</p> <p>failed 12275:6</p> <p>fair 12254:11 12278:16 12279:1</p> <p>fairer 12253:17</p> <p>fairness 12252:3 12253:4</p> <p>fall 12250:7</p> <p>familiar 12283:6</p> <p>family 12248:10,14,20 12249:16 12260:5 12263:21</p> <p>far 12249:7 12255:20 12262:6,19 12265:16 12265:19 12266:5,16 12266:19 12271:13 12271:19</p> <p>fault 12257:12,12</p> <p>feeling 12255:20</p> <p>fees 12253:20</p> <p>felt 12251:21</p> <p>filed 12262:24</p> <p>final 12249:12</p> <p>finalised 12251:17</p> <p>finally 12283:12</p> <p>find 12250:5 12258:9</p> <p>finding 12263:22</p> <p>finds 12270:4</p> <p>fine 12276:5</p> <p>fire 12269:11,14 12276:12 12285:8</p> <p>firearm 12265:15 12269:17 12270:14 12270:16,17 12271:8 12271:13</p> <p>fired 12275:11,12,15 12275:16 12277:12 12278:15,17,24 12279:3 12282:12,21 12282:24 12283:1 12286:11</p> <p>first 12258:16 12266:23 12275:21 12282:7,11,21</p> <p>firstly 12255:21</p> <p>five 12259:3 12265:14 12265:14 12270:11</p> <p>fleeing 12285:5</p> <p>follow 12270:1</p> <p>followed 12285:1</p> <p>following 12253:16</p> <p>follows 12281:4</p> <p>forever 12260:18</p> <p>forgive 12248:18</p>
---	---	--	--	--

<p>forum 12256:24 forward 12250:15 12268:8 found 12270:17,21 12271:7 12278:14 Friday 12257:6,25 friends 12260:23 front 12263:10 12264:15 12285:7 12286:1,3,6 full 12275:4,6 functionary 12254:8 funded 12249:21 funder 12251:6 funders 12256:11 Fundi 12272:7 funding 12249:2,7,9 12250:8,22 12251:3,4 12251:10 12252:8,13 12256:19 12257:20 funeral 12248:6,22 further 12259:15 12263:14 12272:4 future 12254:1</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gas 12286:12 gathering 12256:4 Gatherings 12284:18 General 12258:14 12259:12 12260:7,10 12262:20,21 12263:8 12263:11,15,21,24 12264:18 12265:16 12265:22 12267:19 12268:18 12269:9 12270:3,8 12271:22 12272:11 12274:9,16 12275:1,7,13,19 12276:12,19 12279:9 12279:21 12280:13 12281:10 12283:12 12284:5,12,25 12285:8,23 12287:11 12287:24 12289:16 gesture 12258:7 give 12256:24 12259:14 12259:15 12265:1,9 12280:5 12288:17 given 12251:11,13 12253:19 12255:21 12255:23 12257:3 12285:16 12287:13 12287:16 12288:1 12289:14 giving 12262:4 go 12248:21 12256:14 12259:2 12271:19,22 God 12259:18,19 goes 12254:3,10 going 12249:23,24 12251:2 12259:21 12260:15 12261:4,7,9 12261:11,14 12262:10,12,13 12263:21 12271:12</p>	<p>12281:19 good 12260:7,8 12283:18 government 12254:17 grant 12255:3 granted 12248:21 grateful 12250:19 12255:4 grenade 12282:11,12 12282:17,21,21,23 12283:1,6 12285:14 12286:11 grenades 12275:12 12285:2,11 ground 12271:6 12285:2 group 12263:24 12264:4,23 12268:19 12268:20 12270:11 12271:10 12279:16 guidance 12260:24 Gumbi 12258:13,15 12262:3 12287:12,15 12287:18,21 12288:4 12288:7,10,20 12289:5,8,12</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hacked 12272:6 12273:24,25 12274:2 12274:3,5,6,8 hacking 12264:19 12267:21,25 hadn't 12280:24 half 12265:10 hand 12259:17 12281:6 12281:8,11,12,15 handed 12248:25 happen 12249:24 12252:9 happened 12251:24 12257:13 12268:22 12273:24 happening 12265:20 12286:4 happens 12252:17,23 happy 12257:8 Hasaan 12272:7 hasn't 12262:5 12274:21 12288:14 12288:16 haven't 12253:8 12287:13 hear 12279:21 heard 12251:16 12252:11 12253:8 12254:9 12255:10 12262:6 12275:11 12278:21 hearing 12251:11,13 12255:22 hears 12283:1 helicopter 12285:3 helicopters 12285:12 help 12259:18,19 helped 12266:2</p>	<p>helpful 12253:11 Hemraj 12271:2 12277:4 12278:3,8 12285:21,22 12286:5 12286:10,15,20 12287:3,7 Hendrik 12260:5 he'll 12266:3 he's 12249:24 12261:7 12262:3 HHH21 12283:23,25 High 12252:2 hold 12256:4 12260:18 holding 12256:7 hope 12248:11,13 12250:20 hopefully 12255:10 hour 12251:20 house 12273:16 housekeeping 12283:18 huge 12253:20</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify 12270:7,12 12271:3 immediately 12275:5 12277:23 imminent 12269:15,21 12276:25 12277:17 12282:1 important 12256:15 incident 12264:13 12270:23 inclined 12255:24 inclusive 12250:9 incorporated 12256:2 12256:10 incolas 12265:6 index 12287:22 12289:1 indicate 12250:18 12265:21 12266:4 12272:17 12273:6 12280:15 12284:17 indicated 12249:8 12250:12 12251:14 12256:6 12266:9 12268:5 12269:16 12272:22,24 12276:17 12284:15 12286:2 12288:25 indicates 12258:8 indication 12265:2,22 indigent 12254:23 indispensable 12254:4 indulgence 12248:21 12255:5 influence 12254:1 inform 12253:25 information 12258:17 informed 12249:8,12 12249:14 12259:7 12271:24 12272:5 initiation 12254:2 injured 12249:1,10 inquiry 12253:21</p>	<p>instruct 12269:10 instructed 12256:3 instruction 12257:3 12269:14 12281:12 instructions 12250:16 12250:18 12252:22 12253:1 12255:9 12256:12,16 instruments 12265:6 intended 12248:3 intention 12281:14 interest 12283:18 interested 12263:22 interim 12251:3,10 12252:8,13 interpretation 12259:10 interpreter 12259:8 interpreting 12259:9 interrupt 12252:10 12258:18 interruption 12260:22 Intervention 12273:1 invalids 12255:2 investigated 12254:6 involved 12253:21 iron 12250:22 12273:15 ironed 12251:6 issue 12250:14 12251:10 12252:8 12254:21 12255:14 12262:14 issued 12272:24 issues 12256:16 issue's 12258:6 items 12278:25 it's 12250:23 12254:25 12257:14 12259:12 12260:20,21,23,24 12262:9,12 12265:23 12267:11 12269:4,13 12272:19 12274:13 12274:23 12275:4 12283:14 12284:10 12284:15 12287:21 12288:20 I'd 12250:18 12286:23 I'm 12248:8 12251:2 12252:16 12255:4,5 12259:7,23 12263:20 12266:3,9,20 12274:19 12276:7 12281:18 12282:18 12284:13 12287:10 I've 12251:19 12252:11 12257:3,24 12276:4 12285:16 12287:22 12288:22,25</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Ja 12276:4 jacket 12261:12 join 12248:9 judge 12257:14,15 judgement 12249:5</p>	<p>judgment 12248:25 12249:4 12253:6,15 12255:17 June 12263:8</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>killed 12260:16 12262:20 12263:10 12263:16,23 12264:1 12264:5,8 12272:6 12273:23 killing 12264:19 kindly 12257:1 knobkieries 12265:7 know 12249:24 12254:6 12258:5 12259:2 12263:23 12264:9 12265:9,10 12265:15 12266:12 12269:1,15 12270:13 12270:15 12271:11 12274:12 12275:14 12277:5,7 12279:4 12286:23 12287:13 12289:14 knowing 12272:11 knows 12257:5 koppie 12275:10 12280:22 12284:16 12285:4</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 12278:13,20,22 lack 12256:5 laid 12279:20 large 12254:7 law-abiding 12281:10 leaders 12262:14,25 12280:7 12289:15 leading 12248:4 12263:23 learned 12258:16 12260:23 leave 12259:4 12284:14 leaving 12256:25 left 12269:25 12275:8 12285:25 left-hand 12267:3 12286:3 legal 12248:19 12253:17,20 12254:15,20,22,23,24 12255:2,3,7 12256:8 12257:20 12258:3 legislation 12254:3 length 12277:10 Lepaaku 12263:15 12264:20 12270:6 let's 12266:22 12271:22 Lieutenant 12249:16 12266:6 12268:2 Lieutenant-Colonel 12272:18 light 12248:12 limited 12252:12</p>
--	---	---	---	---

<p>line 12263:20 12275:2 12275:3 linked 12251:2 little 12261:13 live 12269:11 12275:13 12275:15,20,21 12276:12,16,18,20 12277:1,2,6,11,13,16 12278:9 12283:7 12285:2,15,15 long 12249:24 12251:5 12259:12 12277:18 12277:20 Lonmin 12271:24 12272:6 look 12274:2,17 12278:22 lose 12255:22 12262:21 loss 12248:11 lot 12259:1 12286:22</p> <hr/> <p style="text-align: center;">M</p> <p>Mabelane 12272:7 main 12252:5,15 major 12258:13 12259:11 12268:13 12268:16 12284:4 Major-General 12249:18 12260:8 12263:12,17 12264:2 12264:10,22 12265:5 12265:13,18 12266:8 12266:17,22,25 12267:2,8,11 12268:1 12268:10,23 12269:4 12269:13 12270:9,25 12271:5,20 12272:2,9 12272:16 12273:20 12274:7,14,18 12275:17 12276:2,4 12276:14,23 12277:16,22 12278:6 12278:11 12279:6,13 12280:14 12281:3 12282:13,22 12283:3 12283:9 12284:6,13 12285:13 12286:2,8 12286:13,18,25 12287:5,8 management 12271:24 mandate 12258:24 mandated 12253:22 manner 12270:10 12282:6 map 12250:15 march 12256:7 Marikana 12271:23,24 mark 12283:18 marked 12283:25 Masevhe 12258:19,20 12259:21,23,25 12260:3,5,10 12262:8 12263:2,7,14,19 12264:4,18 12265:16 12265:21 12267:18 12268:18,25 12269:9</p>	<p>12270:3 12271:22 12272:4,11 12273:22 12274:9,16 12275:1 12275:19 12276:11 12276:19 12278:18 12279:9,15 12280:12 12283:12 12284:2,10 12284:12,24 12285:18 materials 12270:20 mathematical 12266:12 matter 12249:6 12250:6 12251:8,17 12256:5 12262:1 12289:18 matters 12250:17 12251:5 12256:9 mean 12252:6,7 12254:16 12273:18 12289:2 means 12251:18,21 12252:1 12254:13,14 meant 12264:3 measurements 12266:9 measures 12253:25 12272:13 12273:4,10 meet 12250:21 meeting 12250:2,4 member 12269:14,17 12269:18,19,20 members 12248:5 12268:15 12269:17 12269:23 12272:18 12272:20,24 12273:1 12273:1,2,2,5,11,11 12273:14 12276:15 12277:1,25 12278:4 mention 12255:20 12257:24 12260:12 12272:18 12278:25 Merafe 12272:18,22 mere 12258:7 message 12248:23 met 12257:25 metres 12265:22 12267:19 12285:25 mightn't 12252:12 Milwesi 12259:21 miners 12249:1,10 mining 12253:19 Minister 12251:15,20 minus 12265:14 minutes 12259:3 12279:5 Monene 12249:16 12260:6 12263:9,22 12264:1,11,20,25 12266:5,6 12267:21 12267:25 12269:7 12270:6,14,17 12271:8,13,17 12273:12 12274:4 12285:24 12286:7,21 12287:2 money 12258:2,4,5</p>	<p>month 12283:20 morning 12248:6,14,24 12249:12 12289:4,11 12289:18 mother 12248:4,11,22 motion 12252:19 move 12258:1 moved 12267:4 12268:13 movements 12282:14 Mpembe 12249:18 12259:19 12260:8 12263:12,17 12264:2 12264:10,22 12265:5 12265:13,18 12266:8 12266:17,22,25 12267:2,8,11 12268:1 12268:10,23 12269:4 12269:13 12270:9,25 12271:5,20 12272:2,9 12272:16 12273:20 12274:7,14,18 12275:17 12276:2,4 12276:14,23 12277:16,22 12278:6 12278:11 12279:6,13 12280:14 12281:3 12282:13,22 12283:3 12283:9 12284:6,13 12285:13 12286:2,8 12286:13,18,25 12287:5,8,24 Mpofu 12249:20 12250:10,11,25 12251:1 12252:14 12253:14 12255:13 12258:12,23 12259:5 12261:6 12262:13,15 12262:24 Mpofu's 12261:6 murdered 12260:6 12270:5</p> <hr/> <p style="text-align: center;">N</p> <p>name 12260:4 National 12273:1 nature 12251:3 nay 12249:15 nearer 12268:15 12269:18 necessary 12255:12,13 need 12254:6 needed 12258:10 negotiation 12270:16 negotiations 12275:6 never 12257:15 12282:5 news 12255:25 Ngalwana 12260:19 12262:7 12279:25 NIU 12279:3 non-lethal 12278:16,25 non-verbalised 12275:8 normally 12282:24 notice 12252:19</p>	<p>12287:16 12288:1 NUM 12281:21,24,25 12282:1 number 12253:8 12265:9 12278:14 12280:15 12283:19 12283:21 12284:9 12287:1 12288:21 Nyala 12264:12 12267:4,4 12268:3 12273:13,15,19 Nzuzi 12283:14,25 12284:25</p> <hr/> <p style="text-align: center;">O</p> <p>oath 12259:12,13 object 12254:22 objection 12260:24 12263:5 objective 12254:19 obviously 12250:22 12251:5 12256:1 occupants 12273:19 occurred 12271:25 12272:12 12280:25 officer 12263:22 12264:20 12276:17 12281:5 officers 12268:20,21,21 12269:1,8,10,10 12272:14 Official 12275:4 officials 12269:22 oh 12266:24 12274:24 12283:3 Okay 12264:18 12270:3 12275:19 once 12250:20 ones 12271:12 12278:16 ongoing 12255:19 open 12253:23 12255:8 operations 12282:4 opportunity 12249:23 12250:21 12251:18 12254:9,11 12255:24 12256:24 12257:2 12258:25 12262:21 12288:15,16,18 12289:16 opposite 12259:10 order 12254:17 12269:11 12272:25 12273:3,4,19 12276:17 ordinarily 12254:7 organs 12253:19 orientated 12272:21 orientating 12272:23 originally 12248:3 outcome 12252:5 12253:4 12256:10 outside 12268:4 12273:15 overstep 12258:24 o'clock 12248:7</p>	<p>12287:20 12289:11 12289:18</p> <hr/> <p style="text-align: center;">P</p> <p>pace 12266:2 paces 12267:17 page 12263:20 12274:12,17,19 12283:16 12284:10 pandemonium 12285:3 pangas 12265:3,6 papers 12251:13 paragraph 12249:4 12253:15 12254:12 12274:12,17,19 12279:11 12281:1 12283:16 12284:8,10 paragon 12285:3 papers 12251:13 paragraph 12249:4 12253:15 12254:12 12274:12,17,19 12279:11 12281:1 12283:16 12284:8,10 paragraphs 12253:6,9 12253:12 part 12251:9,16,16,24 12251:25 12252:3,20 12252:22,24 12253:1 12253:5,23 12255:10 12255:25 12256:15 12261:23 12263:11 participation 12249:3 12256:20,22 particular 12272:17 12273:12 12288:16 particularly 12251:1 12263:22 12277:24 12278:22 12279:22 parties 12250:2 12252:18 12262:11 12283:15 passage 12276:6 peace 12248:12 12260:18 peaceful 12256:4,7 people 12253:8,10 12257:10 12258:3 12264:7 12265:12 12267:23,24 12268:2 12270:4,15,22 12271:16 12279:3,3,3 12282:5,5 12286:22 12287:1,4 period 12277:21 12279:2 permeate 12286:12 permission 12252:6 12256:3 permitted 12249:19 perpetually 12248:12 person 12270:18 12271:16 12279:18 12280:23 12281:23 12283:5,6 personally 12273:7 12281:5 persons 12254:24 photographs 12274:1 Pillay 12274:23 12283:19,22 pistols 12273:3 place 12267:25 12268:8</p>
--	--	---	--	---

12269:23 12270:18 12272:13,22 12273:7 12277:11,12,21,25 12279:2 12280:24 12282:20 places 12256:8 play 12254:22 played 12268:13,16 please 12259:14,17,20 12260:1 12262:7 12284:22 12288:18 12289:14 plus 12265:14 point 12257:18,24 12264:6 12265:24 12284:15 12285:21 pointed 12252:24 12278:22 police 12248:4 12260:12 12264:16 12266:2,15 12268:14 12268:16,19,21,21 12269:1,2,8,22 12270:1 12272:13,14 12275:9,11,12,15,16 12275:20,22 12276:12,20,22,24 12277:6,24 12279:17 12279:23 12280:23 12280:24 12281:7,9 12281:11,14,16,22 12282:1,5,6,9,11 12283:11 12284:16 12284:18 12285:1,8 12285:10,11 12286:16,23 policeman 12273:23 policemen 12285:5 Policing 12272:25 12273:3 policy 12254:1 POP 12279:2 pose 12279:22 12281:7 posed 12279:17 posing 12280:22 position 12256:19 12258:13 12262:5 12270:7 possession 12270:18,21 12271:7 12274:13,15 12288:23,25 possible 12249:9,11 12258:9 12268:7 possibly 12283:7 posted 12273:13 postpone 12289:6 potential 12250:7,21 12252:11 power 12253:21 12254:16 powers 12253:23 pray 12248:11 precision 12266:12 preferred 12255:21 prepare 12288:6 12289:15	prepared 12249:17 President 12251:15,20 12253:23,24 presume 12278:19 prevented 12267:20 prevents 12288:8 previous 12285:17 previously 12249:8 pre-empt 12251:23 12252:5 privileges 12253:19 problem 12261:18,19 proceed 12248:17 12258:21 12263:4 12276:6 12284:22 proceeding 12280:22 proceedings 12248:1 12249:4 12250:9 12253:10 12258:23 process 12276:25 produced 12250:5 progress 12287:20 12288:19 prosecuted 12270:7 prospect 12256:13 protect 12273:4 12281:22 protesters 12263:24,25 12264:5,11,13,14,19 12264:23 12267:21 12268:13 12269:12 12269:24 12272:6,15 12273:9 12277:24 12280:16 12281:6,23 12282:15 12286:5,6 12286:16 provide 12254:24 provided 12254:20 12255:8 providing 12249:9 provisional 12256:21 provisionally 12256:20 provisions 12255:1 Public 12272:25 12273:2 pulled 12261:11 purpose 12254:11 purposes 12254:5 pursue 12252:15,22 12255:25 pursuit 12256:8 put 12261:2,19,24 12270:5 12272:13 12274:21 12275:20 12276:1 12280:19 puts 12261:13 putting 12258:3 12280:3,9	12271:2,15 12275:18 12275:21,25 12276:12,17 12277:5 12277:8,13 12278:12 12278:19 12280:13 12282:19 questions 12275:21 12285:19,21 quick 12279:7 quite 12278:14 12288:21 quo 12257:2 <hr/> R <hr/> raise 12259:17 ran 12269:23 reached 12249:12 12269:6 reacted 12282:16,17 reaction 12283:10 read 12253:11 12263:21 12276:3,4 12288:2,15,15,16 reading 12249:23 12255:5 12289:17 ready 12258:21 12287:12 real 12271:15 12277:13 realised 12269:25 12285:7 really 12258:6 12271:2 12277:20 reason 12255:24 12281:21 12287:25 12288:1 reasonable 12265:20 reasons 12281:4 12282:17 12285:16 12287:9 recall 12263:10,16 12264:20 recalled 12261:22 receive 12259:9 recommended 12254:1 record 12260:4,20 12261:9 12263:20 12279:25 refer 12266:21 12274:10 12275:2 12279:10 12283:13 12283:15 12288:14 reference 12263:19 referred 12284:3 12288:22 referring 12288:17 refusal 12255:2 refused 12281:6,12 regard 12253:13 12270:19 regards 12285:24 Regulation 12284:17 reiterate 12279:16 relates 12262:19 relation 12278:20 relative 12260:16 released 12285:1,11	relief 12249:2 rely 12287:23 remains 12257:19 remarks 12257:17,23 remember 12264:14 12266:10 12267:5 remembers 12283:20 render 12250:9 12254:23 repeat 12257:10 12266:4 repeated 12275:18 rephrase 12280:19 rephrased 12277:9 report 12250:5,13 12257:8 reporting 12253:3 reports 12282:24 12283:1 represent 12260:5 representation 12253:18 12254:15 12254:20,24 12255:7 12256:9 12257:20 requested 12248:7 12281:10 12284:16 requirement 12288:1 resolved 12256:17 resources 12254:18 respect 12249:2,3 12270:23 responsibility 12272:20 rest 12248:12 restraint 12257:11 resume 12289:18 RESUMES 12259:6 resuscitate 12251:25 review 12251:23 12252:3 12255:3 revised 12274:10 re-assemble 12259:4 right 12251:6 12254:20 12259:17,22,25 12282:25 12283:2 rights 12256:8 role 12268:13,16 room 12259:10 row 12266:24 12267:1 12267:7 run 12268:8 12283:10 12286:16 running 12285:3 rushing 12277:24 R10 12258:3 R5 12258:3 <hr/> S <hr/> safe 12273:11,16 safety 12272:14 sake 12289:8 sang 12275:7 SAPS 12248:5,19 12279:20 saw 12263:9,15 12264:9 12265:6 12271:10,16	12277:23 12285:6,23 12286:16,24,25 12287:3 saying 12252:16 12280:4 12281:18 12282:18 12287:10 says 12253:15 12254:13,14,16 12255:6 12261:20 12275:6,19 12279:21 scene 12269:2,25 12270:18 12275:23 12276:13,15 12278:14,17 screen 12278:23 search 12253:24 12254:3,11 seat 12266:18,20,23 second 12260:1 12267:12,13 secondly 12272:21 12281:17,23 12284:17 section 12284:18 security 12272:7 see 12249:20 12255:16 12260:11 12264:12 12264:19,21 12265:19 12267:14 12268:7 12271:3 12276:5 12278:24 12279:2 12282:15 12286:4,21,22 12288:1 seek 12250:4 12256:3 12260:25 seen 12251:8 12253:8 12268:11 12269:20 12275:25 12282:14 sees 12250:7 self 12277:2 self-defence 12276:16 12285:16 Semenya 12248:3,10 12248:14,20 Semenya's 12248:11 sending 12252:2 senior 12281:5 sense 12264:8 sensible 12281:9 Seoka 12258:5 series 12277:19 serves 12254:4 service 12257:6 services 12257:7 12260:12 12266:2 service's 12248:4 set 12259:11 setting 12254:8 settled 12256:14 sharp 12283:7 sharp-point 12278:15 shell 12278:14 she's 12280:3,4,8,9 shining 12248:12 shooting 12279:18,23
--	---	---	--	--

12280:24 12282:3 12285:10 short 12259:3 shot 12273:24 12274:3 12274:4,8 12285:8 shots 12275:11 shown 12278:23 side 12264:16 12266:13 12266:14,19,23 12267:3 12286:4 sided 12250:6 Simphiwe 12274:11,11 simply 12250:23 12280:9 simultaneous 12259:11 single 12277:20 sit 12259:20 situational 12273:7 12279:2,3 six 12279:2,3 skills 12283:20 sleeve 12261:12 slide 12278:23 slides 12278:13 slightly 12286:1 small 12257:4 12275:21 12279:16 smoke 12268:12,14 12286:12,14,16 smoothly 12257:9 solely 12250:13 song 12275:8 soon 12258:9 sorry 12248:16 12257:3 12258:18 12259:21 12260:21 12280:19 12284:13 sought 12249:2 soul 12248:12 sounds 12271:17 South 12255:2 12260:11 sparked 12279:18,23 12282:3 speak 12281:5 SPEAKER 12248:16 12248:19 12267:15 spears 12265:3 specific 12262:16 speculation 12256:25 spoke 12270:15 spot 12273:23 sprung 12261:10 square 12252:7 squarely 12279:20 stabbed 12273:25 12274:2,5 stage 12255:25 12256:12 12262:15 12262:22 12264:17 12271:11 12289:7 Stand 12259:14 start 12248:7 12258:16 12275:5 12282:10 12288:11 started 12275:7 starting 12248:2	starts 12275:4 state 12253:18,19 12254:18,21,24 12255:8 12256:9 stated 12249:5 statement 12257:9 12261:15 12262:10 12274:10,13,15,17,21 12275:14,25 12276:1 12279:10,11 12280:20 12281:1 12283:13,14,25 12284:4 12285:17 statements 12261:4,23 12262:17,23 12289:13 states 12279:11,15 12284:25 status 12257:2 step 12261:11 stood 12275:7 stop 12275:5,6 streets 12256:17 strikers 12280:6 12282:20 12285:3,6 strong 12281:13 struck 12287:4 stun 12275:12 12282:11,11,17,21,21 12282:23 12283:1,6 12285:1,10,14 12286:10 subject 12255:9 submission 12287:22 12288:21 subsequent 12278:5 success 12266:4 sudden 12284:25 suggesting 12276:7 suppose 12256:10 sure 12248:8 12261:13 12262:9 12266:3,20 12269:22 12281:17 surfaces 12252:8 surprised 12251:21 survive 12269:3 surviving 12269:5 survived 12270:21 swear 12259:14,18,19	12258:3 tear 12268:12,14 teargas 12275:12 12282:4,8,16 12285:1 12285:10,14 12286:11 television 12253:11 tell 12260:15 12274:3 12283:20 term 12251:5 terms 12250:15,22 12257:22 12268:16 12273:9 12275:9 12282:7 12284:17 test 12261:8 testified 12263:9,14 12271:23 12272:4 testifies 12275:2 testify 12276:24 testifying 12263:8 testing 12261:16 thank 12250:11,12,23 12250:25 12253:14 12253:15 12255:4 12257:2 12258:10,12 12258:24 12259:5,20 12260:3 12262:8 12263:7 12267:16,18 12274:24,25 12276:11 12280:12 12283:24 12284:1,2 12284:11,24 12285:18,19,19 12287:7,11 thanks 12248:20 12289:12 that's 12250:6 12255:14 12258:19 12258:20 12267:4 12272:25 12276:1 12278:1 12280:4,25 thereof 12283:16 there's 12263:5 12280:10 12288:13 they'll 12256:21 thing 12257:4 12262:9 12265:15 12281:19 things 12257:4,25 12261:1 think 12257:16 12258:4,7,15 12264:6 12266:1,18 12268:12 12268:15 12269:5 12277:4 12280:10 12283:7,17 12287:24 12288:22,24 thinking 12274:21 thought 12260:15 12261:9 threat 12279:17,23 12280:23 12281:8 three 12265:10 12279:3 thrust 12280:18,19 time 12251:6 12257:21 12259:12 12260:1 12266:3 12267:25	12269:24 12277:10 12278:1,8,9 12279:7 12282:7 12286:20 today 12248:2 12249:24 Tokota 12248:6 told 12278:5 tomorrow 12249:13,14 12249:25 12252:23 12289:4,11,18 top 12275:2 total 12278:25 12280:15 totally 12281:3 12282:3 touch 12250:16 touched 12250:14 touching 12258:1 transcript 12249:23 translates 12254:19 translation 12259:11 transparency 12254:5 trapped 12264:8 TRT 12273:2 12279:3 true 12262:12 truth 12253:24,25 12254:4,7,11 12258:9 12259:16,16,17 trying 12267:20 Tsietzi 12260:6 turns 12257:7 twice 12273:24 two 12257:4,7 12260:22 12261:4 12262:10 12265:10 12272:6 12282:24,25 12283:1,2	Usually 12260:25 utilisation 12276:18 utilise 12269:19 utilised 12265:7 12277:1,2 12278:1,4 12282:4
				V
				various 12262:11 vehemently 12281:6 vehicle 12273:16 version 12261:2,8 victims 12254:5 12257:6 video 12268:12 12271:11 12282:14 view 12251:10,14 12253:7 12262:15 views 12255:22 violence 12271:25 12272:12 12279:18 12282:3 violent 12285:6
				W
				want 12251:23 12255:25 12258:8 12259:2 12260:17,19 12262:16 12264:9 12275:13 12280:1 12281:19,20 12288:14 wanted 12257:22 12275:17 12284:19 wants 12277:5 ward 12267:20 12269:11 warded 12268:11 12270:1 warding 12268:9 Warrant 12263:21 12264:19 warrant-officer 12260:5,6 12263:9,15 12264:1,11,20,25 12267:21,24 12269:7 12270:5,6,6,10,14,17 12271:8,13,17 12273:12,17 12274:4 12285:24 12286:6,21 12287:1 wasn't 12277:20 12283:5 waste 12257:21 watching 12253:10 way 12250:2,5,8,15 12261:16,22 12270:11 12288:12 ways 12251:22 weak 12266:9 weapon 12281:15 weapons 12265:3 12280:16,22 12281:7 12281:8,11,13,15,20 week 12248:5 weight 12262:1
	T			
	table 12256:19 12266:14,14 12267:8 12267:10,12,13 Takalani 12260:4 take 12253:9 12259:3 12259:13 12260:11 12277:19,19,21 12279:2 12282:20 12288:12 taken 12250:20 12270:14 12273:4 12276:6 12280:24 talk 12253:2 talking 12251:4 team 12248:5,19			
				U
				ultimately 12250:5 12261:24 understand 12249:15 12261:3 12262:3,24 12266:11 12270:22 12281:17 12285:25 understanding 12252:11 12275:9 undue 12288:12 unfair 12257:14 unfairness 12254:14 unfortunately 12251:11,17,25 12256:15 Union 12256:7 units 12272:19,25 unlawful 12269:20 12276:25 unnecessary 12273:8 12279:19 unrelated 12257:5 unshaken 12257:19 upwards 12270:11 use 12261:14 12265:4 12276:16,20 12281:16 usual 12256:23 12283:10

<p>went 12257:8 12273:15 12281:5 we'd 12248:3 12256:11 12289:13,15 we'll 12252:21 12262:2 12289:17 we're 12261:13 12266:12 we've 12258:4 whatsoever 12279:17 what's 12249:23 12253:9 12280:19 12284:8 WILLIAM 12259:19 win 12255:22 wisdom 12251:8 wish 12250:10 12259:9 wishes 12285:21 withdrawal 12256:21 withdrawn 12256:20 witness 12260:2 12261:1,2,15,20,20 12261:21,24 12274:10 12276:9 12278:19 12280:2,8 12283:14,24 12284:15 12288:2,13 12288:14,22,24 12289:9 witnessed 12276:20 witnesses 12261:5,6,7 12262:11,12,16 won't 12271:18 word 12256:5 words 12252:9 workers 12285:7 working 12250:3 12272:23 wouldn't 12257:19 12280:25 wrong 12274:25 12280:10</p>	<p>12275:22 12276:13 14:04 12248:2 14:24 12255:19 14:45 12259:7 15 12253:6,15 12267:15 12267:17,19 12285:24 15:04 12272:11 15:24 12283:22 16 12253:6 12254:12 19 12248:1 12249:5</p> <hr/> <p>2</p> <hr/> <p>2 12248:7 200 12280:17 2012 12260:15 2013 12248:1 12260:7 12263:8</p> <hr/> <p>3</p> <hr/> <p>3 12283:16 12284:10 30 12287:24 33 12274:12,17 34 12278:24 12279:11 12281:1</p> <hr/> <p>4</p> <hr/> <p>4 12263:20 12287:20</p> <hr/> <p>5</p> <hr/> <p>5.56mm 12278:24 56 12278:15,25 57 12278:13 58 12278:13,23</p> <hr/> <p>6</p> <hr/> <p>64 12278:24</p> <hr/> <p>7</p> <hr/> <p>7 12274:12,17,19 12275:2,3 7th 12263:8</p> <hr/> <p>8</p> <hr/> <p>8 12263:20</p> <hr/> <p>9</p> <hr/> <p>9 12289:11,18 9mm 12278:24 9(1) 12284:18 98 12278:15,25</p>			
<p style="text-align: center;">X</p> <p>Xolani 12283:13,25</p>				
<p style="text-align: center;">Y</p> <p>yay 12249:15 YouTube 12253:10 you'll 12259:14,15 you're 12259:12,21 12268:7 12284:3 12288:17 12289:2 you've 12250:13 12259:1 12275:25 12277:5 12284:21 12289:14</p>				
<p style="text-align: center;">1</p> <p>1-5 12267:15 10 12283:16 12284:10 100 12280:17 11813 12263:20 12th 12272:5 13th 12260:7 12272:1 12272:13,15 12275:3</p>				