

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

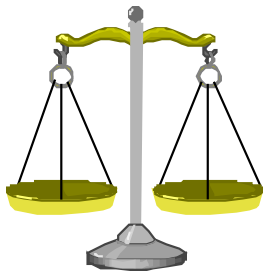
THE HONOURABLE MR JUSTICE FARLAM (RETIRED) - CHAIRPERSON
MR TOKOTA SC
MS HEMRAJ SC

HELD ON

DAY 14 16 NOVEMBER 2012 PAGES 1558 TO 1617

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



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1 [PROCEEDINGS ON 16 NOVEMBER 2012]
 2 [09:33] CHAIRPERSON: The Commission resumes. Mr
 3 Semanya, I believe you have a witness to call, but before
 4 you do that I'd just like to ask, who is here representing
 5 the victims today, in Mr Mpfu's place?
 6 MR MMUSI: It is me, Mr Chairman.
 7 CHAIRPERSON: I see. Are you able to
 8 tell us what witnesses, if any, apart from Bishop Seoka,
 9 you propose calling, your side proposes calling? We need
 10 this information for the purposes of planning the ongoing
 11 work of the commission.
 12 MR MMUSI: May I revert, just after the
 13 adjournment, Mr Chairman.
 14 CHAIRPERSON: Sorry?
 15 MR MMUSI: May I revert back to this
 16 issue just after the tea adjournment. I will take
 17 instructions.
 18 CHAIRPERSON: Yes, of course you may. I
 19 think we were told by Mr Bruinders who was here yesterday,
 20 that AMCU only proposes calling Mr Mathunjwa at this stage,
 21 is that correct?
 22 MS DE VOS: Chairperson, my name is De
 23 Vos, D-E V-O-S, Mr Bruinders has just quickly gone to get
 24 accreditation, he will be back shortly, but at this stage,
 25 Mr Mathunjwa is the only witness which AMCU intends to

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1 call.
 2 CHAIRPERSON: Whom.
 3 MS DE VOS: Apologies, Chair?
 4 CHAIRPERSON: Whom.
 5 MS DE VOS: Thank you.
 6 CHAIRPERSON: I understood Ms Lewis to
 7 say that the families only propose making a presentation
 8 and - but they are then prepared to provide affidavits to
 9 support the material in the presentation, and they will be
 10 obviously able to give oral evidence, if subpoenaed, if
 11 anyone wishes them to do so. Do I understand correctly?
 12 MS MOTLOENYA: That is correct, Mr Chair.
 13 I appear with Ms Lewis, the surname is Motloenya, M-O-T-L-
 14 O-E-N-Y-A. Ms Lewis is here, she is taking final
 15 instructions, Mr Chair, she should be able to address you
 16 further on that issue.
 17 CHAIRPERSON: Mr Bizos, are you able to
 18 tell us at this stage what witnesses you propose calling?
 19 MR BIZOS SC: Mr Chairman, could we defer
 20 answering this question because we are having a meeting
 21 this afternoon, and we are having a meeting of our large
 22 team in Johannesburg on Saturday and Sunday. The primary
 23 witnesses, those are the medical experts, they cannot
 24 complete their reports in the absence of what we have
 25 repeatedly asked for, and that is, the medical reports of

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1 the persons injured. They were promised by Mr Mpfu and
 2 his attorney. They were promised to be given to the
 3 evidence givers, but this has not happened, and it's
 4 impeding the progress. They are important witnesses. They
 5 require this information in order to complete their reports
 6 and the sooner this happens, the better, subject to, they
 7 are professional persons, they are doctors, we have to make
 8 an arrangement in the near future but we can't do it before
 9 that information is provided. We are going to appeal to
 10 our learned friends at this afternoon's meeting, and put
 11 them on terms, perhaps the Commission may express a view on
 12 the matter. Without that information, the reports cannot
 13 be completed.
 14 CHAIRPERSON: You understand, I am
 15 concerned about the future work of the Commission. Every
 16 day that we sit, or every day we don't sit, costs a large
 17 amount of money, and it's very important that we utilise as
 18 much of the time available as productively as we can, so
 19 that's why I am raising these questions in the open -
 20 MR BIZOS SC: We are not - mindful of
 21 this.
 22 CHAIRPERSON: I am not criticising, I am
 23 just explaining.
 24 MR BIZOS SC: Mr Chairman, there may be a
 25 couple other witnesses. We are discussing with the

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1 evidence presenters in relation to Mr Marinovich. I don't
 2 think that will be his decision as to who is going to call
 3 him, whether we will call him or - he has been consulting
 4 with the evidence givers. There is the possibility of one
 5 of our candidate attorneys giving evidence, because he
 6 visited the scene, and he will be able to depose to some
 7 vital alterations that were made from, on the same day of
 8 his visit and he, I think pointed things out at the
 9 inspection in loco, and he will be called to confirm but we
 10 are not ready. He is actually an article clerk and he has
 11 certain duties to perform, not at the Legal Resources
 12 Centre but at a commercial firm, so that he becomes a
 13 proper attorney.
 14 CHAIRPERSON: I see he is actually, I
 15 assume he is actually a candidate attorney. I don't know
 16 that an articulated clerk is the appropriate expression
 17 anymore.
 18 MR BIZOS SC: I am old-fashioned in that
 19 respect, Mr Chairman, I'll remember that.
 20 CHAIRPERSON: Thank you, Mr Bizos. Mr
 21 Tip, are you able to help us on what witnesses, if any, you
 22 propose calling?
 23 MR TIP SC: Yes, with pleasure, Mr Chair.
 24 We do propose to call some witnesses. There will be,
 25 probably two main witnesses, and they will be directed

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1 towards providing the Commission with an essential
 2 background of the environment within which the demands came
 3 to be raised by the rock drill operators about whom you
 4 have heard, and they will deal also with the response by
 5 NUM to the demands, and the development of the strike
 6 action. We believe that that will be of assistance to the
 7 Commission. There may be one or two additional witnesses
 8 dealing with particular aspects of the events. It's
 9 possible that they won't be necessary. Our preparation in
 10 respect of those witnesses is well advanced. We are
 11 waiting for certain supplementary material from Lonmin,
 12 which had arrived it was recorded, I believe the Commission
 13 is probably aware of that. We expect it to be produced
 14 again shortly and we –

15 CHAIRPERSON: We are not aware of that at
 16 all.

17 MR TIP SC: Oh.

18 CHAIRPERSON: You don't have to tell me
 19 about it at this stage. I am interested to know, have you
 20 given copies of statements of what your proposed witnesses
 21 will say to the evidence leaders. Mr Bizos, who prefers
 22 old-fashioned terminology, calls them evidence givers, but
 23 I think evidence leaders is more appropriate but never
 24 mind, let's not waste time on that. Have you given these
 25 statements to the evidence leaders yet?

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1 MR TIP SC: Not as yet, Mr Chairman.

2 CHAIRPERSON: Hasn't the agreed date long
 3 since expired?

4 MR TIP SC: It has, but that agreed date
 5 was premised on all the information being available to all
 6 the parties. We are much a position of other parties, so
 7 that we will provide those statements as soon as possible.
 8 We've given an indication to at least some of the evidence
 9 leaders of what it is that we propose to traverse.

10 CHAIRPERSON: Thank you, Mr Tip. Mr
 11 Burger, you've heard the questions I've addressed to your
 12 colleagues, are you able to provide us with similar
 13 information in respect of your client?

14 MR BURGER SC: Yes, Chair. We've already
 15 made a comprehensive statement and a witness available to
 16 the evidence leaders, and I think they've consulted him.
 17 We've undertaken to make three more comprehensive
 18 statements available by Monday, and obviously what follows
 19 thereafter will, to some extent, be influenced by the
 20 statements to be filed by Mr Mpofo, for example, was made
 21 some startling factual statements to witnesses. We would
 22 love to see the statements coming for that, and then we may
 23 have to react to that. We would also like to see
 24 comprehensive statements from SAPS' generals. That may –
 25 well I've certainly, I've seen a statement recently from

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1 General Anandale, but I haven't seen a comprehensive
 2 statement from the Provincial Commissioner, from the
 3 general in charge.

4 CHAIRPERSON: Or the National
 5 Commissioner?

6 MR BURGER SC: I haven't seen that, I
 7 haven't seen from any of the top brass.

8 CHAIRPERSON: And I see the Minister is
 9 now represented. Is the Minister also going to give
 10 evidence? Are we going to get a statement from him on what
 11 he proposes to say?

12 MR BURGER SC: You will know better than
 13 I. I am in the dark on that, Chair. So we don't know what
 14 my learned friend, Mr Tip's client is going to – all that I
 15 am saying is, we may call more than four witnesses but at
 16 this stage, Lonmin is certainly given its full co-operation
 17 to the evidence leaders.

18 CHAIRPERSON: Ms Nkosi-Thomas, are you
 19 able to help us in regard to the question as to whether
 20 your client proposes giving evidence, and if so, whether
 21 statements have been made available?

22 MS NKOSI-THOMAS: May it please you,
 23 Chairperson and members of the Commission. The minutes of
 24 participation in these proceedings relates to matter of
 25 policy and oversight, so in the fullness of time we will

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1 have to take a decision whether or not to lead evidence,
 2 depending on whether the policies are controversial or not.

3 CHAIRPERSON: Thank you, Ms Nkosi-Thomas.
 4 Mr Semenya, why were these statements by the police
 5 generals not made available yet? Why haven't they been
 6 made available? I can understand some of the parties
 7 requiring information from other people first before they
 8 complete their statements. Surely that can't apply to the
 9 police generals?

10 MR SEMENYA SC: No, they haven't. It
 11 doesn't apply to the generals.

12 CHAIRPERSON: Why haven't the statements
 13 been made available yet?

14 MR SEMENYA SC: We have –

15 CHAIRPERSON: Was there not an
 16 undertaking that statements would be made available by a
 17 certain date?

18 MR SEMENYA SC: There was an undertaking.

19 CHAIRPERSON: So it's actually not been
 20 honoured?

21 MR SEMENYA SC: We have not been able to
 22 give the entire statements to the evidence leaders. We
 23 have given that of General Anandale, and have undertaken to
 24 give the remainder of those statements by Monday.

25 CHAIRPERSON: I see. Thank you, Mr

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1 Semenya. Are you able to give us an indication at this
2 stage, as to which witnesses you propose calling?
3 MR SEMENYA SC: That is General Anandale,
4 that is General Naidoo, that is General Mbombo, that is
5 General Mpmembe, and that is General – Brigadier Calitz, the
6 initial five.
7 CHAIRPERSON: Not Brigadier Fritz?
8 MR SEMENYA SC: And Scott and Fritz as
9 well.
10 CHAIRPERSON: I see. Thank you. Is Mr
11 Gumbi here this morning?
12 MR GUMBI: Yes, I am here, Chairperson.
13 CHAIRPERSON: Are you able to tell us
14 whether you propose calling any witnesses, and if so who
15 they are and whether statements have been, or going to be
16 provided and by when?
17 MR GUMBI: Yes, Chairperson, on behalf of
18 POPCRU we are proposing Lieutenant Baloyi and we've been in
19 contact with him and we are finalising his statement but
20 the problem is, he will only be available after the 1st of
21 December, he is still on sick leave. By then he will be
22 available. And Chairperson, he would only testify about
23 the incident that occurred on the 13th of August 2012.
24 CHAIRPERSON: Thank you very much. Mr
25 Ramapele, is he here this morning?

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1 MS MASEBE: Well, Chair, Mr Ramapele
2 doesn't appear to be present this morning, I am Adv Masebe,
3 I appear on behalf of the family of Monene and Chairperson,
4 we don't propose to call any witnesses. I believe that
5 Lieutenant Baloyi will be sufficient to cover our issues as
6 well. So that is the position of Monene family.
7 CHAIRPERSON: Thank you very much. Are
8 any of the other representatives of parties who are
9 represented before the Commission able to tell us whether
10 they propose calling witnesses and if so, who, and if
11 statements have been provided, and if not, by when they
12 will be provided?
13 MR MATHEBULA: Chairperson, this is
14 Mathebula, representing DMR, we are not intending to call
15 any witness in this thing.
16 CHAIRPERSON: I understand that your
17 department is not really involved in this phase of the
18 inquiry. Are there any other representatives, who wish to
19 give us information in respect of the matters that I've
20 raised.
21 MR FISHER: Chair, Toby Fisher on behalf
22 of the South African Human Rights Commission. Ms Hardy is
23 unable to be here today, so I am taking her place. The
24 South African Human Rights Commission does intend to give
25 evidence at the end of phase 1 but the precise scope of

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1 that evidence depends to some extent on what comes out from
2 the other witnesses' evidence.
3 CHAIRPERSON: We will take a quick
4 adjournment and adjourn in a moment when it is possible for
5 us to do so.
6 [10:50] CHAIRPERSON: The Commission resumes. We
7 adjourned some time ago because there was a problem
8 relating to security which was brought to my attention. I
9 have discussed the matter with Brigadier Nel, who is in
10 charge of security. I understand the problem has been
11 satisfactorily resolved and is not like to recur. Mr
12 Semenya, before you start, I was told that in the absence
13 of Mr Mpofu, we will be told after the tea adjournment what
14 the position was in respect of the victims. Are you able
15 to tell us now, or have you not had the opportunity to take
16 instructions yet?
17 MR MMUSI: I have taken instructions, Mr
18 Commissioner, my name is Lesego, my surname is Mmusi. We
19 have taken draft statements from many of our clients, and
20 we are in the process of working on those drafts, therefore
21 we have not made a decision as to who exactly to call, but
22 it is a decision that we will make in due course and the
23 names and the statements will be forwarded in due course.
24 CHAIRPERSON: That is not satisfactory.
25 There were arrangements previously that statements would be

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1 made available to the evidence leaders, and information
2 will be provided to them. You can't just come along with
3 we make decisions later, decisions will be conveyed in due
4 course, statements will be handed over in due course. This
5 Commission is not a trial. It's an investigative body,
6 which has serious and an important task to perform. The
7 Commission is a very expensive exercise, it costs a lot of
8 money every day. We have to use our time appropriately,
9 and this kind of fobbing off with "in due course, we will
10 tell you later" is not acceptable. I trust you will convey
11 to Mr Mpofu what I said, and Mr Madlanga, would you wish to
12 make any comment – do you wish to make any comment at this
13 stage?
14 MR MADLANGA SC: Mr Chairman,
15 Commissioners, I am content with the comments I made
16 yesterday, no thank you.
17 CHAIRPERSON: There is, I understand, to
18 be a meeting this afternoon of the parties'
19 representatives. I take this matter will be dealt with
20 then.
21 MR MADLANGA SC: We will do so, Mr
22 Chairman.
23 CHAIRPERSON: And I hope that by Monday
24 we will be given a satisfactory answer to the question
25 which I asked. Will you tell Mr Mpofu that, and if he's

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1 not here on Monday I expect you to give me the answer. Mr
2 Ramaphele, I understand that you wish to say something too,
3 is that correct?

4 MR RAMAPHELE: Thank you, Judge. Judge,
5 I believe you were even looking for me earlier on. I am
6 here, Judge, good morning. Yes, I have had interaction
7 with the evidence leaders, and we have agreed that we will
8 submit statements from families and if all goes well, we
9 are hoping that we should be able to present our witnesses
10 by, as from Tuesday afternoon next week. Thank you, Judge.

11 CHAIRPERSON: When will the statements be
12 handed over?

13 MR RAMAPHELE: We have agreed with the
14 evidence leaders that that should be by Monday, Judge.

15 CHAIRPERSON: Ms Lewis, you've turned on
16 your microphone, do you wish to say something?

17 MS LEWIS: Yes, Mr Chair, firstly I'd
18 like to apologise for not being here this morning. Mr
19 Wilson asked me to contact him after I had spoken to Mr
20 Semenya. So I apologise for that. Mr Chair, I have spoken
21 to Mr Semenya. It appears as if he has two objections. I
22 think we can accommodate him on the first one. His first
23 objection Chair, is that on his reading of our presentation
24 he seemed, or he understood some of the statements to
25 impute illegal conduct to SAPS, and his view is that that

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1 is improper because none of the family members were present
2 at the time of the relevant events. Mr Chair, we have said
3 to Mr Semenya, that we are willing to –

4 CHAIRPERSON: I understand that. If the
5 family members have made, caused investigations to be made,
6 have gone through the material that's available, and they
7 wish to contend that there were illegal actions, then what
8 prevents them from doing so?

9 MS LEWIS: Mr Chair, that would be our
10 view as well, but in order to try and accommodate Mr
11 Semenya's objections, we are willing to relook at the
12 statements and to deal with the issues of the impacts which
13 the deaths have had on the family members and the questions
14 which they would like this Commission to consider and if
15 possible, to answer.

16 CHAIRPERSON: I understand that. If the
17 presentation of course contains factual averments which
18 your clients are not in a position to substantiate, which
19 are not inferences, for example, from material otherwise
20 before the Commission, then of course Mr Semenya's
21 objection would be correct. So it's in respect of that
22 aspect of the matter that you are prepared to accommodate
23 him, as you put it.

24 MS LEWIS: Yes, Mr Chair.

25 CHAIRPERSON: And what was his second

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1 objection?

2 MS LEWIS: Mr Chair, the second objection
3 is that Mr Semenya does not – or Mr Semenya's view is that
4 the families' presentation should not be presented during
5 phase 1, but rather during phase 2. Mr Chair, our very
6 strong view and submission is that the families' views need
7 to be heard. They need to tell it, and it needs to be
8 heard by this Commission and by the public at large during
9 the first phase of the Commission and we would submit
10 sooner rather than later.

11 CHAIRPERSON: That's not the only factor
12 to be considered. I understand it's important for them to
13 put their view forward, but what they want to say at this
14 stage, has to be relevant to the issues which form the
15 subject of this phase, which was dealt with in discussions
16 earlier, and this is subject to the ruling I made. So I
17 suggest that you have a look at that carefully because if I
18 allow an exception to that, you may remember I dealt with
19 Mr Mpofo yesterday or the day before on that point, the day
20 before, in respect of Bishop Seoka. Once I allow an
21 exception to that, then everyone is going to come with
22 exceptions and the whole idea of the clear division into
23 the various phases, of particularly this first phase and
24 what's to follow, will be undermined. So that is an
25 important aspect to which you must pay careful attention.

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1 MS LEWIS: Yes, Mr Chair, I would like to
2 address you fully on that. I am not sure whether this
3 would be the –

4 CHAIRPERSON: You don't have to address
5 me on that now. If you a document which sets out the
6 matters which you propose covering which indicates with
7 sufficient particularity whether they are or not covered by
8 the first phase, I would be grateful if you could give it
9 to us, so we can look at it beforehand, before you address
10 us on the matter. But on the other hand, you understand
11 what I said earlier, about the limited time we have, the
12 expense of the Commission, the importance of using the time
13 as fruitfully and productively as we can, so we don't want
14 to be involved in too many, I hesitate to call it a
15 peripheral sideshow, because that involves a judgment which
16 I am not in the position to make at the moment, but you
17 only have to understand the substance of what I am saying.
18 Certainly you can assure your clients that we are concerned
19 to hear their story, concerned to give them a full hearing,
20 and certainly before the final report is given, made by
21 this Commission, what they have to say will be before us.
22 I am concerned with a different question at the moment, and
23 that's the relevance of this material or all of it. It may
24 well be that some is relevant and other's isn't. It
25 doesn't fall within the first phase. But that's a matter

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1 which you can discuss this afternoon at a meeting with the
2 evidence leaders. Mr Semenya, are you now in a position to
3 lead your witness?

4 MR SEMENYA SC: We are Chair and
5 Commissioners. We propose to lead the evidence of
6 Brigadier Petrus Johannes Breytenbach.

7 CHAIRPERSON: Sorry, what is the first
8 name?

9 MR SEMENYA SC: Petrus.

10 CHAIRPERSON: Petrus.

11 MR SEMENYA SC: Johannes Breytenbach, and
12 Chair, we intend to lead this evidence with a caveat, that
13 the Brigadier is not a forensic expert.

14 CHAIRPERSON: What does that mean? If he
15 is going to give evidence, as opinion evidence, and he's
16 not an expert, is the evidence receivable?

17 MR SEMENYA SC: It relates to training,
18 Commissioner, and to what training is given to various
19 units.

20 CHAIRPERSON: Well, that's not a matter
21 of expert evidence. He knows, I take it, from his own
22 knowledge what training is given, what the manuals say and
23 presumably there's a fair amount of documentation available
24 from which it appears what the training covers. So that
25 evidence would clearly be admissible without it being

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1 told that the size of the assignment would ordinarily take
2 the capacity of the forensic division in this country three
3 years to complete. We are trying desperately to facilitate
4 that as best we can. We hope to be able to do that with
5 expedition without any delay, but that's just the nature of
6 the capacity we have, and the amount of material that has
7 to be assessed.

8 CHAIRPERSON: Presumably, that the nature
9 of the task and extent of the task was already known when
10 the promise was made, that the reports would be available
11 at the end of October.

12 MR SEMENYA SC: We have never made the
13 undertaking, maybe IPID who made the undertaking that that
14 material would be available that time, Chair.

15 CHAIRPERSON: Mr Semenya, thank you very
16 much for your undertaking, that we will get this material
17 as soon as possible. We appreciate it is a big task, and
18 now that you've given us the assurance that it's being
19 dealt with as much expedition as possible, we look forward
20 eagerly to seeing that material, as soon as it becomes
21 available.

22 MR SEMENYA SC: Chair, I must on record
23 say that there must be an appreciation that this is n IPID
24 investigation, it's not a police investigation. It's not
25 in our hands. By law, the material is being investigated

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1 necessary for him to be forensic expert.

2 MR SEMENYA SC: No the caveat was to
3 anticipate cross-examination that I know is going to be
4 coming. He is not going to be talking on matters
5 ballistic. He is going to be talking on training, on which
6 he will be subject to cross-examination, no doubt.

7 CHAIRPERSON: Talking about matters
8 ballistic, are you able to tell us when the ballistic
9 material will be available to the evidence leaders?
10 Because it was promised at the end of October, it's not yet
11 forthcoming. We have been given documents in the police
12 hard drive which deals with injuries sustained by
13 particular persons, particularly in the case of the
14 deceased, I take it there are statements dealing with
15 various incidents involving various of the deceased but
16 unless we have ballistic material, so we can identify from
17 which gun particular bullets were fired, who was, who had
18 that weapon in his hand, who fired the bullets, we are not
19 able to check the accuracy of the statement made by the
20 policemen concerned, and until the ballistic material is
21 available. It was promised at the end of October. We are
22 now in the middle of November, is there any explanation as
23 to why it is not yet forthcoming?

24 MR SEMENYA SC: Chair, we have an
25 appreciation of the importance of that evidence. We are

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1 against police conduct so it is IPID which is doing it. We
2 are trying our best to make sure that it can be done with
3 expedition.

4 CHAIRPERSON: I don't want to be involved
5 in a debate with you on that, I understand what you say.
6 You've given us an assurance that we will get it as soon as
7 possible, but I take it the ballistic department which is
8 doing the investigation doesn't form part of IPID.

9 MR SEMENYA SC: Doing the investigation,
10 let me just respectfully –

11 CHAIRPERSON: You see, the ballistic
12 department falls under the Department of Police, is that
13 right?

14 MR SEMENYA SC: No doubt, Chair.

15 CHAIRPERSON: So the IPID excuse, with
16 respect, doesn't work. But let's not have a fight about it
17 now, you've very fairly and candidly put the facts before
18 us, you've given us an assurance which we accept, and I
19 think we can now proceed with the evidence of the
20 Brigadier.

21 MR SEMENYA SC: Thank you, Chair.

22 CHAIRPERSON: Brigadier, would you please
23 stand? Are you prepared to swear that the evidence you
24 will give is true, or do you wish to make an affirmation?

25 BRIG BREYTENBACH: I'll swear.

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1 CHAIRPERSON: Would you raise your right
 2 hand, do you swear the evidence you will give in this
 3 matter before this Commission, will be the truth, the whole
 4 truth, and nothing but the truth? Please says, "I swear,
 5 so help me, God."
 6 BRIG BREYTENBACH: I swear, so help me,
 7 God.
 8 CHAIRPERSON: Thank you. Ms Pillay,
 9 we've got a document before us, headed "South African
 10 Police Service basic and specialised training overview,"
 11 it's obviously going to be handed in as an exhibit, what's
 12 the next exhibit letter? P?
 13 MR SEMENYA SC: Thank you, Chair.
 14 CHAIRPERSON: We only appear to have
 15 received two copies, one of the members of the Commission
 16 is being discriminated against, could we please have one?
 17 Thank you. Yes, please proceed, Mr Semenya.
 18 EXAMINATION BY MR SEMENYA SC: Thank you,
 19 Chair. Brigadier, can you –
 20 MS PILLAY: Chair, if I could just
 21 correct, sorry, just one second, Chair, I just noticed that
 22 Henderson, the Henderson video is P, exhibit P, so this
 23 would be exhibit Q.
 24 CHAIRPERSON: Yes, we must always mind
 25 our Ps and Qs, when we give letters as exhibits. Alright,

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1 exhibit Q. Mr Semenya?
 2 EXAMINATION BY MR SEMENYA SC: Thank you,
 3 Chair. You are a Brigadier in the South Africa Police
 4 Service, aren't you, Sir?
 5 BRIG BREYTENBACH: Yes, I am.
 6 MR SEMENYA SC: Can you just in summary
 7 tell us your career path in the South African Police?
 8 BRIG BREYTENBACH: Thank you, I joined
 9 the South African Police Service in 1985. After completion
 10 of basic police training, I was transferred to the
 11 protection services, VIP Protection, where I spent most of
 12 my time, until 2010. I worked in various operational areas
 13 in that division, and I, in 2010 was transferred to the
 14 training department.
 15 MR SEMENYA SC: Okay, let's give the
 16 interpreter an opportunity to interpret.
 17 BRIG BREYTENBACH: In 2010 I was
 18 transferred to division training, who I headed the tactical
 19 police development co-ordination.
 20 MR SEMENYA SC: In that capacity, have
 21 you been part of preparation of this presentation?
 22 BRIG BREYTENBACH: Yes, I was part of the
 23 team that prepared this presentation focusing on the
 24 different operational units.
 25 MR SEMENYA SC: And can we deal with the

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1 document which is now marked exhibit Q?
 2 BRIG BREYTENBACH: Yes, thank you, Chair.
 3 We can start with slide 1, and immediately go to slide 2.
 4 The vision of the South African Police Service human
 5 resource development is to ensure quality education,
 6 training and development in support of creating a safe and
 7 secure environment for all people in the Republic of South
 8 Africa. The mission of the South African Police Service
 9 human resource development is to invest in human capital
 10 through innovative and quality education, training and
 11 development of all employees of the South African Police
 12 Service, prompting life long learning in support of
 13 effective service delivery.
 14 [11:10] The illustration will explain to us how the
 15 intensity and skills levels of different units escalate
 16 from basic training right through to the special task
 17 force. The training intensity and skills levels escalates
 18 as the threat level to which police officer operate in,
 19 increase. The intensity and the skill level, basic police
 20 training is lower than the operational skills, is lower
 21 than that of the NIU members or the special task force,
 22 whose skills sets is much higher and the training is more
 23 intense. All these members will have the basic police
 24 training and then the tactical training is focusing on
 25 specific areas of operations.

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1 MR SEMENYA SC: I know we deal with each
 2 unit later, but for the record, can you tell us what POP
 3 is, what K9 means, TRT, NIU and STF, as they appear on that
 4 slide?
 5 BRIG BREYTENBACH: Mr Chair, POP or
 6 basic, stands for basic police trainees, that's the entry,
 7 a programme of the police, and to focus on it later. POP
 8 stands for public order police, K9 refers to the dog units,
 9 TRT refers to tactical response teams, NIU refers to
 10 national intervention unit and STF refers to special task
 11 force.
 12 MR SEMENYA SC: And these units are
 13 specialised units in their own right, with various types of
 14 disciplines, aren't they?
 15 BRIG BREYTENBACH: That is correct.
 16 Though basic would be the lowest here, it means they are
 17 the best in their area. POP is lower than K9 but they are
 18 the best in their area. It is the focusing on the tactical
 19 skills levels that is escalating.
 20 MR SEMENYA SC: And when we go to slide
 21 number 5.
 22 BRIG BREYTENBACH: Slide number 5
 23 indicates that training is presented for specific -
 24 specific training is presented for specific units and this
 25 diagram explains the functions and the overlapping of

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1 responsibilities. On the far left-hand side of the slide,
 2 is the public order police, their responsibility is
 3 dominantly for crowd management, restoring of public
 4 unrest, restoring of serious public violence. They can be
 5 supported by the TRT and the NIU which is represented by
 6 the blue and red blocks in that yellow column on the left-
 7 hand side. Medium risk operations is where the TRT
 8 predominantly operates and their functions include rapid
 9 response operations, arrest warrants with a medium threat,
 10 search warrants with medium difficulty. The NIU and TRT
 11 have overlapping responsibilities and skill sets to attend
 12 to these medium risk operations which his predominantly
 13 done by TRT. The third column is high risk operations,
 14 which is predominantly dealt with by the national
 15 intervention unit. This includes cash in transit robberies
 16 or open air robberies, barricaded suspects, dangerous
 17 arrest warrants, dangerous and difficult search warrants.
 18 As you can see in column 3, the TRT which is represented by
 19 blue, and the special task force in green, have operational
 20 skill sets to operate in high risk environment. On the far
 21 right-hand side, on the green column is the specialised
 22 operations which a special task force is responsible for.
 23 These functions include international and national interest
 24 hostage release and counter-terrorism operations.
 25 MR SEMENYA SC: And then we deal at slide

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1 number 8 with the purpose of the basic police training.
 2 BRIG BREYTENBACH: Thank you,
 3 Chairperson. The purpose of basic police training is to
 4 enable newly appointed police officials to use a series of
 5 legal and policing skills to protect and serve members of
 6 communities in terms of the Constitution of South Africa,
 7 Act 108 of 1966, and to provide a more effective service
 8 which will improve community satisfaction and put them in a
 9 position to fulfil their mission of creating a safe and
 10 secure environment for all who live in South Africa.
 11 MR SEMENYA SC: And what are the exit
 12 level outcomes of a basic training?
 13 BRIG BREYTENBACH: On completion of the
 14 basic training, the learner will be able to balance the
 15 constitutional and legal rights of individuals with the
 16 competency to legally infringe those rights in the service
 17 of maintaining a safe and secure society. They will be
 18 able to evaluate policing principles and the application in
 19 relation to crime prevention, conduct a criminal
 20 investigation by gathering information and evidence,
 21 evaluate situations and select tactical techniques and
 22 skills needed to perform policing duties and maintain the
 23 safety of the self and others. They will be able to
 24 support a criminal prosecution by presenting documents, and
 25 giving evidence in a court of law. They will be able to

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1 apply the principles of operations and service delivery
 2 within the client service centre in a policing environment,
 3 and be able to maintain professional conduct to enhance the
 4 principles of service delivery to the community.
 5 MR SEMENYA SC: And what happens with
 6 their basic police development?
 7 BRIG BREYTENBACH: Can you please repeat
 8 the question?
 9 MR SEMENYA SC: Can you speak to slide
 10 number 11?
 11 BRIG BREYTENBACH: 11? The target group
 12 for basic police development is entry level recruits and
 13 police trainees. The duration of the training programme is
 14 24 months which is divided into two phases, the academy
 15 phase of 12 months and the workplace learning phase of 12
 16 months.
 17 MR SEMENYA SC: And the areas of
 18 learning?
 19 BRIG BREYTENBACH: The learning areas of
 20 the basic training learning programme can be explained at
 21 the hands of the following illustration. Learning area 1,
 22 orientation to the South African Police Service, leaning
 23 area 2, law, learning area 3, community service centre,
 24 area 4, crime prevention, leaning area 5, crime
 25 investigation – excuse me 4 is crime investigation and 5 is

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1 crime prevention, and learning area 6, is street survival.
 2 MR SEMENYA SC: And the purpose of such
 3 learning?
 4 BRIG BREYTENBACH: The purpose of
 5 learning area 1 is to orientate the learner on how to
 6 conduct himself or herself in a professional manner in a
 7 policing environment and to introduce the SAPS culture to
 8 the learner. The learning area further focuses on
 9 orientation to the South African Police Service. Trainees
 10 are trained in professional conduct including discipline,
 11 command and control and teamwork. Employee health and
 12 wellness is also addressed to enable the trainees to cope
 13 with the stressful situations they are to be confronted
 14 with as they perform their duties. EHW has a module that
 15 particularly deals with self management and anger
 16 management. Human rights forms a golden thread in the
 17 basic police programme and is presented in all the learning
 18 areas. Learning area 2 of the basic police learning
 19 programme is law, and focuses on equipping the trainee with
 20 aspects of law, particularly criminal law, the Criminal
 21 Procedure Act is presented in this learning area. Issues
 22 relating to effect an arrest are dealt with in all learning
 23 areas. The use of force and how to effect an arrest in
 24 terms of section 49(2) of the Criminal Procedure Act are
 25 dealt with extensively. Learning area 6 deals with street

<p style="text-align: right;">Page 1586</p> <p>1 survival and it focuses on the following aspects, the use 2 of force is also addressed when firearms and tactical 3 training are presented to the trainees, exercising 4 alertness during police tasks and to ensure the safety of 5 police officers and the public through preventative 6 actions, exercising initiative and practical preparation 7 during police tasks, understanding techniques of tactical 8 communication, use of personal equipment safely to ensure 9 safe lawful performance of police task, make use of force 10 tactical decisions that need legal and organisational 11 requirements, and applying the principles of the use of 12 force to ensure safe and lawful performance of police 13 tasks.</p> <p>14 Slide 17 continues. Firearm training is 15 presented throughout the training in terms of the Firearms 16 Control Act, Act 60 of 2000 and all trainees are trained in 17 the safe handling and practical shooting of the following 18 firearms, the 9 millimetre pistol, the R5 rifle and the 19 shotgun. The general aspects applicable to all firearms 20 are dealt with in the training as well as the fundamentals 21 of shooting.</p> <p>22 CHAIRPERSON: I think that person who has 23 that cell phone should please turn it off.</p> <p>24 BRIG BREYTENBACH: Thank you, Mr Chair. 25 The training of – the trainees are exposed to tactical and</p>	<p style="text-align: right;">Page 1588</p> <p>1 right to assemble, demonstrate, picket and handing over 2 petitions section 17, the right to association, section 18, 3 and limitations of the rights, section 36. Slide 20, 4 practical shooting. Trainees are subjected to firearm 5 training during the first 12 months, and during work based 6 learning phase, physical fitness and shooting practices on 7 all firearms are undertaken by the students. If levels 8 declined in the second 12 months, trainees are given 9 remedial training on specific problem areas through 10 coaching.</p> <p>11 MR SEMENYA SC: Shall we now talk about 12 public order police training?</p> <p>13 BRIG BREYTENBACH: Slide 22, the right to 14 the existence of the public order police – excuse me, the 15 right to the existence of the public order police units is 16 founded in the Constitution of the Republic of South 17 Africa, Act 108 of 1996 and in terms of section 17(1) of 18 the South African Police Service Act of 1995, Act 68 of 19 1995, the National Commissioner will subject to section 20 218(1)(k) of the Constitution, establish and maintain a 21 national public order capacity. The mandate of public 22 order police is to provide security and stabilise solutions 23 for crowd managements and crowd unrest situations, where 24 classic policing strategies are not equipped to deal with 25 the situation. Slide 24, the public order police is</p>
<p style="text-align: right;">Page 1587</p> <p>1 street survival techniques, tactical aspects with regard to 2 tactical awareness, the carrying of firearms in certain 3 situations and conditions of firearms when attending to 4 complaints.</p> <p>5 [11:30] In learning area 6, slide 18, learning area 6, 6 crowd management is presented theoretically in the 7 programme, that is the basic police training. The crowd 8 management presented at this level is for the first 9 responders in crowd management before specialised trained 10 members arrive. The relevant legislation and aspects of 11 crowd management is explained, how to report crowd forming 12 and actions by the first members in the crowd,, that is 13 developing. The first police, it is explained to police 14 officers the responsibilities of members that arrive first 15 at the scene of a spontaneous gathering, and explain crowd 16 dynamics and we also explain to them the use of force in 17 crowd management operations. Slide 19. I continue, in 18 crowd management the trainees are also trained to 19 understand the relevant legislation. The regulations of 20 the Gatherings Act, Act 205 of 1993 together with standing 21 order general 262 are discussed with the trainees. 22 Reference is also made to sections 10, 11, 12, 16, 17, 18 23 and 36 of the Constitution which refers to the right to 24 human dignity, section 10, the right to life, section 11, 25 the right to freedom of expression, section 12 and 16, the</p>	<p style="text-align: right;">Page 1589</p> <p>1 mandated to be responsible for maintaining public order 2 through performing crowd management, combating public 3 violence, stabilising of serious and violent crime 4 incidents, giving specialised operational support and to 5 render specialised assistance to divisions, for example, to 6 detectives, border police and VIP protection.</p> <p>7 MR SEMENYA SC: And the curriculum for 8 the POP in crowd management.</p> <p>9 BRIG BREYTENBACH: The crowd management 10 training curriculum for platoon members consists of the 11 following five modules and is presented over three weeks. 12 Module 1, legal framework, module 2, preparing for crowd 13 management incidents, module 3, crowd management equipment, 14 module 4, crowd management techniques, and module 5 crowd 15 management operations. Module 1, the legal framework 16 contains the following. The Constitution of the Republic 17 of South Africa, Act 108 of 1996, the South African Police 18 Service Act number 68 of 1995, the Regulations of 19 Gatherings Act number 205 of 1993, and standing order 20 general 262. Module 2, preparing for crowd management 21 incidents consists of the following topics, crowd dynamics, 22 conflict resolutions, scale of use of force, constitutional 23 powers of the police, deadly force, tactical communication, 24 equipment and use of resources.</p> <p>25 MR SEMENYA SC: And what equipment is the</p>

<p style="text-align: right;">Page 1590</p> <p>1 subject of module 3?</p> <p>2 BRIG BREYTENBACH: In module 3, of the</p> <p>3 crowd management course, we focus on the equipment used by</p> <p>4 the public order police officer. They are the helmet, gas</p> <p>5 mask and filter, body armour, Tongfa, shield, mustard</p> <p>6 shotgun and double ball rubber rounds, pepper spray, CS or</p> <p>7 teargas, CS rifle grenades and 40 millimetre CS rounds,</p> <p>8 stun grenades, other pyrotechnical aids like coloured smoke</p> <p>9 grenades and flares and the 40 millimetre grenade launcher.</p> <p>10 Module 4 of the course focuses on crowd management</p> <p>11 techniques and this includes techniques on foot, platoon</p> <p>12 and section formations, indoor techniques and vehicle</p> <p>13 formations and the principles and the rules of</p> <p>14 intervention. On the principles and rules of intervention,</p> <p>15 we find legality for actions, optimisation of equipment,</p> <p>16 situational appropriateness and proportionality of my</p> <p>17 actions. Further to module 4, we also find practical</p> <p>18 shooting with shotguns and double rubber balls, that's</p> <p>19 slide 29, tactical options are divided into defensive and</p> <p>20 offensive options. They are defensive options blocking,</p> <p>21 isolating, canalising and escorting protesters and</p> <p>22 patrolling. The offensive options are searching, push</p> <p>23 back, evacuate, encircle and dispersing. Module 5 of the</p> <p>24 course focuses on crowd management operations. The</p> <p>25 definitions and abbreviations of crowd management, the</p>	<p style="text-align: right;">Page 1592</p> <p>1 interrupt, but from slide 31 to 46, we are told in great</p> <p>2 detail of how dog trainers are trained in the SAPS. I am</p> <p>3 not sure it is going to assist us in this Commission.</p> <p>4 CHAIRPERSON: Mr Semenya, it does sound</p> <p>5 as if that material we could take as read, and if it's</p> <p>6 relevant, you could perhaps stress it at some later stage.</p> <p>7 MR SEMENYA SC: As long as it is</p> <p>8 considered to have been read, Chair, we wouldn't insist in</p> <p>9 having it.</p> <p>10 CHAIRPERSON: I think you can consider it</p> <p>11 as read.</p> <p>12 MR SEMENYA SC: Shall we then proceed to</p> <p>13 slide 49, dealing with the technical response teams.</p> <p>14 BRIG BREYTENBACH: Thank you, Mr Chair.</p> <p>15 The practical response units was established in October</p> <p>16 2009 on the instruction of the National Commissioner. The</p> <p>17 purpose of the unit is to increase tactical capability at</p> <p>18 cluster level and to support clusters in dealing with</p> <p>19 medium risk operations. On slide 51, we explain that each</p> <p>20 TRT member is issued with a list of the following</p> <p>21 equipment, ballistic helmet, tactical goggles, tactical</p> <p>22 vest, tactical belt, utility leg rig, leg holsters, knee</p> <p>23 and elbow pads, blue police beret, tactical gloves,</p> <p>24 equipment bag, bullet resistant vest, 9 millimetre pistol,</p> <p>25 R5 assault rifles, stun grenades, smoke grenades and jump</p>
<p style="text-align: right;">Page 1591</p> <p>1 conventional science related to crowd management and</p> <p>2 briefing and debriefing. At the end of the course,</p> <p>3 formative and summative assessments are used to assess the</p> <p>4 understanding of the course content, application of the</p> <p>5 knowledge and the behavioural change of the learner.</p> <p>6 MR SEMENYA SC: And those who do public</p> <p>7 order policing, would they have undergone basic training?</p> <p>8 BRIG BREYTENBACH: They would have</p> <p>9 undergone basic training and would come from the general</p> <p>10 policing in general before they joined the public order</p> <p>11 policing.</p> <p>12 MR SEMENYA SC: Shall we now talk about</p> <p>13 the dog handles, the K9.</p> <p>14 BRIG BREYTENBACH: Thank you, Mr Chair,</p> <p>15 slide 32, the safety and security of all inhabitants of the</p> <p>16 country is the responsibility of the South African Police</p> <p>17 Service and this includes the deterrence of crime, the</p> <p>18 investigation of all crimes and participation in effect to</p> <p>19 establish the root cause of crime. Police dogs and their</p> <p>20 handlers are a huge aid in this regard.</p> <p>21 CHAIRPERSON: Mr Burger wants to say</p> <p>22 something. Perhaps finish interpreting what you were</p> <p>23 interpreting at the moment, and then Mr Burger will say</p> <p>24 something.</p> <p>25 MR BURGER SC: Chair, I am loathe to</p>	<p style="text-align: right;">Page 1593</p> <p>1 suit.</p> <p>2 Slide 52, the mandate of the tactical response</p> <p>3 teams is to provide a tactical solution to medium threat</p> <p>4 situations where generic policing strategies are not</p> <p>5 equipped to deal with the situation. The TRT renders a</p> <p>6 tactical support function to cluster based medium threat</p> <p>7 intelligence driven operations and a quick reaction</p> <p>8 capability to serious and violent crimes to contain the</p> <p>9 situation until the NIU to special task force tactical</p> <p>10 units arrive. Or they react if necessary if a tactical</p> <p>11 solution cannot be delayed.</p> <p>12 [11:50] The TRT are mandated to combat crime by focusing</p> <p>13 on providing an immediate tactical response capability with</p> <p>14 an identified cluster area and addressing crime through</p> <p>15 well planned intelligence driven operational or specific</p> <p>16 request with an unidentified cluster area. Slide 55, we</p> <p>17 continue with the mandated functions of the TRT, that is</p> <p>18 combat public violence by rendering support to major</p> <p>19 events, restoring public order, supporting the public order</p> <p>20 police in combating crime, crowd management.</p> <p>21 CHAIRPERSON: Sorry to interrupt you,</p> <p>22 Brigadier, I notice this slide is headed "draft national</p> <p>23 instructions," so is the, what you just told us, merely</p> <p>24 part of a draft, or is actually part of the instructions or</p> <p>25 I suppose the relevant question is, was it part of the</p>

<p style="text-align: right;">Page 1594</p> <p>1 instructions during August of this year, or is it merely 2 that the draft that was circulation? 3 BRIG BREYTENBACH: Chairperson, it is 4 because the national instruction is still circulated for 5 inputs and then for approval later, and currently they are 6 working from that draft national instruction. On slide 56, 7 we continue with the mandated functions which includes 8 escorting of dangerous criminals, escorting valuable and/or 9 dangerous cargo, providing tactical assistance to other 10 units with the cluster area, and rendering supporting 11 support during disaster and incident management. Slide 56, 12 the recruitment and selection of TRT members is done as 13 follows, and the pre-selection profile is applied. 14 Applicants must have a minimum of two years' police 15 service, or functional experience after completing basic 16 training. Applicants must be medically fit and willing to 17 undergo an extensive medical evaluation and only functional 18 members are appointed in terms of section 5 of the South 19 African Police Service Act with the rank to Constable, 20 Sergeant, Warrant Officer or Lieutenant and Captain can 21 apply. 22 On slide 58, to continue with the pre-selection 23 profile, applicants must be willing to undergo a 24 psychometric evaluation and fit the TRT competency file. 25 Applicants must be willing to undergo and be successful in</p>	<p style="text-align: right;">Page 1596</p> <p>1 examination. 2 On slide 62, the baseline evaluation consists of 3 a fitness and shooting test as indicated in this slide. 4 Members that do not conform to these standards will not be 5 taken for TRT training. Slide 63, the training curriculum 6 for the TRT is six weeks long and consists of a weapon 7 stage of two weeks, an urban phase of two weeks and a rural 8 phase of two weeks. The TRT weapons phase duration is 9 presented over two weeks and consists of training in two 10 weapons, the R5 assault rifle as the primary firearm and 11 the 9 millimetre pistol as a secondary firearm. 12 MR SEMENYA SC: Brigadier, there is going 13 to be evidence of the use of an R1, where does that fit? 14 BRIG BREYTENBACH: The R1, though it's 15 not presented in TRT is part of the police standard weapons 16 plan, so that weapon is in circulation and members can op 17 to utilise that. The principles of R5 and R1 rifle is the 18 same. The subject matter that's presented includes 19 assembling, stripping, basic characteristics and safety 20 measures of each firearm, immediate action drills and range 21 commands and is assessed through a tactical shooting 22 assessments. The TRT urban phase is presented over two 23 weeks and contains the following learning areas. Chapter 24 1, psychological preparation and the Ooda loop legal 25 framework, tactical colour codes and tactical</p>
<p style="text-align: right;">Page 1595</p> <p>1 fitness and shooting evaluations. Applicants must not have 2 been guilty of any criminal or departmental contravention. 3 Applicants must not be declared unfit to possess a firearm, 4 or be subjected to a section 102 investigation of the Arms 5 and Ammunitions Act. Pre-selection profile, continue. 6 Applicants must be in possession of a valid EB, code EB 7 driver's licence. Applicants must not be older than 28 8 years on the day of the respective closing date for the 9 applications, and applicants must be willing to attend and 10 successfully complete a prescribed practical response 11 team's training cycle. 12 On slide 60, we find the minimum selection 13 criteria and it consists of an application that must be 14 psychometric evaluation, pre-selection fitness evaluation, 15 the preparation and conditioning phase, medical examination 16 and baseline evaluation. On average, the selection success 17 rate is as follows, out of 550 applicants, only 330 fit the 18 psychometric profile. From 330 members, only 120 conform 19 to the minimum fitness standards for the TRT and only 35 20 members completed the preparation and conditioning phase. 21 Eventually only 25 members qualified to be continuing with 22 the training cycle for TRT and this refers to the previous 23 cycle. The pre-selection for TRT members consists of a 24 voluntary application process, psychometric evaluations 25 since April 2011, a fitness evaluation and a medical</p>	<p style="text-align: right;">Page 1597</p> <p>1 communications, team movement, target and tactical approach 2 on foot techniques and vehicle techniques and chapter 4 3 penetration techniques for teams. 4 MR SEMENYA SC: And to what is the Ooda 5 loop, O-O-D-A, Brigadier? 6 BRIG BREYTENBACH: The Ooda loop is a 7 tactical decision making process and the acronym stands for 8 orientation, observe, decision, action. As soon as the 9 member completes that, he starts again with orientating 10 self, observe, and take a decision, and his action. On 11 slide 66, we continue with the urban phase. Chapter 5, 12 scaling techniques, chapter 6, fast roping helicopter 13 insertion, chapter 7 mechanical bridging techniques and 14 chapter pyrotechnical aids which includes stun grenades, 15 smoke grenades, and N26 practise grenades. Slide 67 16 focuses on the rural phase. The TRT rural phase is 17 presented over two weeks and contains the following 18 learning areas. Kit preparation, temporary bases, map 19 reading, global positioning systems, patrol formations, 20 waylays to intercept approaching suspects, escaping 21 evasion, follow up operations, and fire and movement. 22 Slide 68, the TRT training programmes are 23 benchmarked against a special task force training who is 24 the custodian of practical training. The special task 25 benchmark, their training internationally and those</p>

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1 techniques and knowledge is filtered down through the
 2 different optional levels to the TRT. This creates a
 3 golden thread with regard to techniques from lower risk
 4 operation units through to high risk specialised units.
 5 Maintenance training of the TRT consists of refresher
 6 training and tactical simulations in line with operational
 7 standards for the TRT. This is done at unit level and on
 8 national level.

9 MR SEMENYA SC: Shall we now deal with
 10 the national intervention unit on slide 71.

11 BRIG BREYTENBACH: Thank you, Mr Chair,
 12 the establishment of the national intervention unit is
 13 founded in divisional instruction, establishment and
 14 functioning of national intervention units dated 20 January
 15 2010. That national intervention unit was officially
 16 established in 2000 when a need arose to have a national
 17 capacity within the Republic to address medium risk and
 18 high risk policing duties, specifically at incidents of
 19 violence when normal policing was deemed inadequate. The
 20 goal of the NIU is to stabilise volatile situations by
 21 combating serious and violent crimes, the policing of high
 22 risk public violence, rendering specialised operational
 23 support to provinces, units and divisions. The purpose of
 24 the national intervention unit is to render a specialised
 25 operational support function focused on planned

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1 intelligence driven and targeted deployments to address
 2 specific incidents of crime and public violence and not a
 3 day to day crowd management operations. The development of
 4 the national intervention unit is managed in terms of the
 5 divisional instruction, and there's a typing error, it says
 6 "February," it must January, 20 January 2010 as in the
 7 previous slide. The national intervention unit will be
 8 activated through its various unit commanders for day to
 9 day operation support. The divisional commissioner of
 10 operational response services will prioritise and approve
 11 the deployment of the unit to other provinces and the
 12 national commissioner can, however, deploy the NIU to any
 13 province should she so desire. All requests for assistance
 14 must be submitted the divisional commissioner of
 15 operational response services for approval. In provinces
 16 where the national intervention units are stationed the
 17 provincial head of operational responses will be
 18 responsible for maintaining the NIU capacity in the
 19 province.

20 [12:10] The NIU is geographically placed as follows.
 21 Gauteng, in Pretoria they have an office, Kwa-Zulu Natal,
 22 Durban, Western Cape in Cape Town, and in Eastern Cape
 23 Mthatha. Recruitment and selection of NIU members. The
 24 prerequisite for applicants to join NIU is applicants must
 25 have successfully completed the SAPS basic police training,

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1 must have a minimum of two years operational experience at
 2 station or unit level, not being found guilty during a
 3 departmental criminal hearing, not have a criminal record,
 4 not have a pending case departmental criminal, and must be
 5 physically and mentally fit. Slide 75, the national -

6 CHAIRPERSON: Before you move to slide
 7 75, can we go back to slide 72 for a moment? The first
 8 line reads, "the NIU will be activated through its various
 9 units. Commanders for day to day operational support,"
 10 there appears to be something wrong there. I suspect there
 11 should be an apostrophe after the "s" in "units" and the
 12 full stop shouldn't be there, but clearly there's something
 13 wrong. What should it be?

14 MR SEMENYA SC: The full stop should not
 15 be there at all. It should be "unit commanders."

16 CHAIRPERSON: And there should be an
 17 apostrophe after the "s" at the end of "units."

18 MR SEMENYA SC: No, it should read "the
 19 NIU will be activated through its various unit commanders."

20 CHAIRPERSON: Oh, "unit," thank you.

21 BRIG BREYTENBACH: On slide 75, we look
 22 at, "the NIU training is conducted at national level and
 23 the training cycle is as follows. Phase 1 is the pre-
 24 selection of four days and phase 2 preparation and
 25 condition phase of one week. Selection training itself is

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1 18 weeks long and is broken into three phrases, namely
 2 weapons over in a rural phase of six weeks each. The
 3 purpose of the NIU pre-selection is to select interested
 4 candidates who posses certain personal attributes as
 5 required by the national intervention unit's operational
 6 requirements. For that programme it is facilitated at unit
 7 level for plus-minus 250 applicants per unit. The pre-
 8 selection criteria consists of a physical ability
 9 assessment and extensive medical evaluation and an
 10 individual psychological battery test. It also includes
 11 folia testing, basic shooting skills and endurance
 12 capability.

13 On slide 77, we have the preparation and
 14 conditioning phase, which is a four day programme that is
 15 facilitated at unit level and is a 69 hour individual
 16 endurance programme assessing the individual's attributes.
 17 It includes effects on the individual during sleep
 18 deprivation, effects on the individual due to lack of food,
 19 ability to perform optimal under strenuous situations while
 20 deprived of sleep and food, ability to perform in a team
 21 context, ability to lead the group while under strenuous
 22 physical and mental stress, ability to encounter a group
 23 cohesion while under mental stress and ability to show
 24 initiative. The 18 week programme is eventually attended
 25 by those people that were successful in the pre-selection.

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1 In the previous cycle 48 members of the original 1 000
 2 applicants were successful. The purpose of the six weeks
 3 weapons phase is to introduce, train and familiarise
 4 trainees with operational weapons, being used in the NIU
 5 environment and to assess candidates on medium risk to high
 6 risk weapon proficiency, accuracy and weapon handling
 7 skills. Phase 2, the six week rural phase teaches the NIU
 8 rural techniques and equipment of operational deployment
 9 with a medium to high risk rural operational environment,
 10 equipping learners with skills to safely and successfully
 11 police rural areas. Phase 3, the six week urban phase,
 12 teaches trainees techniques to attend to medium risk –
 13 medium to high risk urban operations with skills to safely
 14 and successfully apprehend suspects in an urban
 15 environment.

16 Slide 79. During the weapons phase, trainees are
 17 trained and assessed on the following weapons. The R5
 18 assault rifle, the 9 millimetre pistol, the 9 millimetre
 19 sub-machine gun, the R1 assault rifle and the 12 gauge
 20 mustard shot gun. Assessments are done on weapon
 21 proficiency, accuracy and tactical shooting, physical
 22 ability, team group building exercises and weapon
 23 inspections. Phase 2, the rural phase. The following
 24 modules are taught during the six week rural phase.
 25 Pyrotechnical aids, tactical movement, map reading, global

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1 positioning systems, first aid level 3, reconnaissance
 2 exercises, patrol formation, cover concealment and
 3 camouflage, helicopter tramping, escape and evasion,
 4 observation and reconnaissance, introduction to foreign
 5 weapons, obstacles and river crossings.

6 We continue with the rural phase. Rural survival
 7 skills are taught, battle craft, immediate reaction drills,
 8 practical high altitude observation and reconnaissance
 9 exercise and assessments, mountain orientation, waylay
 10 operations, jungle lanes, follow up operations, situational
 11 assessments and planning, writing and interpreting a rural
 12 operational plan, and vehicle shooting exercise. Trainees
 13 who are found not to be competent on any of the modules
 14 will not progress to the next phase. Phase 3, the NIU
 15 urban phase, slide 82, trainees are trained and assessed on
 16 the following modules. Urban approaches by air, foot and
 17 vehicle, mechanical bridging, singular and multiple
 18 entries, passage movements, stare movements, multiple
 19 entries, tactical ladder techniques, climbing techniques,
 20 urban tactical shooting ranges, legislation, urban obstacle
 21 crossings, urban practical approaches, door penetration.

22 The urban phase continues on slide 83,
 23 interlinking doors are taught, [inaudible] penetrations,
 24 high/low penetrations, high/low saw penetrations, the
 25 preparation and execution of operational orders, grounded

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1 aircraft interceptions, biological gas mask penetrations,
 2 urban vehicle operations, urban sniper tactical assistance
 3 operations, stun penetrations, high angle rope techniques,
 4 urban tactical holdings areas, urban assessment and
 5 planning, injured operators procedures. The trainees who
 6 are found to be not too competent in any of the modules
 7 will be returned to their original stations and not
 8 continue.

9 MR SEMENYA SC: And for the commanders of
 10 this unit?

11 BRIG BREYTENBACH: The NIU commanders
 12 training. This training is presented to NIU commanders and
 13 all NIU unit commanders and operational commanders have to
 14 attend this course. The national intervention unit's
 15 commanders training programme focuses on operational
 16 planning and management of medium to high risk operations.
 17 In service and maintenance training is conducted at NIU
 18 units and the purpose is to ensure that operational members
 19 within the NIU maintain skill levels and continuously
 20 develop members on new and acquired skills. Each member is
 21 subjected to one week of in service training per month,
 22 during which tactical skills are maintained, new equipment
 23 and techniques is introduced and remedial training is
 24 conducted, if necessary, if required.

25 MR SEMENYA SC: Shall we now deal with

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1 the special task force and go to slide number 87?

2 BRIG BREYTENBACH: Mr Chair, the aim of
 3 the special task force, the primary aim of the unit is as
 4 per section 218(1)(m) of the Constitution, namely the
 5 handling of quote unquote, high risk operations which
 6 requires specialised skills. The mission of the special
 7 task force of the South African Police Service is to
 8 provide a specialised and impartial service to the
 9 community, by handling high risk operations that fall
 10 beyond the scope of classic policing in a professional and
 11 responsible manner. On slide 89, the mission statement of
 12 the special task force is to strive to be the model of
 13 excellence for tactical, paramilitary policing operations
 14 in dealing with hostage situations, acts of terror,
 15 sabotage, seizures, other high risk threats. In doing so
 16 the unit will uphold the core values of integrity and
 17 fidelity while providing an impartial and profession
 18 service to the South African citizens and the international
 19 community.

20 [12:30] MR SEMENYA SC: The category of other
 21 high risk threats would include matters such as which?

22 BRIG BREYTENBACH: It can be any
 23 situation, even a sporting event where the risk is
 24 escalated through criminal activities. In addition to the
 25 special task's mission statement, the special task force

<p style="text-align: right;">Page 1606</p> <p>1 will perform its function with courage and tenacity 2 continually evolving to effectively counter criminal and 3 terrorist acts and trends. The special task force will 4 only recruit persons conforming to the exceptional 5 attributes and standards required by the unit. The special 6 task force will place high value on their personnel and 7 will continue to offer a challenging, reward and result 8 orientated environment, always recognising special task 9 force members' contributions. The emphasis will be to 10 continually develop personnel within the dynamic 11 environment by using innovative techniques, tactics and 12 technologies to enhance the unit's capability, enable it to 13 be placed as one of the lead practical assault policing 14 units in the world.</p> <p>15 Slide 91. The mandates of the special task force 16 is the handling of high risk operations with the SAPS, on 17 behalf of other security services within South Africa in 18 terms of section 119(1) of the Constitution of South Africa 19 as well as foreign security agencies abroad. The functions 20 within the mandate of the special task force is hostage 21 release operations on land, sea or air transportation, 22 specialised operational assistance in counteracting 23 terrorism, operational assistance with the SAPS for 24 criminal related high risk operations where specialised 25 skills and equipment are required, specialised assistance</p>	<p style="text-align: right;">Page 1608</p> <p>1 CHAIRPERSON: Sorry, before you carry on, 2 what is "vasbyt?" This SDF includes provincial pre- 3 selection, preparation and conditioning phase and vasbyt. 4 BRIG BREYTENBACH: Chairperson, "vasbyt" 5 is an Afrikaans term referring to "bite on," and it is a, 6 what it is, they do the endurance testing and a phobia 7 testing over a period of three days where there's sleep 8 deprivation and no food and they put a person under severe 9 stress to see who makes it. Bullet 2 on slide 95, the 10 candidate must not suffer from any phobias, for instance 11 claustrophobia, water phobia, fear of heights, etcetera. 12 Specific exercises are scheduled during the selection 13 process which will expose persons with such phobias. 14 Finally, members must be prepared to undergo the special 15 task force training course for 11 months and if successful, 16 for a further five months on advance training cycle. Slide 17 96, the special task force's qualification consists of the 18 following, selection of five weeks provincial selection, 19 and the preparation and conditioning phase, the vasbyt 20 endurance testing, then the special task force's training 21 cycle of 16 months consists of medic level 3, weapons 22 phase, basic rural phase, urban phase, basic parachuting 23 phase, advance rural phase, advanced driving phase, and 24 hostage release phase, which is followed by advanced 25 training which consists of water bomb course, explosive</p>
<p style="text-align: right;">Page 1607</p> <p>1 for the protection of high profile VIPs, specialised 2 search, rescue and recovery assistance and the performance 3 of any other specialised duties assigned by the national 4 commissioner of the South African Police Service. The 5 special task force selection process is a multi-facetted 6 process with candidates with prescribed attributes are 7 selected to participate on the special force training 8 cycle. The restrictions initially start in the recruiting 9 drive dictating who may apply to include the target group 10 who can be moulded and contribute back to the unit who 11 possesses the imbedded knowledge and qualifications of a 12 police official, which is a necessary foundation 13 prerequisite to perform the functions of the special task 14 force. We continue on slide 94. Members who wish to 15 pursue a career in the special task force will need to 16 comply with the following criteria. Members must be a 17 fulltime functional member of the South African Police 18 Service and appointed in terms of the South African Police 19 Service Act, and have completed their police basic training 20 course. The member must be a non-commissioned officer 21 holding the rank of Constable, Sergeant or Warrant Officer, 22 and not be older than 32 years of age. Such a person must 23 be prepared to undergo the special task force selection 24 process in order to gain entry to the special task force 25 training course. The candidate must not –</p>	<p style="text-align: right;">Page 1609</p> <p>1 bridging course, VIP protection course, advance parachuting 2 course. 3 MR SEMENYA SC: In the following slides, 4 Brigadier, are just an amplification of what you have said. 5 Shall we go and proceed to slide number 100? 6 BRIG BREYTENBACH: The legacy of the 7 special task force. Selection courses have since the 8 unit's inception been the sole source of operation of 9 manpower. To date, 32 selection courses have been held, 10 with over 10 000 candidates applying of which 484 have 11 completed the course successfully, an average of 5% pass 12 rate to date. 13 MR SEMENYA SC: And that is your 14 evidence, Brigadier? 15 BRIG BREYTENBACH: That is correct. 16 CHAIRPERSON: Your evidence-in-chief, 17 Brigadier. Has anyone got any cross-examination, Mr 18 Burger? 19 CROSS-EXAMINATION BY MR BURGER SC: Yes, 20 thank you, Chair. Brigadier, you are in charge of the 21 training as you've explained to us, but I take it that you 22 are very interested to see how that training is carried out 23 in practical situations? 24 BRIG BREYTENBACH: That is correct, yes. 25 MR BURGER SC: And what happened between</p>

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1 the 9th and the 16th of August of this year at Marikana, was
 2 a major incident to test the ability of the training of the
 3 SAPS, to stand up in real life?
 4 BRIG BREYTENBACH: I guess so, yes.
 5 MR BURGER SC: And may we accept that
 6 whenever such a rare occasion came about, the SAPS and you
 7 in particular, would consider whether the training you've
 8 given to the members of the SAPS, whether that was
 9 sufficient, and consider how that stood up in the event
 10 under consideration?
 11 BRIG BREYTENBACH: Yes.
 12 MR BURGER SC: What did that evaluation
 13 yield?
 14 BRIG BREYTENBACH: I cannot say that
 15 there's been a clear evaluation done yet. I was not
 16 present at the event, and had not insight to what exactly
 17 transpired, whether the members utilised the training that
 18 was prescribed to them or given to them, or whether they
 19 did not do that. And I think this Commission can allude to
 20 that later on for us.
 21 MR BURGER SC: You know that your
 22 training methods were defected over a nine day period of –
 23 at Potchefstroom after the Marikana event. You know about
 24 that?
 25 BRIG BREYTENBACH: I was not present at

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1 that.
 2 MR BURGER SC: I am not asking you
 3 whether you were present.
 4 BRIG BREYTENBACH: I was not aware of
 5 that.
 6 MR BURGER SC: Brigadier, is your
 7 evidence that you head the training of the SAPS, but that
 8 you weren't aware that there was a post-mortem done over a
 9 nine day period at Potchefstroom by the top brass of the
 10 police to decide what had gone wrong at Marikana.
 11 BRIG BREYTENBACH: As I said, myself,
 12 from co-ordinating the tactical training, and from our
 13 division side, we were not involved, and I was not aware
 14 that there was such a meeting.
 15 MR BURGER SC: Did you personally
 16 consider the Marikana incident from the 9th to the 16th from
 17 the perspective of the training of the SAPS, after you've
 18 heard of the incident and you watched the television, and
 19 you read the newspapers?
 20 BRIG BREYTENBACH: I saw what happened on
 21 television only, and taking that into consideration I have
 22 to measure that on, up to, against the training that's
 23 provided. I don't think that it will be a fair conclusion
 24 for me to make seeing only what was portrayed on the
 25 television, and I do not want to speculate on that.

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1 MR BURGER SC: Can I ask you in exhibit
 2 Q, there is a slide 4, no, I am sorry, it's slide 12 I
 3 wanted to ask you about, Brigadier. You have in slide 12,
 4 the learning areas of the BTLP, and you've dealt with some
 5 of them in detail, but the crime investigation section, you
 6 didn't address in your evidence. Can I ask you a few
 7 questions on that?
 8 BRIG BREYTENBACH: I can just say to you,
 9 I do not have knowledge of the exact content of the
 10 learning areas. As I said earlier, this presentation was
 11 compiled by the different areas of responsibility. The
 12 information I provided was provided by the specialist in
 13 the environment and if you want to interrogate the
 14 programme itself, I would propose that we call a specialist
 15 on the basic police training programme.
 16 MR BURGER SC: No, Brigadier, bear with
 17 me, you told us about this programme of yours, and I would
 18 like to ask you some questions, perhaps you can help us.
 19 You are a very senior official in the police, and I want to
 20 discuss a moment with you, crime investigation. We've
 21 heard evidence, or the commission has heard evidence that
 22 very shortly after the shooting took place, both at the
 23 first scene which we call scene 1 and at the second scene,
 24 scene 2, the weapons carried by the strikers were removed
 25 and put all together. What is the crime investigation

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1 scene 101 for the police? What does one do if you come to
 2 a crime scene and you are a policeman and you have to draw
 3 a plan and do a forensic investigation. What do you do
 4 with weapons lying around?
 5 BRIG BREYTENBACH: As I indicated, I am
 6 not a subject expert on investigation of crime, and I
 7 cannot answer you from that perspective. I can only answer
 8 as a normal police officer.
 9 MR SEMENYA SC: For the record, Chair, we
 10 can offer the trainer specific to the discipline as a
 11 witness.
 12 [12:50] MR BURGER SC: Chair, I am quite happy
 13 to speak to a Brigadier. Brigadier, Colonel Botha told us
 14 that every police officer knows that if he or she
 15 approaches a crime scene that you preserve the crime scene.
 16 Would that be trite, would that be simple, would that be
 17 standard?
 18 BRIG BREYTENBACH: From my personal
 19 experience, I would say yes.
 20 MR BURGER SC: We will have to make
 21 submissions at the end of this section of the inquiry, as
 22 to why that procedure does not appear to have been followed
 23 at scene 1 and scene 2 at Marikana. Can I ask you as a
 24 brigadier, would you know what the answer to that riddle
 25 is? Would you guess what the answer to that is? Why those

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1 crime scenes and what must be one of the major tragedies in
2 this country, why those scenes were not preserved?
3 MR SEMENYA SC: Chair, again, we may have
4 to have the witness understand the entire evidence relating
5 to how that scene was managed to offer a guess as he is
6 being invited to do.
7 CHAIRPERSON: Mr Burger, unless this is
8 an exceptional circumstance, for example, where one is
9 testing the credibility of the witness, one doesn't
10 normally ask witnesses just to guess on matters in respect
11 of which they have no personal knowledge. If you have a
12 particular focused reason for asking the question, I will
13 allow it, but I don't think it's helpful just to ask
14 someone to guess about matters which he has no personal
15 knowledge, unless there's a special reason for it.
16 MR BURGER SC: No, Chair, I won't
17 proceed, if the brigadier is not in a position to answer
18 that question, it makes my discomfort in being unable to
19 make submissions to understand that perhaps so much more
20 understandable.
21 CHAIRPERSON: Mr Burger, we've been told
22 that an expert on the matter will be called, so you will
23 get your opportunity to ask questions and therefore to make
24 submissions at the end of the phase, as I understand what
25 Mr Semenya says. But anyway, let's carry on for the

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1 moment.
2 MR BURGER SC: I don't have any further
3 questions of the brigadier, thank you, Chair.
4 CHAIRPERSON: Thank you, Mr Tip?
5 CROSS-EXAMINATION BY MR TIP SC: Thank
6 you, Mr Chair. Brigadier the events of 9 to 16,
7 particularly 16 August 2012 at Marikana, were very
8 traumatic for the entire country, were they not?
9 BRIG BREYTENBACH: Yes.
10 MR TIP SC: As was put to you by Mr
11 Burger an occasion for the South African Police Service to
12 examine its performance in the course of those events quite
13 acutely, wouldn't that be correct?
14 BRIG BREYTENBACH: Yes.
15 MR TIP SC: You were, I should think,
16 aware that a number of specialist units had been deployed
17 there, namely K9, the TFT, the NIU and the STF.
18 BRIG BREYTENBACH: Yes.
19 MR TIP SC: The circumstances of the
20 events on 16 August were essentially familiar to you, from
21 what you had read and what you had heard.
22 BRIG BREYTENBACH: Yes, that's correct.
23 MR TIP SC: I should have thought that it
24 would have been very important for you as the head of a
25 specialist training section in the SAPS to discover what

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1 those specialist units had encountered and whether their
2 training had properly equipped them for the management of
3 their duties there.
4 BRIG BREYTENBACH: As I indicated
5 earlier, I was not part of the meeting that was held in
6 Potchefstroom. I did not have any insight into that
7 meeting. In our division, I assume that there will be
8 instruction to do that, and especially after the Commission
9 is completed.
10 MR TIP SC: Brigadier, it's a bit
11 difficult to accept that that's all that you might have
12 done, namely to wait for this Commission to complete its
13 work in some month's time. Was it not something that
14 required you to take some initiative, to be proactive and
15 to find out for yourself what the performance of your units
16 had been there, whether there were learning experiences to
17 be drawn from them, as a matter of some urgency?
18 BRIG BREYTENBACH: As I said earlier, I
19 am responsible for the co-ordination of his training. I do
20 not see a basic police officer's training manual on any
21 day, because it's not my responsibility. Specialised units
22 I co-ordinated training for them. I am not on the ground,
23 where I taught each and every day, and I indicated that I
24 believe that there will be a process initiated by our
25 police structures to dissect and do case studies of the

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1 events, and the training that was presented.
2 MR TIP SC: Brigadier, I am not going to
3 dwell on your role but, you presented here a comprehensive
4 presentation of the training courses that are on offer
5 through the SAPS, and in some detail what the content is
6 and what those units are intended to do.
7 BRIG BREYTENBACH: That is correct, and
8 as I indicated it was a presentation that was compiled by
9 the specialists, and the specialists are available to be
10 called to testify to specific techniques and tactics that
11 was utilised in comparison with the training manuals.
12 MR TIP SC: Brigadier, I want to turn to
13 a different aspect of the training, and I do hope that this
14 is something that you can assist us with, we –
15 CHAIRPERSON: - to that aspect, is it
16 something that's going to take long? I would like to take
17 the adjournment in the next few minutes but if it's a point
18 that you can dispose of before we take the adjournment,
19 then I suggest you carry on.
20 MR TIP SC: It might take a few more
21 minutes than those that we've got before one, Mr Chair.
22 CHAIRPERSON: Very well, the Commission
23 will adjourn until 09:30 on Monday.
24 [COMMISSION ADJOURNED]
25 .

A				
<p>abbreviations 1590:25 ability 1601:8,19,20,21 1601:22,23 1602:22 1610:2 able 1558:7 1559:10,15 1559:17 1561:6,21 1563:12 1564:19 1565:21 1566:1,13 1567:9 1568:14 1570:9 1575:8,19 1576:4 1583:14,18,23 1583:25 1584:3 abroad 1606:19 absence 1559:24 1568:12 academy 1584:14 accept 1577:18 1610:5 1616:11 acceptable 1569:10 accommodate 1570:22 1571:10,22 accreditation 1558:24 accuracy 1575:19 1602:6,21 acquired 1604:20 acronym 1597:7 Act 1583:7 1585:21,24 1586:16,16 1587:20 1587:20 1588:17,18 1588:18 1589:17,18 1589:19 1594:19 1595:5 1607:19 action 1562:6 1596:20 1597:8,10 actions 1571:7 1586:6 1587:12 1590:15,17 activated 1599:8 1600:8,19 activities 1605:24 acts 1605:14 1606:3 acutely 1615:13 addition 1605:24 additional 1562:7 address 1559:15 1573:2,4,9 1598:17 1599:1 1612:6 addressed 1563:11 1585:12 1586:2 addressing 1593:14 adjourn 1568:4 1617:23 adjourned 1568:7 1617:24 adjournment 1558:13 1558:16 1568:4,13 1617:17,18 admissible 1574:25 Adv 1567:2 advance 1608:16,23 1609:1 advanced 1562:10 1608:23,24 affidavits 1559:8 affirmation 1577:24</p>	<p>Africa 1579:3 1580:8 1583:6,10 1588:17 1589:17 1606:17,18 African 1567:22,24 1578:9 1579:7,9 1580:4,8,11 1584:22 1585:9 1588:18 1589:17 1591:16 1594:19 1605:7,18 1607:4,17,18 1615:11 Afrikaans 1608:5 afternoon 1559:21 1569:18 1570:10 1574:1 afternoon's 1560:10 age 1607:22 agencies 1606:19 ago 1568:7 agreed 1563:2,4 1570:7 1570:13 aid 1591:20 1603:1 aids 1590:8 1597:14 1602:25 aim 1605:2,3 air 1582:16 1603:16 1606:21 aircraft 1604:1 alertness 1586:4 allow 1572:18,20 1614:13 allude 1610:19 Alright 1578:25 alterations 1561:7 altitude 1603:8 AMCU 1558:20,25 Ammunitions 1595:5 amount 1560:17 1574:23 1576:6 amplification 1609:4 Anandale 1564:1 1565:23 1566:3 and/or 1594:8 anger 1585:15 angle 1604:3 answer 1569:24 1570:1 1571:15 1613:7,7,24 1613:25 1614:17 answering 1559:20 anticipate 1575:3 anymore 1561:17 anyway 1614:25 apart 1558:8 Apologies 1559:3 apologise 1570:18,20 apostrophe 1600:11,17 appeal 1560:9 appear 1559:13 1567:2 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