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 239

3 JUNE 2014 PAGES 29927 TO 30111



[©] 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@mweb.co.za Web Address: http://www.realtimesa.co.za



	Page 29927		Page 29929
1	[PROCEEDINGS ON 3 JUNE 2014]	1	MR NTSEBEZA SC: Yes, Mr Chairman. I'm
2	[09:13] CHAIRPERSON: The Commission resumes. As	2	sorry, Mr Chairman, I wasn't concentrating.
3	has so often been the case during the course of this	3	CHAIRPERSON: I did ask the question of
4	Commission there were housekeeping matters that had to be	4	the witness, not of you. What I asked him was whether it's
5	attended to in chambers before we began this morning and	5	correct that the position where M and N were found – then
6	that's why we're starting late. I apologise to those	6	their families must forgive me, I can't remember their
7	who've been waiting since 9 o'clock. You're still under	7	names at the moment; if I do remember them I'll mention
8	oath, Lieutenant-Colonel.	8	them - the place where their bodies were found, not in the
9	LITTLE JOE RONNY CLASSEN: (s.u.o.)	9	approximate funnel of fire towards the armed strikers
10	CHAIRPERSON: Mr Ntsebeza, do you have	10	circumnavigating the kraal, as depicted on this slide.
11	anymore questions for the witness?	11	COLONEL CLASSEN: That's correct, Mr
12	CROSS-EXAMINATION BY MR NTSEBEZA SC (CONTD.):	12	Chair.
13	Yes, Mr Chairman, quite a fair amount. Now Colonel	13	CHAIRPERSON: Sorry?
14	Classen, I would like us to look again at B16, because I	14	COLONEL CLASSEN: It is how it is, yes,
15	would like us to have a debate about Mr Gwelani who in B16	15	Sir.
16	is labelled as body P. Well, it has not been put up but	16	MR NTSEBEZA SC: But if we went back then
17	what we are going to be saying is that he was shot 210	17	to – I think relative to this 209 for instance the position
18	metres from where Mtshazi was. Now that's the sketch plan,	18	would be closer to the bottom of this picture as we're
19	there you are. You will not show on this, but it will show	19	looking at it. You see there's the shack and this is the
20	on the sketch plan that we have just gone out of. There.	20	area where Mtshazi and Gwelani's bodies were. But the
21	The point here really is to get your view on what we are	21	point here is that where we plotted Mtshazi yesterday and
22	alleging. Yesterday we talked about Mr Mtshazi. Do you	22	in relation to that we have 210 metres as shown in exhibit
23	remember where we plotted Mr Mtshazi's body. Mr Mtshazi	23	B, second sketch plan, that has been measured to be 210
24	was plotted as body N. Do you remember that, yesterday?	24	metres from scene 1 and from Mtshazi's body. Scene 1 is
25	COLONEL CLASSEN: I do, Chair.	25	here, as you know. That is scene 1 near the kraal –
	Page 29928		Page 29930
1	Page 29928 MR NTSEBEZA SC: Yes, now that sketch	1	Page 29930 CHAIRPERSON: You indicate the position
1 2	-	1 2	
	MR NTSEBEZA SC: Yes, now that sketch		CHAIRPERSON: You indicate the position
2	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210	2	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor.
2 3	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the	2 3	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to
2 3 4	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres?	2 3 4	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210
2 3 4 5	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications.	2 3 4 5	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both
2 3 4 5 6	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the	2 3 4 5 6	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that?
2 3 4 5 6 7	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that	2 3 4 5 6 7	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair.
2 3 4 5 6 7 8	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the	2 3 4 5 6 7 8	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from
2 3 4 5 6 7 8 9	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the	2 3 4 5 6 7 8 9	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined
2 3 4 5 6 7 8 9 10 11 12	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the –	2 3 4 5 6 7 8 9 10	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack
2 3 4 5 6 7 8 9 10 11 12 13	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was –
2 3 4 5 6 7 8 9 10 11 12 13 14	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you look at that you'll see that the positions I think of where	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom and you're saying that's our line, that's where we were.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you look at that you'll see that the positions I think of where M and N as they are described on exhibit B where those	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom and you're saying that's our line, that's where we were. MR NTSEBEZA SC: That's where your line,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you look at that you'll see that the positions I think of where M and N as they are described on exhibit B where those strikers were shot, not covered by the approximate funnel	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom and you're saying that's our line, that's where we were. MR NTSEBEZA SC: That's where your line, I think your line is not even reflected in this sketch
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you look at that you'll see that the positions I think of where M and N as they are described on exhibit B where those strikers were shot, not covered by the approximate funnel of fire towards the armed strikers circumnavigating the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom and you're saying that's our line, that's where we were. MR NTSEBEZA SC: That's where your line, I think your line is not even reflected in this sketch plan, but if you –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	MR NTSEBEZA SC: Yes, now that sketch plan shows Mr Gwelani's body, which is body P, to be 210 metres from the body of Mr Mtshazi. Do you see the indications, 210 metres? COLONEL CLASSEN: I see the indications. MR NTSEBEZA SC: Yes. And then the simple point we want to make about this is that at that distance Mr Gwelani could not have posed any threat to the TRT line. I don't know what happened to my pointer. Mr Wesley is not here, but you have a sense where the TRT line would be relative to that sketch plan? It will be to the lower side of the – CHAIRPERSON: May I interrupt you for a moment, Mr Ntsebeza. What I suggest that you ask the witness - well I'll ask the witness; would you look at exhibit L, slide 209, please? Exhibit L, slide 209. Before you do that – yes, well there it is. You see that? That is what's described as the approximate funnel of fire towards the armed protesters circumnavigating the kraal and approaching the police members. You see that? Now if you look at that you'll see that the positions I think of where M and N as they are described on exhibit B where those strikers were shot, not covered by the approximate funnel	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: You indicate the position near the kraal and the so-called gap in the corridor. MR NTSEBEZA SC: Now in the picture to the right of the sketch plan there is a measurement of 210 metres to the right and we say that is the distance both from scene 1 and from Mtshazi's body. Do you see that? COLONEL CLASSEN: I see that, Chair. MR NTSEBEZA SC: Now we are saying from that position, because your line would be towards the bottom of this sketch plan, it would be in fact way below here, because there's the kraal. You would have lined somewhere there, which is – because you have got the shack in this corner here, so it was – CHAIRPERSON: If you say "somewhere there" you're indicating a spot in the fenced off area, bottom left of the sketch plan, about a third of the way in from the left side. MR NTSEBEZA SC: You agree with that? COLONEL CLASSEN: Excuse, Mr Ntsebeza, because when I look at it, you're pointing at the bottom and you're saying that's our line, that's where we were. MR NTSEBEZA SC: That's where your line, I think your line is not even reflected in this sketch

Marikana Commission of Inquiry

i verdit it be facing. Sit? 1 referring to Mr Mishai and Mr Naporgophele, Chairman, the ones That we have – 3 facing the kraal. This is the entrance to the kraal. 3 ones That we have – 4 COLONEL CLASSEN: Oward at the standing of the classing from this - 7 5 dort understand you so clearly, because Im ran attally 6 MR NTSEBEZA SC: verdit in the direction – 7 side, facing that direction – 7 MR NTSEBEZA SC: Verdit in the standing from this - 7 side, facing that direction - 7 MR NTSEBEZA SC: Verdit in the standing from the int-thand side and 10 Void any standing in that direction - 7 MR NTSEBEZA SC: Versite provid in the standing from the int-thand side and 11 you say 'tacing in that direction - 7 11 CHAIRPERSON: - to the mark the mark the standing from the standing from the standing from the standing from another word syoure 15 CHAIRPERSON: - to the mark the south. 11 you san't clear in the standing from the standing from the standing from another word syoure 15 CHAIRPERSON: - to the mark the south. 12 palon cother might is north according t	i vould it be facing. SiP 1 reforming to Mr Mishaiz and Mr Ngengophele, Chairman, the ones that we have – i facing the kraal. This is the entrance to the kraal. 3 ones that we have – i COLONEL CLASSEN: Okay, then maybe I 4 MR NTSEBEZA SC: - dealt with already? i observed inter direction - 7 MR NTSEBEZA SC: Yes, yes. i observed inter direction - 7 MR NTSEBEZA SC: Yes, yes. i observed inter direction - 7 MR NTSEBEZA SC: Yes, yes. i observed inter direction - 7 MR NTSEBEZA SC: Yes, yes. i observed inter direction - 7 MR NTSEBEZA SC: Yes, yes. i observed inter direction - Yes Yes Yes Yes i observed inter direction - Yes Yes Yes Yes Yes i observed inter direction - Yes Yes Yes Yes Yes Yes i observed inter dinter dinterintes Yes Yes		Dago 20021		Dogo 20022
2 MR NTSEEZA SC: You would obviously be 2 ones that we have - 3 facing the kraal. This is the entrance to the kraal. 3 CHAIRPERSON: Yes, yes: 4 COLONEL CLASSEN: Wes, West, Way, Han maybe 1 5 CHAIRPERSON: Yes, west, W	2 MR NTSEE2A SC: You would obviously be 2 ones that we have - 3 facing the kraal. This is the entrance to the kraal. 3 CAHRPERSON: Yes, yes. 4 COLONEL CLASSEN: Ckay, then maybe I 4 MR NTSEEZA SC: - dealt with already? 5 doort understand you so chearly, because trim actually 5 CHAIRPERSON: Yes, well like the DR- 7 disk, faing that direction - 8 MR NTSEEZA SC: Ves, Well Missianna, we - 8 MR NTSEEZA SC: On yes. On yes. On yes. Form the left-hand side and 10 CHAIRPERSON: From the left-hand side and 10 592/2012. The other one? I think Mr 12 COLONEL CLASSEN: To the right. 12 Weslay may - If you carry give if. Mr Weslay can maybe. 13 CHAIRPERSON: In other one? Think Mr 10 CHAIRPERSON: To ank you. 14 COLONEL CLASSEN: To ark restriction. Mr one right. 13 MR NTSEEZA SC: Wes. Mon you. 15 CHAIRPERSON: In othe righ	1	Page 29931 would it be facing. Sir?	1	Page 29933 referring to Mr Mtshazi and Mr Ngongophele, Chairman, the
3 facing the kraal. This is the entrance to the kraal. 3 CHARPERSON: Yes, yes. 4 COLONEL CLASSEN: Okay, them maybe 1 4 MR NTSEBEZA SC: dealt, with already? 5 side, facing that direction. I'm tooking from this 6 numbers, plasae. 7 side, facing that direction. 'm tooking from this 6 numbers, plasae. 9 this side - 7 MR NTSEBEZA SC: Yes, Mr Chairman, we - 9 this side - 7 MR NTSEBEZA SC: Yes, Mr Chairman, we - 10 CHAIRPERSON: 'Low asy facing in that direction' youre pointing - 10 CHAIRPERSON: 'Low asy facing in that direction' youre pointing - 11 You say 'facing in that direction' youre pointing - 11 CHAIRPERSON: 'Low asy maybe. 12 COLONEL CLASSEN: To this correct. 14 592/2012. 13 CHAIRPERSON: Interrupt you can you have a pointer 16 14 Indicator, and extreme, towards the left is wouth. 18 COLONEL CLASSEN: You soc, Mr Chair, 'M 12 indicator, and extreme, towards the left is wouth. 18 COLONEL CLASSEN: You you place 13 indicator, and extreme, towards the left have and the shack is 25 You you place 14	3 facing the krail. This is the entrance to the krail. 3 CHARPERSON: Yes, yes. 4 COLONEL CLASSEN: Okay, hem maybe I 4 MR NTSEBZA SC: deall with already? 5 dort understand you so clearly, because Im ratulally 5 CHARPERSON: Yes, wed like the DF- 6 side, facing that direction - 7 MR NTSEBZA SC: Wes, Mr Chairman, we - 8 MR NTSEBZA SC: Mo yes. Oh ja. From 8 CHARPERSON: Yes, Wes (Mr Chairman, we - 9 this side - 9 MR NTSEBZA SC: Wes (Mr Chairman, we - 10 USAURELCLASSEN: To the right. 10 Wesley may - Hyou cant yee (Mr, Mr Wesley can maybe. 12 COLONEL CLASSEN: To the right. 13 Wesley may - Hyou cant yee (Mr, Mr Wesley can maybe. 14 COLONEL CLASSEN: In other words youre 16 MR NTSEBZA SC: Wesley may - Hyou cant yee (Mr, Mr Wesley can maybe. 15 CHAIRPERSON: In other words youre 16 MR NTSEBZA SC: Where do you place 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBZA SC: Where do you place 11 plan, extreme right is northance of the south. 16 COLONEL CLASSEN: You you right with weild water in sindcaling K, where I 20 COLONEL CLASSEN: You you right		-		
4 COLONEL CLASSEN: Okay, then maybe I 4 MR NTSEBEZA SC: - dealt with already? 5 odm understand you so clearly, because I'm actually 5 CHAIRFERSON: Yes, well like the DR. 7 seleng II tim another direction - 8 MR NTSEBEZA SC: O hys. Oh ys. Oh ys. Oh ys. From 8 CHAIRFERSON: I'd make a - 9 this side- 0 CHAIRFERSON: I'd make a - 9 MR NTSEBEZA SC: Misside- 10 CHAIRFERSON: From the left-hand side and 10 592/2012. 11 CHAIRFERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 12 Wesley may - Hy you cant give II, Mr Wesley can maybe. 13 CHAIRFERSON: In other words youre 15 CHAIRFERSON: Thank you. 14 oblicator, and externe right is north according to the widt 16 MR NTSEBEZA SC: Wesley may - Hy you cant give II, Mr Wesley can maybe. 14 oblicator, and externe, towards the fift is south. 16 MR NTSEBEZA SC: Wesley imm - 14 bolocking at the kraal where it's indicating K, where it 16 MR NTSEBEZA SC: Wesley imm - <t< td=""><td>4 COLONEL CLASSEN: Okay, then maybe 1 4 MR NTSEBEZASC: - dealt with already? 5 dem't understand you so charty, because t'm actually 5 CHAIRPERSON: Yes, we'd like the DR- 7 side, facing that direction - 7 MR NTSEBEZASC: Yes, we'd like the DR- 9 this side - 7 MR NTSEBEZASC: Yes, We'd like the DR- 10 CHAIRPERSON: From the left-hand side and 10 59/2012. 11 OCIONEL CLASSEN: To the right. 12 Weelsy may - If you cart give if. Mr Weelsy can maybe. 13 CHAIRPERSON: - towards the right. 13 Weelsy may - If you cart give if. Mr Weelsy can maybe. 14 COLONEL CLASSEN: To the right. 14 50/2012. 15 15 CHAIRPERSON: In other words youre 15 CHAIRPERSON: To ak you. 16 pointing in a southerly direction. Indicating K- and where it's indicating K, where it's indicating K, where it's indicating K, where it's indicating K- where it's</td><td></td><td>5</td><th></th><td></td></t<>	4 COLONEL CLASSEN: Okay, then maybe 1 4 MR NTSEBEZASC: - dealt with already? 5 dem't understand you so charty, because t'm actually 5 CHAIRPERSON: Yes, we'd like the DR- 7 side, facing that direction - 7 MR NTSEBEZASC: Yes, we'd like the DR- 9 this side - 7 MR NTSEBEZASC: Yes, We'd like the DR- 10 CHAIRPERSON: From the left-hand side and 10 59/2012. 11 OCIONEL CLASSEN: To the right. 12 Weelsy may - If you cart give if. Mr Weelsy can maybe. 13 CHAIRPERSON: - towards the right. 13 Weelsy may - If you cart give if. Mr Weelsy can maybe. 14 COLONEL CLASSEN: To the right. 14 50/2012. 15 15 CHAIRPERSON: In other words youre 15 CHAIRPERSON: To ak you. 16 pointing in a southerly direction. Indicating K- and where it's indicating K, where it's indicating K, where it's indicating K, where it's indicating K- where it's		5		
5 don't understand you so clearly, because i'm actually 5 CHAIRPERSON: Yes, we'd like the DP- 6 side, facing that direction. ''m looking from this's 6 numbers, please.'' 8 MR NTSEEZA SC: Ohyes, Ohja, From 8 CHAIRPERSON: I'd make a - 9 MR NTSEEZA SC: Ohyes, Ohja, From 9 MR NTSEEZA SC: Mtshairs DR-number, 10 Usu say facing in that direction, 'your pointing - 11 CHAIRPERSON: To the right. 12 Wesley cam maybe. 13 COLONEL CLASSEN: To the right. 13 MR NTSEEZA SC: Ves. Nogogophie Is 14 COLONEL CLASSEN: To the right. 13 MR NTSEEZA SC: Do you have a pointer 15 CHAIRPERSON: In other words your'e 16 MR NTSEEZA SC: Do you have a pointer 16 pointing in a southerty direction. In fact on the sketch 16 MR NTSEEZA SC: Where do you place 16 pointing in a southerty direction. In fact on the sketch 10 MR NTSEEZA SC: Your NRT - 12 kraal itter to body of K. It looks ike the entrance of the 21 yourself? 11 rotocass the ward strome the right. 12 yourself? Yourself? 24 There is what we call the gap in the corridor, t	b down understand you so clearly, because I'm actually 5 CHARPERSON: Yes, we'd like the DP- c steb, find that direction. I'm looking from this 6 numbers, plasse. 8 MR NTSEBEZA SC: Oh yes. Oh ja. From 8 CHARPERSON: I'd make a - 10 OHARPERSON: From the left-hand side and 10 592/2012. 11 you say 'taking in that direction. 'yourre pointing - 11 CHARPERSON: To the right. 12 12 COLONEL CLASSEN: To the right. 13 Wesley may - you can't jewic, H.W. Wesley can maybe. 13 CHARPERSON: In other words youre 15 CHARPERSON: Thank you. 14 FOLONEL CLASSEN: That's correct. 14 500/2012. 15 OHARPERSON: In other words youre 15 CHARPERSON: Thank you. 16 Indicator, and extreme, forwards the left is south. 18 COLONEL CLASSEN: You see, Mr Charl, 'M 10 akolondowing the kraid where It's Indicating, Wrene II 20 MR NTSEBEZA SC: Wour TRT- 21 indicators the body of K. It looks like the entrance of the 21 yourself? 22 kraail if the carrect. Am I - 22 COLONEL CLASSEN: Way whent I look at the app in the corridor, the space		0	_	
6 sciency if from another direction. I'm looking from this 6 numbers. please. 7 side, facing that direction. 7 MR NTSEBEZA SC: Ves, Mr Chairman, we – 9 this side – 9 CHAIRPERSON: I'd make a – 10 CHAIRPERSON: From the leit-hand side and 10 592/2012. 11 CHAIRPERSON: To the right. 11 CHAIRPERSON: To the right. 12 COLONEL CLASSEN: To the right. 12 Wesley may – if you can't give ii, Mr Wesley can maybe. 13 CHAIRPERSON: I'd ther words you're 15 CHAIRPERSON: To the sight. 14 polinting is southerly direction. In fact on the sketch 17 Iom/ 16 polinting is north according to the wind 17 now/ 18 indicator, and extreme right is north according to the wind 17 now/ 19 o clonket CLASSEN: You see, Mr Chair, I'm 10 Chair, I'm 20 kraal, if 'm correct. Am I – 20 MR NTSEBEZA SC: Your I'RT – 21 indicater and extreme, towards the left is south. 18 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your I'RT –	6 sciency if from another direction - I'm looking from this 6 numbers, please. 7 side, facing that direction - 7 MR NTSEBEZA SC: Mishad's DR-number, 9 this side - 9 MR NTSEBEZA SC: Mishad's DR-number, 11 you say 'facing in that direction, 'you're pointing - 11 CHAIRPERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 13 CHAIRPERSON: The other one? I think Mr 13 CHAIRPERSON: In other words you're 15 CHAIRPERSON: That's correct. 14 \$99/2012. 15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: In other words you're 16 MR NTSEBEZA SC: Do you have a pointer 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Where do you place 17 indicator, and extreme, toward's the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 18 indicator, and extreme, toward's the left is south. 18 COLONEL CLASSEN: Ver, I do. I do, Mr 19 coloning at the kraal where it's indicating K, where it is 10 MR NTSEBEZA SC: Where do you place 2 thealthead and in the corridor, the space 24 COLONEL CLASSEN: Okay, I'm - </td <td></td> <td></td> <th>-</th> <td></td>			-	
7 side, facing that direction - 7 MR NTSEEZA SC: Wes. Mr Chairman, we - 8 MR NTSEEZA SC: Oh yes. Oh ja. From 9 MR NTSEEZA SC: Mtshad's DR-umber, 10 CHAIRPERSON: From the left-hand side and 10 592/2012. 11 you say "facing in that direction," youre pointing - 11 CHAIRPERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 13 Wesley may - if you cant give if, Mr Wesley can maybe. 13 COLONEL CLASSEN: To the right. 13 MR NTSEEZA SC: Wes. Ngongophele is 14 COLONEL CLASSEN: To the right. 13 MR NTSEEZA SC: Wes. Ngongophele is 15 CHAIRPERSON: In other words youre 16 MR NTSEEZA SC: Word you have a pointer 16 pointing in a southery direction. In fact on the sketch 16 MR NTSEEZA SC: Where do you place 16 indicates the body of K. It looks like the entrance of the 20 MR NTSEEZA SC: Your TRT - 21 indicates the corner of the fenced area in which the shack is 23 MR NTSEEZA SC: Way. When I look at the rest way from threngthing 22 between the corner of the fenced area in which the shack is 23 MR NTSEEZA SC: Way. When I look at the rest shack is 23	7 side, facing that direction - 7 MR NTSEBEZA SC: Oh yes. Oh ja. From 8 CHAIRPERSON: If direction - 8 10 CHAIRPERSON: From the left-hand side and 0 9/22/2012. MR NTSEBEZA SC: Mtshaa's DR-number, 11 you say 'facing in that direction, 'youre pointing - 10 59/22/012. The other one? I think Mr 12 COLONEL CLASSEN: To the right. 13 CHAIRPERSON: - towards the right. 13 WrstepersA SC: Yes. Magnopphele is 14 COLONEL CLASSEN: That's correct. 14 59/22/012. CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: We share a pointer 16 pointing in a southerly direction. In fact on the sketh 16 MR NTSEBEZA SC: Where do you have a pointer 17 plan.etreme right is north according to the wind 18 COLONEL CLASSEN: Yes. I do. I do, Mr 19 classing at the krasi where it's indicating K. where it 20 MR NTSEBEZA SC: Wore do you place 21 indicates the body of K. It looks like the entrance of the 21 yoursch? 23 MR NTSEBEZA SC: Your TRT - 22 chailenters what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay. Men I look at 25 Page 29934 <td></td> <td></td> <th></th> <td></td>				
8 MR NTSEBEZA SC: Oh yes. Oh ja. From 8 CHAIRPERSON: I'd make a - 9 this side - MR NTSEBEZA SC: Mthadris DR-number, 11 you say: facing in that direction, "yourpe pointing - 11 CHAIRPERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 12 Wesley may - if you can't give it, Mr Wesley can maybe. 13 CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: No one? I think Mr 14 COLONEL CLASSEN: To the right. 14 500/2012. Then skwords the left is south. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 now? MR NTSEBEZA SC: Where do you place 1 indicator, and extreme, twowards the left is south. 18 COLONEL CLASSEN: Yous, I'm - 23 also looking at the traal where it's indicating K, where it 10 Ord Mark TSEBEZA SC: Where do you place 1 indicator, and then across the way from there is the 1 NR NTSEBEZA SC: Yourset? 24	8 MR NTSEBEZA SC: Oh yes. Oh ja. From 8 CHAIRPERSON: I'd make a - 9 this side - 9 MR NTSEBEZA SC: Mt MTSEBEZA SC: Mt MTSEBEZA SC: Mt MTSEBEZA SC: 11 you say "facing in that direction," you're pointing - 11 CHAIRPERSON: The endre of 21 think Mt 12 COLONEL CLASSEN: To the right. 12 Wesley may - if you can't give it. Mt Wesley can maybe. 13 CHAIRPERSON: - towards the endr. 14 590/2012. 14 colonet classEN: In that's correct. 14 590/2012. 15 CHAIRPERSON: In other word's you're 15 CHAIRPERSON: Do you have a pointer 17 plan, extreme right is north according to the wind 17 nov/ 18 COLONEL CLASSEN: Yous ee, Mt Chair, I'm 18 indicates and extorme, towards the feft is south. 18 COLONEL CLASSEN: Yous ee, Mt Chair, I'm 19 COLONEL CLASSEN: Yous ee, Mt Chair, I'm 19 Colonet CLASSEN: Okay, I'm - 21 indicates in body of K. Thord is what we call the gap in the corridon, the space 19 Yous POL Yous POL			_	
9 this side – 9 MR NTSEBEZA SC: Mishazi's DR-number, 10 CHAIRPERSON: From the left-hand side and 10 592/2012. 11 CHAIRPERSON: To the right. 11 CHAIRPERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 13 MR NTSEBEZA SC: Yes. Noprogobie is 13 CHAIRPERSON: In other words yource 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Yes. Noprogobie is 17 plan, extreme, towards the left is south. 18 COLONEL CLASSEN: Yes. Noprogobie is 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes. Noprogobie is 19 caso looking at the kraal where its indicating K, where it 10 COLONEL CLASSEN: Yes, I do. I do, Mr 21 indicators the oddy of K. It look is in the corridor, the space 24 COLONEL CLASSEN: New IT so to to clas no 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Jay es. 24 to be found, a	9 this side - 9 MR NTSEBEZA SC: Mtsharls DR-number, 10 CHAIRPERSON: From the left-hand side and 10 592/2012. 11 CHAIRPERSON: The other one? 1 think Mr 12 COLONEL CLASSEN: To the right. 13 CHAIRPERSON: The other one? 1 think Mr 13 CHAIRPERSON: To the right. 13 MR NTSEBEZA SC: Yes. Nqongophele is 14 COLONEL CLASSEN: That sorret. 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? 20 MR NTSEBEZA SC: Wary, I'm - 23 kraal and slightly to the right is the ontrance to the 21 yourself? 20 OLONEL CLASSEN: Okay, When I look at 24 there is what we call the gap in the corridner. It he systep		0		
10 CHAIRPERSON: From the left-hand side and 10 592/2012. 11 you say 'facing in that direction.' you're pointing	10 CHARPERSON: From the left-hand side and 10 592/2012. 11 you say facing in that direction.' you're pointing – 11 CHARPERSON: The other one? I think Mr 13 COLONEL CLASSEN: To the right. 13 MR NTSEBEZA SC: Yes. Ngongophele is 14 COLONEL CLASSEN: That's correct. 14 590/2012. 15 CHARPERSON: In other words you're 15 CHARPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 nov? 18 COLONEL CLASSEN: You see, Mc Chair, I'm 10 also looking at the kraal where it's isouth. 18 COLONEL CLASSEN: You regulate 21 indicates the body of K. It looks like the corridor, the space 24 COLONEL CLASSEN: Okay, I'm - 22 kraal, if 'm correct. Am I - 22 COLONEL CLASSEN: Okay, I'm - 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your 'RT - 24 kraal siteif. So you understand		,	_	
11 you say 'facing in that direction.' you're pointing – 11 CHAIRPERSON: The other one? I think Mr 12 COLONEL CLASSEN: To the right. 12 Wesky may – if you can't give if, Mr Wesky can maybe. 13 CHAIRPERSON: In other words you're 13 SMR NTSEBEZA SC: Yes. Ngongophele is 14 COLONEL CLASSEN: In other words you're 15 CHAIRPERSON: Thank you. 14 pointing in a souther' gifterion. In fact to the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 now? 18 13 GHAIRPERSON: Server, Server, Michair, Im 18 COLONEL CLASSEN: You see, MChair, Im 14 absol tooking at the kraat where its indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicators the body of K. It looks like the entrance of the 21 yoursel? 22 22 kraal if im corred: An I 22 COLONEL CLASSEN: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT - 24 There is what we call the gap in the condort, the space. 24 COLONEL CLASSEN: Sorry to interrupt you. 25 Im R NTSEBEZA SC: Ja? Page 29934 1 Stralt seth shack -	11 you say "facing in that direction," you're pointing – 11 CHAIRPERSON: To the right. 12 12 COLONEL CLASSEN: To the right. 13 MR NTSEBEZA SC: Yes. Ngongohele is 14 COLONEL CLASSEN: That's correct. 14 500/2012. 15 CHAIRPERSON: In other words youre 15 CHAIRPERSON: Thank you. 16 pointing in a southery direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: You see, MChair, Tm 20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicators the body of K. It looks like the entrance of the 21 yourself? 22 22 kraal, if m correct. An I – 22 COLONEL CLASSEN: Sorry to interrupt you. 23 MR NTSEBEZA SC: You TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: You you work stress the shack - 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Sorey to interrupting 3			-	
12 COLONEL CLASSEN: To the right. 12 Wesley may – if you can't give it, Mr Wesley can maybe. 13 CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: Yes. Nongophele is 14 COLONEL CLASSEN: That's correct. 14 590/2012. 15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: That's correct. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 now? 10 CALONEL CLASSEN: Yes. 1 do. 1 do. Mr 19 calso looking at the kraal where it's inflicating K, where it 10 CALASSEN: Yes. 1 do. 1 do. Mr 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 COLONEL CLASSEN: New respecta SC: You TR - 23 CHAIRPERSON: Sorry to interrupt you. 23 COLONEL CLASSEN: New respecta SC: You TR - 24 tobe found, and then across the way from there is the 14 MR NTSEBEZA SC: You TR - 25 you.You were giving an answ	12 COLONEL CLASSEN: To the right. 12 Wesley mayif you can't give it, Mr Wesley can maybe. 13 CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: Yes. Naporgophele is 14 COLONEL CLASSEN: That sorrect. 14 59/2012. 15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 abso tooking at the kraal where it's indicating, kwhere it's 10 Chair. 20 MR NTSEBEZA SC: Where do you place 12 indicators the body of K. It looks like the entrance of the 21 yourself? 23 COLONEL CLASSEN: Okay, I'm - 23 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 22 24 the sketh, but in dict it is so. Sorry for interrupting 4 CHAIRPERSON: Sorewhere there, yes. 25 you, You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN			-	
13 CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: Yes. Ngongophele is 14 COLONEL CLASSEN: In other words yourg 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 pian. extreme right is north according to the wind 17 now? 18 MR NTSEBEZA SC: Do you have a pointer 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 COLONEL CLASSEN: Yes, I do. I do, Mr 20 kraal, If I'm correct. Am I - 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yoursel? 23 MR NTSEBEZA SC: Your TT - 24 kraal if I'm correct. Am I - 23 MR NTSEBEZA SC: Your TT - 24 25 between the corner of the fanced area in which the shack is 25 collonket CLASSEN: Okay, when I look at 25 you. You were giving an answer. I'm just trying to help you to understand? That's not too clear on 4 CHAIRPERSON: Sonewhere there, yes. 5 COLONEL CLASS	13 CHAIRPERSON: - towards the right. 13 MR NTSEBEZA SC: Yes. Nqongophele is 14 COLONEL CLASSEN: In other words your 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 pine, extreme right is north according to the wind 17 now? COLONEL CLASSEN: Yes, I do. I do, Mr 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. COLONEL CLASSEN: Way, I'm - 21 indicators the body of K. It looks like the entrance of the 21 yourself? Your TRT - 22 kraal, if I'm correct. Am I - 22 COLONEL CLASSEN: Okay, I'm - 23 23 refail what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? Sage 29934 1 to be found, and then across the way from there is the				
14 COLONEL CLASSEN: That's correct. 14 590/2012. 15 CHAIRPERSON: In other words youre 15 CHAIRPERSON: Thank you. 17 plan, extreme right is north according to the wind 16 MR NTSEBEZA SC: Do you have a pointer 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: You see, Mr Chair, I'm 20 also looking at the kraal where it's indicating K, where it 18 COLONEL CLASSEN: Okay, I'm - 21 indicates the body of K. It looks like the entrance of the 21 yourself? 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if I'm correct. Am I - 22 COLONEL CLASSEN: Okay, I'm - 23 between the corner of the fenced area in which the sback is is? is? Is that what you - 24 to be found, and then across the way from thers is the is? Is that what you - 4 COLONEL CLASSEN: Is that where the shack 3 you. you wore giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, yes. 5 you. you deristand? That's not to clear on 4 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Somew	14 COLONEL CLASSEN: That's correct. 14 590/2012. 15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: Thank you. 17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 16 MR NTSEBEZA SC: Where do you place 19 oboloking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if the corridor, the space 24 COLONEL CLASSEN: Okay, I'm - 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: You TTE - 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 Inow It's, if this is the shack - 7 to be found, and then across the way from there is the 14 MR NTSEBEZA SC: Ja? Page 29934 1 to be found, and the nacross the way from there is the 14 SOULONEL CLASSEN: Somewhere there, yes. COLONEL CLASSEN: Somewhere there, then 5 you. You w		6		
15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. Indicator, and extreme, towards the left is south. 16 MR NTSEBEZA SC: Do you have a pointer 17 now? COLONEL CLASSEN: Yes, I do. I do, Mr 20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Okay, I'm - 22 kraal, if I'm correct. Am I - 22 COLONEL CLASSEN: Okay, I'm - 23 CHAIRPERSON: Sorry to interrupt you. 24 MR NTSEBEZA SC: Your TRT - 24 there shouth ock at the gap in the corridor, the space 25 onow it's, if this is the shack - Page 29934 1 to be found, and then across the way from there is the 2 COLONEL CLASSEN: Okay, when I look at 2 you. you were glving an answer. I'm just trying to help 4 COLONEL CLASSEN: Sorewhere there, yes. 5 you. You were glving an answer. I'm just trying to help 5 COLONEL CLASSEN: Sorewhere there, yes. <tr< td=""><td>15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan. extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. 20 20 also looking at the kraal where itts indicating K, where itt 20 OUNEL CLASSEN: Okay, I'm - 21 indicates the body of K. It looks like the entrance of the 21 yourself? 21 There is what we call the gap in the corridor, the space 22 COLONEL CLASSEN: Okay, When I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is not too clear on 3 is? Is that what you - 3 kraal iself. So you understand? That's not too clear on 3 is? Is that what you - 4 the sketch, but in fact it is so. Sorry for in</td><td></td><td>C C</td><th></th><td></td></tr<>	15 CHAIRPERSON: In other words you're 15 CHAIRPERSON: Thank you. 16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan. extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. 20 20 also looking at the kraal where itts indicating K, where itt 20 OUNEL CLASSEN: Okay, I'm - 21 indicates the body of K. It looks like the entrance of the 21 yourself? 21 There is what we call the gap in the corridor, the space 22 COLONEL CLASSEN: Okay, When I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is not too clear on 3 is? Is that what you - 3 kraal iself. So you understand? That's not too clear on 3 is? Is that what you - 4 the sketch, but in fact it is so. Sorry for in		C C		
16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicator, and it m correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 26 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 3 kraal itself. So you understand? That's not too clear on 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN:	16 pointing in a southerly direction. In fact on the sketch 16 MR NTSEBEZA SC: Do you have a pointer 17 plan, extreme right is noth according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? COLONEL CLASSEN: Okay, I'm - 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TT - 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 24 to be found, and then across the way from there is the 2 COLONEL CLASSEN: Sorewhere the shack 3 kraal and slightly to the right is not on clear on 3 is? Is that what you - 4 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Sonewhere there, yes.				
17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. 10 21 indicates the body of K. It looks like the entrance of the 21 yoursel? 22 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your RT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now It's, if this is the shack – 2 kraal and slightly to the right is the entrance to the 3 is? I is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Sorry to interrupting 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 the sketch, but in fact it is so. Sorry for interrupt you. 5 COLONEL CLASSEN: Somewhere there, then 7 <t< td=""><td>17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 10 Chair. 0 21 indicates the body of K. It looks like the entrance of the 21 yourself? 0 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal liseif. So you understand? That's not to clear on 3 is? I's that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand the plan. 6 the TT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 9<</td><td></td><td>-</td><th>_</th><td>5</td></t<>	17 plan, extreme right is north according to the wind 17 now? 18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 10 Chair. 0 21 indicates the body of K. It looks like the entrance of the 21 yourself? 0 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal liseif. So you understand? That's not to clear on 3 is? I's that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand the plan. 6 the TT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 9<		-	_	5
18 indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: You see, Mr Chair, I'm 19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. 20 also looking at the kraal where it's indicating K, where it 10 Chair. 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 row it's, if this is the shack - 24 to be found, and then across the way from there is the shack is 25 colLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. vou were giving an answer. I'm just trying to help COLONEL CLASSEN: Somewhere there, yes. 6 the sketch, but in fact it is ac. Sorry for	18 Indicator, and extreme, towards the left is south. 18 COLONEL CLASSEN: Yes, I do. I do, Mr 19 COLONEL CLASSEN: You see, Mr Chair, I'm 20 MR NTSEBEZA SC: Where do you place 20 also looking at the kraal where it's indicating K, where it 20 Joursell? 21 indicates the body of K. It looks like the entrance of the 21 yoursell? 22 Kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TR – 24 There is what we call the gap in the corred/or, the space 24 COLONEL CLASSEN: Okay, When I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 26 Kraal and slightly to the right is the entrance to the 3 is S7 Is that what you – 3 kraal itself. So you understand? That's not too clear on 3 is 7 Is that what you – 4 the sketh, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you understand? the plan. 7 COLONEL CLASSEN: Somewhere there, then the trance to the 5 6 there is koth what w				
19 COLONEL CLASSEN: You see, Mr Chair, I'm 19 Chair. 20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now It's, if this is the shack – 26 kraal and slightly to the right is the entrance to the 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Somewhere there, then 6 you to understand? That's not too clear on 3 is? Is that what you – 7 COLONEL CLASSEN: Yes, I appreciate it, 7	19 COLONEL CLASSEN: You see, Mr Chair, Ym 19 Chair. 20 also looking at the kraal where it it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yoursel? 22 kraal, if I'm correct. Am I 22 COLONEL CLASSEN: Okay, I'm - 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT - 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 24 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 26 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Somewhere there, yes. 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you - 4 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, yes. 6 the sketch,				
20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 24 COLONEL CLASSEN: Okay, when I look at 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 7 to be found, and then across the way from there is the 2 COLONEL CLASSEN: Is that where the shack is 8 kraal itself. So you ounderstand? That's not too clear on 3 is? Is that what you – 4 4 CHAIRPERSON: Somewhere there, yes. 5 COLONEL CLASSEN: Somewhere there, yes. 5 you to understand the plan. 7 MR NTSEBEZA SC: Ja, yes. 8 6 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Somewhere there, yes. 6	20 also looking at the kraal where it's indicating K, where it 20 MR NTSEBEZA SC: Where do you place 21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 26 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? I shat what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand the plan. 6 the TT line will be in line there. 7 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 10 CHAIRPERSON: Yes, I				
21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 CALARPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT - 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT - 24 There is what we call the gap in the corridor, the space 25 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack - 26 kraal and slightly to the right is the entrance to the and slightly to the right is the entrance to the 3 is? Is that what you - 4 the sketch, but in fact it is so. Sorry for interrupting 4 COLONEL CLASSEN: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: S that right? You 9 between the kraal and the fencing? 7 MR NTSEBEZA SC: Ja, yes. 11 COLONEL CLASSEN: Yes. New I have the side of that 11 12 when	21 indicates the body of K. It looks like the entrance of the 21 yourself? 22 CALAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Vour TRT – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Vour TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 7 to be found, and then across the way from there is the 2 COLONEL CLASSEN: Is that where the shack is 8 traal itself. So you understand? That's not to clear on 3 is? Is that what you – 4 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, yes. 6 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10				
22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 24 26 for be found, and then across the way from there is the rege 29932 1 MR NTSEBEZA SC: Ja? 27 kraal and slightly to the right is the entrance to the is? Is that what you – 4 COLONEL CLASSEN: Somewhere the shack is is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Somewhere there, yes. 5 you to understand the plan. 7 MR NTSEBEZA SC: Ja, yes. 7 COLONEL CLASSEN: Yes. Somewhere there, then 6 6 COLONEL CLASSEN: Yes. Somewhere there, then 1 7 CALRPERSON: Yes. Somewhere taking about, up - will be correct in 10 CHAIRPERSON:	22 kraal, if I'm correct. Am I – 22 COLONEL CLASSEN: Okay, I'm – 23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, I'm – 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 26 to be found, and then across the way from there is the 4 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 3 is? Is that what you – 4 3 kraal inself. So you understand? That's not too clear on 4 COLONEL CLASSEN: Somewhere there, yes. 5 you 'ou were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 7 COLONEL CLASSEN: Yes. 7 MR NTSEBEZA SC: Ja yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and th				5
23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 24 COLONEL CLASSEN: Okay, when I look at 26 kraal itself. So you understand? That's not too clear on 1 MR NTSEBEZA SC: Ja? 27 COLONEL CLASSEN: Is that where the shack 3 is? Is that what you – 4 4 the sketch, but in fact it is so. Sorry for interrupting 5 COLONEL CLASSEN: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, yes. 6 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 0 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. COLONEL CLASSEN: Next the gap in facing south, as the Chairperson actually – 3 will be again facing south, as the Chairperson actually – 11 fence that we're taking	23 CHAIRPERSON: Sorry to interrupt you. 23 MR NTSEBEZA SC: Your TRT – 24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 26 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, then 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at the fencing? 9 indicate a line which seems to be running from a position 10 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 11 fence that we're taking about, up – will I be correc		-		
24 There is what we call the gap in the corridor, the space between the corner of the fenced area in which the shack is 24 COLONEL CLASSEN: Okay, when I look at 25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – 7 Colonel CLASSEN: Somewhere there, yes. 2 COLONEL CLASSEN: Is that where the shack 8 Kraal itself. So you understand? That's not too clear on 4 the sketch, but in fact it is so. Sorry for interrupting 5 you. You were giving an answer. I'm just trying to help you to understand the plan. COLONEL CLASSEN: Somewhere there, yes. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 CHAIRPERSON: Is that right? You 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 11 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 14 where this 260 metres, this thing is, it's towards the 11 fence that were talking about, up – will I be correct in 15 uitreet? No, I dont. 14 disputing is that sketch plan there, Mr Chair, where you 16 the - I just need some clarification then. 17 in here, right here. That's where we made our line, 18	24 There is what we call the gap in the corridor, the space 24 COLONEL CLASSEN: Okay, when I look at 25 between the corrier of the fenced area in which the shack is 24 COLONEL CLASSEN: Okay, when I look at 26 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 6 the TRT line will be in line there. 7 COLONEL CLASSEN: Yes, 1 appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 CHAIRPERSON: Yes. 1 faite at alline which seems to be running from a position 10 CHAIRPERSON: Yes. 1 faite at alline which seems to be running from a position 11 COLONEL CLASSEN: Okay, then M Ntsebeza, 11 fence that we're talking about, up - will I be correct in 12 when I look at It I'm actually seeing that then our line 12 saying more or leses parallel with the side of the picture?				-
25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – Page 29932 1 to be found, and then across the way from there is the 2 kraal and slightly to the right is the entrance to the 1 MR NTSEBEZA SC: Ja? 2 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand the plan. 6 COLONEL CLASSEN: Somewhere there, then 6 you to understand the fencing? 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. Yes. 11 fence that we're talking about, up – will I be correct in 13 when I look at it i'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? 13 where this 260 metres, this thing is, it's towards the 14 disputing is that sketch plan there, Mr Cha	25 between the corner of the fenced area in which the shack is 25 now it's, if this is the shack – Page 29934 1 to be found, and then across the way from there is the 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 karaal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you to understand the plan. 6 COLONEL CLASSEN: Somewhere there, then 6 you to understand the plan. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 COLONEL CLASSEN: Way, then Mr Ntsebeza, 11 fence that were talking about, up – will I be correct in 12 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the		5 1 5		
Page 29932 Page 29932 1 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal instelf. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you vou understand the plan. 6 the TRT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 CHAIRPERSON: Is that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 COLONEL CLASSEN: Ves. Osayi, then Mr Ntsebeza, 11 fence that we're talking about, up – will I be correct in 11 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 11 fence that we're talking about, up – will I be correct in 12 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? 13 will be again facing south, as the Chairperson actually – 13 COLONEL CLASSEN: Yes, because what I'm <	Page 29932 Page 29934 1 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 you to understand the plan. 6 the TRT line will be in line there. 7 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 COLONEL CLASSEN: Yes. 11 fence that were traiking about, up – will I be correct in 14 when I look at it I'm ac				-
1to be found, and then across the way from there is the kraal and slightly to the right is the entrance to the kraal and slightly to the right is the entrance to the kraal itself. So you understand? That's not too clear on 	1 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 you to understand the plan. 6 the TRT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 colonet CLASSEN: Neaty, then Mr Ntsebeza, 11 fence that were talking about, up – will be correct in 12 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? <td>25</td> <td>between the corner of the fenced area in which the shack is</td> <th>25</th> <td>now it's, if this is the shack –</td>	25	between the corner of the fenced area in which the shack is	25	now it's, if this is the shack –
1 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 to understand the plan. 6 the TRT line will be in line there. 7 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 11 fence that we're talking about, up – will J be correct in 13 will be aga	1 to be found, and then across the way from there is the 1 MR NTSEBEZA SC: Ja? 2 kraal and slightly to the right is the entrance to the 2 COLONEL CLASSEN: Is that where the shack 3 kraal itself. So you understand? That's not too clear on 3 is? Is that what you – 4 the sketch, but in fact it is so. Sorry for interrupting 4 CHAIRPERSON: Somewhere there, yes. 5 you. You were giving an answer. I'm just trying to help 5 COLONEL CLASSEN: Somewhere there, then 6 you to understand the plan. 6 the TRT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 coclonet CLASSEN: Nearcost the 14 disputing is that sketch plan there, Mr Chair, where you 13 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? <t< td=""><td></td><td>Dara 20022</td><th></th><td>Daria 20024</td></t<>		Dara 20022		Daria 20024
2kraal and slightly to the right is the entrance to the kraal itself. So you understand? That's not too clear on the sketch, but in fact it is so. Sorry for interrupting you. You were giving an answer. I'm just trying to help you to understand the plan.2COLONEL CLASSEN: Somewhere there, yes.7COLONEL CLASSEN: Yes, I appreciate it, Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?6the TRT line will be in line there.7COLONEL CLASSEN: Ves, I appreciate it, COLONEL CLASSEN: Ves, Ves, I appreciate it, COLONEL CLASSEN: Ves, I appreciate it, COLONEL CLASSEN: Ves, I appreciate it, COLONEL CLASSEN: Ves, I appreciate it, Ves,	2kraal and slightly to the right is the entrance to the kraal itself. So you understand? That's not too clear on the sketch, but in fact it is so. Sorry for interrupting you. You were giving an answer. I'm just trying to help you to understand the plan.2COLONEL CLASSEN: Somewhere there, yes.7COLONEL CLASSEN: Vou were giving an answer. I'm just trying to help you to understand the plan.6the TRT line will be in line there.7COLONEL CLASSEN: Vou were giving an answer. I'm just trying to help by out ounderstand the plan.6the TRT line will be in line there.7COLONEL CLASSEN: Ves.Yes, I appreciate it, Ves.7MR NTSEBEZA SC: Is that right? You8Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: Ves.Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: Ves.Okay, then Mr Ntsebeza, ver this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see13COLONEL CLASSEN: ves, because what I'm14where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's who I see15see the fencing there, it could have turned a little bit15direction of pointing in that 260 metres.No, I don't.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC: Do you have a pointer17in line here, right here.That's where we made our line, in line here, r	1		1	-
3kraal itself. So you understand? That's not too clear on3is? Is that what you -4the sketch, but in fact it is so. Sorry for interrupting4CHAIRPERSON: Somewhere there, yes.5you. You were giving an answer. I'm just trying to help5COLONEL CLASSEN: Somewhere there, then6you to understand the plan.6the TRT line will be in line there.7COLONEL CLASSEN: Yes, I appreciate it,7MR NTSEBEZA SC: Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON: Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually -13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see16down, but I think it cannot be that correct because we weree17MR NTSEBEZA SC: Do you have a pointer17in line here, right here. That's where we made our line,18there?10CHAIRPERSON: While you're looking for19<	3kraal itself. So you understand? That's not too clear on3is? Is that what you -4the sketch, but in fact it is so. Sorry for interrupting4CHAIRPERSON: Somewhere there, yes.5you. You were giving an answer. I'm just trying to help5COLONEL CLASSEN: Somewhere there, then6you to understand the plan.6the TRT line will be in line there.7COLONEL CLASSEN: Yes, I appreciate it,7MR NTSEBEZA SC: Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON: Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in13where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16there?18and if that's where the bodies were, so we were in line17CHAIRPERSON: While you're looking for19right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that,		2		
4the sketch, but in fact it is so. Sorry for interrupting4CHAIRPERSON:Somewhere there, yes.5you. You were giving an answer. I'm just trying to help5COLONEL CLASSEN:Somewhere there, then6you to understand the plan.6the TRT line will be in line there.77COLONEL CLASSEN:Yes, I appreciate it,7MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON:Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually -13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.1818there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't. </td <td>4the sketch, but in fact it is so. Sorry for interrupting4CHAIRPERSON:Somewhere there, yes.5you. You were giving an answer. I'm just trying to help5COLONEL CLASSEN:Somewhere there, then6you to understand the plan.6the TRT line will be in line there.T7COLONEL CLASSEN:Yes, I appreciate it,7MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON:Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up – will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13Will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.1910CHAIRPERSON:Were this source tell us what are the DR-numberso f10<td>3</td><td></td><th>3</th><td></td></td>	4the sketch, but in fact it is so. Sorry for interrupting4CHAIRPERSON:Somewhere there, yes.5you. You were giving an answer. I'm just trying to help5COLONEL CLASSEN:Somewhere there, then6you to understand the plan.6the TRT line will be in line there.T7COLONEL CLASSEN:Yes, I appreciate it,7MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON:Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up – will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13Will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.1910CHAIRPERSON:Were this source tell us what are the DR-numberso f10 <td>3</td> <td></td> <th>3</th> <td></td>	3		3	
5you. You were giving an answer. I'm just trying to help you to understand the plan.5COLONEL CLASSEN:Somewhere there, then the TRT line will be in line there.7COLONEL CLASSEN:Yes, I appreciate it, 87MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza, 1111fence that we're talking about, up – will I be correct in saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually – where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line, and if that's where the bodies were, so we were in line18there?10CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of the post mortems relating to the two bodies that have been talked about, the two deceased strikers who've been talked about?20CHAIRPERSON:Up - you know the, ja, 2324upright side of the page, and it in fact, if the wind24u	5you. You were giving an answer. I'm just trying to help you to understand the plan.5COLONEL CLASSEN:Somewhere there, then7COLONEL CLASSEN:Yes, I appreciate it, 87MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza, when I look at it I'm actually seeing that then our line when I look at it I'm actually seeing that then our line when I look at it I'm actually seeing that then our line where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see the - I just need some clarification then.13COLONEL CLASSEN: ves, because what I'm16the - I ust need some clarification then.16down, but I think it cannot be that correct because were to what i cannot be that correct because were in line here, right here.1718there?18and if that's where the bodies were, so we were in line right here.1919COLONEL CLASSEN:No, I don't. to bo due about, the two deceased strikers who've been talked about?23CHAIRPERSON: that, can someone please tell us what are the DR-numbers of talked about, the two deceased strikers who've been talked about?23CHAIRPERSON: that, can someone please tell us what are the DR-numbers of talked about, the two deceased strikers who've been talked about?23CHAIRPERSON: to min fact, if the	4	-	4	
6you to understand the plan.6the TRT line will be in line there.7COLONEL CLASSEN:Yes, I appreciate it,7MR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON:Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13Will be again facing south, as the Chairperson actually -13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres.That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line y	6 you to understand the plan. 6 the TRT line will be in line there. 7 COLONEL CLASSEN: Yes, I appreciate it, 7 MR NTSEBEZA SC: Ja, yes. 8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 11 fence that we're talking about, up – will I be correct in 12 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? 13 will be again facing south, as the Chairperson actually – 13 COLONEL CLASSEN: Yes, because what I'm 14 where this 260 metres, this thing is, it's towards the 14 disputing is that sketch plan there, Mr Chair, where you 15 direction of pointing in that 260 metres. That's how I see 15 see the fencing there. I could have turned a little bit 16 down, but I think it cannot be that correct because we were 17 in line here, right here. That's where we made our line, 18 there? 18	5		5	5
7COLONEL CLASSEN:Yes, I appreciate it, (NR NTSEBEZA SC:Ja, yes.8Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?9Indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually -13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres.That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22<	7COLONEL CLASSEN: Yes, I appreciate it, 87MR NTSEBEZA SC: CHAIRPERSON: 1s that right? You8Chair. So when I look at where C is, it's that the gap between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: CLASSEN:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: OKay, then Mr Ntsebeza, when I look at it I'm actually seeing that then our line where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres.13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres.14disputing is that sketch plan there, Mr Chair, where you see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were in line here, right here.17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line right here.19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for that, can someone please tell us what are the DR-numbers of the post mortems relating to the two bodies that have been about?21COLONEL CLASSEN:23talked about, the two deceased strikers who've been talked about?23CHAIRPERSON:Up - you know the, ja, upright side of the page, and it in fact, if the w			6	
8Chair. So when I look at where C is, it's that the gap8CHAIRPERSON:Is that right? You9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up – will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19CUONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two	8 Chair. So when I look at where C is, it's that the gap 8 CHAIRPERSON: Is that right? You 9 between the kraal and the fencing? 9 indicate a line which seems to be running from a position 10 CHAIRPERSON: Yes. 10 fairly close what one can call the left-hand side of that 11 COLONEL CLASSEN: Okay, then Mr Ntsebeza, 11 fence that we're talking about, up – will I be correct in 12 when I look at it I'm actually seeing that then our line 12 saying more or less parallel with the side of the picture? 13 will be again facing south, as the Chairperson actually – 13 COLONEL CLASSEN: Yes, because what I'm 14 where this 260 metres, this thing is, it's towards the 14 disputing is that sketch plan there, Mr Chair, where you 15 direction of pointing in that 260 metres. That's how I see 15 see the fencing there, it could have turned a little bit 16 the – I just need some clarification then. 16 down, but I think it cannot be that correct because we were 17 MR NTSEBEZA SC: Do you have a pointer 17 in line here, right here. That's where we made our line, 18 there? 18 and if that's where the bodies were, so we were in line 19 COLONEL C			_	
9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: Okay, then Mr Ntsebeza,11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually -13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC: Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been23CHAIRPERSON: Up - you know the, ja,24about?24upright side of the page, and it	9between the kraal and the fencing?9indicate a line which seems to be running from a position10CHAIRPERSON: Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN: Okay, then Mr Ntsebeza,11fence that we're talking about, up – will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC: Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN: That's correct.23talked about, the two deceased strikers who've been talked <td></td> <td></td> <th>8</th> <td>5</td>			8	5
10CHAIRPERSON:Yes.10fairly close what one can call the left-hand side of that11COLONEL CLASSEN:Okay, then Mr Ntsebeza,11fence that we're talking about, up – will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24	10CHAIRPERSON: COLONEL CLASSEN: when I look at it I'm actually seeing that then our line when I look at it I'm actually seeing that then our line where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see direction of pointing in that 260 metres. That's how I see the – I just need some clarification then.10fairly close what one can call the left-hand side of that fence that we're talking about, up – will I be correct in saying more or less parallel with the side of the picture? COLONEL CLASSEN: Were this 260 metres, this thing is, it's towards the the – I just need some clarification then.11COLONEL CLASSEN: verse the fencing there, it could have turned a little bit down, but I think it cannot be that correct because we were to down, but I think it cannot be that correct because we were the here?10CHAIRPERSON: CHAIRPERSON:While you're looking for that, can someone please tell us what are the DR-numbers of talked about, the two deceased strikers who've been talked about?10CHAIRPERSON: the two deceased strikers who've been talked talked about, the two deceased strikers who've been talked talked about?23CHAIRPERSON: to m Mtshazi – are you25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				ç
11COLONEL CLASSEN:Okay, then Mr Ntsebeza, when I look at it I'm actually seeing that then our line11fence that we're talking about, up - will I be correct in12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually -13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up - you know the, ja,24about?24upright side of the page, and it in fact, if the wind <td>11COLONEL CLASSEN:Okay, then Mr Ntsebeza, (Mr Ntsebeza, 12)11fence that we're talking about, up – will 1 be correct in saying more or less parallel with the side of the picture?12when I look at it I'm actually seeing that then our line will be again facing south, as the Chairperson actually – (Mr Ntsebeza, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see (Mr Ntsebeza SC: Do you have a pointer)13COLONEL CLASSEN: Yes, because what I'm (disputing is that sketch plan there, Mr Chair, where you (about, but I think it cannot be that correct because we were (mr Mr NTSEBEZA SC: Do you have a pointer)13there?16down, but I think it cannot be that correct because we were (in line here, right here. That's where we made our line, (in line here, right here. That's where we made our line, (in line here, right here.14there?18and if that's where the bodies were, so we were in line15COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON:While you're looking for (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two been talked (post morte</td> <td></td> <td>-</td> <th>-</th> <td>o .</td>	11COLONEL CLASSEN:Okay, then Mr Ntsebeza, (Mr Ntsebeza, 12)11fence that we're talking about, up – will 1 be correct in saying more or less parallel with the side of the picture?12when I look at it I'm actually seeing that then our line will be again facing south, as the Chairperson actually – (Mr Ntsebeza, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see (Mr Ntsebeza SC: Do you have a pointer)13COLONEL CLASSEN: Yes, because what I'm (disputing is that sketch plan there, Mr Chair, where you (about, but I think it cannot be that correct because we were (mr Mr NTSEBEZA SC: Do you have a pointer)13there?16down, but I think it cannot be that correct because we were (in line here, right here. That's where we made our line, (in line here, right here. That's where we made our line, (in line here, right here.14there?18and if that's where the bodies were, so we were in line15COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON:While you're looking for (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two bodies that have been (post mortems relating to the two been talked (post morte		-	-	o .
12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC: Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been23COLONEL CLASSEN: That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON: Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind	12when I look at it I'm actually seeing that then our line12saying more or less parallel with the side of the picture?13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN: Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC: Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been23CHAIRPERSON: Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC: Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				5
13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.1920CHAIRPERSON:While you're looking for20CHAIRPERSON:21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind	13will be again facing south, as the Chairperson actually –13COLONEL CLASSEN:Yes, because what I'm14where this 260 metres, this thing is, it's towards the14disputing is that sketch plan there, Mr Chair, where you15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the – I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here.18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been23CHAIRPERSON:Up – you know the, ja,23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it		5		0 1
14where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see the - I just need some clarification then.14disputing is that sketch plan there, Mr Chair, where you see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line, and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of talked about, the two deceased strikers who've been talked22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja, upright side of the page, and it in fact, if the wind	14where this 260 metres, this thing is, it's towards the direction of pointing in that 260 metres. That's how I see the - I just need some clarification then.14disputing is that sketch plan there, Mr Chair, where you see the fencing there, it could have turned a little bit down, but I think it cannot be that correct because we were in line here, right here. That's where we made our line, and if that's where the bodies were, so we were in line17MR NTSEBEZA SC: Do you have a pointer18in line here, right here. That's where we made our line, and if that's where the bodies were, so we were in line19COLONEL CLASSEN: CHAIRPERSON:No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of talked about, the two deceased strikers who've been talked23COLONEL CLASSEN: yes, the time you know the, ja, upright side of the page, and it in fact, if the wind23MR NTSEBEZA SC:Mr Mtshazi - are you25MR NTSEBEZA SC:Mr Mtshazi - are you				
15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.1920CHAIRPERSON:While you're looking for20CHAIRPERSON:21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?about?24upright side of the page, and it in fact, if the wind	15direction of pointing in that 260 metres. That's how I see15see the fencing there, it could have turned a little bit16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.1920CHAIRPERSON:While you're looking for20CHAIRPERSON:21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been23CHAIRPERSON:Up - you know the, ja,24about?about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				
16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?about?about?about in fact, if the wind	16the - I just need some clarification then.16down, but I think it cannot be that correct because we were17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?An MTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it		-		
17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?about?about?about in fact, if the wind	17MR NTSEBEZA SC:Do you have a pointer17in line here, right here. That's where we made our line,18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?AR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				-
18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN: That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON: Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind	18there?18and if that's where the bodies were, so we were in line19COLONEL CLASSEN: No, I don't.19right here.20CHAIRPERSON: While you're looking for20CHAIRPERSON: Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN: That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON: Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC: Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				
19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?about?about?about in fact, if the wind	19COLONEL CLASSEN:No, I don't.19right here.20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				-
20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?about?24upright side of the page, and it in fact, if the wind	20CHAIRPERSON:While you're looking for20CHAIRPERSON:Yes, the line you draw, you21that, can someone please tell us what are the DR-numbers of21give, is one which is parallel with the side of the page.22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it				
 that, can someone please tell us what are the DR-numbers of the post mortems relating to the two bodies that have been talked about, the two deceased strikers who've been talked about? talked about, the two deceased strikers who've been talked upright side of the page, and it in fact, if the wind 	21that, can someone please tell us what are the DR-numbers of the post mortems relating to the two bodies that have been talked about, the two deceased strikers who've been talked about?21give, is one which is parallel with the side of the page. 2223talked about, the two deceased strikers who've been talked about?23COLONEL CLASSEN: CHAIRPERSON: Up - you know the, ja, 2424about?24upright side of the page, and it in fact, if the wind 2525MR NTSEBEZA SC:Mr Mtshazi – are you25				-
22the post mortems relating to the two bodies that have been22COLONEL CLASSEN:That's correct.23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind	22the post mortems relating to the two bodies that have been talked about, the two deceased strikers who've been talked about?22COLONEL CLASSEN: That's correct.23talked about, the two deceased strikers who've been talked about?23CHAIRPERSON: Up - you know the, ja, 2424upright side of the page, and it in fact, if the wind 25MR NTSEBEZA SC: Mr Mtshazi - are you25		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind	23talked about, the two deceased strikers who've been talked23CHAIRPERSON:Up – you know the, ja,24about?24upright side of the page, and it in fact, if the wind25MR NTSEBEZA SC:Mr Mtshazi – are you25direction depicted on the sketch plan is correct then it		~ 1 30 C 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
24 about? 24 upright side of the page, and it in fact, if the wind	24 about?24 upright side of the page, and it in fact, if the wind25 MR NTSEBEZA SC:Mr Mtshazi – are you25 direction depicted on the sketch plan is correct then it		h h h		
	25 MR NTSEBEZA SC: Mr Mtshazi – are you 25 direction depicted on the sketch plan is correct then it				
		2			
		20	With Moleczaroo. With Mighazi - are you	20	an obtain appleted on the sileten plan is contest then it

	Page 29935		Page 29937
1	was effectively from east to west.	1	of course recalls that that was the sort of premise that we
2	COLONEL CLASSEN: Is that the line now?	2	put the questions to Colonel here –
3	CHAIRPERSON: Well, the line you've	3	CHAIRPERSON: The premise may be correct.
4	shown. I mean –	4	I'm not saying it's wrong.
5	COLONEL CLASSEN: Yes.	5	MR NTSEBEZA SC: Yes.
6	CHAIRPERSON: You see where north is on	6	CHAIRPERSON: I'm just saying it may not
7	the sketch plan and what you show us is something at right	7	be right, so you know, one must always be sure –
8	angles to that north direction, as I said parallel with the	8	MR NTSEBEZA SC: No, we –
9	left-hand side of the page. So that therefore will be from	9	CHAIRPERSON: - a premise is, consists of
10	east to west.	10	firm ground under one's feet, if you know what I mean.
11	COLONEL CLASSEN: That's correct, Mr	11	MR NTSEBEZA SC: Yes. We are fairly
12	Chair.	12	confident – well, not confident, but we are fairly aware
13	CHAIRPERSON: The reason why we asked for	13	that it is something that will be a subject of debate, but
14	this post mortem reports is if one looks at the post mortem	14	as we indicated, we tried to show how objective evidence
15	report of Mr Nqongophele, it's 590, one sees on page 3,	15	shows that he obviously was shot at where, you know, we
16	paragraph 4(b), signs of medical intervention. Now we're	16	indicated he was killed at, and he was taken to the area
17	not saying, no-one is making a point, we're seeking	17	next to the shack where he was plotted to have been shot
18	information, but if there were signs of medical	18	and killed at that place. Our theory will be that he was
19	intervention that would indicate that one of the paramedics	19	shot at where we indicated he was shot at, was taken there
20	at least must have attended to him, and the question that	20	for medical attention and we will make the points that
21	then arises is was he moved, in other words was he still	21	we're seeking to make, that at the place –
22	alive and moved from one point to another for the purposes	22	CHAIRPERSON: I must say –
23	of getting this medical intervention, or did the medical	23	MR NTSEBEZA SC: - where we say he was
24	intervention take place at the spot where he was shot?	24	shot –
25	That's the question we asked. I'm not sure that you can	25	CHAIRPERSON: Ja, I must say in the case
	Page 29936		Page 29938
1	Page 29936 answer it, but it's obviously information that we require.	1	Page 29938 of the second deceased there's no mention of any signs of
1 2		1 2	
	answer it, but it's obviously information that we require.		of the second deceased there's no mention of any signs of
2	answer it, but it's obviously information that we require. If the inference that you, the finding you wish	2	of the second deceased there's no mention of any signs of medical intervention. So the point –
2 3	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body	2 3	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes.
2 3 4	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain	2 3 4	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply
2 3 4 5	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the	2 3 4 5	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that
2 3 4 5 6	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course	2 3 4 5 6	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into.
2 3 4 5 6 7	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a	2 3 4 5 6 7	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be
2 3 4 5 6 7 8	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were,	2 3 4 5 6 7 8	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us
2 3 4 5 6 7 8 9 10 11	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question.	2 3 4 5 6 7 8 9	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now
2 3 4 5 6 7 8 9 10 11 12	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were,	2 3 4 5 6 7 8 9 10 11 12	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one
2 3 4 5 6 7 8 9 10 11	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman.	2 3 4 5 6 7 8 9 10 11 12 13	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention
2 3 4 5 6 7 8 9 10 11 12 13 14	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other	2 3 4 5 6 7 8 9 10 11 12 13 14	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective
2 3 4 5 6 7 8 9 10 11 12 13	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from	2 3 4 5 6 7 8 9 10 11 12 13 14 15	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from one point to another for purposes of medical treatment, but	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that your – that's the firm ground of which your premise
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from one point to another for purposes of medical treatment, but the point made in respect of the previous deceased doesn't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that your – that's the firm ground of which your premise consists?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from one point to another for purposes of medical treatment, but the point made in respect of the previous deceased doesn't apply as forcibly perhaps as in his case. But again we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that your – that's the firm ground of which your premise consists? MR NTSEBEZA SC: Well, Mr Chairman, can
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from one point to another for purposes of medical treatment, but the point made in respect of the previous deceased doesn't apply as forcibly perhaps as in his case. But again we don't know the answers, but it sometimes helps to ask the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that your – that's the firm ground of which your premise consists? MR NTSEBEZA SC: Well, Mr Chairman, can we articulate this at the appropriate time?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	answer it, but it's obviously information that we require. If the inference that you, the finding you wish us to make is that he was shot at the place where his body is depicted on the sketch plan exhibit B, then certain things follow. If of course his body was moved for the purposes of his receiving medical attention, then of course the inference is the finding you seek, that you ask us to make cannot be made. So this is an aspect that has to be investigated. I don't know what the answer is, but it's a question that requires further interrogation, as it were, if you can interrogate a question. MR NTSEBEZA SC: No, I understand, Mr Chairman. CHAIRPERSON: On the case of the other deceased this point doesn't arise because it appears from page 6 of the post mortem report that he sustained a single high-velocity gunshot wound to the cervical spine, which would have rendered him immediately immobile. Of course I suppose he could still technically have been carried from one point to another for purposes of medical treatment, but the point made in respect of the previous deceased doesn't apply as forcibly perhaps as in his case. But again we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of the second deceased there's no mention of any signs of medical intervention. So the point – MR NTSEBEZA SC: Yes. CHAIRPERSON: - presumably doesn't apply at all. So it's only the one body and that's a matter that we can look into. MR NTSEBEZA SC: Yes, yes, well – CHAIRPERSON: It's not necessary for us perhaps to have oral evidence on the point. It may be capable of being solved in some other way. MR NTSEBEZA SC: Yes, Mr Chairman. Now I'm told by my junior that we see from a video by one Henderson that Nqongophele is being given medical attention near the shack. So there would be that kind of objective evidence that – CHAIRPERSON: Ja, so he was receiving medical attention near the shack, but you say this sketch plan indicates that the body must have been at an earlier stage at the point depicted on the sketch plan. Is that your – that's the firm ground of which your premise consists? MR NTSEBEZA SC: Well, Mr Chairman, can

	Page 29939		Page 29941
1	you know, one thinks of points and then they disappear from	1	that's the post-mortem report, will show that he was shot
2	one's mind before you have a chance to raise them later so	2	once with a high velocity firearm, R1 or R5, and he was
3	it's best to mention them immediately.	3	shot in the back of the head. If we could show exhibit A
4	[09:32] Anyway, we've raised the point. You'll give us	4	page 631, paragraph 4.1 Now whilst we are trying to get
5	the video reference, Warrant Officer Hendrickson's video,	5	there, if it is so that he was shot at the back of the
6	and the matter can be looked into and possibly outside the	6	head, that is even more reason for us to submit, as we will
7	chamber –	7	do at the end of the Commission and we would be happy if
, 8	MR NTSEBEZA SC: Yes.	8	you would agree with us on that, that if he was shot at the
9		9	back of his head he was clearly not being shot by someone
10	some agreed statement as to what the position is but prima	10	who was acting in self-defence, private defence or putative
11	facie it appears if one looks at that, slides from exhibit	11	self-defence, in other words someone who was in imminent
12	L, that if the body, if he was shot at the spot depicted on	12	danger, the nature of which caused him to shoot at him, if
13	the sketch plan he doesn't appear to have been shot by the	13	he was shot at his back because the inference must be that
14	TRT as part of the volley and that's the point that seems	14	he was shot whilst he was facing the other direction than
15	clear and I think the witness agrees with that.	15	from where the shot came. Would you agree with that?
16	MR NTSEBEZA SC: We are still dealing –	16	COLONEL CLASSEN: I would agree with it
17	well, Colonel, we are trying to deal with Mr Gwelani's	17	and also add that also depending on the situation, what
18	body. Now where you put your TRT line and where we say,	18	happened there, sir.
19	we're saying Mr Gwelani's body is about 210 metres from Mr	19	MR NTSEBEZA SC: That's okay.
20	Mtshazi's body and Mr Mtshazi's body is this, I think it's	20	CHAIRPERSON: This shot that you're now
21	so-called body N.	21	talking about, putting to the witness, does it appear from
22	CHAIRPERSON: You're indicating the	22	the post-mortem report whether it is what one can call a
23	letter N for Nellie on the sketch plan and if one follows	23	direct shot or is it perhaps an indirect shot? An indirect
24	the arrow from the circle in which the letter N appears,	24	shot might be some kind of ricochet from the ground or
25	one is presumably able to discover where the body was	25	something of that kind but what does the post-mortem report
	Page 29940		Page 29942
1	Page 29940 found.	1	Page 29942 indicate? Here we have it in front of us.
1 2		1 2	5
	found.	-	indicate? Here we have it in front of us.
2	found. MR NTSEBEZA SC: Now we're saying	2	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come
2 3	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is	2	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a
2 3 4	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line	2 3 4	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say –
2 3 4 5	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that?	2 3 4 5	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to
2 3 4 5 6	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair.	2 3 4 5 6	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you –
2 3 4 5 6 7	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to	2 3 4 5 6 7	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes –
2 3 4 5 6 7 8	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani,	2 3 4 5 6 7 8	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of
2 3 4 5 6 7 8 9	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210	2 3 4 5 6 7 8 9	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the
2 3 4 5 6 7 8 9 10	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English -	2 3 4 5 6 7 8 9 10 11	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates
2 3 4 5 6 7 8 9 10 11	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English – he is unlikely to have been a threat to the TRT line or to	2 3 4 5 6 7 8 9 10	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right
2 3 4 5 6 7 8 9 10 11 12 13	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with	2 3 4 5 6 7 8 9 10 11 12 13	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial
2 3 4 5 6 7 8 9 10 11 12	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you?	2 3 4 5 6 7 8 9 10 11 12 13 14	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating
2 3 4 5 6 7 8 9 10 11 12 13 14 15	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self-	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self- defence, in putative defence or whatever the defence would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on the report as it stands.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self- defence, in putative defence or whatever the defence would be that the TRT members would claim relevant to Mr Gwelani.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on the report as it stands. CHAIRPERSON: Well, it obviously may be a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self- defence, in putative defence or whatever the defence would be that the TRT members would claim relevant to Mr Gwelani. Would you agree with that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on the report as it stands. CHAIRPERSON: Well, it obviously may be a matter for argument later or –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self- defence, in putative defence or whatever the defence would be that the TRT members would claim relevant to Mr Gwelani. Would you agree with that? COLONEL CLASSEN: I do, Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on the report as it stands. CHAIRPERSON: Well, it obviously may be a matter for argument later or – MR NTSEBEZA SC: Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	found. MR NTSEBEZA SC: Now we're saying Gwelani's body is 210 metres from Mtshazi's body so it is further away from the TRT line and you put the TRT line somewhere in that area. Do you recall that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: So we are seeking to make just two quick points. The first is that Mr Gwelani, assuming he was shot and killed where we say he was, 210 metres from Mr Mtshazi's body and the sketch plan gives the distances, he is unlikely to have posed, poised – English - he is unlikely to have been a threat to the TRT line or to the members of the TRT in your line. You would agree with that, wouldn't you? COLONEL CLASSEN: I would, Chair. MR NTSEBEZA SC: And then the second point relevant thereto would be that as far as he is concerned it cannot be claimed that when he was killed he was killed by the TRT members who were acting in self- defence, in putative defence or whatever the defence would be that the TRT members would claim relevant to Mr Gwelani. Would you agree with that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	indicate? Here we have it in front of us. MR NTSEBEZA SC: Eventually we have come to it, Mr Chairman. It doesn't say about it being a ricochet, it doesn't say – CHAIRPERSON: It might, we – I'm sorry to interrupt you – MR NTSEBEZA SC: Oh yes – CHAIRPERSON: - this is just a summary of the chief post-mortem report findings. If we look at the report itself it may tell us something about the actual wound. It's described I see as round shaped, it perforates the cranial fossae of the skull, entering on the right occipital scalp area, perforating both posterior cranial fossae and extending keyhole shattering furrow, terminating in the soft tissues on the left occipital mastoid scalp area. A bullet fragment was recovered. Now are we able to see from this whether it was a direct shot or an indirect one? I don't know, I'm just asking. MR NTSEBEZA SC: Mr Chairman, I rely on the report as it stands. CHAIRPERSON: Well, it obviously may be a matter for argument later or –

1	Page 29943	1	Page 29945
1	be able to give us the clarification we require. I say	1	COLONEL CLASSEN: I do recall. What line
2	that without any disrespect to him.	2	was that, Mr Ntsebeza?
3	MR NTSEBEZA SC: Well, Mr Chairman, I've	3	MR NTSEBEZA SC: I think lines 7 to 10
4	always proceeded on the basis that when we put certain	4	where you were saying, "When the members were doing that,
5	questions of this nature to lay police officers, them not	5	they were searching for weapons from the injured people and
6	being experts, it's always on the basis that if we accept	6	they were moving them around and that is what happened
7	the post-mortem reports as what they say or indicate, the	7	there."
8	back of the head is the back of the head in layman's	8	CHAIRPERSON: What page is this?
9	language. It may be something else if it is given forensic	9	MR NTSEBEZA SC: 29463. That's a random
10	analysis by an analyst but this much I want to put to – and	10	
11	Mr Chairman, I do not see that you are saying I shouldn't,	11	CHAIRPERSON: 29463? We've got 29606 on
12	I am simply saying –	12	the screen at the moment, that's not helping us at all.
13	CHAIRPERSON: I am not stopping you.	13	MR NTSEBEZA SC: That certainly was not
14	MR NTSEBEZA SC: No – no, I understand.	14	prompted by me.
15	CHAIRPERSON: I'm just asking for	15	CHAIRPERSON: Now we've got 29463. What
16	information for clarification but you can't give it, you	16	line on 29463 do you want? It's enlarged so much we can't
17	say it's a matter – the witness can't help us and you	17	see the whole thing. 7, line reads, the witness says,
18	can't. We may get some clarification, not necessarily from	18	"When the members were doing that, they were searching for
19	oral testimony but some form of admission or affidavit or	19	weapons from the injured people and they were moving them
20	something.	20	around and that is what happened there."
21	MR NTSEBEZA SC: But what I was seeking	21	MR NTSEBEZA SC: I think Mr Mathibedi had
22	him to say is, all things being equal, if it is so that he	22	been asking what his comment is relevant –
23	was shot at the back of his head you would agree that it	23	CHAIRPERSON: Perhaps we must go up a bit
24	could not be claimed that this was done in an act of self-	24	further to see what he's asked about.
25	defence.	25	MR NTSEBEZA SC: Yes.
	Page 200//		Page 20016
1	Page 29944 CHAIRPERSON: What's your answer to that,	1	Page 29946 CHAIRPERSON: Sorry, it will be 29462 we
1 2	5	1 2	
	CHAIRPERSON: What's your answer to that,		CHAIRPERSON: Sorry, it will be 29462 we
2	CHAIRPERSON: What's your answer to that, Colonel?	2	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've
2 3	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as	2 3	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see
2 3 4	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to	2 3 4	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging
2 3 4 5	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the	2 3 4 5	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see
2 3 4 5 6	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions.	2 3 4 5 6	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair."
2 3 4 5 6 7	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's	2 3 4 5 6 7	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And
2 3 4 5 6 7 8	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing.	2 3 4 5 6 7 8	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were
2 3 4 5 6 7 8 9	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it	2 3 4 5 6 7 8 9	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry –
2 3 4 5 6 7 8 9 10	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the	2 3 4 5 6 7 8 9 10	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people
2 3 4 5 6 7 8 9 10 11	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is	2 3 4 5 6 7 8 9 10 11	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened
2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument.	2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness,
2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it?
2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we
2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence? COLONEL CLASSEN: I do, Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order to search them. I think the issue here is, here are
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: In fact the evidence is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order to search them. I think the issue here is, here are injured people, there may well be a view by the police that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: In fact the evidence is on lines 7 to 10 and it's on page 29463. Are we able to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order to search them. I think the issue here is, here are injured people, there may well be a view by the police that these people are either dead or injured but may still be a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: In fact the evidence is on lines 7 to 10 and it's on page 29463. Are we able to get to line, 29463, lines 7 to 10? Day 236. It has always	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order to search them. I think the issue here is, here are injured people, there may well be a view by the police that these people are either dead or injured but may still be a threat and the attitude is to, safety first, go in there,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON: What's your answer to that, Colonel? COLONEL CLASSEN: I agree, Chair, but as I said also adding that the situation – I don't want to like talk for the person that shot, like he ran away, the situation was tense, everybody was running in directions. I'm just answering what Mr Ntsebeza is asking me, that's what I'm doing. MR NTSEBEZA SC: You see you have got it just there, Colonel. If he was running away that's all the more reason why shooting him at the back of his head is inappropriate but, you know, it's a matter for argument. You have given a conditional indication that you are not violently opposed to what I say. Now I would like to take you to your evidence, I think last week when you were asked to comment on portions of the video where you can see police pulling and dragging injured or probably dead strikers. Do you recall that evidence? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: In fact the evidence is on lines 7 to 10 and it's on page 29463. Are we able to get to line, 29463, lines 7 to 10? Day 236. It has always been contested whether the day is of any value. Are we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: Sorry, it will be 29462 we need, the foot of 29462 Mr Mathibedi says, line 24 "You've looked at the videos, there is somewhere where you can see members of the police, you know, pulling and dragging injured or probably dead people, strikers, did you see that?" The Colonel says, "Yes, I did see that, Mr Chair." Mr Mathibedi says, "What is your comment about that?" And his answer is, "When the members were doing that, they were searching for vehicles from the injured people" – sorry – "they were searching for weapons from the injured people and they were moving them around and that is what happened there." That's the passage you're putting to the witness, is it? MR NTSEBEZA SC: Yes. I don't think we need to play that but if you want to play it again we could, but I just want to know whether by giving that kind of response you are suggesting that it was necessary for SAPS people to drag the protesters in that manner in order to search them. I think the issue here is, here are injured people, there may well be a view by the police that these people are either dead or injured but may still be a threat and the attitude is to, safety first, go in there, search them and remove them from where they may be, you

1	Page 29947 can be dragged in the manner in which they were because the	1	Page 29949 clip, so I ask that it not be shown until 30 seconds have
2	situation demanded that they should be dragged because the	1 2	expired after I have finished speaking to enable those who
2	mission was to retrieve weapons. They were searching for	2	wish to leave the chamber to do so. The 30 seconds starts
	weapons from the injured people. Now do I understand you	_	
4		4	now. The 30 seconds is up, no-one has left so we can carry
5	to be saying it's justified to – because we are suggesting	5	on. Will you indicate where on the clip -
6	that that was not exactly what you would associate with	6	MR NTSEBEZA SC: Yes, Mr Chairman.
7	people who should be caring for injured people after they	7	CHAIRPERSON: - the passage is that
8	have -	8	you're going to show the witness so that those who follow
9	COLONEL CLASSEN: Just come again there,	9	the record later will know what's happening.
10	Mr Ntsebeza? Is that the end of your question?	10	MR NTSEBEZA SC: It's exhibit EEE16 at
11	MR NTSEBEZA SC: In that video you see	11	12:36 to 12:38.
12	one police officer searching the striker for weapons and he	12	[VIDEO IS SHOWN]
13	does it by pulling the striker's clothes and patting over	13	[09:52] Maybe if we did it in slow motion it is capable
14	his head to check that he is not hiding any weapons. Now	14	of -
15	as I say, you saw that, that was why Mr Mathibedi played	15	CHAIRPERSON: It is effectively 12:34 to
16	that and I'm simply saying if he needed to search under the	16	12:38.
17	striker's body he could have simply rolled him from one	17	MR NTSEBEZA SC: Yes. You have seen
18	side to the next without using any force. Now I would like	18	that, Chair? Colonel, you saw that?
19	you to give your comment again as to whether you say it was	19	COLONEL CLASSEN: I did see that, Chair.
20	justified for the police to have acted in that way simply	20	MR NTSEBEZA SC: Now you can see that
21	because they were searching for weapons?	21	there are a whole host of police officers there, all armed
22	COLONEL CLASSEN: Yes, from my point of	22	with rifles and all other sorts of firearms, do you see
23	view it was, Mr Ntsebeza.	23	that?
24	MR NTSEBEZA SC: Are you saying it is	24	COLONEL CLASSEN: I do, Chair.
25	proper for a police officer, when a person is obviously	25	MR NTSEBEZA SC: Now you see one police
20	proper for a police officer, when a person is obviously	20	
	Page 29948		Page 29950
1	Page 29948 injured, standing behind him with a gun pointed at the	1	Page 29950 officer, did you see him being dragged, that striker being
1 2		1 2	officer, did you see him being dragged, that striker being
	injured, standing behind him with a gun pointed at the		officer, did you see him being dragged, that striker being dragged?
2	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search?	2	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police
2 3 4	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's	2 3 4	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker.
2 3 4 5	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of	2 3 4 5	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary
2 3 4 5 6	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure	2 3 4 5 6	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that?
2 3 4 5 6 7	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir.	2 3 4 5 6 7	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before
2 3 4 5 6 7 8	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary	2 3 4 5 6 7 8	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a
2 3 4 5 6 7 8 9	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies?	2 3 4 5 6 7 8 9	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out
2 3 4 5 6 7 8 9 10	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking	2 3 4 5 6 7 8 9 10	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was.
2 3 4 5 6 7 8 9 10 11	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving	2 3 4 5 6 7 8 9 10 11	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip
2 3 4 5 6 7 8 9 10 11 12	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are	2 3 4 5 6 7 8 9 10 11 12	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for
2 3 4 5 6 7 8 9 10 11 12 13	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we	2 3 4 5 6 7 8 9 10 11 12 13	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be
2 3 4 5 6 7 8 9 10 11 12 13 14	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to	2 3 4 5 6 7 8 9 10 11 12 13 14	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by
2 3 4 5 6 7 8 9 10 11 12 13 14 15	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman. CHAIRPERSON: I understand we are going to see again a video clip which shows the people who were</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not? CHAIRPERSON: He is also searching his
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman. CHAIRPERSON: I understand we are going to see again a video clip which shows the people who were shot at scene 1 lying on the ground and those who are the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not? CHAIRPERSON: He is also searching his clothes, it wasn't just under the body, as far as I could
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman. CHAIRPERSON: I understand we are going to see again a video clip which shows the people who were shot at scene 1 lying on the ground and those who are the loved ones and relations, friends of the people whose	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not? CHAIRPERSON: He is also searching his clothes, it wasn't just under the body, as far as I could see he was also searching in his clothing. Do you see
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman. CHAIRPERSON: I understand we are going to see again a video clip which shows the people who were shot at scene 1 lying on the ground and those who are the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not? CHAIRPERSON: He is also searching his clothes, it wasn't just under the body, as far as I could
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	injured, standing behind him with a gun pointed at the injured person, that it is correct to drag him around because they want to search? COLONEL CLASSEN: No, I'm not saying it's proper for a police officer to do that but if you think of your safety you will go to measures that will make sure that you are safe, sir. MR NTSEBEZA SC: But why is it necessary then for them to drag the bodies? COLONEL CLASSEN: From what I am looking at, these guys are lying down and they're just not moving so you can't trust them, you need to make sure that you are safe, that you get the weapons underneath them. If we could have asked them to move, we could have asked them to move. MR NTSEBEZA SC: Maybe let's play the video. Exhibit EEE16. Maybe there'll be a need for a warning, Mr Chairman. We are going to play that video, Mr Chairman. CHAIRPERSON: I understand we are going to see again a video clip which shows the people who were shot at scene 1 lying on the ground and those who are the loved ones and relations, friends of the people whose	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	officer, did you see him being dragged, that striker being dragged? COLONEL CLASSEN: Yes, I see the police officer dragging the striker. MR NTSEBEZA SC: Now why was it necessary for him to be dragged like that? COLONEL CLASSEN: As I explained before that is to retrieve a weapon, also if you look slightly a bit back you will see the policeman at the back kicking out a weapon from where the striker was. MR NTSEBEZA SC: Maybe let's play a clip where the police officers are searching the striker for weapons, it will be EEE16 at 10:43 to 10:50. He must be searching for weapons, is it not and he is doing so by lifting his clothes, getting over his body, to check that he is not hiding any weapons, do you see that? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: He could have rolled him over from one side to the next, he was seeking to search under his body, would he not? CHAIRPERSON: He is also searching his clothes, it wasn't just under the body, as far as I could see he was also searching in his clothing. Do you see

	Page 29951		Page 29953
1	MR NTSEBEZA SC: We see that there is a	1	the injured person or the deceased body, did you see such
2	police officer standing behind him with a gun pointed to	2	scripts?
3	offer security to him, can you see that, just like in the	3	COLONEL CLASSEN: I have, Mr Chair.
4	one where the striker is being dragged?	4	CHAIRPERSON: You have?
5	COLONEL CLASSEN: Yes, Mr Ntsebeza, I was	5	COLONEL CLASSEN: Mm.
6	paying attention to the search of the person.	6	CHAIRPERSON: And what's your comment on
7	MR NTSEBEZA SC: Ja, but in that very	7	them?
8	same video you see that there are police covering the one	8	COLONEL CLASSEN: Mr Chair, I even tried
9	who is searching?	9	and justified at some places, but I think the one that Mr
10	COLONEL CLASSEN: I do, Mr Chair.	10	Ntsebeza is referring to is the one where they actually
11	MR NTSEBEZA SC: Yes.	11	stepped on the person and I was trying to figure out, but
12	COMMISSIONER HEMRAJ: In fact the number	12	why would they do that, and in our discussion it is to
13	of policemen on the scene in relation to the number of	13	immobilise the person, to keep him still. You know you try
14	injured and deceased, the policemen far outnumbered the	14	and look for those excuses but I have seen them and –
15	deceased and the injured, so it could have been handled in	15	CHAIRPERSON: You say you tried to look
16	a more sensitive manner with some policemen standing guard	16	for it, so the impression I get is that even, - well, I
17	and others were doing the searching without having to	17	mustn't say even, cut out the even, the impression I get
18	resort to anything insensitive.	18	that you were distressed by some of the things you saw and
19	COLONEL CLASSEN: I agree, Mr Chair, but	19	you feel you are not able to justify them, is that a fair
20	I also just want to add that the situation was very tense	20	impression?
21	there, it is not a situation where you would just have this	21	COLONEL CLASSEN: That is fair, thank
22	thing that I am covered. You are dealing with somebody	22	you, Mr Chair.
23	that is armed right there at the spot, it is not more about	23	CHAIRPERSON: Yes.
24	being covered, you are squared.	24	MR NTSEBEZA SC: Yes, but there is one
25	CHAIRPERSON: Mr Ntsebeza, I must confess	25	point I would like you to clarify for me and that is where
	Page 29952		Page 29954
1	Page 29952 that the two we've seen so far are not quite as bad as some	1	Page 29954 in your evidence you said under the circumstances all that
1	5	1	0
	that the two we've seen so far are not quite as bad as some		in your evidence you said under the circumstances all that
2	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember	2	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you
2	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people	2 3	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you
2 3 4	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of	2 3 4	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 –
2 3 4 5	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness.	2 3 4 5	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've
2 3 4 5 6 7	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes.	2 3 4 5 6	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got
2 3 4 5 6 7 8	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought	2 3 4 5 6 7 8	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you
2 3 4 5 6 7 8 9	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point –	2 3 4 5 6 7 8 9	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just
2 3 4 5 6 7 8 9 10	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps –	2 3 4 5 6 7 8 9 10	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point?
2 3 4 5 6 7 8 9 10 11	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying	2 3 4 5 6 7 8 9 10 11	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja
2 3 4 5 6 7 8 9 10 11 12	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen?	2 3 4 5 6 7 8 9 10 11 12	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can
2 3 4 5 6 7 8 9 10 11 12 13	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could	2 3 4 5 6 7 8 9 10 11 12 13	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out
2 3 4 5 6 7 8 9 10 11 12 13 14	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly –	2 3 4 5 6 7 8 9 10 11 12 13 14	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another
2 3 4 5 6 7 8 9 10 11 12 13 14 15	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and so forth, have you seen those clips, not just the ones we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour. MR NTSEBEZA SC: I don't even think I'll
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and so forth, have you seen those clips, not just the ones we see now but others as weil?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour. MR NTSEBEZA SC: I don't even think I'll need it, but ja.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and so forth, have you seen those clips, not just the ones we see now but others as well? COLONEL CLASSEN: I have, Mr Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour. MR NTSEBEZA SC: I don't even think I'll need it, but ja. CHAIRPERSON: Have you seen this slide
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and so forth, have you seen those clips, not just the ones we see now but others as weil?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour. MR NTSEBEZA SC: I don't even think I'll need it, but ja.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that the two we've seen so far are not quite as bad as some of the other ones I remember seeing. I see to remember seeing videos of much rougher handling of the people concerned, which I thought and using feet and that kind of thing, I would have thought, expected you frankly to put those to the witness. MR NTSEBEZA SC: Yes. CHAIRPERSON: Because I would thought they make the point – MR NTSEBEZA SC: But perhaps – CHAIRPERSON: - but maybe you're trying to make it more powerfully than the ones we've seen? MR NTSEBEZA SC: Mr Chairman, if we could locate the one clip where the police appear quite clearly – CHAIRPERSON: Mr Ntsebeza, I'm sorry to interrupt you, maybe it would be unnecessary, have you seen all these clips, most the ones of what was recorded by the media houses, the cameramen, at the scene, at scene 1 after the shooting where members of the police force, Police Service, I beg their pardon, were searching for weapons and so forth, have you seen those clips, not just the ones we see now but others as well? COLONEL CLASSEN: I have, Mr Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	in your evidence you said under the circumstances all that happened, it wasn't that easy to really just handle them soft handedly. I just want you to explain to me what you may have had in mind when you said, and that is on line 17 to 22 and lines 29463 on day 230 – CHAIRPERSON: Okay, Mr Ntsebeza, you've got the concession, well, I got it for you, but you've got the concession that you need and may I suggest that you don't try to talk the witness out of the concession, just quit while you're ahead on this point? MR NTSEBEZA SC: Ja, Mr Chairman, ja well, thank you for the guidance. I don't think I can handle it, to it being suggested that I'm talking him out of a concession, but you know we'll leave to fight another day. Mr Chairman, we would like to make a presentation and I will take just a couple of minutes on that. CHAIRPERSON: Well, time is due to expire now but in fact we started late because of the housekeeping matters we were attending to in Chambers beforehand, so you've got another quarter of an hour. MR NTSEBEZA SC: I don't even think I'll need it, but ja. CHAIRPERSON: Have you seen this slide

FOR JUSTICE

RCHIVE

	Page 29955		Page 29957
1	CHAIRPERSON: You have.	1	MR NTSEBEZA SC: You don't know whether
2	MR NTSEBEZA SC: Mr Chairman, the colonel	2	they were using shotgun pellets or shotgun pellets were
3	may have seen only the slide that doesn't show the names -	3	being fired at the victims? I don't know much about guns,
4	CHAIRPERSON: But we've all seen this	4	I'm just told that shotgun pellets is different from just
5	before, I don't know what the exhibit number is but -	5	rubber balls. The question I want to know, because this
6	MR NTSEBEZA SC: Yes –	6	much I've been told by those who know more than I do about
7	CHAIRPERSON: - what you've now done is,	7	guns and bullets, is that shotgun pellets are different
8	you added in the names –	8	from shotgun balls. Now when you say shotguns were being
9	MR NTSEBEZA SC: The names –	9	used there are you able to say of what kind, were they
10	CHAIRPERSON: - of the victims. There is	10	shooting, firing shotgun pellets or they were firing
11	one anonymous victim, injured victim but the others, you've	11	shotgun balls?
12	actually given the names and there are red arrows running	12	COLONEL CLASSEN: No, I can't say, Mr
13	from the rectangle to their names to blue circles which	13	Chair, -
14	indicate the position of the bodies at -	14	MR NTSEBEZA SC: Or rubber balls. When
15	MR NTSEBEZA SC: Ja, so –	15	you say you saw POPS members using shotguns were those POPS
16	CHAIRPERSON: The bodies of injured	16	members who were just ahead of you or were those the POPS
17	persons.	17	members who were forming the corridor between, where the
18	MR NTSEBEZA SC: Quite frankly, Mr	18	workers eventually emerged from and the side of the kraal?
19	Chairman, and also for the record, there are families here	19	COLONEL CLASSEN: I saw POPS members
20	who have come to find answers and –	20	ahead of me, some of them were far left of the picture.
21	CHAIRPERSON: Well, ask the questions and	21	MR NTSEBEZA SC: Do you know if there
22	let's see if the families get the answers.	22	were any shotgun pellets or shotguns used by POPS members
23	MR NTSEBEZA SC: Yes, the answer is, do	23	who were in Papa19?
24	you see those people in the, and the names of the people	24	COLONEL CLASSEN: No, I don't know.
25	who have been shown there, Bonginkosi Yona, Babe Siliyawa,	25	MR NTSEBEZA SC: So the short of it is
1	Page 29956	1	Page 29958
1	Bongani Mdze and Mpangeli Lukusa, do you see the pointers	1	that you wouldn't know, as far as you claim, where, how
2	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there?	2	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you
	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair.	2 3	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with
2 3 4	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those	2 3 4	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets?
2 3 4 5	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the	2 3 4 5	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know,
2 3 4 5 6	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that?	2 3 4 5 6	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair.
2 3 4 5 6 7	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know	2 3 4 5 6 7	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however
2 3 4 5 6 7 8	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that.	2 3 4 5 6 7 8	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that
2 3 4 5 6 7 8 9	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will	2 3 4 5 6 7 8 9	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10
2 3 4 5 6 7 8 9 10	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more	2 3 4 5 6 7 8 9 10	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also
2 3 4 5 6 7 8 9 10 11	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from	2 3 4 5 6 7 8 9 10 11	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that?
2 3 4 5 6 7 8 9 10 11 12	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and	2 3 4 5 6 7 8 9 10 11 12	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't
2 3 4 5 6 7 8 9 10 11 12 13	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors?	2 3 4 5 6 7 8 9 10 11 12 13	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no.
2 3 4 5 6 7 8 9 10 11 12 13 14	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of	2 3 4 5 6 7 8 9 10 11 12 13 14	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns. CHAIRPERSON: Firing, were they firing –	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on? MR NTSEBEZA SC: No, Mr Chairman, I just
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns. CHAIRPERSON: Firing, were they firing – MR NTSEBEZA SC: Shotgun pellets –	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on? MR NTSEBEZA SC: No, Mr Chairman, I just want to hand up the presentation. The presentation is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns. CHAIRPERSON: Firing, were they firing – MR NTSEBEZA SC: Shotgun pellets – CHAIRPERSON: - pellets or rubber balls	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on? MR NTSEBEZA SC: No, Mr Chairman, I just want to hand up the presentation. The presentation is called the shotgun presentation and it will need to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns. CHAIRPERSON: Firing, were they firing – MR NTSEBEZA SC: Shotgun pellets – CHAIRPERSON: - pellets or rubber balls or can't you say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on? MR NTSEBEZA SC: No, Mr Chairman, I just want to hand up the presentation. The presentation is called the shotgun presentation and it will need to be given a new exhibit number.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Bongani Mdze and Mpangeli Lukusa, do you see the pointers there? COLONEL CLASSEN: I do, Chair. MR NTSEBEZA SC: Now we allege that those blue dots represent shotgun victims, they were shot in the left hand side of their bodies, did you know that? COLONEL CLASSEN: No, I did not know that. MR NTSEBEZA SC: And it seems, we will argue that the spread of the victims indicates that more than one shotgun was fired. Now what I want to ask from you, are you aware of anyone who used shotgun pellets and fired them at the protestors? COLONEL CLASSEN: No, I'm not aware of that, Chairperson. MR NTSEBEZA SC: So you didn't see anyone using a shotgun at the protestors? COLONEL CLASSEN: I did see POPS members using shotguns. CHAIRPERSON: Firing, were they firing – MR NTSEBEZA SC: Shotgun pellets – CHAIRPERSON: - pellets or rubber balls	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that you wouldn't know, as far as you claim, where, how those people who died, Yawas, Yona, Mdze and Lukusa, you wouldn't know from where they would have been shot with these shotgun pellets? COLONEL CLASSEN: Yes, I wouldn't know, Mr Chair. MR NTSEBEZA SC: You wouldn't however dispute if it was shown that the probabilities are that they were shot from or by those members who were in Papa10 whom we now know is also referred to as Papa19 and also from Papa5, you wouldn't dispute that? COLONEL CLASSEN: As I said I wouldn't know, Sir, I wouldn't be able to dispute that, no. MR NTSEBEZA SC: Mr Chairman, that's the end of my cross-examination. CHAIRPERSON: Yes, before Mr Mpofu is next – MR NTSEBEZA SC: Oh, can we hand up – CHAIRPERSON: Yes, sorry, carry on? MR NTSEBEZA SC: No, Mr Chairman, I just want to hand up the presentation. The presentation is called the shotgun presentation and it will need to be

Page 29961
document?
ct, Mr
assage
e. It
w, the
, the size
it to
ircle. It is
at a range of
hat assertion?
r, I can't
, i cuirt
ether it
within
iht?
r, we don't,
person, if
ence is being
5
ng advice on
Page 29962
U
naps ivir
haps Mr jument you're
jument you're
ument you're
jument you're n, as always
jument you're n, as always
n, as always nalysis of
n, as always analysis of on that
n, as always analysis of on that ies of
n, as always analysis of on that ies of
n, as always analysis of on that ies of
n, as always analysis of on that ies of which you're
n, as always analysis of on that ies of which you're hibedi knows
n, as always analysis of on that ies of which you're hibedi knows is contention.
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman.
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in –
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in –
ument you're n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right.
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right. aairman, was
ument you're n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right.
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right. aairman, was bage 17 of the
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right. hairman, was bage 17 of the
n, as always analysis of on that ies of which you're hibedi knows is contention. Chairman. ce sought to e in – nswer, Mr right. aairman, was bage 17 of the

Marikana Commission of Inquiry

Pretoria

		T	
	Page 29963		Page 29965
1	separate, because that's the way it was handed in, and then	1	further people who extend from the vehicle to the road.
2	VVV10 is this presentation based on the Reuters camera	2	Now they don't seem to me to be a continuation of the line
3	screenshots.	3	on the left-hand side of the vehicle, but certainly if you
4	MR NTSEBEZA SC: That seems to –	4	look at them, they actually meet up with the road. So
5	CHAIRPERSON: Alright, okay.	5	they're not parallel with the road, they're – and if you
6	MR NTSEBEZA SC: That seems to –	6	regard them as a kind of extension of the line on the left
7	CHAIRPERSON: Now that's now finally –	7	of the road, what you then have is effectively a Y. The
8	MR NTSEBEZA SC: Finally, Mr Chairman.	8	road goes from more or less top right of the photograph
9	CHAIRPERSON: Alright.	9	down to bottom left and the line joins up with the road
10	MR NTSEBEZA SC: Both of us are not	10	just to the right of the vehicle. That's Mr Mpofu's point.
11	speaking too soon.	11	Have I got it right, Mr Mpofu?
12	CHAIRPERSON: Alright. Now before Mr	12	MR MPOFU: That's correct, Chairperson,
13	Mpofu has a chance, let's have a look again at VVV9. Now	13	what we can call a converted Y of some sort.
14	that – you see the line there of TRT people in that	14	COLONEL CLASSEN: I agree, Mr Chair.
15	picture? You see that?	15	MR MPOFU: Yes, thank you. Now you
16	COLONEL CLASSEN: I do, Mr Chair. CHAIRPERSON: Is that where they were at	16	testified that you observed the strikers right through,
17		17	except when they were obscured by the kraal, correct?
18 19	the time the volley took place? COLONEL CLASSEN: I cannot say hundred	18	CHAIRPERSON: [Microphone off, inaudible]
20	percent yes, but we were moving forward and backwards. So	19	His evidence was there was a short period when he couldn't see the strikers because there was an Nyala or maybe more
20	I cannot say we were –	20 21	than one Nyala in the way –
22	CHAIRPERSON: Yes –	22	MR MPOFU: Yes. Ja, okay, subject to
23	COLONEL CLASSEN: - precise position.	22	that correction, you observed them throughout the episode
24	CHAIRPERSON: Yes, I was more concerned	24	until they came towards near the kraal, correct?
25	about the angle. You see according to this picture it	25	COLONEL CLASSEN: That's correct, Mr
	Page 29964		Page 29966
1	looks as if the line, if that's the line, whether forward	1	Chair.
2	or backward or where it is, it appears to be parallel to	2	MR MPOFU: And in that period you
3	what one can describe as the road and more or less parallel	3	observed what you saw as an attack. The only attack you
4	to the fence which is on the road side of the plot which	4	observed was the one during the volley of fire, correct?
5	contains the shack. Would you agree with that?	5	COLONEL CLASSEN: Just come again there,
6	COLONEL CLASSEN: I do, Mr Chair.	6	Mr Mpofu.
7	CHAIRPERSON: Thank you. Mr Mpofu,	7	MR MPOFU: The only attack by the
8	you've got half an hour. We'll take the first comfort	8	strikers in your view that you observed was the one that
9	break at the end of your cross-examination, half an hour's time, unless you're able to cross-examine in a shorter	9 10	resulted in the fatal shootings.
10	time, unless you're able to cross-examine in a shorter	11	COLONEL CLASSEN: That's correct, Mr
11	period than that		
11	period than that.		Chair.
12	CROSS-EXAMINATION BY MR MPOFU: Well,	12	MR MPOFU: Okay. Right, okay. Look, I'm
12 13	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to	12 13	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal.
12 13 14	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true,	12 13 14	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their
12 13 14 15	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not	12 13 14 15	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had
12 13 14 15 16	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with	12 13 14 15 16	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going
12 13 14 15 16 17	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the	12 13 14 15 16 17	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I
12 13 14 15 16 17 18	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were	12 13 14 15 16 17 18	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I represent the people who survived. Do you understand that?
12 13 14 15 16 17	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were actually on the road, correct?	12 13 14 15 16 17	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I represent the people who survived. Do you understand that? COLONEL CLASSEN: I do, Mr Chair.
12 13 14 15 16 17 18 19	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were	12 13 14 15 16 17 18 19	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I represent the people who survived. Do you understand that? COLONEL CLASSEN: I do, Mr Chair.
12 13 14 15 16 17 18 19 20	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were actually on the road, correct? COLONEL CLASSEN: Can you just – you –	12 13 14 15 16 17 18 19 20	MR MPOFU:Okay. Right, okay. Look, I'mgoing to ask you around, about the events around the kraal.Unlike Mr Ntsebeza and others who unfortunately theirclients did not live to see the day, so that's why they hadto rely on all the devices that they have used, I'm goingto put to you versions of people who were there because Irepresent the people who survived. Do you understand that?COLONEL CLASSEN:MR MPOFU:You observed, according to
12 13 14 15 16 17 18 19 20 21	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were actually on the road, correct? COLONEL CLASSEN: Can you just – you – MR MPOFU: No, I'm saying –	12 13 14 15 16 17 18 19 20 21	MR MPOFU:Okay. Right, okay. Look, I'mgoing to ask you around, about the events around the kraal.Unlike Mr Ntsebeza and others who unfortunately theirclients did not live to see the day, so that's why they hadto rely on all the devices that they have used, I'm goingto put to you versions of people who were there because Irepresent the people who survived. Do you understand that?COLONEL CLASSEN:I do, Mr Chair.MR MPOFU:You observed, according toyour evidence you observed the group which eventually was
12 13 14 15 16 17 18 19 20 21 22	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were actually on the road, correct? COLONEL CLASSEN: Can you just – you – MR MPOFU: No, I'm saying – CHAIRPERSON: Sorry, I think what counsel	12 13 14 15 16 17 18 19 20 21 22	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I represent the people who survived. Do you understand that? COLONEL CLASSEN: I do, Mr Chair. MR MPOFU: You observed, according to your evidence you observed the group which eventually was shot down there. You observed them walking towards the
12 13 14 15 16 17 18 19 20 21 22 23 24	CROSS-EXAMINATION BY MR MPOFU: Well, Chairperson, let's start with – I actually wanted also to start at VVV9, just to clarify the bearings. It's true, isn't it, that the line at the time of the shooting was not exactly parallel to the road. It actually formed a Y with the road, as you can see there. In other words some of the people towards the right of the picture, some of them were actually on the road, correct? COLONEL CLASSEN: Can you just – you – MR MPOFU: No, I'm saying – CHAIRPERSON: Sorry, I think what counsel is referring you to is on the right-hand side of the	12 13 14 15 16 17 18 19 20 21 22 23	MR MPOFU: Okay. Right, okay. Look, I'm going to ask you around, about the events around the kraal. Unlike Mr Ntsebeza and others who unfortunately their clients did not live to see the day, so that's why they had to rely on all the devices that they have used, I'm going to put to you versions of people who were there because I represent the people who survived. Do you understand that? COLONEL CLASSEN: I do, Mr Chair. MR MPOFU: You observed, according to your evidence you observed the group which eventually was shot down there. You observed them walking towards the kraal, correct?

	Page 29967		Page 29969
1	observed other people ahead of them running in that same	1	MR MPOFU: Yes, as you say.
2	direction, correct?	2	COLONEL CLASSEN: No, that's not what I'm
3	COLONEL CLASSEN: Are you saying before	3	saying.
4	that?	4	MR MPOFU: No, I said did you observe the
5	MR MPOFU: Ja, just slightly before.	5	group which eventually got shot walking down towards the
6	Remember Mr – okay, you might now know this. Mr Mathunjwa	6	kraal area and you said yes, a few questions ago.
7	addressed the people and then from there, there was a lot	7	COLONEL CLASSEN: That's not what I said.
8	of movement from the crowd and it's common cause that some	8	MR MPOFU: Okay, well then go to page
9	people started running towards that same direction of the	9	29611 –
10	kraal. The only question I'm asking you is whether you	10	CHAIRPERSON: 29611 of the transcript?
11	observed that or not.	11	MR MPOFU: 29611, Chairperson, yes. I'll
12	COLONEL CLASSEN: No, I did not, Mr	12	just check the line now.
13	Chair.	13	CHAIRPERSON: So could we have page
14	MR MPOFU: You did not see other – if you	14	29611, please? It's a little bit earlier than the passage
15	observed the crowd from the time that they were on the	15	we just looked at. No, 29611. We've got it now. Which
16	mountain up to their dispersal, then surely you would have	16	line?
17	seen - go to L191 and 193, you can pick whichever one.	17	MR MPOFU: Yes, Ms Pillay said – it's
18	Okay, let's take 193, just because it has writing that	18	line, round about line 9. I'm not going to read it
19	supports what I'm saying. At that stage, just to orient	19	verbatim. From round line 9 she said something about that
20	you, that's the stage before, it's before the shooting	20	there was a group that walked. According to your testimony
21	happened, maybe five minutes or so before. The thing says	21	it walked along the barbed wire until they reached the
22	"Protesters organised group remain with others on the	22	kraal, and then you said, "Yes, I could see them. From the
23	koppies while a number of protesters are departing," and	23	third Nyala I could see them clearly that there are guys
24	there are arrows of people. Of particular interest is the	24	walking next to the Nyala, and Ms Pillay says, "Alright,
25	long white line, because it actually points to the place	25	the only time you lost sight of the strikers according to
	B		0.0070
1	Page 29968 where people were eventually killed, just coincidentally	1	Page 29970 your evidence is when they actually reached the kraal when
1	where people were eventually killed, just coincidentally.	1	your evidence is when they actually reached the kraal when
2	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer	2	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind
	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's		your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the
2 3 4	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and	2 3 4	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the
2 3 4 5	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road?	2 3	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the
2 3 4 5 6	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr	2 3 4 5	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on
2 3 4 5 6 7	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair.	2 3 4 5 6	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down.
2 3 4 5 6	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm	2 3 4 5 6 7	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand?
2 3 4 5 6 7 8	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair.	2 3 4 5 6 7 8	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand?
2 3 4 5 6 7 8 9	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence	2 3 4 5 6 7 8 9	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe
2 3 4 5 6 7 8 9 10	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because	2 3 4 5 6 7 8 9 10	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the
2 3 4 5 6 7 8 9 10 11	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away,	2 3 4 5 6 7 8 9 10 11	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire.
2 3 4 5 6 7 8 9 10 11 12	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by	2 3 4 5 6 7 8 9 10 11 12	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else
2 3 4 5 6 7 8 9 10 11 12 13	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done	2 3 4 5 6 7 8 9 10 11 12 13	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking?
2 3 4 5 6 7 8 9 10 11 12 13 14	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the	2 3 4 5 6 7 8 9 10 11 12 13 14	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I
2 3 4 5 6 7 8 9 10 11 12 13 14 15	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible]
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu. MR MPOFU: I'm saying insofar as your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible] MR MATHIBEDI SC: He does not care what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu. MR MPOFU: I'm saying insofar as your observation is that the group that was finally mowed, or 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible] MR MATHIBEDI SC: He does not care what the witness observed. I mean the witness is providing an answer. CHAIRPERSON: Yes, Mr Mpofu, I didn't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu. MR MPOFU: I'm saying insofar as your observation is that the group that was finally mowed, or killed by the police had been walking down there, your evidence coincides with that Mr Magidiwana. You understand? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible] MR MATHIBEDI SC: He does not care what the witness observed. I mean the witness is providing an answer. CHAIRPERSON: Yes, Mr Mpofu, I didn't actually hear you say that but if I did I suggest that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<pre>where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu. MR MPOFU: I'm saying insofar as your observation is that the group that was finally mowed, or killed by the police had been walking down there, your evidence coincides with that Mr Magidiwana. You understand? COLONEL CLASSEN: So you're saying that</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible] MR MATHIBEDI SC: He does not care what the witness observed. I mean the witness is providing an answer. CHAIRPERSON: Yes, Mr Mpofu, I didn't actually hear you say that but if I did I suggest that you don't repeat that kind of statement. Just ask questions.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 where people were eventually killed, just coincidentally. But you see that shows people moving. If you zoom closer you'll see that you can see people on the road. It's common cause. Did you observe people leaving there and using that road before the Nyala 4 closed that road? COLONEL CLASSEN: No, I have not, Mr Chair. MR MPOFU: Okay. Alright, the reason I'm saying that is because as I say the, your evidence coincides with that of Mr Magidiwana on that point because he says that the people who left earlier sort of ran away, but the group that he was in was told, or had been told by Mr Noki to rather walk than run because they had done nothing wrong, but they effectively had walked into the same direction as those people. You can't dispute that, correct? COLONEL CLASSEN: No, I don't understand that. Just come there again, Mr Mpofu. MR MPOFU: I'm saying insofar as your observation is that the group that was finally mowed, or killed by the police had been walking down there, your evidence coincides with that Mr Magidiwana. You understand? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	your evidence is when they actually reached the kraal when you lost sight of them?" And then you say, "Yes, behind the kraal," which is what I put to you earlier, but the Chair corrected, but your evidence was actually that the only time you lost sight of them was when they reached the kraal. But that's not the point I'm cross-examining you on now. I'm just saying that you observed them walking down. You understand? COLONEL CLASSEN: Yes, I did not observe them walking down, not even a part way. Walking with the Nyala as it laid out the barbed wire. MR MPOFU: So I don't care whatever else was happening. Did you observe the people walking? MR MATHIBEDI SC: No, Mr Chairperson, I don't think it's correct for Mr Mpofu to tell the witness that he does not care what he's saying, or what he observed. CHAIRPERSON: [Microphone off, inaudible] MR MATHIBEDI SC: He does not care what the witness observed. I mean the witness is providing an answer. CHAIRPERSON: Yes, Mr Mpofu, I didn't actually hear you say that but if I did I suggest that you

1	Page 29971 you say it, so you may not have said it, but if you said	1	Page 29973
1		1	COLONEL CLASSEN: I can't comment on
2	such a thing, don't say it again.	2	that, Sir. That's what they say.
3	MR MPOFU: Well, in the context it's	3	MR MPOFU: You can't dispute it.
4	called for, Chair, but I'll – all I'm saying is that I'm	4	COLONEL CLASSEN: As I said, I can't
5	not asking you about what else was there. I'm asking you	5	comment. They said that.
6	whether you observed them walking or not, yes, no?	6	MR MPOFU: Right, and the only reason –
7	COLONEL CLASSEN: Yes.	7	their version is also that the only reason that they
8	MR MPOFU: And the point that is tied	8	changed track and had to circumnavigate the kraal as it
9	with that is that you cannot dispute the fact that they	9	were, was exactly because Nyala 4 had closed their way to
10	were walking because Mr Noki had said to them that they	10	Nkaneng. You can't dispute that either.
11	must not run and they must walk, unlike the others who were	11	COLONEL CLASSEN: Again that's what they
12	running?	12	say. I don't know, Sir.
13	COLONEL CLASSEN: I wouldn't know what Mr	13	MR MPOFU: Yes. But what you do know is
14	Noki said, but –	14	that after Nyala 4 blocked them they changed their course
15	MR MPOFU: Yes. But I've showed you now	15	and went around the kraal. That you saw.
16	that the people who were – I showed you the earlier group	16	COLONEL CLASSEN: I didn't see them go
17	that had left there. You would agree that the group that	17	around the kraal. When they were around the kraal they
18	you saw walking were also walking in the same direction, in	18	were obscured from my sight.
19	other words towards the kraal, correct?	19	MR MPOFU: Well, they emerged and
20	COLONEL CLASSEN: In line with the Nyala,	20	attacked you. So you must accept that they must have gone
21	yes.	21	around the kraal, correct?
22	MR MPOFU: Yes, and the crucial issue in	22	COLONEL CLASSEN: That's correct –
23	this Commission on this point is where those people were	23	MR MPOFU: According to you. Huh?
24	going, or basically what their intention was. You	24	COLONEL CLASSEN: That's correct.
25	understand that?	25	MR MPOFU: Ja. Alright, and at that
20		20	
	Page 29972		Page 29974
1	Page 29972 COLONEL CLASSEN: I do, Chair.	1	Page 29974 stage you could see, from where you were you could see the
1 2		1 2	
	COLONEL CLASSEN: I do, Chair.		stage you could see, from where you were you could see the
2	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair,	2	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between
2 3	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point	2 3	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct?
2 3 4	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the	2 3 4	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct.
2 3 4 5	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going	2 3 4 5	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed
2 3 4 5 6 7	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas	2 3 4 5 6	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they
2 3 4 5 6	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going	2 3 4 5 6 7	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or
2 3 4 5 6 7 8	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those.	2 3 4 5 6 7 8	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest?
2 3 4 5 6 7 8 9 10	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know,	2 3 4 5 6 7 8 9	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know
2 3 4 5 6 7 8 9 10 11	COLONEL CLASSEN:I do, Chair.MR MPOFU:Yes, and it would be fair,just to assist you on that point, to say you, at some pointyou said they were walking towards the Nyalas and then atsome point you were saying that they were attacking thepolice.So can we say roughly that they were either goinghome to Nkaneng, or they were walking towards the Nyalasgenerally, or they were coming to attack the police?It'sone of those.COLONEL CLASSEN:Well, I wouldn't know,Mr Mpofu, but yes, I saw them walking and also attacking.	2 3 4 5 6 7 8 9 10	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they
2 3 4 5 6 7 8 9 10 11 12	COLONEL CLASSEN:I do, Chair.MR MPOFU:Yes, and it would be fair,just to assist you on that point, to say you, at some pointyou said they were walking towards the Nyalas and then atsome point you were saying that they were attacking thepolice.So can we say roughly that they were either goinghome to Nkaneng, or they were walking towards the Nyalasgenerally, or they were coming to attack the police?It'sone of those.COLONEL CLASSEN:Well, I wouldn't know,Mr Mpofu, but yes, I saw them walking and also attacking.MR MPOFU:Yes, right. Now if they had	2 3 4 5 6 7 8 9 10 11 12	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know.
2 3 4 5 6 7 8 9 10 11 12 13	COLONEL CLASSEN:I do, Chair.MR MPOFU:Yes, and it would be fair,just to assist you on that point, to say you, at some pointyou said they were walking towards the Nyalas and then atsome point you were saying that they were attacking thepolice.So can we say roughly that they were either goinghome to Nkaneng, or they were walking towards the Nyalasgenerally, or they were coming to attack the police?It'sone of those.COLONEL CLASSEN:Well, I wouldn't know,Mr Mpofu, but yes, I saw them walking and also attacking.MR MPOFU:Yes, right. Now if they hadnot been – well, their evidence is that if they had not	2 3 4 5 6 7 8 9 10 11 12 13	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it.
2 3 4 5 6 7 8 9 10 11 12 13 14	COLONEL CLASSEN:I do, Chair.MR MPOFU:Yes, and it would be fair,just to assist you on that point, to say you, at some pointyou said they were walking towards the Nyalas and then atsome point you were saying that they were attacking thepolice.So can we say roughly that they were either goinghome to Nkaneng, or they were walking towards the Nyalasgenerally, or they were coming to attack the police?It'sone of those.COLONEL CLASSEN:Well, I wouldn't know,Mr Mpofu, but yes, I saw them walking and also attacking.MR MPOFU:Yes, right. Now if they hadnot been – well, their evidence is that if they had notbeen blocked by Nyala 4 they would have simply proceeded on	2 3 4 5 6 7 8 9 10 11 12 13 14	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it
2 3 4 5 6 7 8 9 10 11 12 13 14 15	COLONEL CLASSEN:I do, Chair.MR MPOFU:Yes, and it would be fair,just to assist you on that point, to say you, at some pointyou said they were walking towards the Nyalas and then atsome point you were saying that they were attacking thepolice.So can we say roughly that they were either goinghome to Nkaneng, or they were walking towards the Nyalasgenerally, or they were coming to attack the police?It'sone of those.COLONEL CLASSEN:Well, I wouldn't know,Mr Mpofu, but yes, I saw them walking and also attacking.MR MPOFU:Yes, right.Now if they hadnot been – well, their evidence is that if they had notbeen blocked by Nyala 4 they would have simply proceeded onthat road that was blocked by Nyala 4 towards Nkaneng.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for them being blocked by Nyala 4, whose only purpose there was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct? COLONEL CLASSEN: Just come a bit clear
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for them being blocked by Nyala 4, whose only purpose there was to block them from proceeding further, they would have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct? COLONEL CLASSEN: Just come a bit clear there, Mr Mpofu, sorry.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for them being blocked by Nyala 4, whose only purpose there was to block them from proceeding further, they would have proceeded on that very same road in front of the kraal and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct? COLONEL CLASSEN: Just come a bit clear there, Mr Mpofu, sorry. MR MPOFU: Alright, you could not, or you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for them being blocked by Nyala 4, whose only purpose there was to block them from proceeding further, they would have proceeded on that very same road in front of the kraal and simply proceeded to Nkaneng. You have no way of disputing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct? COLONEL CLASSEN: Just come a bit clear there, Mr Mpofu, sorry. MR MPOFU: Alright, you could not, or you did not observe the shots that were fired by one of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	COLONEL CLASSEN: I do, Chair. MR MPOFU: Yes, and it would be fair, just to assist you on that point, to say you, at some point you said they were walking towards the Nyalas and then at some point you were saying that they were attacking the police. So can we say roughly that they were either going home to Nkaneng, or they were walking towards the Nyalas generally, or they were coming to attack the police? It's one of those. COLONEL CLASSEN: Well, I wouldn't know, Mr Mpofu, but yes, I saw them walking and also attacking. MR MPOFU: Yes, right. Now if they had not been – well, their evidence is that if they had not been blocked by Nyala 4 they would have simply proceeded on that road that was blocked by Nyala 4 towards Nkaneng. You can't dispute that. COLONEL CLASSEN: I can because I saw them walking next to Nyala 3 and then Nyala 4. MR MPOFU: No, I'm sorry, maybe I didn't make the question clear. Their evidence is that but for them being blocked by Nyala 4, whose only purpose there was to block them from proceeding further, they would have proceeded on that very same road in front of the kraal and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	stage you could see, from where you were you could see the POP members who were shooting them from the gaps between the Nyalas, correct? COLONEL CLASSEN: That's correct. MR MPOFU: And you would agree – well, I don't know if you would agree, but Captain Loest agreed that after they had been shot by those people then they started accelerating forward. You can't dispute that, or you don't disagree with Captain Loest? COLONEL CLASSEN: No, I wouldn't know that. I don't know if that because they were shot they started running. I don't know. MR MPOFU: Yes, but you can't dispute it. COLONEL CLASSEN: I can't comment on it in other words, so I wouldn't know if that's why they ran. MR MPOFU: Okay, and in any event you yourself from where you were you said that you did not observe or even hear the shots that were shot earlier towards the POP members. You saw the later shots during the volley, correct? COLONEL CLASSEN: Just come a bit clear there, Mr Mpofu, sorry. MR MPOFU: Alright, you could not, or you

		1	
1	Page 29975	1	Page 29977
1	strikers as they came around the kraal towards the POP	1	MR MPOFU: The POP members, yes, in the
2	members?	2	same way that they attacked the TRT according to you.
3	COLONEL CLASSEN: No, I did not observe	3	COLONEL CLASSEN: Mr Mpofu, just put it
4	that.	4	clearly for me. Maybe I don't understand you, sir, sorry.
5	MR MPOFU: You know nothing about that?	5	MR MPOFU: Okay – but I don't have time.
6	COLONEL CLASSEN: As I said, I did not	6	CHAIRPERSON: Mr Mpofu's point is, as
7	observe that.	7	they came round the kraal and once again into your field of
8	MR MPOFU: Do you know nothing about it	8	vision, they were passing a line of Nyalas. In between
9	now? I know you didn't observe it.	9	those Nyalas, behind the Nyalas were POP members who were
10	COLONEL CLASSEN: I have seen the video.	10	firing at the strikers with teargas, I think it was, rubber
11	MR MPOFU: Yes, okay, you only know it	11	bullets, rubber balls and so on and the – but he says the
12	after the fact from the video?	12	strikers didn't attack them. They didn't worry about the
13	COLONEL CLASSEN: That's correct.	13	POP people who were firing at them from behind the Nyalas,
14	MR MPOFU: Ja. Alright, so while you	14	they moved on in the direction of the TRT. I think that's
15	were there that played no part in your mind because you	15	his point. Is that right, Mr Mpofu?
16	didn't observe it?	16	MR MPOFU: Except in the direction of the
17	COLONEL CLASSEN: That's correct.	17	road is my language. Okay, do you understand it now?
18	MR MPOFU: Yes, and would it be fair if I	18	COLONEL CLASSEN: I get it, Mr Mpofu.
19	say to you, we're going to argue that if indeed the	19	Thank you, Mr Chair. I wouldn't say that they were
20	intention of the strikers as they negotiate the kraal was	20	attacking, I wouldn't know if they were attacking the POPS
21	to attack policemen.	21	members when they fired at them so I will agree with you.
22	[10:32] Then it would have been to attack all policemen,	22	MR MPOFU: No, look at slide L206.
23	there was nothing magical about the TRT line, correct?	23	CHAIRPERSON: [Microphone off, inaudible]
24	COLONEL CLASSEN: Just come again there	24	- what he knows, from what he could see, that's what he
25	sir, please?	25	tells us, there we see slide 206, we see the gap between
	Page 29976		Page 29978
1	Page 29976 MR MPOFU: If the reason why they	1	Page 29978 two Nyalas, we see one POP member at least behind the
1 2	-	1 2	
	MR MPOFU: If the reason why they		two Nyalas, we see one POP member at least behind the
2	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would	2	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor
2 3	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct?	2 3	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from
2 3 4	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct.	2 3 4	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were?
2 3 4 5	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of	2 3 4 5	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall
2 3 4 5 6	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was	2 3 4 5 6	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around.
2 3 4 5 6 7	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did	2 3 4 5 6 7	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at
2 3 4 5 6 7 8	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct?	2 3 4 5 6 7 8	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from
2 3 4 5 6 7 8 9	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack	2 3 4 5 6 7 8 9	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those
2 3 4 5 6 7 8 9 10	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir?	2 3 4 5 6 7 8 9 10	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those
2 3 4 5 6 7 8 9 10 11	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they	2 3 4 5 6 7 8 9 10 11	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them,
2 3 4 5 6 7 8 9 10 11 12	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first	2 3 4 5 6 7 8 9 10 11 12	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair?
2 3 4 5 6 7 8 9 10 11 12 13	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first	2 3 4 5 6 7 8 9 10 11 12 13	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving
2 3 4 5 6 7 8 9 10 11 12 13 14	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap -	2 3 4 5 6 7 8 9 10 11 12 13 14	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving –
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use the photos but the photos will show that they were actually	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their intention had been to attack any old policeman then the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use the photos but the photos will show that they were actually facing the other way towards the road at that time. You	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their intention had been to attack any old policeman then the first victims would have been those policemen there, that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use the photos but the photos will show that they were actually facing the other way towards the road at that time. You would agree with that, one of the photos you were shown?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their intention had been to attack any old policeman then the first victims would have been those policemen there, that bunch of policemen there. Would you agree?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use the photos but the photos will show that they were actually facing the other way towards the road at that time. You would agree with that, one of the photos you were shown? COLONEL CLASSEN: Okay, are you saying	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their intention had been to attack any old policeman then the first victims would have been those policemen there, that bunch of policemen there. Would you agree? COLONEL CLASSEN: I would agree with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	MR MPOFU: If the reason why they navigated the kraal was to attack policemen then they would have attacked any policeman, correct? COLONEL CLASSEN: Correct. MR MPOFU: Ja. Now the first group of policemen that confronted them actually shot at them, was that group of POP members between those Nyalas and they did not, according to your knowledge, attack them. Correct? COLONEL CLASSEN: Who did not attack whom, sir? MR MPOFU: The strikers, when they emerged from the corner of the kraal their first confrontation was with the police or rather they were first confronted by the police who shot them between the gap - the POP members, correct? COLONEL CLASSEN: That is correct. MR MPOFU: And you are not aware of the strikers having, turning around to attack those people. In fact I'm trying to, because I don't have time, not to use the photos but the photos will show that they were actually facing the other way towards the road at that time. You would agree with that, one of the photos you were shown? COLONEL CLASSEN: Okay, are you saying that when they came around the kraal they did not turn	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	two Nyalas, we see one POP member at least behind the Nyalas, we see the strikers coming past in the corridor between the Nyalas and the kraal. Could you see that from where you were? COLONEL CLASSEN: I can't quite recall from where I was but I could see them coming around. MR MPOFU: Yes, yes and if you look at 207 on the same – all I'm saying is that you can see from those pictures that their movement was parallel to those Nyalas, even though they were being attacked from those gaps and not words those policemen who were attacking them, is that fair? COLONEL CLASSEN: Yes, I see them moving - MR MPOFU: Thank you. COLONEL CLASSEN: - parallel towards the Nyalas. MR MPOFU: Yes and if they are – the point I'm making to you is you would agree that if their intention had been to attack any old policeman then the first victims would have been those policemen there, that bunch of policemen there. Would you agree? COLONEL CLASSEN: I would agree with that.

1	Page 29979	1	Page 29981
1	now going to illustrate to you that – or let me put it this	1	MR MPOFU: So we can accept that at least
2	way. You would agree with other witnesses that your basic	2	until they emerged from that corner, they had no intention
3	line was effectively formed after Nyala 4 had blocked the	3	to attack the TRT line whose existence they knew nothing
4	road and when the people were negotiating the kraal, in	4	about.
5	that period. I think it was two minutes or 90 seconds.	5	COLONEL CLASSEN: Again I can't comment
6	CHAIRPERSON: Do you mean	6	on that.
7	circumnavigating the kraal?	7	MR MPOFU: No, I'm asking you logically
8	MR MPOFU: Yes. Do you understand the	8	as a human being, if you –
9	question, Colonel?	9	CHAIRPERSON: Logic can be argued with
10	COLONEL CLASSEN: Just come again, Mr	10	the Commission, you don't have to put it to the witness.
11	Mpofu, please?	11	If your logic is impeccable then your argument will have to
12	MR MPOFU: Yes. I'm saying according to	12	be accepted. You don't have to argue with the witness, put
13	evidence that has already been led and considered, the	13	points to the witness that really are based on logical
14	sequence of events was as follows. Nyala 4 blocked them as	14	deductions –
15	you and I have discussed, then they tried or went to	15	MR MPOFU: Well, I thought all questions
16	circumnavigate the kraal and in that period your guys were	16	were based on logic but I'll consider I am correct –
17	running, the TRT people were running to form the basic line	17	CHAIRPERSON: No, no, you don't have –
18	and that's when the basic line was formed. You go along	18	MR MPOFU: Do you –
19	with that generally - generally, not general. Colonel?	19	CHAIRPERSON: Well, you'll be correct –
20	COLONEL CLASSEN: Yes, sir.	20	you don't have to put to witnesses points that are merely
21	MR MPOFU: Thanks. So from that it would	21	logical deductions and facts that have already been
22	be self-evident or stating the obvious that as they emerged	22	established.
23	or when they were obscured by the kraal they did not even	23	MR MPOFU: Do you accept that -
24 25	have a clue that there was a TRT line there because there	24 25	CHAIRPERSON: He declines to comment. MR MPOFU: Yes. Do you accept that if
25	was no such line at the time when they last saw that part	25	
	Page 29980		Page 29982
1	of the world, correct?	1	they did not know about the existence of the TRT line then
2	COLONEL CLASSEN: Mr Mpofu, I also just	2	they could not have been circumnavigating the kraal to
~	need to come in there and say that where Nyala 3 was	3	
3		3	reach or look at or do anything to such a TRT line –
3	starting to deploy, that's when we were starting to move to	3 4	CHAIRPERSON: You're now doing the very
	starting to deploy, that's when we were starting to move to go and form our basic line.		CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to
4	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is	4	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a
4 5	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed	4 5	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question.
4 5 6 7 8	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage	4 5 6 7 8	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question. MR MPOFU: I've asked this question
4 5 6 7 8 9	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal.	4 5 6 7 8 9	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.
4 5 6 7 8 9 10	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir.	4 5 6 7 8 9 10	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question. MR MPOFU: I've asked this question before, Chairperson, and you have allowed it. CHAIRPERSON: Perhaps I –
4 5 7 8 9 10 11	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because	4 5 6 7 8 9 10 11	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.
4 5 6 7 8 9 10 11 12	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT	4 5 6 7 8 9 10 11 12	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should have
4 5 7 8 9 10 11 12 13	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed.	4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question. MR MPOFU: I've asked this question before, Chairperson, and you have allowed it. CHAIRPERSON: Perhaps I – MR MPOFU: Forgive me if I ask it again. CHAIRPERSON: Perhaps I should have disallowed it before –
4 5 6 7 8 9 10 11 12 13 14	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I	4 5 7 8 9 10 11 12 13 14	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.
4 5 6 7 8 9 10 11 12 13 14 15	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know.	4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.
4 5 6 7 8 9 10 11 12 13 14 15 16	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you	4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm just explaining why I'm
4 5 6 7 8 9 10 11 12 13 14 15 16 17	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so	4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm gust explaining why I'masking it, Chair.So –
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm gust explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've got
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm just explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've gotfive minutes.I
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question. MR MPOFU: I 've asked this question before, Chairperson, and you have allowed it. CHAIRPERSON: Perhaps I – MR MPOFU: Forgive me if I ask it again. CHAIRPERSON: Perhaps I should have disallowed it before – MR MPOFU: Ja. CHAIRPERSON: I'm disallowing it now. MR MPOFU: I'm just explaining why I'm asking it, Chair. So – CHAIRPERSON: I understand you've got five minutes. MR MPOFU: No – well, I can't have five
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on their minds, it could not have been on their minds that	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm gust explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've gotfive minutes.MR MPOFU:MR MPOFU:No – well, I can't have fiveminutes when I started 10 minutes ago if I had 30 minutes
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on their minds, it could not have been on their minds that there was a TRT line there because they were not, it was	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: You're now doing the very thing I said you couldn't do. You're putting a question to him based on a hypothesis and the question is based upon a deduction from that. I don't allow the question. MR MPOFU: I ve asked this question before, Chairperson, and you have allowed it. CHAIRPERSON: Perhaps I – MR MPOFU: Forgive me if I ask it again. CHAIRPERSON: Perhaps I should have disallowed it before – MR MPOFU: Ja. CHAIRPERSON: I'm disallowing it now. MR MPOFU: I'm just explaining why I'm asking it, Chair. So – CHAIRPERSON: I understand you've got five minutes. MR MPOFU: No – well, I can't have five minutes when I started 10 minutes ago if I had 30 minutes to begin with.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on their minds, it could not have been on their minds that there was a TRT line there because they were not, it was not there actually when they last saw that part of the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm just explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've gotfive minutes.MR MPOFU:MR MPOFU:No – well, I can't have fiveminutes when I started 10 minutes ago if I had 30 minutesto begin with.You started at quarter past
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on their minds, it could not have been on their minds that there was a TRT line there because they were not, it was not there actually when they last saw that part of the veld. Do you understand that?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm gust explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've gotfive minutes.MR MPOFU:MR MPOFU:No – well, I can't have fiveminutes when I started 10 minutes ago if I had 30 minutesto begin with.You started at quarter pastand it's now nearly quarter to.On my arithmetic Mr Wesley
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	starting to deploy, that's when we were starting to move to go and form our basic line. MR MPOFU: Yes. No, even if that is correct I'm saying when the basic line was actually formed they did not know that it was there because at that stage it's when they were obscured by the kraal. COLONEL CLASSEN: I wouldn't know, sir. MR MPOFU: You can't dispute that because otherwise I'll show you the videos of you, of the TRT people running just after Nyala 4 has closed. COLONEL CLASSEN: But that's why I said I can't comment on that, I wouldn't know. MR MPOFU: Okay, okay, except if you accept that – that's fair, if you accept that that is so and many other police witnesses have conceded it, then surely when they were going around the kraal the last thing on their minds – well, it's not even the last thing on their minds, it could not have been on their minds that there was a TRT line there because they were not, it was not there actually when they last saw that part of the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON:You're now doing the verything I said you couldn't do.You're putting a question tohim based on a hypothesis and the question is based upon adeduction from that.I don't allow the question.MR MPOFU:I've asked this questionbefore, Chairperson, and you have allowed it.CHAIRPERSON:Perhaps I –MR MPOFU:Forgive me if I ask it again.CHAIRPERSON:Perhaps I should havedisallowed it before –MR MPOFU:MR MPOFU:Ja.CHAIRPERSON:I'm disallowing it now.MR MPOFU:I'm just explaining why I'masking it, Chair.So –CHAIRPERSON:I understand you've gotfive minutes.MR MPOFU:MR MPOFU:No – well, I can't have fiveminutes when I started 10 minutes ago if I had 30 minutesto begin with.You started at quarter past

Г

Marikana Commission of Inquiry

Pretoria

٦

	Page 29983		Page 29985
1	that.	1	MR MPOFU: Yes, and those warning shots,
2	MR MPOFU: No.	2	how many seconds did that last for, that episode?
3	CHAIRPERSON: Just carry on.	3	COLONEL CLASSEN: I wouldn't know, Mr
4	MR MPOFU: Okay, ja. Colonel, your –	4	Mpofu, I can't recall.
5	according to you the attack was the two gunshots that you	5	MR MPOFU: Estimate? Three, four
6	said you heard, the later two gunshots, correct?	6	seconds?
7	COLONEL CLASSEN: That's correct, sir.	7	COLONEL CLASSEN: Again it was tense
8	MR MPOFU: So, and as you said because of	8	there, I can't say, sir.
9	that being the attack you could not be expected to fire	9	MR MPOFU: Sorry? But you were able to
10	warning shots, correct?	10	say that the shots that were part of the attack came two or
11	COLONEL CLASSEN: That's correct, sir.	11	three seconds before the volley. Was it not tense then?
12	MR MPOFU: And for that reason and that's	12	COLONEL CLASSEN: Yes, it was. That's
13	understandable, because you know if you are – I mean	13	what I estimated.
14	bullets travel fast and for that reason no, it was for that	14	MR MPOFU: Ja, can you also estimate then
15	reason that warning shots were not fired, correct?	15	how long the warning shot episode took?
16	COLONEL CLASSEN: No, that's not what I'm	16	COLONEL CLASSEN: There was a lot of
17	saying that warning shots were not fired. May –	17	shots there so that is one of the reasons why I can't
18	MR MPOFU: I'm sorry, sorry to cut you	18	estimate. There were a lot of policemen firing so I can't
19	but I'm sure you understand by now why. I'm saying that	19	say there, sir.
20	you were saying that because the attack that you saw, at	20	MR MPOFU: So you can't say then to the
21	least in your estimation the attack constituted the two	21	Commission that there was a two stage event there, warning
22	shots that you testified about yesterday. It was for that	22	shots followed by shots to heads and bodies? You don't
23	reason that there was no, I want to use your own words,	23 24	know which came first, you can't say because it was tense.
24 25	there was no need to fire warning shots, correct?	24 25	COLONEL CLASSEN: Sir, what I did see
25	COLONEL CLASSEN: I'm trying to figure	25	first was the dust. So that I can at least say, that I can
	Page 29984		Page 29986
1	Page 29984 out, did I say no need to fire warning shots or –	1	Page 29986 refer to as warning shots -
1 2	0	1 2	=
	out, did I say no need to fire warning shots or –		refer to as warning shots -
2	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did.	2	refer to as warning shots - MR MPOFU: Yes, how long before that did
2 3	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you	2 3	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots?
2 3 4	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of	2 3 4	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir.
2 3 4 5	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if	2 3 4 5	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say.
2 3 4 5 6	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners.	2 3 4 5 6	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't
2 3 4 5 6 7	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz	2 3 4 5 6 7	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning
2 3 4 5 6 7 8	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because	2 3 4 5 6 7 8 9 10	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what
2 3 4 5 6 7 8 9 10 11	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that?	2 3 4 5 6 7 8 9 10 11	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct?
2 3 4 5 6 7 8 9 10 11 12	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that?	2 3 4 5 6 7 8 9 10 11 12	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able
2 3 4 5 6 7 8 9 10 11 12 13	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it	2 3 4 5 6 7 8 9 10 11 12 13	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's
2 3 4 5 6 7 8 9 10 11 12 13 14	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I	2 3 4 5 6 7 8 9 10 11 12 13 14	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after	2 3 4 5 6 7 8 9 10 11 12 13 14 15	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need –	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need – MR MPOFU: Alright.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you can't say that these were the warning shots and these were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: There was no need. MR MPOFU: Alright. CHAIRPERSON: As far as you're concerned,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you can't say that these were the warning shots and these were the lethal shots, therefore you also cannot say what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: As far as you're concerned, despite the fact that there was no need to firing warning	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you can't say that these were the warning shots and these were the lethal shots, therefore you also cannot say what happened between the two, those two episodes. Is that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: As far as you're concerned, despite the fact that there was no need to firing warning shots, what is your evidence in regard to the question as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you can't say that these were the warning shots and these were the lethal shots, therefore you also cannot say what happened between the two, those two episodes. Is that fair?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	out, did I say no need to fire warning shots or – MR MPOFU: Yes, you did. COLONEL CLASSEN: Okay, Mr Mpofu. If you watch the video also you'll see there's dust in front of the members, in front of the miners, so according to me if these guys or the SAPS members who were straight or straight firing at the miners, you wouldn't see the dust there in front of those miners. MR MPOFU: No, but you said to Mr Gotz yesterday there was no need to fire warning shots because these people were firing at you. Did you not say that? Are you denying saying that? COLONEL CLASSEN: No, I'm not denying it but I'm also viewing it from how I see the video and what I do know. From my side there was no need because after those two shots, yes, definitely I wouldn't think of firing warning shots. MR MPOFU: Yes, so there was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: There was no need. COLONEL CLASSEN: As far as you're concerned, despite the fact that there was no need to firing warning	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	refer to as warning shots - MR MPOFU: Yes, how long before that did you see actual shots? COLONEL CLASSEN: I can't say, sir. MR MPOFU: I mean after that. You can't say? COLONEL CLASSEN: Yes, I can't say. MR MPOFU: So therefore you also can't say, if you can't estimate the period between the warning shots and the lethal shots then you also can't say what happened between the two things, correct? COLONEL CLASSEN: Yes, I wouldn't be able to say but Mr Mpofu, I just need to add there that there's a lot of policemen that's firing into the ground. It's the same as me telling you that that was the amount of warning shots fired and I can't say that. MR MPOFU: Yes, no, but listen this is very important. All I'm saying to you is that if you – I'm not disputing that you can't say but I'm saying if you can't say that these were the warning shots and these were the lethal shots, therefore you also cannot say what happened between the two, those two episodes. Is that

	Page 29987		Page 29989
1	miners falling.	1	what you're getting.
2	CHAIRPERSON: No, but Mr Mpofu's point,	2	MR MPOFU: Chairperson, I'm indebted to
3	there was dust, you couldn't see what was happening behind	3	the chairperson. Mr Wesley, don't start yet. Thank you,
4	the dust.	4	Chairperson, I don't want to belabour the point but I just
5	MR MPOFU: Mm.	5	want to say that the people I represent during the break
6	CHAIRPERSON: Is that correct?	6	have said I must once again express their frustration with
7	COLONEL CLASSEN: That is correct, Chair.	7	the time limits, particularly for a witness like this who
8	CHAIRPERSON: Therefore it's possible	8	is crucial to their injuries and the events, but we've had,
9	that someone may, during the period that some people were	9	we've discussed this, Chairperson, I'm simply placing this
10	firing into the ground, may have fired straight at the	10	on record –
11	strikers and some of, one or other of the strikers may have	11	CHAIRPERSON: Don't go there again, you
12	fallen at a time when your vision, your view was obscured	12	didn't apply initially to cross-examine him but I gave it
13	by the dust. Is that correct?	13	to you, so let's just carry on.
14	COLONEL CLASSEN: I can't agree with	14	MR MPOFU: Yes. Well, I've placed the
15	that, Mr Chair, because when I saw the dust I could still	15	matter on the record as I'm instructed to do, Chairperson,
16	see people, you understand. It wasn't that it was so	16	and I explained to you yesterday how the misunderstanding
17	obscured that you couldn't see the people in total.	17	happened, Chair. Alright, Colonel, in a nutshell what you
18	MR MPOFU: Yes, well, if that is true	18	are saying is that, from the questions that I asked you and
19	then your earlier evidence can't be correct, you saw the	19	the chair put to you, would it be fair to say you are
20	dust, you saw the people and there must be some sequence	20	unable to separate what happened there in the manner that I
21	even assuming you can't estimate, which I'll grant you, the	21	wanted to, what you saw effectively is, simultaneously you
22	duration but I'm just talking about sequence now, not	22	saw some dust and you saw some people falling, so it would
23	duration. You saw, in your evidence you saw the dust, you	23	be unfair to you to be asking you about the sequence,
24	then saw people falling down, correct?	24	correct?
25	COLONEL CLASSEN: That's correct, sir.	25	COLONEL CLASSEN: Correct.
	Page 29988		Page 29990
1	Page 29988 CHAIRPERSON: Your time has now expired,	1	MR MPOFU: Ja, now if then the dust and
1 2	CHAIRPERSON: Your time has now expired, Mr Mpofu.	1 2	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously
	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say		MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and
2	CHAIRPERSON: Your time has now expired, Mr Mpofu.	2	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what
2	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say	2 3	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all
2 3 4	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired.	2 3 4	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the
2 3 4 5	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: No, I know, Chairperson. I am	2 3 4 5	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two?
2 3 4 5 6	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time.	2 3 4 5 6	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but
2 3 4 5 6 7 8 9	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time. This is a very important witness for my clients.	2 3 4 5 6 7	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the
2 3 4 5 6 7 8 9 10	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time. This is a very important witness for my clients. CHAIRPERSON: You've made –	2 3 4 5 6 7 8 9 10	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay.
2 3 4 5 6 7 8 9 10 11	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time. This is a very important witness for my clients. CHAIRPERSON: You've made – MR MPOFU: I know what has gone through –	2 3 4 5 6 7 8 9 10 11	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their
2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time. This is a very important witness for my clients. CHAIRPERSON: You've made – MR MPOFU: I know what has gone through – CHAIRPERSON: You've made the point, I	2 3 4 5 6 7 8 9 10 11 12	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things
2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: Your time has now expired, Mr Mpofu. MR MPOFU: Chairperson, I have to say that this is – CHAIRPERSON: Mr Mpofu, your time has expired. MR MPOFU: No, I know, Chairperson. I am trying to make an application for an extension of the time. This is a very important witness for my clients. CHAIRPERSON: You've made – MR MPOFU: I know what has gone through – CHAIRPERSON: You've made the point, I take it, on record – Ketit, on record –	2 3 4 5 6 7 8 9 10 11 12 13	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which
2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for an	2 3 4 5 6 7 8 9 10 11 12 13 14	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to
2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –Mr MPOFU:MR MPOFU:I'd like to apply for anextension, Chairperson.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for anextension, Chairperson.How long?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –MR MPOFU:MR MPOFU:I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for anextension, Chairperson.I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfort	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for anextension, Chairperson.I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my ruling	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my rulingafter that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the falling happened at one time, is that what you're saying to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my rulingafter that.Thank you, Chairperson.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the falling happened at one time, is that what you're saying to me?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I know unat has gone through apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my rulingafter that.MR MPOFU:MR MPOFU:Thank you, Chairperson.[COMMISSION ADJOURNSCOMMISSION RESUMES]	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the falling happened at one time, is that what you're saying to me? MR MPOFU: No, it is what you are saying.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is -CHAIRPERSON:Mr Mpofu, your time haschairperson!Mr Mpofu, your time hasexpired.No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made -MR MPOFU:I know what has gone through -CHAIRPERSON:You've made the point, Itake it, on record -I know long?MR MPOFU:I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my rulingafter that.Important wyou, Chairperson.[COMMISSION ADJOURNSCOMMISSION RESUMES][11:06]CHAIRPERSON:- decided to give you the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the falling happened at one time, is that what you're saying to me? MR MPOFU: No, it is what you are saying. I asked you that question and you said, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON:Your time has now expired,Mr Mpofu.MR MPOFU:Chairperson, I have to saythat this is –CHAIRPERSON:Mr Mpofu, your time hasexpired.MR MPOFU:No, I know, Chairperson. I amtrying to make an application for an extension of the time.This is a very important witness for my clients.CHAIRPERSON:You've made –MR MPOFU:I know what has gone through –CHAIRPERSON:You've made the point, Itake it, on record –I know unat has gone through –CHAIRPERSON:I'd like to apply for anextension, Chairperson.How long?MR MPOFU:15 minutes.CHAIRPERSON:We'll take the comfortbreak now and I'll think about it and give you my rulingafter that.MR MPOFU:MR MPOFU:Thank you, Chairperson.[COMMISSION ADJOURNSCOMMISSION RESUMES]	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR MPOFU: Ja, now if then the dust and the people falling happens simultaneously, then obviously there is no stage at which there was a warning shot and then you wait and see what happens and because of what happens then you shoot the people in their heads. It all happened simultaneously, do you understand that, the difference between the two? COLONEL CLASSEN: I understand that but you're also mentioning that shooting the people in the heads, okay. MR MPOFU: Ja, okay, anywhere on their bodies, whatever, all I'm saying is that if the two things happened simultaneously then there is no gap within which one can say, this is a warning and if you act according to the warning I will do the next thing, because it happened simultaneously, do you understand that? COLONEL CLASSEN: I also just want to say, I understand what you are saying but adding that, if you say simultaneously, in other words the dust and the falling happened at one time, is that what you're saying to me? MR MPOFU: No, it is what you are saying.

	Page 29991		Page 29993
1	saw people falling.	1	Gotz I think, that nobody told the strikers to lay down
2	MR MPOFU: Okay, well, the record will	2	their arms, correct?
3	speak for itself.	3	COLONEL CLASSEN: Yes, in the present
4	COLONEL CLASSEN: Yes.	4	time that I was there nobody told them.
5	MR MPOFU: I don't have time to argue	5	MR MPOFU: Yes, and instead, - well, you
6	that point with you. The next thing is, if, - okay, you	6	yourself were not aware of this but you can accept that
7	were under instructions to follow POP about the 100 metres	7	instead the only warning that was given was to the media,
8	behind them, correct?	8	go away, media, go away. If you didn't see it on the day
9	COLONEL CLASSEN: That is correct.	9	you might have heard it on the videos, do you remember
10	MR MPOFU: And according to your evidence	10	that?
11	no person took charge of the fact that that 100 metre gap	11	COLONEL CLASSEN: Yes, I do.
12	was closed effectively to 10 or 20 metres?	12	MR MPOFU: Now are you, let me just give
13	COLONEL CLASSEN: That's correct.	13	you some of the evidence that was given here. Captain Kidd
14	MR MPOFU: But you would accept that if	14	has testified that when he warned the people or rather when
15	you had been at 100 metres or even half of that, 50 metres	15	he asked the strikers, the armed strikers to lay down their
16	behind POP, then there would have been sufficient time to	16	arms before they could proceed, he had a 100% success rate.
17	determine whether the people were going to cross the road	17	So that means that had you, your group asked the strikers
18	and attack you or turn left and go to Nkaneng? In other	18	to lay down their arms the probability is that the massacre
19	words if you are not so close to the road then we would	19	would not have happened, would you agree?
20	have known whether they would have turned left and gone	20	COLONEL CLASSEN: No, I would not agree
21	home like everyone else, or cross the road to come and	21	with it.
22	attack you, correct?	22	MR MPOFU: Well, okay, just postulate
23	COLONEL CLASSEN: That's correct.	23	that I know that it is the realm of speculation. If like
24	MR MPOFU: In any event accepting now	24	Captain Kidd your group had said to the strikers, lay down
25	that you did come close to the road as you did, according	25	their arms, rather, lay down your arms and if like they did
		<u> </u>	
1	Page 29992	1	Page 29994 with Captain Kidd, they had complied at a 100% rate, do you
1	to you the danger was posed by the fact that people were	1	with Captain Kidd, they had complied at a 100% rate, do you
2	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I	2	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them?
	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern		with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't
2 3 4	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe	2 3	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry?
2 3 4 5	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it	2 3 4	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm
2 3 4	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct?	2 3 4 5	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the
2 3 4 5 6 7	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair.	2 3 4 5 6	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with
2 3 4 5 6	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off	2 3 4 5 6 7	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the
2 3 4 5 6 7 8	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the	2 3 4 5 6 7 8	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same
2 3 4 5 6 7 8 9	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went	2 3 4 5 6 7 8 9	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on
2 3 4 5 6 7 8 9 10	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the	2 3 4 5 6 7 8 9 10	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same
2 3 4 5 6 7 8 9 10 11	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line	2 3 4 5 6 7 8 9 10 11	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed
2 3 4 5 6 7 8 9 10 11 12	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the	2 3 4 5 6 7 8 9 10 11 12	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he
2 3 4 5 6 7 8 9 10 11 12 13	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng,	2 3 4 5 6 7 8 9 10 11 12 13	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that?
2 3 4 5 6 7 8 9 10 11 12 13 14	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it?	2 3 4 5 6 7 8 9 10 11 12 13 14	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road which they knew was there, is more probable than the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down their arms and if they had complied at a 100% rate like
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road which they knew was there, is more probable than the version that they were circumnavigating the kraal to go to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down their arms and if they had complied at a 100% rate like they did with Captain Kidd, do you think that you still
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road which they knew was there, is more probable than the version that they were circumnavigating the kraal to go to the TRT line which they did not know was there, agreed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down their arms and if they had complied at a 100% rate like they did with Captain Kidd, do you think that you still would have had to kill and injure them?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road which they knew was there, is more probable than the version that they were circumnavigating the kraal to go to the TRT line which they did not know was there, agreed? COLONEL CLASSEN: I agree.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down their arms and if they had complied at a 100% rate like they did with Captain Kidd, do you think that you still would have had to kill and injure them? COLONEL CLASSEN: No, I don't think so.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	to you the danger was posed by the fact that people were shooting at you. Let me ask that question properly, what I want to say is that from where you were, if your concern was just the spears and the pangas you were still a safe distance but obviously you were not a safe distance if it came to shots, correct? COLONEL CLASSEN: That is so, Chair. MR MPOFU: Now I just want to round off an earlier point that I made to you. If you accept for the purposes of this question, that whole analysis that I went through with you that they did not know about the TRT line and so on, what we do know is that they knew about the road, they knew that the road was there to Nkaneng, correct, because everyone has been using it? COLONEL CLASSEN: That's correct. MR MPOFU: Yes, so you therefore would not be able to dispute their version which is that they were circum navigating the kraal in order to go to the road which they knew was there, is more probable than the version that they were circumnavigating the kraal to go to the TRT line which they did not know was there, agreed? COLONEL CLASSEN: I agree. MR MPOFU: Thank you. Now the next, the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	with Captain Kidd, they had complied at a 100% rate, do you think you would still have shot them? COLONEL CLASSEN: No, I can't, I don't get you there, Mr Mpofu, sorry? MR MPOFU: No, I'm saying and I'm apologising because I'm saying I know that we are in the area of speculation, but I'm backing that speculation with concrete evidence of what happened on the other side of the mountain. So I'm saying to you, just literally at the same time as you people were shooting the people down there, on the other side of the mountain Captain Kidd had asked armed strikers to lay down their arms and his evidence is that he had a 100% success rate, do you understand that? COLONEL CLASSEN: I understand that. MR MPOFU: In other words everyone that they asked to lay down their arms did so. Now I'm saying against that concrete evidence would you agree that if your group down there had also asked the people to lay down their arms and if they had complied at a 100% rate like they did with Captain Kidd, do you think that you still would have had to kill and injure them? COLONEL CLASSEN: No, I don't think so. MR MPOFU: Thank you, Chairperson, I have

RCHIVE

	Page 29995		Page 29997
1	Mpofu. Re-examination?	1	the members should have isolated the striker who had a
2	RE-EXAMINATION BY MR MATHIBEDI SC:	2	firearm from the rest of the strikers, do you remember
3	Thanks, Mr Chairman. Lieutenant Colonel, it was put to you	3	that?
4	that at the time that the strikers approached or went	4	COLONEL CLASSEN: I remember that, Chair.
5	around the kraal their intention was to go home, but it was	5	MR MATHIBEDI SC: Was it possible to
6	not put to you that Mr Noki was not staying at Nkaneng.	6	isolate that striker?
7	Now it is the police case that at that stage the strikers	7	COLONEL CLASSEN: No, from my side it was
8	were not going home, in particular Mr Noki because he was	8	impossible, Mr Chair, because even I couldn't tell who had
9	not staying in Nkaneng, you cannot dispute that?	9	the firearm, the guys were wearing blankets and I don't
10	COLONEL CLASSEN: No, I can't dispute	10	think, when I look at the bystanders, in terms of the
11	that.	11	bystanders, if I knew that somebody has got a firearm next
12	MR MATHIBEDI SC: Now could, -	12	to me I would not stand with him, but that's just my
13	MR MPOFU: Chairperson, before –	13	opinion.
14	CHAIRPERSON: Yes, Mr Mpofu?	14	MR MATHIBEDI SC: Now on the issue of
15	MR MPOFU: No, I'm objecting to that	15	bystanders, were there any bystanders at the time that the
16	question, Chairperson, it is a leading question but also I	16	TRT fired at the strikers?
17	don't know the basis, even as a leading question it is	17	COLONEL CLASSEN: No, I don't think the
18	shapeless.	18	other people were bystanders when they were firing at them.
19	CHAIRPERSON: What do you say to the	19	MR MATHIBEDI SC: Now was the danger to
20	objection, Mr Mathibedi?	20	the police only posed by the striker who had a firearm?
21	MR MATHIBEDI SC: Well, I submit that the	21	COLONEL CLASSEN: No, totally, I don't
22	objection is not founded.	22	think it was only posed by the member with the firearm, I
23	CHAIRPERSON: Why, was it not a leading	23	heard the shots but also the people that had pangas and
24	question? You put something to the witness, you say, you	24	spears with them.
25	can't dispute this and then asked the question, and wasn't	25	MR MATHIBEDI SC: Was it necessary for
	Page 29996		Page 29998
1	that leading?	1	you to give the members an instruction to fire in self and
2	MR MATHIBEDI SC: Well, Chairperson, the	2	private defence?
3	answer has already been provided.	3	COLONEL CLASSEN: No, I would say it is
4	CHAIRPERSON: Yes, well, yes, it is a bit	4	not necessary to tell members to fire in self defence, so
5	like giving an interdict after the act that's, the	5	they've got to make their own decision, it is according to
6	interdict that has happened, I see, an academic objection,	6	their own discretion to do that.
7	but it is useful to raise the point because like an	7	MR MATHIBEDI SC: The briefing by Captain
8	interdict it may prevent future things that shouldn't	8	Kidd and General Naidoo, did it pertain to the whole
9	happen.	9	operation of the day?
10	MR MATHIBEDI SC: Thanks. Lieutenant	10	COLONEL CLASSEN: No, Captain Kidd just
11	Colonel, could the strikers have gone to Nkaneng without	11	gave me a brief briefing about where I should be and so
12	approaching where the Nyalas were deploying barbed wire?	12	with Colonel Naidoo, I mean, excuse me, General Naidoo when
13	COLONEL CLASSEN: Yes, it is possible,	13	he just asked me to stand by and then we will wait for
14	they could have taken other directions.	14	further instructions.
15	MR MATHIBEDI SC: Could the strikers	15	MR MATHIBEDI SC: If the evidence reveals
16	further have gone to Nkaneng without trying to go between	16	that some members continued to fire after you gave an
17	the space, in between the space between the Nyala 4 and the	17	instruction for, cease fire, can you falter such members?
18	kraal?	18	COLONEL CLASSEN: No, it will be
19	COLONEL CLASSEN: From where I was	19	difficult because even in shooting practices, wherever you
	looking at it, because I could see them through the gaps of	20	are, you don't just shout it once and then people stop,
20	7 8 8012 54 7 4		
	the Nyala, they could have gone the direction that they	21	especially when there is a lot of people firing, you shout
20 21 22	the Nyala, they could have gone the direction that they were taking or they could have taken gaps if they were	22	it a few times until people actually can hear it.
20 21 22 23	the Nyala, they could have gone the direction that they were taking or they could have taken gaps if they were peaceful, walk through the gaps of the Nyala because there	22 23	it a few times until people actually can hear it. MR MATHIBEDI SC: Did the strikers have
20 21 22 23 24	the Nyala, they could have gone the direction that they were taking or they could have taken gaps if they were peaceful, walk through the gaps of the Nyala because there were spaces there.	22 23 24	it a few times until people actually can hear it. MR MATHIBEDI SC: Did the strikers have an opportunity to disperse without going to the line of the
 20 21 22 23 24 25 	the Nyala, they could have gone the direction that they were taking or they could have taken gaps if they were peaceful, walk through the gaps of the Nyala because there	22 23	it a few times until people actually can hear it. MR MATHIBEDI SC: Did the strikers have

	Page 29999		Page 30001
1	grenades and water?	1	situation anymore.
2	COLONEL CLASSEN: I would have expected	2	MR MATHIBEDI SC: Thanks, Chairperson, no
3	them to stop when the rubber was start being used or just	3	further questions for the witness.
4	the barbed wire showing them, don't go that direction.	4	CHAIRPERSON: I just want to ask you
5	couldn't see the reason why they had to go around and	5	about one matter, you'll remember yesterday you were, when
6	actually go and meet up with the TRT, even if they didn't	6	you were looking at the videos of what happened, there was
7	know that they were there.	7	a time when you said you couldn't see the strikers or they
8	MR MATHIBEDI SC: Can you state it as a	8	had already gone around the kraal and were at, what I call
9	fact that Mr Xolelwa?, Mtshazi and Gwelani at the times	9	the corridor, you couldn't see them because a Nyala had
10	that they were struck by bullets they were not in the	10	came past in the way and obscured your vision for a short
11	approximate final of a line of fire that was done by	11	time, do you remember that?
12	members of TRT?	12	COLONEL CLASSEN: I do, Mr Chair.
13	COLONEL CLASSEN: No, I cannot state that	13	CHAIRPERSON: Now was there any, - if the
14	by the fact that they were not in that line. You've taken	14	Nyalas had stayed where they were instead of proceeding
15	R5, it is a high velocity rifle and if they were behind the	15	onwards, I think there wasn't only one Nyala, there were
16	kraal, even in the metres that were put to me, an R5 can	16	more than one, I think. If instead of proceeding to the
17	shoot up to 500 metres, get a target of 500 metres and so	17	position where they finally ended up, they had stayed in
18	it will be impossible for me to say that they were not shot	18	what one can call the gap at the end of the corridor, would
19	by TRT or you know I can't actually say, but it is	19	it have been easier to handle the situation and to prevent
20	possible.	20	the strikers from advancing towards the TRT line?
21	MR MATHIBEDI SC: It was suggested that	21	COLONEL CLASSEN: Just come again there,
22	prior to the TRT members firing there was an opportunity,	22	Mr Chair, sorry for that?
23	the strikers should have been told to return back, retreat	23	CHAIRPERSON: I think you said it wasn't
24	or disperse. Now taking into account the conduct or the	24	only one Nyala that came past in that way, there is more
25	attitude of the strikers, would that have any effect?	25	than one. Now if the Nyalas instead of continuing as they
	Page 30000		Page 30002
1	COLONEL CLASSEN: Just come again there,	1	did and ending up where they did along the side of the
2	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry?	2	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these
	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to you		did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example,
2 3 4	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry? MR MATHIBEDI SC: MR MATHIBEDI SC: It was suggested to you that the police officer who used a loud hailer to tell the	2 3 4	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the
2 3 4 5	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry? MR MATHIBEDI SC: It was suggested to you that the police officer who used a loud hailer to tell the press people to go away, should have used that opportunity	2 3 4 5	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when
2 3 4 5 6	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse or	2 3 4 5 6	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured.
2 3 4 5 6 7	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and their	2 3 4 5 6 7	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been
2 3 4 5 6 7 8	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?	2 3 4 5 6 7 8	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in
2 3 4 5 6 7 8 9	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think so	2 3 4 5 6 7 8 9	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against
2 3 4 5 6 7 8 9 10	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrown	2 3 4 5 6 7 8 9 10	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack?
2 3 4 5 6 7 8 9 10 11	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered already	2 3 4 5 6 7 8 9 10 11	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit
2 3 4 5 6 7 8 9 10 11 12	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that they	2 3 4 5 6 7 8 9 10 11 12	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look
2 3 4 5 6 7 8 9 10 11 12 13	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, not	2 3 4 5 6 7 8 9 10 11 12 13	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still
2 3 4 5 6 7 8 9 10 11 12 13 14	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a point	2 3 4 5 6 7 8 9 10 11 12 13 14	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing
2 3 4 5 6 7 8 9 10 11 12 13	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.	2 3 4 5 6 7 8 9 10 11 12 13	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was
2 3 4 5 6 7 8 9 10 11 12 13 14 15	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.MR MATHIBEDI SC:And lastly, what kind	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.MR MATHIBEDI SC:And lastly, what kindof situation were the police dealing with?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.MR MATHIBEDI SC:And lastly, what kindof situation were the police dealing with?COLONEL CLASSEN:At first when we looked	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.MR MATHIBEDI SC:And lastly, what kindof situation were the police dealing with?COLONEL CLASSEN:At first when we lookedat the situation it was crowd maragement, but there was a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the Nyalas to block the, what I've called the corridor?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	COLONEL CLASSEN:Just come again there,Sir, I didn't get you, sorry?MR MATHIBEDI SC:It was suggested to youthat the police officer who used a loud hailer to tell thepress people to go away, should have used that opportunityto advise or instruct the strikers to retreat, disperse orgo back. Now taking into account their conduct and theirattitude, would that have worked?COLONEL CLASSEN:I don't think sobecause I would thought that when barbed wire was thrownfor the strikers, that they should have adhered alreadythere or even when the rubber rounds were fired that theyshould have stopped or just choose another direction, notnecessarily for them to actually push and go up to a pointwhere the shooting occurred in the way that it did.MR MATHIBEDI SC:And lastly, what kindof situation were the police dealing with?COLONEL CLASSEN:At first when we lookedat the situation it was crowd management, but there was asudden turn of events where crowd management was thrown out	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the Nyalas to block the, what I've called the corridor? COLONEL CLASSEN: Block –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry? MR MATHIBEDI SC: It was suggested to you that the police officer who used a loud hailer to tell the press people to go away, should have used that opportunity to advise or instruct the strikers to retreat, disperse or go back. Now taking into account their conduct and their attitude, would that have worked? COLONEL CLASSEN: I don't think so because I would thought that when barbed wire was thrown for the strikers, that they should have adhered already there or even when the rubber rounds were fired that they should have stopped or just choose another direction, not necessarily for them to actually push and go up to a point where the shooting occurred in the way that it did. MR MATHIBEDI SC: And lastly, what kind of situation were the police dealing with? COLONEL CLASSEN: At first when we looked at the situation it was crowd management, but there was a sudden turn of events where crowd management was thrown out when the shoot of, you know where firearms were shot at and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the Nyalas to block the, what I've called the corridor? COLONEL CLASSEN: Block – CHAIRPERSON: You understand what I mean
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry? MR MATHIBEDI SC: It was suggested to you that the police officer who used a loud hailer to tell the press people to go away, should have used that opportunity to advise or instruct the strikers to retreat, disperse or go back. Now taking into account their conduct and their attitude, would that have worked? COLONEL CLASSEN: I don't think so because I would thought that when barbed wire was thrown for the strikers, that they should have adhered already there or even when the rubber rounds were fired that they should have stopped or just choose another direction, not necessarily for them to actually push and go up to a point where the shooting occurred in the way that it did. MR MATHIBEDI SC: And lastly, what kind of situation were the police dealing with? COLONEL CLASSEN: At first when we looked at the situation it was crowd management, but there was a sudden turn of events where crowd management was thrown out when the shot of, you know where firearms were shot at and bullets were, how could I say, when the miners started or I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the Nyalas to block the, what I've called the corridor? COLONEL CLASSEN: Block – CHAIRPERSON: You understand what I mean by the corridor?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	COLONEL CLASSEN: Just come again there, Sir, I didn't get you, sorry? MR MATHIBEDI SC: It was suggested to you that the police officer who used a loud hailer to tell the press people to go away, should have used that opportunity to advise or instruct the strikers to retreat, disperse or go back. Now taking into account their conduct and their attitude, would that have worked? COLONEL CLASSEN: I don't think so because I would thought that when barbed wire was thrown for the strikers, that they should have adhered already there or even when the rubber rounds were fired that they should have stopped or just choose another direction, not necessarily for them to actually push and go up to a point where the shooting occurred in the way that it did. MR MATHIBEDI SC: And lastly, what kind of situation were the police dealing with? COLONEL CLASSEN: At first when we looked at the situation it was crowd management, but there was a sudden turn of events where crowd management was thrown out when the shot of, you know where firearms were shot at and bullets were, how could I say, when the miners started or I thought that they were firing at this thing and from there	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	did and ending up where they did along the side of the fenced area, more or less where they are depicted on these exhibits that we have this morning, and VVV9 is an example, if instead of any up there they had actually stayed at the gap of the corridor, the position where they were in when your vision or view of the advancing strikers was obscured. [11:25] If they'd stayed there, would it have been necessary for the TRT line to fire the volley it did in order to defend themselves and their colleagues against what was perceived to be an attack? COLONEL CLASSEN: Chair, it's a bit difficult to answer that but I'm going to try. When I look at how you put it, if the Nyalas had to stay there, still the strikers or the miners were going to go around facing towards, towards the TRT line because the TRT line was almost in line with the road. CHAIRPERSON: In other words, what I'm really asking you is would it have been possible for the Nyalas to block the, what I've called the corridor? COLONEL CLASSEN: You understand what I mean by the corridor? COLONEL CLASSEN: Yes, I do, sir.

	Page 30003		Page 30005
1	COLONEL CLASSEN: There's a possibility,	1	back, correct?
2	there is a possibility, Mr Chair.	2	COLONEL CLASSEN: That's correct, sir.
3	CHAIRPERSON: And if that had happened,	3	MR MPOFU: Yes. And you would agree, I
4	would it have been easier to have handled the - if the	4	think Mr Gotz – Chairperson, if you don't mind can we go to
5	strikers had continued advancing would it have been easier	5	RRR17 at 15:53, 4821, or 15, 4821. 15:53:28, 48 -
6	to have handled their advance without the necessity for the	6	CHAIRPERSON: [Microphone off, inaudible]
7	TRT members to be involved in a fusillade of eight seconds	7	MR MPOFU: 4821.
8	in an attempt to defend themselves and their colleagues	8	CHAIRPERSON: Sorry?
9	against what was perceived to be an attack?	9	MR MPOFU: 48:21 Chairperson, it's still
10	COLONEL CLASSEN: It is, from my side	10	right, still –
11	yes, it's possible, Mr Chair, also depending on the	11	CHAIRPERSON: I see. 15:53, 4821?
12	attitude of the miners, if they were going to fall back or	12	MR MPOFU: 21 yes. Okay, right there,
13	still continue towards the vehicles.	13	right there. Actually 49. You remember that, we had a
14	CHAIRPERSON: If they'd continued towards	14	discussion around it?
15	the vehicles would their advance have been easier to handle	15	COLONEL CLASSEN: I do, Mr Chair.
16	from the police side?	16	MR MPOFU: Yes. You would agree that the
17	COLONEL CLASSEN: I think it would have	17	strikers, having circumnavigated the kraal, actually were
18	been easier, Mr Chair.	18	now no longer circumnavigating the kraal but they were
19	CHAIRPERSON: Were you surprised that the	19	exiting at a tangent to the kraal, if you know what I mean?
20	Nyalas didn't block the gap and rather proceeded along, in	20	You remember we spoke about why, there's another new why
21	the way they did and came to rest where they – came to a	21	now. They're no longer going around the kraal but walked
22	stop where they did as depicted I think, inter alia, on	22	more towards the left than where you're standing, to the
23	VVV8?	23	right of us. They're tending towards the right, can you
24	COLONEL CLASSEN: I wouldn't say	24	see that?
25	surprised but I question myself about it and the fact that	25	COLONEL CLASSEN: I do, Mr Chair.
	Page 30004		Page 30006
1	they moved forward, I thought maybe it was part of the plan	1	MR MPOFU: Yes and now there's a bigger
2	because they had to go forward and I never ever anticipated	2	gap. Those at the back are against the kraal but Mr Noki
3	that the strikers would actually go to a point where they	3	in front is furthest from the kraal, can you see that?
4	would do that. I just thought that everything will stop	4	COLONEL CLASSEN: Mr Noki being the
5	right there with POPS and nothing else, that's how I saw	5	gentleman in front?
6	it.	6	MR MPOFU: The leader, yes.
7 8	CHAIRPERSON: Yes, thank you. MR MATHIBEDI SC: Sorry, Chairperson.	7	CHAIRPERSON: The green blanketed
9	CHAIRPERSON: Yes, Mr Mathibedi?	8 9	gentleman. COLONEL CLASSEN: Okay. Yes, sir.
9 10	MR MATHIBEDI SC: May I ask one question	9 10	MR MPOFU: You agree. Okay and finally,
		10	with withord. The agree. Onay arite initially,
1 1 1	arising from the questions that have been put by the Chair?		as they were coming there which is almost well, it's a fow
11 12	arising from the questions that have been put by the Chair?		as they were coming there which is almost, well, it's a few seconds before the shots, you would agree that they are in
12	CHAIRPERSON: Well, it looks as if Mr	12	seconds before the shots, you would agree that they are in
12 13	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu	12 13	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front?
12 13 14	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re-	12 13 14	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going
12 13 14 15	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's	12 13 14 15	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they
12 13 14 15 16	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary.	12 13 14 15 16	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled.
12 13 14 15 16 17	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair.	12 13 14 15 16 17	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is
12 13 14 15 16 17 18	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair. CHAIRPERSON: Yes, Mr Mpofu? How many	12 13 14 15 16 17 18	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more
12 13 14 15 16 17 18 19	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair. CHAIRPERSON: Yes, Mr Mpofu? How many questions do you want?	12 13 14 15 16 17	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in
12 13 14 15 16 17 18	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair. CHAIRPERSON: Yes, Mr Mpofu? How many questions do you want?	12 13 14 15 16 17 18 19 20	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in front on his own as it were.
12 13 14 15 16 17 18 19 20	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair. CHAIRPERSON: Yes, Mr Mpofu? How many questions do you want? MR MPOFU: Three and a half, Chairperson. CHAIRPERSON: I'll allow you three.	12 13 14 15 16 17 18 19	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in
12 13 14 15 16 17 18 19 20 21	CHAIRPERSON:Well, it looks as if MrMpofu wants to ask as well.May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary.MR MATHIBEDI SC:Thank you, Chair. CHAIRPERSON:MR MPOFU:Three and a half, Chairperson. I'll allow you three.	12 13 14 15 16 17 18 19 20 21	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in front on his own as it were. COLONEL CLASSEN: I can see that, sir.
12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: Well, it looks as if Mr Mpofu wants to ask as well. May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary. MR MATHIBEDI SC: Thank you, Chair. CHAIRPERSON: Yes, Mr Mpofu? How many questions do you want? MR MPOFU: Three and a half, Chairperson. CHAIRPERSON: I'll allow you three. MR MPOFU: Thank you. In relation to what the Chair has just asked you, your evidence is that	12 13 14 15 16 17 18 19 20 21 22	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in front on his own as it were. COLONEL CLASSEN: I can see that, sir. MR MPOFU: Thank you. Thank you,
12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON:Well, it looks as if MrMpofu wants to ask as well.May I suggest we let Mr Mpofu ask his questions first so you can then by way of re-re- examination deal with the answers that he obtains, if it's necessary.MR MATHIBEDI SC:Thank you, Chair. CHAIRPERSON:CHAIRPERSON:Yes, Mr Mpofu? How many questions do you want?MR MPOFU:Three and a half, Chairperson. I'll allow you three. Thank you. In relation to what the Chair has just asked you, your evidence is that	12 13 14 15 16 17 18 19 20 21 22 23	seconds before the shots, you would agree that they are in a row, as it were, with Mr Noki in front? COLONEL CLASSEN: Yes. Again I'm going to reply as in with Mr Gotz's situation where I said they can be in line but also bundled. MR MPOFU: Yes, but what you can see is if you accept that let's say at the back there's more bundling but at the front you can see that Mr Noki is in front on his own as it were. COLONEL CLASSEN: I can see that, sir. MR MPOFU: Thank you. Thank you, Chairperson.

	Page 30007		Page 30009
1	Colonel, was it possible for the Nyala drivers to close the	1	course. Yes, I understand. Mr Sebatjane has got WWW,
2	corridor without pre-planning or co-ordination?	2	that's right. So this will be XXX1. What did you call it,
3	COLONEL CLASSEN: No, I don't think	3	"Notes to Lonmin schedules," I suppose that's all we need
4	without – or I will say without pre-planning. That's why I	4	call it, XXX1. Are you going to tell us something about
5	said this could have been part of the plan where they had	5	it, Mr Tip?
6	to keep on driving, they had to keep on moving on to a	6	MR TIP SC: Yes, may I?
7	point where the whole operation still had to proceed.	7	CHAIRPERSON: Yes, you may. Mr Da Costa,
8	MR MATHIBEDI SC: Thanks, Chairperson.	8	you may sit down and I'll swear you in after Mr Tip has
9	COMMISSIONER HEMRAJ: Can I just ask	9	explained what he's going to explain to us about XXX1.
10	something?	10	MR TIP SC: Mr Chair, what it comprises
11	CHAIRPERSON: Yes, of course.	11	is a short covering note of three pages and thereafter a
12	COMMISSIONER HEMRAJ: If in fact the	12	pre-paginated set of information from pages 1 to 18 and
13	Nyalas had closed the corridor and if the group of strikers	13	essentially these have been prepared by Lonmin. By way of
14	chose to continue down the corridor then the police that	14	background, and this is contained in the short description
15	they would come across would be the POPS?	15	that one finds in the covering note, the Commission will
16	COLONEL CLASSEN: That is correct, Chair.	16	recall that during the re-examination of Mr Mathunjwa a
17	COMMISSIONER HEMRAJ: Thank you, Colonel.	17	schedule of people who were not at work during that period
18	CHAIRPERSON: Thank you. That's the end	18	was put in, in his re-examination. That was given exhibit
19	of your evidence. We will excuse you on the usual basis	19	number 0019. At the time and shortly thereafter we
20	that if it's necessary, if some point arises to make it	20	indicated that we had some concerns about the accuracy and
21	necessary for us to get you back, you will be prepared to	21	the utility of it and we undertook to see if we could not
22	come back without our having to issue a subpoena, is that -	22	provide the Commission with hopefully more pertinent
23	do you accept that?	23	information and we respectfully submit that this may
24	COLONEL CLASSEN: Yes, Mr Chair.	24	perform at least part of that function.
25	CHAIRPERSON: On that basis you're	25	What Lonmin has done from its records is to
1	Page 30008	1	Page 30010
1	excused, thank you.	1	compile two sets of information, the one dealing with
2	excused, thank you. COLONEL CLASSEN: Thank you so much.	2	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of
2 3	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED]	2 3	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons
2 3 4	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand	2 3 4	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some,
2 3 4 5	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness.	2 3 4 5	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple
2 3 4 5 6	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da	2 3 4 5 6	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at
2 3 4 5 6 7	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness.	2 3 4 5 6 7	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken
2 3 4 5 6 7 8	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is	2 3 4 5 6 7 8	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words
2 3 4 5 6 7 8 9	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend	2 3 4 5 6 7 8 9	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has
2 3 4 5 6 7 8 9 10	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a	2 3 4 5 6 7 8 9 10	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all
2 3 4 5 6 7 8 9 10 11	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the	2 3 4 5 6 7 8 9 10 11	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16
2 3 4 5 6 7 8 9 10 11 12	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has	2 3 4 5 6 7 8 9 10 11 12	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed
2 3 4 5 6 7 8 9 10 11 12 13	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have	2 3 4 5 6 7 8 9 10 11 12 13	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who
2 3 4 5 6 7 8 9 10 11 12 13 14	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it	2 3 4 5 6 7 8 9 10 11 12 13 14	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on
2 3 4 5 6 7 8 9 10 11 12 13 14 15	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules	2 3 4 5 6 7 8 9 10 11 12 13 14 15	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly	2 3 4 5 6 7 8 9 10 11 12 13 14 15	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and –	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that –	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that – MR TIP SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see summarised at page 2 of the short covering note, an
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that – MR TIP SC: Yes. CHAIRPERSON: Let's get confirmation from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see summarised at page 2 of the short covering note, an analysis of the occupations of the persons.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that – MR TIP SC: Yes. CHAIRPERSON: Let's get confirmation from Ms Pillay. We are now, Mr Da Costa is part of the WWW	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see summarised at page 2 of the short covering note, an analysis of the occupations of the persons. Mr Chair, in respect of the arrested there is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that – MR TIP SC: Yes. CHAIRPERSON: Let's get confirmation from Ms Pillay. We are now, Mr Da Costa is part of the WWW series, is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see summarised at page 2 of the short covering note, an analysis of the occupations of the persons. Mr Chair, in respect of the arrested there is then revealed and we have extracted just a short table for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	excused, thank you. COLONEL CLASSEN: Thank you so much. [NO FURTHER QUESTIONS – WITNESS EXCUSED] CHAIRPERSON: Mr Burger, I understand you're now going to call the next witness. MR BURGER SC: Yes, Chair. We call Mr Da Costa as the next witness. MR TIP SC: Chair, whilst Mr Da Costa is coming in and with the kind agreement of my learned friend Mr Burger, if I might take a few minutes to tender a document that it might be useful to have before the Commission before Mr Da Costa begins. I hope that it has been placed before the Commissioners. Copies of it have been circulated to all the parties. It is, to identify it there is a – it is described as "Note to Lonmin schedules re composition of persons on the koppie on 16 August 2012" and with your leave, Chair, may I just introduce it briefly and describe what it contains and – CHAIRPERSON: Now, before you do that – MR TIP SC: Yes. CHAIRPERSON: Let's get confirmation from Ms Pillay. We are now, Mr Da Costa is part of the WWW	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	compile two sets of information, the one dealing with persons who unfortunately lost their lives in the course of the events, that is on page 1. It sets out the 34 persons who died on the 16th of August and then also some, immediately before, in the period just before and a couple just thereafter. And then at page 8, I beg your pardon, at page 5 of the bundle a similar exercise has been undertaken in respect of all the arrested persons, in other words those who were arrested on 16 August 2012 and Lonmin has then furnished a number of particulars in respect of all these people including the union affiliation as at 16 August 2012, the occupation of the persons, it has analysed whether – it has singled out, rather, those persons who either lost their lives or were arrested who were not on the Lonmin records, from which one can perhaps assume that these were not employees at the time but who nevertheless had joined the strikers. It has also provided a breakdown of the three mining divisions that are relevant, namely Karee, Western and Eastern and usefully also you will see summarised at page 2 of the short covering note, an analysis of the occupations of the persons. Mr Chair, in respect of the arrested there is

	D		D 00010
1	Page 30011 there a number of persons who are listed there as not	1	Page 30013 that.
2	identified, totalling 35. Those are the people I've	2	MR TIP SC: Yes.
3	mentioned who are not on the records of Lonmin.	3	CHAIRPERSON: But were they employed by a
4	CHAIRPERSON: Yes. Does that mean that	4	labour broker and was their labour as it were supplied to
5	there was no stop order in place in respect of these people	5	Lonmin by a labour broker or was there some other
6	in terms of which union dues were deducted from the wages	6	arrangement in place?
7	of these employees and paid over to the unions?	7	MR TIP SC: Chair, whether it was a
8	MR TIP SC: It goes a step beyond that,	8	labour broking or a contracting arrangement, this doesn't
9	Chair, which is that those persons who are not identified	9	break it down but essentially what is indicated is that
10	are in fact not on the Lonmin system at all. In other	10	those were persons who were not on the roll as employees
11	words, it's not merely a matter of –	11	directly of Lonmin.
12	CHAIRPERSON: So – sorry.	12	CHAIRPERSON: Yes. So this figure,
13	MR TIP SC: - a stop order.	13	contractors 21 deals with both people who were working for
14	CHAIRPERSON: So am I correct in thinking	14	firms who were contracted to provide certain services to
15	there would then be four categories of people? There would	15	Lonmin and in the sense that they were themselves direct
16	be those who, according to Lonmin records, were employed by	16	contractors to provide work and then people who were
17	them and were NUM members because there was a stop order in	17	working for Lonmin because there's an agreement between a
18	favour of NUM in place, those who were in the employ of	18	labour broker and Lonmin. Is that correct?
19	Lonmin who, in respect of whom there was a stop order in	19	MR TIP SC: That is my understanding. If
20	favour of AMCU in place, thirdly, those who were on the	20	I'm wrong - my learned friend Mr Van As nods, I appreciate
21	books of Lonmin but there was no stop order in place which	21	that. You, Chair, have put the position accurately.
22	gives rise to an inference that they were non-unionised,	22	CHAIRPERSON: Well, perhaps that
23	they weren't members of a union at all because there were	23	breakdown can be given to us at some stage.
24	no deductions being made in favour of a union. And a	24	MR TIP SC: It is, yes, we can ask Lonmin
25	fourth category of those who aren't on the Lonmin system at	25	to assist. I don't know –
1	Page 30012	1	Page 30014 CHAIRPERSON: I'm sorry Linterrunted
1	all, the inference is that they probably weren't employed	1	CHAIRPERSON: I'm sorry I interrupted
2	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the	2	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I
	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin.		CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question.
2 3	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and	2 3	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of
2 3 4	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin.	2 3 4	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question.
2 3 4 5	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table	2 3 4 5	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in
2 3 4 5 6	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM	2 3 4 5 6	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that
2 3 4 5 6 7	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are	2 3 4 5 6 7	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of
2 3 4 5 6 7 8	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected	2 3 4 5 6 7 8	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first
2 3 4 5 6 7 8 9	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions –	2 3 4 5 6 7 8 9	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there
2 3 4 5 6 7 8 9 10	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also	2 3 4 5 6 7 8 9 10	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to
2 3 4 5 6 7 8 9 10 11	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors.	2 3 4 5 6 7 8 9 10 11	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the
2 3 4 5 6 7 8 9 10 11 12	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not	2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the
2 3 4 5 6 7 8 9 10 11 12 13	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU.	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided
2 3 4 5 6 7 8 9 10 11 12 13 14	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour broker?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we extent our gratitude to Lonmin for the assistance they've
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour broker? MR TIP SC: They were there under sub-	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we extent our gratitude to Lonmin for the assistance they've given. We did have, as I have mentioned, a precursor to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour broker? MR TIP SC: They were there under sub- contractors but nevertheless they were on the Lonmin	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we extent our gratitude to Lonmin for the assistance they've given. We did have, as I have mentioned, a precursor to this with essentially the same information which was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour broker? MR TIP SC: They were there under sub- contractors but nevertheless they were on the Lonmin payroll records.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we extent our gratitude to Lonmin for the assistance they've given. We did have, as I have mentioned, a precursor to this with essentially the same information which was circulated on 22 May. There were some matters requiring
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	all, the inference is that they probably weren't employed at the relevant time by Lonmin. I see according to the schedule some people are described as ex-Lonmin. MR TIP SC: That is correct, Chair, and if you would be good enough just to look at the first table on page 1, you will in fact see AMCU, there's a number, NUM number, no union that is nine. In other words those are persons who are on the payroll of AMCU but who had elected not to be affiliated to either of those unions – CHAIRPERSON: And I see there also persons described as contractors. MR NTSEBEZA SC: Payroll of Lonmin, not payroll of AMCU. MR TIP SC: Sorry, payroll of Lonmin, yes. CHAIRPERSON: I see there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were there are also persons described as contractors. MR TIP SC: Yes. CHAIRPERSON: Were they persons who were working for Lonmin pursuant to some agreement with a labour broker? MR TIP SC: They were there under sub- contractors but nevertheless they were on the Lonmin	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: I'm sorry I interrupted you. You were busy taking us through the document before I asked the question. MR TIP SC: Well, that is the essence of it, Mr Chair. A similar analysis has been carried out in respect of all the persons who lost their lives over that period, the most important in respect of 16 August of course being the number 34 and if one looks at the first page, at page number 1 of the set of 18, you will see there helpfully that some colour coding has been provided to distinguish when it is that people lost their lives and the large white block comprises the 34 people who died on the 16th of August and the same particulars have been provided in respect of affiliation, employment, occupation and the like. Lonmin also then has helpfully reduced that information into pie charts, for example at page 2 of that bundle where at a glance one can get a pictorial representation and sense of the breakdowns that are otherwise contained in the schedules and I must say that we extent our gratitude to Lonmin for the assistance they've given. We did have, as I have mentioned, a precursor to this with essentially the same information which was

1	Page 30015 those corrections but they added the extra analysis that we	1	Page 30017 CHAIRPERSON: Yes, I've done that, and
2	now have. So Mr Chair, if the Commission is content to	2	you say it's not dated. Well anyway, which –
3	accept that then that would be XXX1.	3	MR BURGER SC: Mine is not dated. It
4	CHAIRPERSON: Yes, thank you. Thank you	4	runs to 31 paragraphs.
5	very much, Mr Tip. Mr Burger?	5	CHAIRPERSON: Yes, if it's the only
6	MR BURGER SC: Thank you, Mr Chair, I	6	supplementary statement then there will be no confusion at
7	call Mr Da Costa as the first witness.	7	all. Supplementary statement –
8	CHAIRPERSON: Mr Da Costa, will you	8	MR BURGER SC: I'm going to ask the
9	please rise? Are you prepared to take the oath or do you	9	witness to confirm it, Sir.
10	wish to affirm?	10	CHAIRPERSON: You confirm the
11	MR DA COSTA: I'll take the oath, sir.	11	supplementary statement as being correct?
12	CHAIRPERSON: Would you swear that the	12	MR DA COSTA: I do, Chair.
13	evidence you will give before this Commission will be the	13	CHAIRPERSON: And while you're about it,
14	truth, the whole truth and nothing but the truth. Please	14	you confirm the first one as being correct as well?
14	raise your right hand and say, I swear, so help me God.	15	MR DA COSTA: Yes, I do.
16			MR BURGER SC: The next document I'm
17		16	going to refer to is a little bundle of paper that was made
18	CHAIRPERSON: Can we have your full names, please?	17 18	available to the Commission last week. It runs to 46
19	MICHAEL GOMES DA COSTA: (d.s.s.)	10	pages, if that may become XXX3.
20	CHAIRPERSON: You may now be seated,	20 21	CHAIRPERSON: How does one describe it?
21	thank you.		MR BURGER SC: It is really a Lonmin
22	EXAMINATION BY MR BURGER SC: [Microphone	22	bundle of Da Costa documents.
23	off, inaudible] – refer to a number of exhibits, limited in	23	CHAIRPERSON: Very well. The Lonmin
24 25	number but may I for your convenience identify those to	24 25	bundle of Da Costa documents will be accepted as an exhibit as XXX3.
25	you. Mr Da Costa's statement is already an exhibit before	20	
	Page 30016		Page 30018
1	the Commission, 0017.	1	MR BURGER SC: And the only other
2	[11:45] And may I propose that that exhibit number is	2	document I'm going to refer to comes from the NUM bundle
3	rateined. He has also filed a supplementary statement	-	which is already before you, Sir, as XX2, and I'm going to
5	retained. He has also filed a supplementary statement,	3	
4	which is in the Lonmin witness bundle from page 146 onward,	3 4	refer to a document appearing in that bundle.
4	which is in the Lonmin witness bundle from page 146 onward,	4	refer to a document appearing in that bundle.
4 5	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2?	4 5	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of
4 5 6	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first	4 5 6	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that?
4 5 6 7	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is	4 5 6 7	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 –
4 5 6 7 8	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement 0017 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now	4 5 6 7 8	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it
4 5 6 7 8 9	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary	4 5 6 7 8 9	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described?
4 5 7 8 9 10	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's –	4 5 7 8 9 10	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle
4 5 7 8 9 10 11	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed.	4 5 7 8 9 10 11	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description –
4 5 7 8 9 10 11 12	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that?	4 5 7 8 9 10 11 12	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see.
4 5 7 8 9 10 11 12 13	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I	4 5 7 8 9 10 11 12 13	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of
4 5 7 8 9 10 11 12 13 14	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that.	4 5 7 8 9 10 11 12 13 14	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr
4 5 7 8 9 10 11 12 13 14 15	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on	4 5 7 8 9 10 11 12 13 14 15	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana."
4 5 6 7 8 9 10 11 12 13 14 15 16	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct?	4 5 6 7 8 9 10 11 12 13 14 15 16	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that –
4 5 6 7 8 9 10 11 12 13 14 15 16 17	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one –	4 5 6 7 8 9 10 11 12 13 14 15 16 17	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 –	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number –
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 – MR BURGER SC: My one appears at page 146	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number – CHAIRPERSON: I remember the description
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 – MR BURGER SC: My one appears at page 146 of the Lonmin witness bundle, supplementary statement by	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number – CHAIRPERSON: I remember the description and it's XX2. So I've just written in my notebook it's NUM
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 – MR BURGER SC: My one appears at page 146 of the Lonmin witness bundle, supplementary statement by Michael Gomes, starting –	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number – CHAIRPERSON: I remember the description and it's XX2. So I've just written in my notebook it's NUM bundle.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 – MR BURGER SC: My one appears at page 146 of the Lonmin witness bundle, supplementary statement by Michael Gomes, starting – CHAIRPERSON: I see, sorry.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number – CHAIRPERSON: I remember the description and it's XX2. So I've just written in my notebook it's NUM bundle. MR BURGER SC: Chair, we've been notified
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	which is in the Lonmin witness bundle from page 146 onward, and may I propose that that becomes XXX2? CHAIRPERSON: Yes, Mr Burger, the first statement OO17 is the statement dated 29 January 2013. Is that correct? The second statement to which you are now referring, which is the XXX2, is the supplementary statement, and what's – MR BURGER SC: Indeed. CHAIRPERSON: What's the date of that? MR BURGER SC: That is, my one undated, I have an unsigned version of that. CHAIRPERSON: Oh yes, I think it ends on page 70 of the Lonmin bundle, I think. Is that correct? MR BURGER SC: No, my one – CHAIRPERSON: It starts at 63 – MR BURGER SC: My one appears at page 146 of the Lonmin witness bundle, supplementary statement by Michael Gomes, starting – CHAIRPERSON: I see, sorry. Supplementary statement –	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	refer to a document appearing in that bundle. CHAIRPERSON: What's the description of that? MR BURGER SC: XX2 – CHAIRPERSON: I got that. How was it described? MR BURGER SC: That was a NUM bundle which, it already has a description – CHAIRPERSON: I see. MR BURGER SC: "Index to NUM bundle of documents referred to in the witness statement of Mr Gcilitshana." CHAIRPERSON: Yes, I remember that – MR BURGER SC: That's XX2. It has a number – CHAIRPERSON: I remember the description and it's XX2. So I've just written in my notebook it's NUM bundle. MR BURGER SC: Chair, we've been notified that certain parties will pose questions to this witness.

Marikana Commission of Inquiry

1		I	
1	Page 30019	1	Page 30021 MR DA COSTA: Yes, that's correct. It
	evidence. We call Mr Da Costa. Next week we believe		
2	there's another witness coming and we've called him on the	2	should read, "Management inside LPD discussed the matter."
3	basis that he'll be finished this week. Neither my learned	3	CHAIRPERSON: This is 7.3?
4	friend Mr Bham nor I am available next week and because of	4	MR BURGER SC: 7.3 on typed page 19, Sir.
5	the time limitations we will limit our evidence-in-chief to	5	CHAIRPERSON: Yes, I must say I thought
6	I hope 30 minutes, but it's on that basis Mr Da Costa is	6	that is what it should have been, but I'm pleased to hear
7	available for the rest of the week.	7	that I was correct.
8	CHAIRPERSON: Can I ask a question?	8	MR BURGER SC: But for that correction
9	We've had applications for leave to cross-examine from	9	you have confirmed the correctness of this statement also?
10	various parties and indications of documents that the	10	MR DA COSTA: Yes, that's correct.
11	cross-examiners intend to refer to. Has the witness had	11	MR BURGER SC: In this statement in
12	the opportunity to see those documents and have you had an	12	paragraph 1.1 you told us that you're, at the relevant time
13	opportunity to consult with him in respect of those	13	you were the vice president of the Lonmin Karee Mining
14	documents, insofar as you consider it necessary?	14	Operation.
15	MR BURGER SC: Yes. We've been notified	15	MR DA COSTA: That's correct.
16	of the four parties wishing to pose questions. We took the	16	MR BURGER SC: By the time of your
17	liberty of making copies of all the documents they wish to	17	statement you've had 24 years of experience in the mining
18	refer to. We showed it to the witness. It's in fact in	18	industry.
19	the witness box. I explained to him this is not a memory	19	MR DA COSTA: Yes, that's correct.
20	test, he's entitled to look at the documents when he's	20	MR BURGER SC: And in paragraph, the rest
21	asked. We've looked at those documents and yes, we have	21	of paragraph 2 you explain that experience to us. What is
22	done that, Sir.	22	your present designation?
23	CHAIRPERSON: You're now ready to	23	MR DA COSTA: I'm now the vice president
24	commence leading his evidence?	24	in charge of Group Technical Services and Manager Capital
25	MR BURGER SC: Yes, thank you.	25	Project.
1			
	Page 30020	1	Page 30022
1	MR BIZOS SC: Mr Chairman –	1	MR BURGER SC: I don't intend to deal in
2	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos?	2	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology
2 3	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a notice	2 3	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees
2 3 4	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last	2 3 4	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you
2 3 4 5	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15	2 3 4 5	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came
2 3 4 5 6	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the	2 3 4 5 6	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about?
2 3 4 5 6 7	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other	2 3 4 5 6 7	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what
2 3 4 5 6 7 8	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him.	2 3 4 5 6 7 8	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st
2 3 4 5 6 7 8 9	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to	2 3 4 5 6 7 8 9	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had
2 3 4 5 6 7 8 9 10	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that?	2 3 4 5 6 7 8 9 10	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings
2 3 4 5 6 7 8 9 10 11	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on	2 3 4 5 6 7 8 9 10 11	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of
2 3 4 5 6 7 8 9 10 11 12	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't	2 3 4 5 6 7 8 9 10 11 12	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at
2 3 4 5 6 7 8 9 10 11 12 13	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't object, so the answer is no, Sir.	2 3 4 5 6 7 8 9 10 11 12 13	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel.
2 3 4 5 6 7 8 9 10 11 12 13 14	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't object, so the answer is no, Sir. CHAIRPERSON: No objection?	2 3 4 5 6 7 8 9 10 11 12 13 14	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, Sir.CHAIRPERSON:No objection?MR BURGER SC:No objection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness hase before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, sir.CHAIRPERSON:No objection?MR BURGER SC:No objection.CHAIRPERSON:Your application is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, Sir.CHAIRPERSON:No objection.MR BURGER SC:No objection.CHAIRPERSON:Your application isgranted.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no.CHAIRPERSON:No objection.CHAIRPERSON:No objection isgranted.Your application isMR BIZOS SC:Thank you, Mr Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness hase before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no.CHAIRPERSON:No objection?MR BURGER SC:No objection.CHAIRPERSON:Your application isgranted.MR BIZOS SC:MR BIZOS SC:Thank you, Mr Chair.EXAMINATION BY MR BURGER SC:Mr Da	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, Sir.CHAIRPERSON:No objection?MR BURGER SC:No objection.CHAIRPERSON:Your application isgranted.MR BIZOS SC:MR BIZOS SC:Thank you, Mr Chair.EXAMINATION BY MR BURGER SC:Mr DaCosta, your original statement OO17 requires a correction,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness. No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, Sir.CHAIRPERSON:No objection.CHAIRPERSON:Your application isgranted.MR BIZOS SC:Thank you, Mr Chair.EXAMINATION BY MR BURGER SC:Mr DaCosta, your original statement OO17 requires a correction,you tell me, in paragraph 7.3 of that statement. The	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me. MR BURGER SC: How many were there? How
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR BIZOS SC:Mr Chairman –CHAIRPERSON:Yes, Mr Bizos?MR BIZOS SC:We did not file a noticethat we require time, but having been given the laststatement of the witness we would ask for no more than 15minutes for certain questions to be put by us to thewitness.No other documents have to be referred to otherthan what the witness has before him.CHAIRPERSON:Mr Burger, do you object tothat?MR BURGER SC:I haven't been asked onany of the others and to my learned friend Mr Bizos I won'tobject, so the answer is no, Sir.CHAIRPERSON:No objection?MR BURGER SC:No objection.CHAIRPERSON:Your application isgranted.Your application isMR BIZOS SC:Thank you, Mr Chair.EXAMINATION BY MR BURGER SC:Mr DaCosta, your original statement OO17 requires a correction,you tell me, in paragraph 7.3 of that statement. Theparagraph starts, "Management inside LPD dismissed the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me. MR BURGER SC: How many were there? How many employees?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't object, so the answer is no, Sir. CHAIRPERSON: No objection? MR BURGER SC: No objection. CHAIRPERSON: No objection. CHAIRPERSON: Your application is granted. MR BIZOS SC: Thank you, Mr Chair. EXAMINATION BY MR BURGER SC: Mr Da Costa, your original statement OO17 requires a correction, you tell me, in paragraph 7.3 of that statement. The paragraph starts, "Management inside LPD dismissed the matter."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me. MR BURGER SC: How many were there? How many employees? MR DA COSTA: Round about 300, 300 rock
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't object, so the answer is no, Sir. CHAIRPERSON: No objection? MR BURGER SC: No objection. CHAIRPERSON: Your application is granted. MR BIZOS SC: Thank you, Mr Chair. EXAMINATION BY MR BURGER SC: Mr Da Costa, your original statement OO17 requires a correction, you tell me, in paragraph 7.3 of that statement. The paragraph starts, "Management inside LPD dismissed the matter." MR DA COSTA: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me. MR BURGER SC: How many were there? How many employees? MR DA COSTA: Round about 300, 300 rock drill operators. They requested to see me. I sent a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	MR BIZOS SC: Mr Chairman – CHAIRPERSON: Yes, Mr Bizos? MR BIZOS SC: We did not file a notice that we require time, but having been given the last statement of the witness we would ask for no more than 15 minutes for certain questions to be put by us to the witness. No other documents have to be referred to other than what the witness has before him. CHAIRPERSON: Mr Burger, do you object to that? MR BURGER SC: I haven't been asked on any of the others and to my learned friend Mr Bizos I won't object, so the answer is no, Sir. CHAIRPERSON: No objection? MR BURGER SC: No objection. CHAIRPERSON: No objection. CHAIRPERSON: Your application is granted. MR BIZOS SC: Thank you, Mr Chair. EXAMINATION BY MR BURGER SC: Mr Da Costa, your original statement OO17 requires a correction, you tell me, in paragraph 7.3 of that statement. The paragraph starts, "Management inside LPD dismissed the matter."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BURGER SC: I don't intend to deal in any detail with your statement, but the real chronology really starts with a meeting you have with some employees on the 21st of June 2012 at the Karee Mine. Will you briefly sketch to the Commission how that discussion came about? MR DA COSTA: Yes, certainly. Well, what happened was that leading up to that period around the 21st of June the rock drill operators at the Karee Operation had started having meetings amongst each other. These meetings were not really well attended, but eventually on the 21st of June they had a meeting which was quite well attended, at the Karee Hostel. Following the meeting, and this was a meeting that happened after the shift, outside of their working hours. After the meeting was concluded they decided to come down to my offices, which were at the central Karee administration building. They came to my offices – it was around 5 o'clock in the afternoon, I was still in my office – and they requested to see me. MR BURGER SC: How many were there? How many employees? MR DA COSTA: Round about 300, 300 rock

		r	
	Page 30023		Page 30025
1	officials came into my office saying that the group of	1	well they felt that their grievance is quite serious, so me
2	people had arrived outside my offices. I sent a message	2	being the manager, or the ultimate leader at Karee they
3	out to them saying that it's a large group of people, I	3	felt they'd come directly to me.
4	wasn't going to go out to speak to them, but they could	4	I then said to them, "Okay well, you are here
5	send somebody in to – they could elect a delegation to come	5	now, so you know, you want to share with me what your
6	into my offices to speak to me, which they then did.	6	grievance is, what your issue is?" It was at that point
7	They elected two of the people who were amongst	7	that they then went through quite a long lead-up and saying
8	the group who'd come to see me, it's Mr Magqabine and	8	how, do I understand how difficult their work is, do I
9	Mofokeng were the two that were designated to speak to me.	9	understand that they work long hours, it's physically
10	They came into my office. At that point I asked Mr July	10	demanding work. They tend to get wet in the areas where
11	Tiro, who was at that stage filling in as acting, as the	11	they're working and so on, and I said to them "I understand
12	Human Capital Manager for Karee, he was still around the	12	that, I'm familiar with the work that you do."
13	offices as well so I asked him to join me in the meeting	13	They then made the point that well, they feel
14	with the two gentlemen.	14	that they're not adequately remunerated for the amount, for
15	So we sat in my office and I asked, I said to	15	that sort of work that they do and I said, at that point I
16	them, "You know, I see there's quite a large group of	16	realised that this was going to be something around
17	people who've come down to see me, what would be the	17	remuneration, so I said, "So you know, what is it that
18	issue," and we started the meeting off speaking in English	18	you'd like me to do for you?" and the response was, "We
19	with July then translating, and the gentlemen then said no,	19	feel that our wages should be increased to R12 500 a
20	they're not that comfortable with the meeting being	20	month." So that stunned me a bit and I then said to them,
21	conducted in English, could we start, could we rather speak	21	"Okay, so I mean at the moment you earn round about R9 000
22	Fanagalo, because I can speak Fanagalo, they can speak	22	a month" and they said, "No, no, at the moment we earn
23	Fanagalo, so you know, let's rather do it that way. I said	23	round about R5 000 a month." So when I referred to R9 000
24	no, that's fine, I have no difficulty with that. So we	24	a month, what I had in my mind was sort of their, the total
25	then conducted the rest of the meeting in Fanagalo.	25	package earnings for that category of employee, and when
	Dama 20014		Deres 2000/
1	Page 30024 My sort of first reaction to them was, "You know,	1	Page 30026 they mentioned no. no. around R5 000 a month L realised
1	My sort of first reaction to them was, "You know,	1	they mentioned no, no, around R5 000 a month I realised
2	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've	2	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to
	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is		they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're
2 3 4	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my	2 3	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're
2 3	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact	2 3 4	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and
2 3 4 5	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you	2 3 4 5	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions
2 3 4 5 6 7	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of	2 3 4 5 6	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through
2 3 4 5 6	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" –	2 3 4 5 6 7	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you
2 3 4 5 6 7 8	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of	2 3 4 5 6 7 8	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through
2 3 4 5 6 7 8 9	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what	2 3 4 5 6 7 8 9	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis,
2 3 4 5 6 7 8 9 10	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you?	2 3 4 5 6 7 8 9 10	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is.
2 3 4 5 6 7 8 9 10 11	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage.	2 3 4 5 6 7 8 9 10 11	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want
2 3 4 5 6 7 8 9 10 11 12	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you	2 3 4 5 6 7 8 9 10 11 12	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they
2 3 4 5 6 7 8 9 10 11 12 13	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to	2 3 4 5 6 7 8 9 10 11 12 13	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were
2 3 4 5 6 7 8 9 10 11 12 13 14	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it	2 3 4 5 6 7 8 9 10 11 12 13 14	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and
2 3 4 5 6 7 8 9 10 11 12 13 14 15	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not	2 3 4 5 6 7 8 9 10 11 12 13 14 15	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they were not in favour of involving
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union structures or if needs be you could write a note to me with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they were not in favour of involving unions in this discussion and they wanted me to address
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union structures or if needs be you could write a note to me with your grievances so that I could see what the grievances are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they were not in favour of involving unions in this discussion and they wanted me to address this concern of theirs.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union structures or if needs be you could write a note to me with your grievances so that I could see what the grievances are and I can assess it."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they wanted me to address this concern of theirs. So my response to them was that I'm not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union structures or if needs be you could write a note to me with your grievances so that I could see what the grievances are and I can assess it." So their response to me was "But, you know, in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they were not in favour of involving unions in this discussion and they wanted me to address this concern of theirs. So my response to them was that I'm not authorised to deal with this myself. I've now heard the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	My sort of first reaction to them was, "You know, I understand that you've obviously got a problem if you've come down here to me, but you know, the way that this is being done, for a group of people marching down to my offices is not really the best way to do it, and in fact that's not how we do things around here. Rather if you have a problem, we have procedures. We have ways of escalating this through the organisation, and" – MR BURGER SC: Did you know by then what they wanted to discuss with you? MR DA COSTA: No, no, not at that stage. I assumed at that point that there was a grievance, you know, otherwise they wouldn't have taken the trouble to come down to my offices. But I didn't know exactly what it was. Nonetheless I said to them, "You know, this is not really the right way. There's procedures in place, you should be escalating this through line management in the first place, or you could take it up to, through your union structures or if needs be you could write a note to me with your grievances so that I could see what the grievances are and I can assess it." So their response to me was "But, you know, in terms of writing a note, we're illiterate, we can't write a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	they mentioned no, no, around R5 000 a month I realised that they were referring to their basic wage. So I said to them, "Well, that's quite a big increase that you're wanting, but you know, this is now a wage issue that you're laying before me." We have certain structures and processes in place where we deal with wages and conditions of employment, and you know, we deal with that through bargaining with union representatives at fixed periods, you know, whether it be on an annual basis or bi-annual basis, depending on what the length of the wage agreement is. So no, their response was that they did not want union involvement in this, they did not feel that they could take this up with their unions. They were approaching me as rock drill operators specifically and specifically rock drill operators from Karee. So they're not even including the rest of the Lonmin operations. They were specific that they were representing the rock drill operators at Karee and they were not in favour of involving unions in this discussion and they wanted me to address this concern of theirs. So my response to them was that I'm not authorised to deal with this myself. I've now heard the issue, I hear what it is, but I'm going to have to escalate

Figure 3027 Figure 3027 Figure 3027 Figure 3027 it is a form that in a forum like this. So I must say at the time I had seen what was I from the 21st. MR BURCER SC: Mr Burcers 20: Mr Burc	1deal with it in a forum like this.12So I must say at the time I had seen what was23happening at Impala. I knew that Impala had given quite34significant increased to their rock drill operators and45through our sort of networks with the Human Resources56people of the other companies, I'd come to the realisation6	 from the 21st. MR BURGER SC: Mr Da Costa, you explained that story in some detail in your statement, and we've all read the statement. I want to ask you this; there had been criticism in this Commission about the fact that you spoke to the workers, you spoke to these two gentlemen. What is your reaction if I put that criticism to you? MR DA COSTA: Well, on that particular
 happening at Impala. I know that Impala had given quite significant increased to their rock dill operators and through our sort of networks with the Iuman Resources renurrentian had fallen behind our competitors, so at that name that it is a statement. I want to ask you this: three had been renurrentian had fallen behind our competitors, so at that name that it is a statement. I want to ask you this: three had been renurrentian had fallen behind our competitors, so at that name that was what was prompting this discussion. Nonetheless I did commit to them to, that I would them as what the response from the executive was. I them as what the response from the executive was. I them as the was then was promove such an their concerns around remuneration to the EXCO, which I their accords in Microssis I thich basic wage I anotheless I, knowing that were taing as a the source was their accords in was agod number. Said that's a very high figure and in fact if you went by said that's a very high figure and in fact if you went by said that the tywes doing So it was a, they said that's a very high figure and in fact if you went by said that's a very high figure and in fact if you went by said that the two were doing So it was a, they said that's a very high figure and in fact if you went by said that the two were doing So it was a, they said that's a very high figure and in fact if you went by weno	 3 happening at Impala. I knew that Impala had given quite 4 significant increased to their rock drill operators and 5 through our sort of networks with the Human Resources 6 people of the other companies, I'd come to the realisation 	 that story in some detail in your statement, and we've all read the statement. I want to ask you this; there had been criticism in this Commission about the fact that you spoke to the workers, you spoke to these two gentlemen. What is your reaction if I put that criticism to you? MR DA COSTA: Well, on that particular
4 significant increased to their rock drill operators and 5 4 red the statement. I want to ask you theirs there had been criticism in this Commission about the fact that you space 5 7 that our rock drill operators, our rock drill operator 7 the realisation 7 the to there companies, 12 dome to the realisation 7 8 remuneration had failen being. Vol control to them to the realisation 7 the to there companies, 12 dome to the realisation 7 the realiset in the state with a group of mine employees. 7 10 maybe that was what was prompting this discussion. 7 the state was that the response from the executive was. 1 1 11 file out to them though that, you know, the stort 0 11 abso pointed out to them though that, you know, the stort 0 1 12 file out to state was the response from the executive was. 1 11 their concess, thu northeless 1 will escalate the issue of their concess, thu northeless 1 will escalate the issue of the rice was a good number. So it als to them the the VLO will not approve such an their bas a very high figure and in fact if you vent to that stort of basic wage your due earning significant y more 3 1 1 1 2 sadd haf's a very high figure and in fact if you vent to that stort due sa good number. They you due earning significant y more you was show their sponse? 3 1 1 1 1 1 1	 4 significant increased to their rock drill operators and 5 through our sort of networks with the Human Resources 6 people of the other companies, I'd come to the realisation 	 read the statement. I want to ask you this; there had been criticism in this Commission about the fact that you spoke to the workers, you spoke to these two gentlemen. What is your reaction if I put that criticism to you? MR DA COSTA: Well, on that particular
5 Through our sort of networks with the Human Resources 5 criticism in this Cammission about the fact that you spoke 6 people of the other companies, 1d come to the realisation 5 criticism in this Cammission about the fact that you spoke 7 that our compating this discussion. MR DA COSTA: Well, on that pricipant 11 mother that was prompting this discussion. 10 110 the agroup of mine employees. 12 escalate it to the executive was. 11 13 the tar as that the response from the executive was. 11 12 is one to the star that you spoke 13 the as to what the response from the executive was. 11 12 is one to the star that you spoke 14 tals pointed out to them though that, you know, the sum 13 to - to listen to and understand their problem and owhat 14 tals pointed out to them though that, you know, the sum 13 to - to listen to and understand their problem and owhat 14 tals opointed out to them though that, you know, the sum 14 14 tan to find a solution to it. So that was my mendiate 15 increase, but nontchless. will scanate the sum was that when the sum escalate this to the	5through our sort of networks with the Human Resources6people of the other companies, I'd come to the realisation	 5 criticism in this Commission about the fact that you spoke 6 to the workers, you spoke to these two gentlemen. What is 7 your reaction if I put that criticism to you? 8 MR DA COSTA: Well, on that particular
6 people of the other companies, 1d come to the realisation remuneration bad fails behind our competitors, so at that maybe that was what was prompting this discussion. 6 to the workers, you spoke to these two gentlemen. What is remuneration bad fails behind our competitory, so at that maybe that was what was prompting this discussion. 10 maybe that was what was prompting this discussion. 9 day on the 21st I was faced with a group of mine employees. 12 escalate it to the executive and that I would get back to them as to what the response from the executive was. I also pointedular to the through that, you know, the stort of the asso of that due to the through that, you know, the stort of the order due to the through that, you know, the stort of the order due to the the that I have that back pointedular to the the SKO, which I then did - 11 To to liste the hear what the Sksue is. When I became the ware of the fact that this was awage issue and that they were asking for an increase in their basic wage I to the figure of 12.57 21 market has the figure of 12.57 Did you ask them how they that stort of basic wage yourd be earning significantly more that some of the supervisors. Their regit to may that some of the supervisors. Their regit to may way that some of the supervisors. Their regit to may way that some of the supervisors. Their regit to may way by that some of the supervisors. Their regit to may supervise the solution to the salary calcel and may thing? They said, what the salary scales of the RDAS? 1 1 Fage 30030 13 calculate it? Did you base it no anything?? They said, what the ware to derive t	6 people of the other companies, I'd come to the realisation	 to the workers, you spoke to these two gentlemen. What is your reaction if I put that criticism to you? MR DA COSTA: Well, on that particular
7 that our rock drill operators, our rock drill operator 7 your reaction H [put that criticism to you? 8 remuneration had fallen behind our competitors, so at that 8 MR DA COSTA: Well, on that particlar 9 point I from that mere as a bit of a gap and thought 9 able pointed out to them to, that I would 11 12 I someodout that problem and that I would get back to 11 able pointed out to them though that, you know, the source is a kamer of the fact that this was a wage is examer with a group or mine employees. 12 I someodout to it. So that was my immediate 15 increase, thu nontheless I will scalate the issue of 14 14 14 15 nonetheless, you know, thating known that there was movement 10 them dd - 20 them id - 12 your reaction if put that criticism to you? 11 them id - 13 to be listen to and understand their problem and do what 16 them id - 14 14 14 15 16 1		7 your reaction if I put that criticism to you?8 MR DA COSTA: Well, on that particular
8 remuneration had fallen behind our competitors, so at that 9 omay be that there was a bit of a gap and i thought 9 day on the 21st I was faced with a group of mine employees. 10 maybe that was what was sprompting this discussion. 10 12.05 (My people standing outside my office with a 11 montholess I did commit to them to, that I would 11 grievance. It's in my nature as a manager or a leader to. 12 escalate it to the executive and that I would gets back to 13 14 also pointed out to them though that, you know, the sort of 15 increase, they are asking for a backmesh that I hayou ware of the fact that this was may immediate 16 increase, but nonetheless I will escalate the issue of 14 also pointed could to them though that 16 increase, but nonetheless I will escalate the issue of 14 and ware of the fact that this was a wage issue and that they 17 Ither add issue fact memoration to the EXCO, which I 14 16 16 16 that difference is active add is a state the issue fact that issue fact that issue fact that they was move memoration to the EXCO, which I 16 16 17 them add ActoSTA: I did - 14 14 14 2		8 MR DA COSTA: Well, on that particular
9 point I knew that there was a bit of a gap and I thought maybe that was what was prompting this discussion. 9 day on the 21st I was faced with a group of mine employees. 10 moybe that was what was prompting this discussion. 10 12:051 My people standing outside my office with a group and understand their problem and do what I also pointed out to them though that, you know, the sort of increase they are asking for is extremely high and, you in kind a oution to it. So that was ny immediate increase, but nonetheless I will escalate the issue of increase, but nonetheless I will escalate the issue of their concerns around remuneration to the EXCO, which I in their concerns around remuneration to the EXCO, which I in their concerns around remuneration to the EXCO, which I in their concerns around remuneration to the EXCO, which I is their concerns around remuneration to the EXCO, which I is their concerns around remuneration to the EXCO, which I is that cor of basic wage you'de be arning significantly more is add that's a very high figure and in fact I you went to it that sort of basic wage you'de be arning significantly more is that sort of basic wage you'de be arning significantly more is that sort of basic wage you'de be arning significantly more is though that this you know this is just, it was a good number, they is the tilt the sale so action. It is yust that's a, it's a good number'. So that's - is colMISSIONER HEMRAI: May I just enquire is when in relation to the 21st of June did you become aware is head backs, so was and the fortsor. I asked them 'How did you acculate if the sale yaceals of the RDOS? I if there was some, some solution to the issue. 10 colMISSIONER HEMRAI: May I just enquire is when in relation to the 21st of June did you become aware is head backs a very high figu	7 that our rock drill operators, our rock drill operator	· · · · · · · · · · · · · · · · · · ·
10 maybe that was what was prompting this discussion. 10 [12:05] My people standing outside my office with a 11 Montheless I did commit to them to, that I would 11 greanee. It's in my nature as a manager or a leader to, 12 escalate I to the executive was. I 11 greanee. It's in my nature as a manager or a leader to, 13 increase thay are asking for is extremely high and, you 11 I's montheless I will escalate the issue of 13 increase, but nonetheless I will escalate the issue of 12 reached that this was a wage issue and that they 14 it do concerns around remuneration to the EXCO, which I 14 I can to find a solution to k. So that was my immediate 15 increase, but nonetheless I will escalate the issue of 13 nonetheless, you know, having known that there was movement 16 then did - 14 CAHRPERSON: Did you ask them how they 21 CHAIRPERSON: What was their response? The indextry around rock drill operator wages, knowing 17 MR DA COSTA: I did - 24 EXCO so that the EXCO will not apply their mints to say 23 MR DA COSTA: I did - 24 The other point was that when the group arrived 3 tha	8 remuneration had fallen behind our competitors, so at that	0 days on the 21st lower freed with a maximum of mine another set
11 Nonetheless I did commit to them to, that I would 11 greavance. It's in my nature as a manager or a leader to, 12 escalate it to the executive and that I would get back to 12 if somebody comes to me with a problem III take the time 14 also pointed out to them though that, you know, the sort of 13 if somebody comes to me with a problem III take the time 15 increase they are asking for is extremely high and, you 14 I can to find a solution to it. So that was my immediate 16 increase, but nonetheless I will escalate the issue of 14 I can to find a solution to it. So that was my immediate 17 them did - 14 I can to find a solution to it. So that was my immediate 18 increase, but nonetheless I will escalate the issue of 16 in the industry around row dwoll have the rease movement 19 then did - 21 CHAIRPERSON: Did you ask them how they 21 24 reached the figure of 12,57 22 The other point was that were railing 21 23 said that's a very high figure and in fact if you went to 14 I cherewas some, some solution to the issue. 24 that sort of basic wage you'd be carning significantly more 14 If there was sond, nown, this is us. <td>9 point I knew that there was a bit of a gap and I thought</td> <td>9 day on the 21st I was faced with a group of mine employees.</td>	9 point I knew that there was a bit of a gap and I thought	9 day on the 21st I was faced with a group of mine employees.
12 escalate it to the executive and that I would get back to 13 them as to what the response from the executive was. I 14 also pointed out to them though that, you know, the sout in the fact that the problem and do what 15 increase they are asking for is extremely high and, you 16 know, unaffordable really. So I said to them that I have 17 little doubt that the EXCO will not approve such an 18 increase, but nonetheless I will escalate the issue of 19 their concerns around remuneration to the EXCO, which I 10 their doil - 21 CHAIRPERSON: 21 MR DA COSTA: 22 MR DA COSTA: 23 MR DA COSTA: 24 that sord of basic wage you'd be carring significantly more 25 that sord of basic wage you'd be carring significantly more 26 that sord of basic wage you'd be carring significantly more 26 that sord of basic wage you'd be carring significantly more 26 that sord of basic wage you'd be carring significantly more 21 that the work that they wase dong. So it was a, they 22 The other point was that when the group arrived 23 that	10 maybe that was what was prompting this discussion.	0 [12:05] My people standing outside my office with a
13 them as to what the response from the executive was. I 13 to - to listen to and understand their problem and do what 14 also pointed out to them through that, you know, the sort of 14 I can to lind a solution to it. So that was my immediate 15 increase, they are asking for is extremely high and, you 16 I can to lind a solution to it. So that was my immediate 16 increase, thu, unaffordable really. So I said to them that I have 16 is acrea sking for an increase in their basic wage I 17 Ittle doubt that the EXCO will not approve such an 16 avare of the fart that this was a wage issue and that they 16 increase, thu, nonetheless I will escalate the issue of 17 were asking for an increase in their basic wage I 17 then did - 20 CHAIRPERSON: Did you ask them how they 12 reached the figure of 12.5? 21 behind somewhat, I fell that I way soruch to bisten to 18 said that's a very high figure and in fact if you way way. 16 EXCO so that the EXCO was aware of the fact that this was 14 that so to d basic wage you'd be earning significantly more 16 ther for the work that they were oling. So I twas a, they 15 thus their they were coling. So I twas a, they 17 iff	11 Nonetheless I did commit to them to, that I would 11	1 grievance. It's in my nature as a manager or a leader to,
14 also pointed out to them though that, you know, the sort of 14 I can to find a solution to it. So that was my immediate 15 increase they are asking for is extremely high and, you 15 increase, they are asking for is extremely high and, you 17 little doubt that the EXCO will not approve such an 16 increase, but nonetheless I will escalate the issue of 18 increase, but nonetheless I will escalate the issue of 18 nonetheless, you know, having known that there was movement 19 their concerns around remuneration to the EXCO, which I 18 nonetheless, you know, having known that there was movement 21 CHAIRPERSON: Did you ask them how they 20 that this is a scare skill, knowing that were failing 23 MR DA COSTA: I did - 23 that so you know that is pusch to the issue. 24 CHAIRPERSON: What was their response? 24 EXCO so that the EXCO was aware of the fact that this was 25 that sort of basic wage yourd be carning significantly more 24 EXCO so that the EXCO was aware of the fact that this was 3 that sort of basic wage yourd be carning significantly more 14 I drefere was some, some solution to the issue. 4 that sor of the supervisors. Their reply to me was weli	12 escalate it to the executive and that I would get back to 12	2 if somebody comes to me with a problem I'll take the time
15 increase they are asking for is extremely high and, you 15 reaction is fet me hear what the issue is. When I became 16 know, unaffordable really. So I said to them that I have 17 were asking for an increase in their basic wage I 17 little doubt that the EXCO will not approve such an 18 nonetheless, you know, having known that there was movement 19 then did - 20 then did - 20 20 then did - 20 that this is a scarce skill, knowing that were falling 21 CHAIRPERSON: Did you ask them how they 22 reached the figure of 12,5? 20 23 MR DA COSTA: I did , Chair. I did, I 20 24 CHAIRPERSON: What was their response? 22 25 MR DA COSTA: I did, Chair. I did, I 24 26 that sort of basic wage yourd be earning significantly more 3 1 If there was some, some solution to the issue. 2 that sort of basic wage yourd be earning significantly more 1 If there was a god number, they 3 that sort of basic wage yourd be earning significantly more 1 If there was a solad at as a responsible 3 <t< td=""><td>13 them as to what the response from the executive was. I</td><td>3 to – to listen to and understand their problem and do what</td></t<>	13 them as to what the response from the executive was. I	3 to – to listen to and understand their problem and do what
16 know, unaffordable really. So I said to them that I have 17 If it doubt that the EXCO will not approve such an 18 16 aware of the fact that this was a wage issue and that they 17 17 Ititle doubt that the EXCO will not approve such an 18 16 aware of the fact that this was a wage issue and that they 17 18 increase, but nonetheless I will escalate the issue of 18 16 aware of the fact that this was a wage issue and that they 18 20 then did - 21 CHAIRPERSON: Did you ask them how they 22 that the fagure of 12,57 23 MR DA COSTA: I did - 24 CHAIRPERSON: What was their response? 25 MR DA COSTA: I did, Chair. I did, I 25 26 that sort of basic wage you'd be earning significantly more 3 16 there was some, some solution to the issue. 2 the four that this was a good number, they 5 thou that they were doing. So it was a, they 19 17 The other point was that then they arup arrived 3 3 add msh as oregon being in carsty on 3 add msh as a responsible 4 ader I felt that I must speak to them and at least hear 4 10 good number. * So that's - 10 3. I thin it was, it's 3 10 discussed with them, the issue second to the corfined to the 4 11 that the impala increases had put Lonmin behind, somewhat 4<	14 also pointed out to them though that, you know, the sort of 14	4 I can to find a solution to it. So that was my immediate
17 little doubt that the EXCO will not approve such an 18 increase, but nonetheless I will escalate the issue of 19 their concerns around remuneration to the EXCO, which I 21 CHAIRPERSON: Did you ask them how they 22 reached the figure of 12.5? Did you ask their response? 23 MR DA COSTA: I did - 24 CHAIRPERSON: Wata was their response? 25 MR DA COSTA: I did, Chair. I did, I 26 Page 30020 27 said that's a very high figure and in fact if you went to 28 that sort of basic wage you'd be earning significantly more 31 than some of the supervisors. Their reply to me was well, 4 them for the work that they were doing. So it was a, they 9 just feit it was a good number. I asked them 'How di you 10 good number.' So that's a, it's a 10 good number.'' So that's a, it's a 11 were very respectful. They were very humble in fact in the 12 were wery respectful. They were wery cordial meeting. They 13 that the fit was a good number. I asked them 'How di you 14 thet men for the work that they were	15 increase they are asking for is extremely high and, you 15	5 reaction is let me hear what the issue is. When I became
 18 increase, but nonetheless I will escalate the issue of their concerns around remuneration to the EXCO, which I 19 then did - 11 CHARPERSON: DId you ask them how they 22 reached the figure of 12,5? 23 MR DA COSTA: I did - 24 CHARPERSON: What was their response? 25 MR DA COSTA: I did, Chair. I did, I 26 that so of of basic wage you'd be earning significantly more 3 than some of the supervisors. Their reply to me was well, 4 that's, you know this is just, it was a good number, they 5 thought that this was the ounder that was a good number. They was a dood number. They were that would kind of reward 6 them for the work that they were doing. So it was a they 7 just felt it was a good number. They said, 9 'No, we don't do calculation. It is just that's a 't's a 10 good number. So that's - 10 COMMISSIONER HEMRAJ: May I just enquire 11 that the impaia increases had put Lomin behind, somewhat 13 that the mpaia increases of the RDOS? 15 MR DA COSTA: Ja, think it was, it's a 10 discussed with them, the issue seemed to be confined to the 11 RDOs at Karee and me being in charge of Karee, they're my 12 people, they're my employees, I was oncerned to know that 13 the the supar scales of the RDOS? 19 had with the two gents it was a very cordial meeting was onduced that 14 that they approached me and the meeting that 1 15 operators at Karee, so that's the reason why I engaged with 16 them and spoke to them. 17 was in the process of implementing those wage agreements at 18 that time. So I must say during the entire meeting that 1 19 had with the two gents it was a very cordial meeting. They 19 who the text and the meeting was conduct 10 were very respectful. They were very humble in fact in the 20 were wery respectful. They were very humble in fact in the 21 m avery cordial tashino. So that's basically how the 21 m avery cordial tashino. So that's basically how the 23 marked on a programme to encourage supervisors to speak 	16 know, unaffordable really. So I said to them that I have 10	6 aware of the fact that this was a wage issue and that they
19 their concerns around remuneration to the EXCO, which I 19 in the industry around rock drill operator wages, knowing 20 then dld - 20 then dld - 20 then dld - 20 that this is a scarce skill, knowing that were failing 21 CHAIRPERSON: Did you ask them how they 21 behind somewhat, I felt that it was prudent to listen to 23 MR DA COSTA: I did - 23 wages it occurred to me that I should escalate this to the 24 CHAIRPERSON: What was their response? 25 the feeling and so that they could apply their minds to see 25 MR DA COSTA: I did, Chair. I did, I 25 the feeling and so that they could apply their minds to see 26 that sort of basic wage you'd be earning significantly more 3 at my office they were singing but they were not aggressive 3 thats, you know this is just, it was a good number, they is duth of reward 4 ad they had come to me after hours outside of their 3 just felt it was a good number. I asked them 'How did you a calculate it? Did you base it on anything?'' They said, 7 working shift. It's not as also at that point, having 9 what the issue was alot therefore I spoke to them. They also 18 leader I felt that	17 little doubt that the EXCO will not approve such an	7 were asking for an increase in their basic wage I
20 then did – 20 that this is a scarce skill, knowing that were falling 21 CHAIRPERSON: Did you ask them how they 22 22 reached the figure of 12,5? I did – 23 MR DA COSTA: I did – 24 CHAIRPERSON: What was their response? 25 MR DA COSTA: I did, Chair. I did, I 26 max of the supervisors. The did, Chair. I did, I 27 said that's a very high figure and in fact if you went to 1 3 that sort of basic wage you'd be earning significantly more 1 3 that sa over of basic wage you'd be earning significantly more 1 3 that sa over of basic wage you'd be earning significantly more 1 3 that sa over of basic wage you'd be earning significantly more 1 4 that's, you know this is just, it was a good number, they 1 5 thought that this was the number that would kind of reward 1 6 them for the work that they were doing. So it was a, they 2 7 just feit it was a good number. Task of them 'How did you 2 8 calculate it? Did you base it on anything?" They said,<	18 increase, but nonetheless I will escalate the issue of	8 nonetheless, you know, having known that there was movement
21CHAIRPERSON:Did you ask them how they21behind somewhat, I felt that it was prudent to listen to22mR DA COSTA:I did -22them and when I heard that they were unhappy about their23MR DA COSTA:I did -24CHAIRPERSON:What was their response?24CHAIRPERSON:What was their response?25EXCO so that the EXCO was aware of the fact that this was25MR DA COSTA:I did, Chair. I did, I26EXCO so that the EXCO was aware of the fact that this was26that's a very high figure and in fact if you went to26the feeling and so that they could apply their minds to see2that sort of basic wage you'd be earning significantly more1if there was some, some solution to the issue.3that sort of basic wage you'd be earning significantly more3at my office they were singing but they were not aggressive4that's, you know this is just, it was a good number, they5thought that this was the number that would kind of reward6them for the work that they were doing. So it was a, they7approach to me was quite cordial and sa responsible8calculate it? Did you base it on anything? They said,9what the issue was. So also at that point, having10good number. 'So that's -10discussed with the issue seemed to be confined to the11COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, theyre my13that the Impala increases had put Lonmin behind, somewhat14seemed to have	19 their concerns around remuneration to the EXCO, which I	9 in the industry around rock drill operator wages, knowing
22 reached the figure of 12,5? 22 them and when I heard that they were unhappy about their 23 MR DA COSTA: I did – 23 wages it occurred to me that I should escalate this to the 24 CHAIRPERSON: What was their response? 24 EXCO so that the EXCO was aware of the fact that this was 25 MR DA COSTA: I did, Chair. I did, I 25 the feeling and so that they could apply their minds to see Page 30028 1 said that's a very high figure and in fact if you went to 1 if there was some, some solution to the issue. 2 2 that sort of basic wage you'd be earning significantly more 3 at my office they were singing but they were not aggressive 4 that's, you know this is just, it was a good number, they just feit it was a good number. They said, 1 if there was some, some and see me. So you know, their 7 just feit it was a good number. 1 as working shift. It's not as if they were taking up their 6 6 them for the wort that they were doing. So it was a, they id working time to come and see me. So you know, their 7 just feit it was a good number. 1 as working time to come and see me. So you know, their 1 COMMISSIONER HEMRAJ:	20 then did – 20	20 that this is a scarce skill, knowing that we're falling
23 MR DA COSTA: I did – 23 wages it occurred to me that I should escalate this to the 24 CHAIRPERSON: What was their response? 24 EXCO so that the EXCO was aware of the fact that this was 25 MR DA COSTA: I did, Chair. I did, I 24 EXCO so that the EXCO was aware of the fact that this was 26 MR DA COSTA: I did, Chair. I did, I 24 EXCO so that the EXCO was aware of the fact that this was 25 mat back costs The deleng and so that they could apply their minds to see Page 30030 1 said that's a very high figure and in fact if you went to 1 if there was some, some solution to the issue. 2 that sort of basic wage you'd be earning significantly more at my office they were singing but they were not aggressive 4 that's, you know this is just, it was a good number, they to the more that would kind of reward 5 working time to come and see me. So you know, their 7 just felt it was a good number. I asked them "How did you 6 working time to come and see me. So you know, their 7 adout her for the vork that they were doing. So it was a, they 10 discussed with them, the issue was. So also at that point, having 10 good number. So that's -	21 CHAIRPERSON: Did you ask them how they 21	21 behind somewhat, I felt that it was prudent to listen to
24CHAIRPERSON: MR DA COSTA:What was their response? I did, Chair. I did, I24EXC0 so that the EXC0 was aware of the fact that this was 2525MR DA COSTA:I did, Chair. I did, I25the feeling and so that they could apply their minds to see26said that's a very high figure and in fact if you went to that sort of basic wage you'd be earning significantly more 3 than some of the supervisors. Their reply to me was well, 4 that's, you know this is just, it was a good number, they tought that this was the number that would kind of reward 6 them for the work that they were doing. So it was a, they just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, 9 "No, we dont do calculations. It's just that's a, it's a 10 good number." So that's – COMMISSIONER HEMRAJ: May I just enquire 1311 is the sus was can adve me. So you know, their 7 approach to me was quite cordial and as a responsible 8 leader I felt that I must speak to them and at least hear 9 "No, we dont do calculations. It's just that's a, it's a 10 good number." So that's – COMMISSIONER HEMRAJ: May I just enquire 1410 discussed with them, the issue seemed to be confined to the 17 approach to me was quite cordial and as a responsible 8 leader I felt that I must speak to them and at least hear 9 what the issue was. So also at that point, having 10 discussed with them, the issue seemed to have the support of most of the rock drill 10 operators at Karee, so that's the reason why I engaged with 16 them and spoke to them.16just an weak or two before that, because you know, Impala 1716MR DA COSTA: 17What was a very cordial meeting. They were very respectful. They were yumble in fact in the was	22 reached the figure of 12,5? 22	22 them and when I heard that they were unhappy about their
25 MR DA COSTA: I did, Chair. I did, I 25 the feeling and so that they could apply their minds to see Page 30028 1 said that's a very high figure and in fact if you went to 1 if there was some, some solution to the issue. Page 30030 1 said that's a very high figure and in fact if you went to 1 if there was some, some solution to the issue. Page 30030 2 that sort of basic wage you'd be earning significantly more 3 if there was some, some solution to the issue. 2 4 that's, you know this is just, it was a good number, they 5 them for the work that they were doing. So it was a, they 3 and they had come to me after hours outside of their 5 7 just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, 7 approach to me was quite cordial and as a responsible 8 leader I felt that I must speak to them and at least hear 9 "No, we don't do calculations. It's just that's a, it's a 10 discussed with them, the issue seemed to be confined to the 11 COMMISSIONER HEMRAJ: May I just enquire 14 the issue was and therefore I spoke to them. 14 10 just a week or two before that, because you know	23 MR DA COSTA: I did – 23	23 wages it occurred to me that I should escalate this to the
Page 30028Page 300281 said that's a very high figure and in fact if you went to1if there was some, some solution to the issue.2 that sort of basic wage you'd be earning significantly more3at my office they were singing but they were not aggressive3 than some of the supervisors. Their reply to me was well,4at my office they were singing but they were not aggressive4 that's, you know this is just, it was a good number, they5working shift. It's not as if they were taking up their5 thought that this was the number that would kind of reward6working shift. It's not as if they were taking up their6 them for the work that they were doing. So it was a, they7approach to me was quite cordial and as a responsible8 leadculate it? Did you base it on anything?" They said,7approach to me was quite cordial and as a responsible9 who we don't do calculations. It's just that's a, it's a9what the issue was. So also at that point, having10 good number.* So that's -10discussed with them, the issue seemed to be confined to the11 COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, they're my12 when in relation to the 21st of June did you become aware14behind in the salary scales of the RDOS?15MR DA COSTA:Ja, I think it was, it's16just a week or two before that, because you know, Impala1517MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I19had with the two gents it was a very	•	EXCO so that the EXCO was aware of the fact that this was
1said that's a very high figure and in fact if you went to1If there was some, some solution to the issue.2that sort of basic wage you'd be earning significantly more3If there was some, some solution to the issue.3than some of the supervisors. Their reply to me was well,4at my office they were singing but they were not aggressive4that's, you know this is just, it was a good number, they4and they had come to me after hours outside of their5thought that this was the number that would kind of reward6them for the work that they were doing. So it was a, they77just felt it was a good number. I asked them "How did you8leader I felt that I must speak to them and at least hear9'No, we don't do calculations. It's just that's a, it's a910good number." So that's -1011COMMISSIONER HEMRAJ: May I just enquire1112when in relation to the 21st of June did you become aware1213that the Impala increases had put Lonmin behind, somewhat1314behind in the salary scales of the RDOS?1415MR DA COSTA: Ja, I think it was, it's1516just a week or two before that, because you know, Impala1717MR BURGER SC: What was Lonmin's policy18that time. So I must say during the entire meeting that I19way that they approached me, and the meeting was conducted20way that they approached me, and the meeting was conducted21in a very cordial fashion. So that's basically how t	25 MR DA COSTA: I did, Chair. I did, I 25	25 the feeling and so that they could apply their minds to see
1said that's a very high figure and in fact if you went to1If there was some, some solution to the issue.2that sort of basic wage you'd be earning significantly more3If there was some, some solution to the issue.3than some of the supervisors. Their reply to me was well,4at my office they were singing but they were not aggressive4that's, you know this is just, it was a good number, they4and they had come to me after hours outside of their5thought that this was the number that would kind of reward6them for the work that they were doing. So it was a, they77just felt it was a good number. I asked them "How did you8leader I felt that I must speak to them and at least hear9'No, we don't do calculations. It's just that's a, it's a910good number." So that's -1011COMMISSIONER HEMRAJ: May I just enquire1112when in relation to the 21st of June did you become aware1213that the Impala increases had put Lonmin behind, somewhat1314behind in the salary scales of the RDOS?1415MR DA COSTA: Ja, I think it was, it's1516just a week or two before that, because you know, Impala1717MR BURGER SC: What was Lonmin's policy18that time. So I must say during the entire meeting that I19way that they approached me, and the meeting was conducted20way that they approached me, and the meeting was conducted21in a very cordial fashion. So that's basically how t	Dare 20020	Dama 20020
2that sort of basic wage you'd be earning significantly more3that sort of basic wage you'd be earning significantly more4than some of the supervisors. Their reply to me was well,4that's, you know this is just, it was a good number, they5thought that this was the number that would kind of reward6them for the work that they were doing. So it was a, they7just felt it was a good number. I asked them "How did you8calculate it? Did you base it on anything?" They said,9"No, we don't do calculations. It's just that's a, it's a10good number." So that's -11COMMISSIONER HEMRAJ: May I just enquire12when in relation to the 21st of June did you become aware13that the Impala increases had put Lonmin behind, somewhat14behind in the salary scales of the RDOS?15MR DA COSTA: Ja, I think it was, it's16just a week or two before that, because you know, Impala17was in the process of implementing those wage agreements at18that time. So I must say during the entire meeting that I19had with the two gents it was a very cordial fashion- So that's basically how the21in a very cordial fashion- So that's basically how the22in a very cordial fashion- So that's basically how the23meeting ended where I committed that I would escalate the		5
3than some of the supervisors. Their reply to me was well, 43at my office they were singing but they were not aggressive and they had come to me after hours outside of their4that's, you know this is just, it was a good number, they 5thought that this was the number that would kind of reward 63at my office they were singing but they were not aggressive and they had come to me after hours outside of their working shift. It's not as if they were taking up their5them for the work that they were doing. So it was a, they just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, 93at my office they were singing but they were not aggressive and they had come to me after hours outside of their working shift. It's not as if they were taking up their6them for the work that they were doing. So it was a, they just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, 93at my office they were singing but they were not aggressive and they had come to me after hours outside of their 97just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, 93at my office they were singing but they were taking up their7just felt it was a good number. To asked them "How did you acalculate it? Did you base it on anything?" They said, 93at my office they were and see me. So you know, their 77good number." So that's – 11COMINISSIONER HEMRAJ: May I just enquire 14May I just enquire 11RDOs at Karee and me being in charge of Karee, they're my 12 <td< td=""><td></td><td></td></td<>		
4that's, you know this is just, it was a good number, they4and they had come to me after hours outside of their5thought that this was the number that would kind of reward6them for the work that they were doing. So it was a, they76them for the work that they were doing. So it was a, they7working shift. It's not as if they were taking up their7just felt it was a good number. I asked them "How did you8and they had come to me after hours outside of their8calculate it? Did you base it on anything?" They said,9working time to come and see me. So you know, their9"No, we don't do calculations. It's just that's a, it's a9what the issue was. So also at that point, having10good number." So that's –10discussed with them, the issue seemed to be confined to the11COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, they're my12when in relation to the 21st of June did you become aware13the issue was and therefore I spoke to them. They also13that the Impala increases had put Lonmin behind, somewhat13the issue was and therefore I spoke to them. They also14just a week or two before that, because you know, Impala15operators at Karee, so that's the reason why I engaged with16just a week or two gents it was a very cordial meeting. They14MR BURGER SC:What was Lonmin's policy15had with the two gents it was a very cordial meeting. They14MR DA COSTA:Well, on a line management12<		
 thought that this was the number that would kind of reward them for the work that they were doing. So it was a, they just felt it was a good number. I asked them "How did you calculate it? Did you base it on anything?" They said, "No, we don't do calculations. It's just that's a, it's a good number." So that's – COMMISSIONER HEMRAJ: May I just enquire that the Impala increases had put Lonmin behind, somewhat that the Impala increases had put Lonmin behind, somewhat behind in the salary scales of the RDOs? MR DA COSTA: Ja, I think it was, it's just a week or two before that, because you know, Impala that time. So I must say during the entire meeting that I way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the 		4 and they had come to me after hours outside of their
7just felt it was a good number. I asked them "How did you7approach to me was quite cordial and as a responsible8calculate it? Did you base it on anything?" They said,7approach to me was quite cordial and as a responsible9"No, we don't do calculations. It's just that's a, it's a1leader I felt that I must speak to them and at least hear9"No, we don't do calculations. It's just that's a, it's a1discussed with them, the issue seemed to be confined to the11COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, they're my12when in relation to the 21st of June did you become aware12people, they're my employees, I was concerned to know what13that the Impala increases had put Lonmin behind, somewhat13the issue was and therefore I spoke to them. They also14behind in the salary scales of the RDOs?14seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the wo gents it was a very cordial meeting. They19both on a line management level?20were very respectful. They were very humble in fact in the2021meeting ended where L committed that H would escalate the <td< td=""><td>5 thought that this was the number that would kind of reward 5</td><td>5 working shift. It's not as if they were taking up their</td></td<>	5 thought that this was the number that would kind of reward 5	5 working shift. It's not as if they were taking up their
 8 calculate it? Did you base it on anything?" They said, 9 "No, we don't do calculations. It's just that's a, it's a 10 good number." So that's – 11 COMMISSIONER HEMRAJ: May I just enquire 12 when in relation to the 21st of June did you become aware 13 that the Impala increases had put Lonmin behind, somewhat 14 behind in the salary scales of the RDOs? 15 MR DA COSTA: Ja, I think it was, it's 16 just a week or two before that, because you know, Impala 17 was in the process of implementing those wage agreements at 18 that time. So I must say during the entire meeting that I 19 had with the two gents it was a very cordial meeting. They 20 were very respectful. They were very humble in fact in the 21 way that they approached me, and the meeting was conducted 22 in a very cordial fashion. So that's basically how the 23 meeting ended where I committed that I would escalate the 8 leader I felt that I must speak to them and at least hear 9 what the issue was. So also at that point, having 10 discussed with them, the issue seemed to be confined to the 11 RDOs at Karee and me being in charge of Karee, they're my 12 people, they're my employees, I was concerned to know what 13 the issue was and therefore I spoke to them. They also 14 seemed to have the support of most of the rock drill 15 operators at Karee, so that's the reason why I engaged with 16 them and spoke to them. 17 MR BURGER SC: What was Lonmin's policy 18 at that stage about speaking directly to the employees, 19 both on a line management level? 21 MR DA COSTA: Well, on a line management 22 level we were actually, we had for some time before that 23 embarked on a programme to encourage supervisors to speak 	6 them for the work that they were doing. So it was a, they	6 working time to come and see me. So you know, their
 9 "No, we don't do calculations. It's just that's a, it's a 9 what the issue was. So also at that point, having 10 good number." So that's – 11 COMMISSIONER HEMRAJ: May I just enquire 12 when in relation to the 21st of June did you become aware 13 that the Impala increases had put Lonmin behind, somewhat 14 behind in the salary scales of the RDOs? 15 MR DA COSTA: Ja, I think it was, it's 16 just a week or two before that, because you know, Impala 17 was in the process of implementing those wage agreements at 18 that time. So I must say during the entire meeting that I 19 had with the two gents it was a very cordial meeting. They 20 were very respectful. They were very humble in fact in the 21 way that they approached me, and the meeting was conducted 22 in a very cordial fashion. So that's basically how the 23 meeting ended where I committed that I would escalate the 24 meeting ended where I committed that I would escalate the 25 meeting ended where I committed that I would escalate the 26 meeting ended where I committed that I would escalate the 27 meeting ended where I committed that I would escalate the 28 meeting ended where I committed that I would escalate the 29 meeting ended where I committed that I would escalate the 20 meeting ended where I committed that I would escalate the 20 meeting ended where I committed that I would escalate the 20 meeting ended where I committed that I would escalate the 21 meeting ended where I committed that I would escalate the 22 meeting ended where I committed that I would escalate the 23 meeting ended where I committed that I would escalate the 23 meeting ended where I committed that I would escalate the 24 meeting ended where I committed that I would escalate the 25 meeting ended where I committe	7 just felt it was a good number. I asked them "How did you 7	7 approach to me was quite cordial and as a responsible
10good number." So that's -10discussed with them, the issue seemed to be confined to the11COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, they're my12when in relation to the 21st of June did you become aware11RDOs at Karee and me being in charge of Karee, they're my13that the Impala increases had put Lonmin behind, somewhat12people, they're my employees, I was concerned to know what14behind in the salary scales of the RDOs?14seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19way that they approached me, and the meeting was conducted14substantive conditions of employment level?21ma very cordial fashion. So that's basically how the21MR DA COSTA:Well, on a line management23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	8 calculate it? Did you base it on anything?" They said,	8 leader I felt that I must speak to them and at least hear
11COMMISSIONER HEMRAJ:May I just enquire11RDOs at Karee and me being in charge of Karee, they're my12when in relation to the 21st of June did you become aware12people, they're my employees, I was concerned to know what13that the Impala increases had put Lonmin behind, somewhat13the issue was and therefore I spoke to them. They also14behind in the salary scales of the RDOs?14seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22ewbarked on a programme to encourage supervisors to speak23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	9 "No, we don't do calculations. It's just that's a, it's a	9 what the issue was. So also at that point, having
12when in relation to the 21st of June did you become aware12people, they're my employees, I was concerned to know what13that the Impala increases had put Lonmin behind, somewhat13the issue was and therefore I spoke to them. They also14behind in the salary scales of the RDOs?14seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20were very respectful. They were very humble in fact in the20substantive conditions of employment level?21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the23embarked on a programme to encourage supervisors to speak23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	10 good number." So that's –	0 discussed with them, the issue seemed to be confined to the
13that the Impala increases had put Lonmin behind, somewhat behind in the salary scales of the RDOs?13the issue was and therefore I spoke to them. They also seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's just a week or two before that, because you know, Impala was in the process of implementing those wage agreements at that time. So I must say during the entire meeting that I had with the two gents it was a very cordial meeting. They were very respectful. They were very humble in fact in the way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the13the issue was and therefore I spoke to them. They also seemed to have the support of most of the rock drill operators at Karee, so that's the reason why I engaged with them and spoke to them.16MR DA COSTA:Ja, I think it was, it's us in the process of implementing those wage agreements at that time. So I must say during the entire meeting that I had with the two gents it was a very cordial meeting. They were very respectful. They were very humble in fact in the way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the13the issue was and therefore I spoke to them. They also seemed to have the support of most of the rock drill them and spoke to them.13that time. So I must say during the entire meeting that I had with the two gents it was a very cordial meeting. They way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would esc	11 COMMISSIONER HEMRAJ: May I just enquire 11	1 RDOs at Karee and me being in charge of Karee, they're my
14behind in the salary scales of the RDOs?14seemed to have the support of most of the rock drill15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20were very respectful. They were very humble in fact in the20substantive conditions of employment level?21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22embarked on a programme to encourage supervisors to speak	12 when in relation to the 21st of June did you become aware	2 people, they're my employees, I was concerned to know what
15MR DA COSTA:Ja, I think it was, it's15operators at Karee, so that's the reason why I engaged with16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20were very respectful. They were very humble in fact in the20substantive conditions of employment level?21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22level we were actually, we had for some time before that23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	13 that the Impala increases had put Lonmin behind, somewhat	3 the issue was and therefore I spoke to them. They also
16just a week or two before that, because you know, Impala16them and spoke to them.17was in the process of implementing those wage agreements at17MR BURGER SC:What was Lonmin's policy18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20were very respectful. They were very humble in fact in the20substantive conditions of employment level?21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22level we were actually, we had for some time before that23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	14behind in the salary scales of the RDOs?14	4 seemed to have the support of most of the rock drill
17was in the process of implementing those wage agreements at that time. So I must say during the entire meeting that I had with the two gents it was a very cordial meeting. They were very respectful. They were very humble in fact in the way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the17MR BURGER SC: MR BURGER SC: What was Lonmin's policy both on a line management level and on a negotiation of substantive conditions of employment level?21way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the21MR DA COSTA: Verient were actually, we had for some time before that embarked on a programme to encourage supervisors to speak	15MR DA COSTA:Ja, I think it was, it's15	5 operators at Karee, so that's the reason why I engaged with
18that time. So I must say during the entire meeting that I18at that stage about speaking directly to the employees,19had with the two gents it was a very cordial meeting. They19both on a line management level and on a negotiation of20were very respectful. They were very humble in fact in the20substantive conditions of employment level?21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22level we were actually, we had for some time before that23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	16 just a week or two before that, because you know, Impala	16 them and spoke to them.
19had with the two gents it was a very cordial meeting. They were very respectful. They were very humble in fact in the way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the19both on a line management level and on a negotiation of substantive conditions of employment level?19both on a line management level and on a negotiation of substantive conditions of employment level?20way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the a meeting ended where I committed that I would escalate the21MR DA COSTA: endet were actually, we had for some time before that embarked on a programme to encourage supervisors to speak		17 MR BURGER SC: What was Lonmin's policy
20were very respectful. They were very humble in fact in the way that they approached me, and the meeting was conducted in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the20substantive conditions of employment level?21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the meeting ended where I committed that I would escalate the21MR DA COSTA:23weeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	18 that time. So I must say during the entire meeting that I 18	at that stage about speaking directly to the employees,
21way that they approached me, and the meeting was conducted21MR DA COSTA:Well, on a line management22in a very cordial fashion. So that's basically how the22level we were actually, we had for some time before that23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak		
22in a very cordial fashion. So that's basically how the22level we were actually, we had for some time before that23meeting ended where I committed that I would escalate the23embarked on a programme to encourage supervisors to speak	/ 2012 54 / /	
23 meeting ended where I committed that I would escalate the 23 embarked on a programme to encourage supervisors to speak	2 1 2 1 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1	-
	la la principada da la cala	
114 tearry to the UVOV and Laborardian Laborardian tearry than the UVOV		
24 issue to the EXCO and I committed to give them feedback. I 24 to employees, to get closer to employees, to understand		
25 think I'd said I'd give them feedback in about two weeks 25 their concerns, whether their concerns were of a nature	25 think I'd said I'd give them feedback in about two weeks 25	as their concerns, whether their concerns were of a nature

Pretoria

		r	
	Page 30031		Page 30033
1	that affected the operations and, you know, whether it was	1	executive committee, the executive committee took a
2	around improving their means to do their job and whether it	2	decision to implement an allowance to close the gap that
3	was around personal issues, whatever those may be, we were	3	had opened up in, you know, us relative to the rest of the
4	working with supervisors to become more involved in	4	industry. I communicated that decision back to them and
5	understanding and getting closer to their employees. And	5	that was the end of the process. We never negotiated
6	we had set in place processes to escalate issues if a	6	around the amount or anything else around that.
7	specific supervisor couldn't sort it out but it was, you	7	MR BURGER SC: Can I ask you to have a
8	know, a bit part of this process was that the supervisors	8	look at the NUM bundle? It is exhibit XX2.
9	were required to give feedback to an employee as soon as	9	CHAIRPERSON: While he's looking at that,
10	possible after a concern was raised. So raise concerns,	10	Mr Burger, can I ask you how long do you anticipate being
11	listen to people and do something about it to create a	11	with the rest of the examination in chief?
12	solution. So that's from a line point of view.	12	MR BURGER SC: I'm looking at my watch
13	As far as, you know, from a collective bargaining	13	and I have another 10 minutes, Chair.
14	point of view, well, we had definite structures in place.	14	CHAIRPERSON: Well, I wondered if – would
15	At that time wage negotiations or collective bargaining,	15	it be convenient if we took the second break at this stage
16	conditions of employment type issues were discussed on a	16	for 15 minutes and then you can resume thereafter.
17	central bargaining, let me say a company basis, central	17	MR BURGER SC: Certainly.
18	bargaining basis and the unions represented there, the	18	CHAIRPERSON: That will then enable you
19	recognised unions at the time were UASA, Solidarity and	19	to bring your examination in chief to an end. We'll now
20	NUM. So any of, you know, when it came to negotiating	20	take the 15 minute adjournment.
21	wages and agreeing on, or should I say signing off a wage	21	[COMMISSION ADJOURNS COMMISSION RESUMES]
22	agreement and that sort of thing, it happened in these, in	22	[13:51] CHAIRPERSON: The Commission resumes. Mr
23	the central bargaining forum which, as I said earlier,	23	Da Costa, you're still under oath.
24	either happened on an annual basis or depending on the	24	MICHAEL GOMES DA COSTA: Yes, Chair.
25	duration of the wage agreement, this central bargaining	25	CHAIRPERSON: Mr Burger. For those who
20			
	Page 30032		Page 30034
1	forum was constituted. So that process and structure was	1	weren't here earlier, I did come back into the chamber to
2	very well established in the company at that time and	2	indicate that we were having important discussions with
3	that's basically the process that –	3	some of the parties about certain housekeeping matters and
4	MR BURGER SC: Were you aware of where	4	so I indicated that we would not resume after the
5	you were in the cycle, the negotiation cycle and that there	5	adjournment that we had and we would only resume now, which
6	was a revision coming up in October of 2012?	6	is what we're doing.
7	MR DA COSTA: Yes, I was. In fact at one	7	EXAMINATION BY MR BURGER SC (CONTD.): Mr
8	of the feedback meetings at a later stage in the process	8	Da Costa, exhibit XX2, page 69 –
9	where I met the rock drill operators I did say to them that	9	MR DA COSTA: Yes, I have it.
10	there was an existing wage agreement which expired in, at	10	MR BURGER SC: Where does that document
11	the end of September 2013 at that point and you know, that	11	fit into the chronology and the discussions you had with
12	according to that wage agreement there were agreed wage	12	the employees and your evidence on not negotiating wages
13	increases that were to be implemented on the 1st of October	13	with them?
14	and, you know, that since that wage agreement was still in	14	MR DA COSTA: Now this document
15	force, we would have to refer any other wage demands or	15	originated after the executive had made the decision to
16	requests for revision of remuneration and so on to the next	16	implement the rock drillers allowance and this document was
17	round of bargaining which would have taken place somewhere	17	then a communication script that was issued in order to
18	around August, September 2013.	18	brief frontline supervisors on how the allowance would work
19	MR BURGER SC: If I levy a criticism at	19	to –
20	you for having negotiated wages with these employees, what	20	CHAIRPERSON: Sorry to interrupt you, Mr
21	would your reaction be to that criticism?	21	Da Costa. Something, part of XXX2 is on the screen, but I
4		22	don't think that's the document to which Mr Burger is
123	MR DA COSTA: I didn't negotiate wages		
22	MR DA COSTA: I didn't negotiate wages with them. They tabled a concern with me which did relate		
22 23	with them. They tabled a concern with me which did relate	23	referring.
22 23 24	with them. They tabled a concern with me which did relate to their basic wage but at no stage did I engage in	23 24	referring. MR DA COSTA: No, that's not it –
22 23 24 25	with them. They tabled a concern with me which did relate	23	referring.

	D 00005		D 00007
1	Page 30035 understand it, to XX2.	1	Page 30037 questions that would come their way, yes.
2	MR BURGER SC: XX2.	2	MR BURGER SC: In that same context we've
3	CHAIRPERSON: So could we please have XX2	3	handed in a little bundle in preparation of your evidence
4	on the screen.	4	being heard, XXX3. Will you go to page 20 of that little
5	MR BURGER SC: Page 69 of that document,	5	bundle, please? It's a document, Lonmin document signed by
6	XX2.	6	Mr Abey Kgotle, Mr Barnard Mokwena, and Mr Mark Munroe.
7	CHAIRPERSON: Yes, let's wait for that to	7	Have you seen this document at the time, July 2012? Page
8	come up on the screen and then you can carry on.	8	20 of exhibit XXX3.
9	MR DA COSTA: Okay.	9	MR DA COSTA: Yes, I had seen that
10	CHAIRPERSON: And everyone can then	10	document at the time.
11	follow what you're saying.	11	MR BURGER SC: That just gives one an
12	MR BURGER SC: Yes. Is that the	12	indication of the different salaries earned by RDOs at the
13	document?	13	time, Lonmin, Impala, and Anglo.
14	MR DA COSTA: That's the correct	14	MR DA COSTA: Yes, that's correct. This
15	document. Yes, so this document was for the purpose of	15	was the document that was submitted to the executive
16	educating frontline supervisors and giving them briefing	16	committee with the proposal to introduce the rock drillers
17	notes, so this document is used to explain to the frontline	17	allowance.
18	supervisors how the allowance would work and they would	18	MR BURGER SC: And that's the
19	then, they then took this document to the rock drill	19	recommendation in paragraph 3?
20	operators who worked for them, briefed them on the	20	MR DA COSTA: That's correct, yes.
21	allowance, what the conditions of the allowance were, how	21	MR BURGER SC: If in that same bundle you
22	the allowance would be implemented, and they had	22	go to page 46, you'll see that that's a resolution by the
23	discussions with the rock drill operators working for them	23	Lonmin board, by the main board, dated 25th July 2012. Do
24	on a face-to-face basis to help the rock drill operators	24	you confirm that that recommendation was accepted first by
25	understand how this allowance came about and what the	25	the EXCO and thereafter by the board?
	Page 30036		Page 30038
1	Page 30036 conditions were regarding the allowance.	1	Page 30038 MR DA COSTA: Yes, I do.
1 2		1 2	-
	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time?		MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at
2 3 4	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the	2 3 4	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee?
2 3 4 5	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the	2 3 4 5	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was
2 3 4 5 6	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012.	2 3 4 5 6	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that
2 3 4 5 6 7	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The	2 3 4 5 6 7	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the
2 3 4 5 6 7 8	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this	2 3 4 5 6 7 8	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had
2 3 4 5 6 7 8 9	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from	2 3 4 5 6 7 8 9	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two
2 3 4 5 6 7 8 9 10	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will	2 3 4 5 6 7 8 9 10	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the
2 3 4 5 6 7 8 9 10 11	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct?	2 3 4 5 6 7 8 9 10 11	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights
2 3 4 5 6 7 8 9 10 11 12	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes.	2 3 4 5 6 7 8 9 10 11 12	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our
2 3 4 5 6 7 8 9 10 11 12 13	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the	2 3 4 5 6 7 8 9 10 11 12 13	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to
2 3 4 5 6 7 8 9 10 11 12 13 14	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document?	2 3 4 5 6 7 8 9 10 11 12 13 14	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would
2 3 4 5 6 7 8 9 10 11 12 13	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation	2 3 4 5 6 7 8 9 10 11 12 13	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on
2 3 4 5 6 7 8 9 10 11 12 13 14 15	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR BURGER SC: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated." MR BURGER SC: And then over the page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy decision from their head office which then instructed them
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated." MR BURGER SC: And then over the page there is a question and answer document. Was that prepared	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy decision from their head office which then instructed them not to sit in the same room with AMCU. So it was actually
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated." MR BURGER SC: And then over the page there is a question and answer document. Was that prepared for the benefit of the people distributing this pamphlet in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy decision from their head office which then instructed them not to sit in the same room with AMCU. So it was actually quite difficult. It was a difficult employee relations
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated." MR BURGER SC: And then over the page there is a question and answer document. Was that prepared for the benefit of the people distributing this pamphlet in order to answer possible questions which might come their	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy decision from their head office which then instructed them not to sit in the same room with AMCU. So it was actually quite difficult. It was a difficult employee relations environment from the perspective of a manager, you know, or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	conditions were regarding the allowance. MR BURGER SC: Did you see this document at the time? MR DA COSTA: Yes, I did see it at the time and this took place sort of in the first week, the first few days of August 2012. MR BURGER SC: It says on page 1, "The company has a two-year wage agreement. According to this agreement the company will pay wage increases ranging from 8% to 10% in October 2012. Wage negotiations will therefore only take place in 2013." Was that correct? MR DA COSTA: That's correct, yes. MR BURGER SC: And if you just read the next sentence for us to get the drift of the document? MR DA COSTA: Okay, "The implementation of the abovementioned allowances does not constitute a reopening of the wage negotiations. Any demands from any parts of the business will therefore not be tolerated." MR BURGER SC: And then over the page there is a question and answer document. Was that prepared for the benefit of the people distributing this pamphlet in order to answer possible questions which might come their way?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR DA COSTA: Yes, I do. MR BURGER SC: Mr Da Costa, in that timeframe what was the relationship between AMCU and NUM at Karee? MR DA COSTA: Well, the relationship was quite strained and I'd say adversarial. You know at that point AMCU was recruiting a lot of members and NUM on the other hand were trying to regain the members that they had lost, so there was a lot of competition between the two unions at that point and even, you know, even after the point where we had extended certain organisational rights to AMCU and AMCU then had representatives on our consultative forums and so on, it was quite difficult to get a consultative forum together where NUM and AMCU would sit in the same room around the table. It did happen on occasions, but it was very difficult to get that together, and then as the process unfolded the NUM guys actually started, well they were saying that they had a policy decision from their head office which then instructed them not to sit in the same room with AMCU. So it was actually quite difficult. It was a difficult employee relations environment from the perspective of a manager, you know, or a, where I was in my position as vice president of a fairly

		1	
	Page 30039		Page 30041
1	know, to try to get anything agreed to or, and to get	1	husband or a father or a brother in this incident, and all
2	everybody working together. It was very, very difficult	2	I can say is that we have done and we will continue to do
3	because of this strained environment.	3	as much as within our power to lessen that pain, to soften
4	MR BURGER SC: Mr Da Costa, our time is	4	that pain, and we will do whatever we can to prevent
5	up. May I conclude with the permission of the Chair with	5	anything like this happening again, and that's how we feel
6	two questions, if you keep your answers short and Lonmin-	6	from a company perspective. We lost a number of our
7	like. The first question is, did you in this whole process	7	colleagues on that day.
8	of talking to the employees, going to EXCO, reporting back	8	MR BURGER SC: Thank you, Chair.
9	to you, did you speak to AMCU and/or NUM to keep them	9	CHAIRPERSON: Yes, thank you. Mr
10	informed?	10	Budlender, I think you're going to be the first cross-
11	MR DA COSTA: I didn't speak directly to	11	examiner. Is that correct?
12	them during the initial part of the process, but my HR	12	CROSS-EXAMINATION BY MR BUDLENDER SC:
13	manager, Tumelo Nkisi did speak to representatives of the	13	[Microphone off, inaudible]. Good afternoon, Mr Da Costa.
14	two unions to keep them informed of the process. Once the	14	MR DA COSTA: Good afternoon.
15	EXCO had approved the allowance I did engage with Mr Moloi	15	MR BUDLENDER SC: I'd like you to –
16	from the NUM and with Mr Khululekile, Steve Khululekile	16	you've got the bundle of documents which we're going to
17	from AMCU, to share with them that the executive had	17	rely on and I'd like you to go first to exhibit FFF9, if
18	approved these allowances and that we were going to	18	you wouldn't mind, and in particular to the foot of page 8
19	implement them.	19	of FFF9.
20	MR BURGER SC: And my last question to	20	COMMISSIONER HEMRAJ: I'm sorry, what
21	you, which is a double-barrelled question; when did you	21	page, Mr Budlender?
22	first hear of the shooting incidents of the 16th of August	22	MR BUDLENDER SC: The foot of page 8,
23	and what was your reaction to that as a person?	22	Commissioner.
23	MR DA COSTA: Well, I first heard of it	23	COMMISSIONER HEMRAJ: Thank you.
24 25	around, it's round about 4 o'clock, or at half past 4 on	24 25	MR BUDLENDER SC: Mr Da Costa, just to
25		25	WIR BUDELINDER SC. WII Da COsta, just to
	Pago 20040		Dago 20042
1	Page 30040 the afternoon of the 16th when Tumelo Nkisi came into my	1	Page 30042 identify the document, this is the opening statement which
	the afternoon of the 16th when Tumelo Nkisi came into my	1	identify the document, this is the opening statement which
2	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this		identify the document, this is the opening statement which was made on behalf of the South African Police Service at
2 3	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot.	2 3	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the
2 3 4	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process	2 3 4	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well,
2 3 4 5	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was	2 3 4 5	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows,
2 3 4 5 6	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me.	2 3 4 5 6	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the
2 3 4 5 6 7	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that	2 3 4 5 6 7	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at
2 3 4 5 6 7 8	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge	2 3 4 5 6 7 8	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine
2 3 4 5 6 7 8 9	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to	2 3 4 5 6 7 8 9	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful
2 3 4 5 6 7 8 9 10	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a	2 3 4 5 6 7 8 9 10	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes.
2 3 4 5 6 7 8 9 10 11	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of	2 3 4 5 6 7 8 9 10 11	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and
2 3 4 5 6 7 8 9 10 11 12	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean	2 3 4 5 6 7 8 9 10 11 12	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two
2 3 4 5 6 7 8 9 10 11 12 13	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was	2 3 4 5 6 7 8 9 10 11 12 13	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior
2 3 4 5 6 7 8 9 10 11 12 13 14	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the	2 3 4 5 6 7 8 9 10 11 12 13 14	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management
2 3 4 5 6 7 8 9 10 11 12 13 14 15	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my	2 3 4 5 6 7 8 9 10 11 12 13 14 15	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it was just too difficult to believe, bit when the reality set	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police Service ever ask you to engage in discussion with the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it was just too difficult to believe, bit when the reality set in I was really saddened that these events had overtaken	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, l'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police Service ever ask you to engage in discussion with the strikers?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it was just too difficult to believe, bit when the reality set in I was really saddened that these events had overtaken all of us and ended up in such a terrible tragedy, and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police Service ever ask you to engage in discussion with the strikers? MR DA COSTA: No. No, they didn't. I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it was just too difficult to believe, bit when the reality set in I was really saddened that these events had overtaken all of us and ended up in such a terrible tragedy, and having said that I can only imagine, or I can't imagine the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, l'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police Service ever ask you to engage in discussion with the strikers?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the afternoon of the 16th when Tumelo Nkisi came into my office and said to me that there had been this confrontation at the koppie and people had been shot. Well, you know, if I think back when this whole process started, when the unprotected strike action started, I was quite shocked and aghast at what was going on around me. To begin with the level of violence and intimidation that was going on to prevent people from attempting to discharge their responsibilities and to prevent people from coming to work was just unbelievable, you know, to the extent that a number of our colleagues lost their lives, many more of them were assaulted and suffered severe injuries. I mean that in itself was traumatic, but at that point it was inconceivable that the situation could escalate to the point where the events of that afternoon transpired. In my wildest imagination I would not have expected something like that to happen. You know when you think back, to think that so many of my people lost their lives in that way, it was really, it stunned me, and you know, when the – first it was just too difficult to believe, bit when the reality set in I was really saddened that these events had overtaken all of us and ended up in such a terrible tragedy, and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	identify the document, this is the opening statement which was made on behalf of the South African Police Service at the commencement of this Commission, and you'll see at the foot of page 8 in paragraph 22, the very last – well, paragraph 22, I'll read it, the statement says as follows, "Specifically the police service" – or let me start at the beginning of paragraph 22. "You will hear evidence that at various stages the police service tried to encourage mine management and labour representatives to engage in peaceful negotiations without involving itself in labour disputes. Specifically the police service tried to persuade AMCU and NUM to address differences and tensions between the two unions." And then this sentence in particular, "Senior police officers also made efforts to get Lonmin management to address workers but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." You see that? MR DA COSTA: Yes, I see that. MR BUDLENDER SC: Now what I wanted to ask you is this; did anyone from the South African Police Service ever ask you to engage in discussion with the strikers? MR DA COSTA: No. No, they didn't. I

		1	
	Page 30043		Page 30045
1	MR BUDLENDER SC: Do you know whether the	1	Division. Is that correct?
2	South African Police Service asked anyone else in Lonmin	2	MR DA COSTA: That's correct.
3	management to engage in negotiations or discussions with	3	CHAIRPERSON: And the police JOC was
4	the strikers?	4	later established fairly close to that.
5	MR DA COSTA: I'm not sure about that,	5	MR DA COSTA: It was fairly close to
6	no.	6	that, the facility at Western Platinum, yes.
7	MR BUDLENDER SC: Well, if such a request	7	CHAIRPERSON: And that's where the
8	had been made by the SAPS, do you think it's likely that it	8	miners, or the strikers went on the 10th to, in an endeavour
9	would have come to your attention either at that stage or	9	to persuade management to give them the increase they asked
10	subsequently?	10	for. Is that correct?
11	MR DA COSTA: Ja look, as I say at the	11	MR DA COSTA: Yes, they went to Lonmin
12	time I wasn't aware that those discussions were taking	12	Platinum Division offices. On that particular day I was in
13	place. Afterwards I have heard that those discussions, or	13	the offices, so I did go to those offices from time to time
14	that those requests were made from some, from some South	14	during the strike period, but most of the time I was based
15	African Police Services members to our management.	15	out at the Karee Operations.
16	MR BUDLENDER SC: And to whom in your	16	CHAIRPERSON: Were you present at the, I
17	management were those requests made by the South African	17	think it's called the LPD, the Lonmin Platinum Division
18	Police Service? What have you heard?	18	offices, were you present there on the 10th of August when
19	MR DA COSTA: I believe it was to Mr	19	this group of strikers came and demanded to, or requested
20	Barnard Mokwena.	20	an opportunity to speak to management about their demand
21	MR BUDLENDER SC: And is what you – we'll	21	for 12 500?
22	have to check with Mr Mokwena, but is it your understanding	22	MR DA COSTA: Yes, I was there.
23	that police officers made efforts to get Lonmin management	23	MR BUDLENDER SC: Alright, can I then
24	to address the workers? Which I think refers to the	24	move to a further document with which I hope you've been
25	strikers on the koppie.	25	briefed, and that is the transcript of day 36 of the
	Page 30044		Page 30046
1	MR DA COSTA: I know there were various	1	proceedings of this Commission. You've been given an
2	discussions taking place between the South African Police	2	extract from the transcript of day 36. You have that? I'm
3	and union leaders and our management.	3	sorry, you won't have been given that. You're looking
4	MR BUDLENDER SC: Alright, I won't pursue	4	puzzled and you're puzzled for good reason. My error.
5	that with you. You have no personal knowledge of it?	5	Could we have that on the screen, please, day 36, page
6	MR DA COSTA: No, I have no personal	6	3875.
7	knowledge of it.	7	[14:10] Is there a difficulty with the transcript?
8	MR BUDLENDER SC: Alright.	8	What's the problem? I understand, Chair, there's a
9	COMMISSIONER HEMRAJ: Are you saying –	9	difficulty with the transcript which the technical people
10	I'm sorry to interrupt you. Are you saying that you were	10	are using. We're giving them another copy so that they can
11	not even familiar with responses given by the various	11	use that.
12	persons from Lonmin that interacted with the police?	12	CHAIRPERSON: Alright. Well, I take it
13	MR DA COSTA: Ja, I wasn't involved in	13	that it will be on the screen quite soon.
14	that process, so I wouldn't know, I wouldn't know for sure	14	MR BUDLENDER SC: I hope so, Chair.
15	what was said.	15	CHAIRPERSON: While we're waiting, to go
16	COMMISSIONER HEMRAJ: And you never	16	back to your evidence about unwillingness or questions were
17	became aware of that at any stage prior to the 16th of	17	asked to you about the unwillingness of Lonmin to negotiate
18	August?	18	otherwise than through the ordinary structures. I see that
19	MR DA COSTA: No, not that I can recall.	19	the attitude of Lonmin in relation to the demand for 12 500
20	CHAIRPERSON: Were you based at Karee at	20	is set out in paragraph 7.3 of your statement, that you
21	the time?	21	were there on the Friday the 10th, management discussed the
22	MR DA COSTA: Yes, I was.	22	matter as you say, decided you wouldn't engage with the
23	CHAIRPERSON: And management who would	23	group because they were engaged in an illegal strike and
24	have been dealing with the police, and I presume the	24	also you viewed the matter as finalised because the EXCO
	strikers to some extent, were based at the Lonmin Platinum	25	had determined this amount for the allowance and that, as
A	RCHIVE FOR JUSTICE	L	

Marikana Commission of Inquiry

Pretoria

		Ι	
1	Page 30047	1	Page 30049
1	far as Lonmin was concerned, appears to have been the end	1	considered that. I guess we would have wanted to know how
2	of the matter, is that correct?	2	the, you know, how that sort of negotiating forum would be
3	MR DA COSTA: That is correct, Chair.	3	constituted and who would be part of that negotiating forum
4	MR BUDLENDER SC: Chair, I wonder whether	4	and so on but I think the sort of position of the company
5	in the interests of expedition I could just read the	5	at that time was that the employees were engaged in an
6	passage to the witness.	6	unprotected strike and it was our wish that everybody got
7	CHAIRPERSON: I would suggest, I was	7	back to work, come off the koppie, lay down the weapons,
8	trying to fill in and I hoped that by the time I'd asked	8	return to work and then you know had that happened I think
9	the question and got the answer we would have it on the	9	we would have been amenable to consider an approach like
10	screen but I have failed in that so you'd better read the	10	that.
11	passage.	11	MR BUDLENDER SC: Are you saying that
12	MR BUDLENDER SC: This is, Chair, from	12	your advice to Lonmin would have been don't speak to the
13	record day 36, it's page 3875 from line 21 and what's	13	strikers at all unless they lay down their weapons, come
14	happening there, Mr Da Costa, is that Mr Gcilitshana is	14	off the koppie and go back to work or would your advice
15	giving evidence and I'm asking him some questions and the	15	have been, if SAPS had made that proposal, I think we'd
16	question is put as follows at line 21, "What would have	16	better speak to some representatives of the strikers?
17	happened if on the 15th of August SAPS had got together with	17	MR DA COSTA: I think even that, if the
18	Lonmin and the NUM and the police had said the following –	18	strikers were prepared to designate a delegation to speak
19	there's a dispute around the RDO wages and it seems that it	19	to management I believe we would have spoken to them in a
20	can't be resolved through the normal collective bargaining	20	controlled environment, not out at the koppie.
21	processes, 10 people have now lost their lives. There's a	21	MR BUDLENDER SC: No, that I understand.
22	limit to the extent to which we can prevent this violence	22	Now the question is this, as we know the demand of the
23	through normal policing activities. The rock drill	23	strikers was addressed to Lonmin. They kept on saying, we
24	operators have said they will leave the koppie if the	24	want to speak to management. Why did Lonmin not take the
25	management comes and talks to them. We think that you,	25	initiative and say, we will, we are willing to speak to
20		20	
	Page 30048		Page 30050
1	Page 30048 Lonmin and NUM should agree that this dispute should be	1	Page 30050 representatives of the strikers in a controlled
1 2	5	1 2	-
	Lonmin and NUM should agree that this dispute should be		representatives of the strikers in a controlled
2	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and	2	representatives of the strikers in a controlled environment?
2 3	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's	2 3	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really
2 3 4	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As	2 3 4	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place
2 3 4 5	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we	2 3 4 5	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that
2 3 4 5 6 7	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to	2 3 4 5 6	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made.
2 3 4 5 6 7 8	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the	2 3 4 5 6 7	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made.
2 3 4 5 6 7 8 9	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would	2 3 4 5 6 7 8 9	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you
2 3 4 5 6 7 8 9 10	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the	2 3 4 5 6 7 8 9 10	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight
2 3 4 5 6 7 8 9 10 11	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid-	2 3 4 5 6 7 8 9 10 11	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for
2 3 4 5 6 7 8 9 10 11 12	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a	2 3 4 5 6 7 8 9 10 11 12	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear
2 3 4 5 6 7 8 9 10 11 12 13	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the	2 3 4 5 6 7 8 9 10 11 12 13	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a
2 3 4 5 6 7 8 9 10 11 12 13 14	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed	2 3 4 5 6 7 8 9 10 11 12 13 14	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the	2 3 4 5 6 7 8 9 10 11 12 13 14 15	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they want to speak directly to you and we think you should speak	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no suggestion in any statement by any of the Lonmin witnesses
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they want to speak directly to you and we think you should speak directly to them or their representatives, what would you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no suggestion in any statement by any of the Lonmin witnesses or any of the evidence given before this Commission that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they want to speak directly to you and we think you should speak directly to them or their representatives, what would you have advised Lonmin to do?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no suggestion in any statement by any of the Lonmin witnesses or any of the evidence given before this Commission that Lonmin ever made that proposal.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they want to speak directly to you and we think you should speak directly to them or their representatives, what would you have advised Lonmin to do? <u>MR DA COSTA</u> : I think if the proposal had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no suggestion in any statement by any of the Lonmin witnesses or any of the evidence given before this Commission that Lonmin ever made that proposal. MR DA COSTA: I wasn't in those
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Lonmin and NUM should agree that this dispute should be negotiated outside the normal collective bargaining processes. Now if the police had said that to NUM and Lonmin on let's say the 15th of August, what would NUM's attitude have been?" And Mr Gcilitshana's answer is, "As NUM, as we indicated that even beyond the shootings we agreed to sit down. I believe that we would have agreed to sit down with the company and see how can we resolve the problem as we were trying." Then the question is, "Would you have agreed to an attempt being made to resolve the dispute outside the normal bargaining processes in mid- August 2012?" And the answer is, "That's correct, as a process of trying to resolve the problem." And the question is then put, "In other words just as you agreed after the shootings, you would have agreed before the shootings?" And the answer which is given is "Yes." It's now up on the screen belatedly. Now what I wanted to ask you is this, if the SAPS had said the same to Lonmin, had said look, the situation is volatile, 10 people are dead, we think you need to – the strikers repeatedly say they want to speak directly to you and we think you should speak directly to them or their representatives, what would you have advised Lonmin to do?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	representatives of the strikers in a controlled environment? MR DA COSTA: I'm actually not sure that that didn't happen but I wasn't, you know I wasn't really party to a lot of the discussions that had taken place around those issues at the time. So I'm not 100% sure that that proposal was never made. MR BUDLENDER SC: No, it wasn't made. What I am – as far as I know – what I'm asking is can you think of any reason why Lonmin – 10 people were dead, eight of them employees of Lonmin, surely the sensible thing for Lonmin to say was, look, this is a bad situation, we hear that the strikers want to talk to us, we will talk to a group selected by them in a controlled environment. Surely that would have been the sensible thing to do, 10 deaths had already taken place. MR DA COSTA: Yes, what I'm saying is where I'm sitting here right now I'm not sure that – it is quite possible that that proposal was made. MR BUDLENDER SC: Well, there's been no suggestion in any statement by any of the Lonmin witnesses or any of the evidence given before this Commission that Lonmin ever made that proposal.

		1	
1	Page 30051	1	Page 30053
1	MR BUDLENDER SC: Well, you're – I'm	1	taking place. So let's talk, look first at the contents of
2	sorry, I didn't want to interrupt. You're an experienced	2	the discussions. Now the content of the discussions was
3	mine manager at a very senior level. Do you not think that would have been a sensible thing to do?	3	this, the RDOs made a request or a demand, that's correct
4	MR DA COSTA: It most likely would have	4	is it?
5		6	MR DA COSTA: That's correct. MR BUDLENDER SC: You debated the merits
6	been. MR BUDLENDER SC: Thank you. Now I want	_	
7	-	7	of the demand with them to some extent, saying you think
8	to turn to your discussions with the RDOs from Karee which you gave evidence about.	8	it's very unlikely EXCO will agree to this, what's more in
9 10	COMMISSIONER HEMRAJ: Just before you get	9 10	the middle of a wage cycle. MR DA COSTA: That's right.
11	to that point if you don't mind my interrupting you. Mr Da	10	0
12	Costa, apart from those who were interacting with the	12	MR BUDLENDER SC: They made it clear that strike action might take place. Well, that at least was
13	police, with who would the ultimate decision rest in the	12	the inference you drew from the discussions you had with
14	company as to what the approach would be, what the	14	them.
15	responses would be to any request from the miners or the	14	MR DA COSTA: Initially not. In fact
16	South African Police?	16	initially they said to me that they don't want to disrupt
17	MR DA COSTA: It would have been the	17	operations.
18	executive committee, you know, so generally those sorts of	18	MR BUDLENDER SC: But subsequently it
19	decisions are taken in committee. It wouldn't just be one,	19	became a concern that there might be strike action.
20	one particular person.	20	MR DA COSTA: Yes.
21	CHAIRPERSON: Who is on the executive	21	MR BUDLENDER SC: And you said that you
22	committee? Who was at that time? Was it a sub-committee?	22	would report the matter to your principals and revert to
23	MR DA COSTA: As it in names or	23	them.
24	positions?	24	MR DA COSTA: That's correct.
25	CHAIRPERSON: Well, both. Give us	25	MR BUDLENDER SC: You did report to your
		1	
	Page 30052		Page 30054
1	positions first. Was the EXCO, did it consist primarily of	1	principals and in fact you made a recommendation to your
2	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub-	2	principals and in fact you made a recommendation to your principals.
2 3	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub-committee of the board of directors of the company?	2 3	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did.
2 3 4	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there	2 3 4	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported
2 3 4 5	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief	2 3 4 5	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of
2 3 4 5 6	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer.	2 3 4 5 6	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals.
2 3 4 5 6 7	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president	2 3 4 5 6 7	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes.
2 3 4 5 6 7 8	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an	2 3 4 5 6 7 8	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what
2 3 4 5 6 7 8 9	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that	2 3 4 5 6 7 8 9	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the
2 3 4 5 6 7 8 9 10	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well.	2 3 4 5 6 7 8 9 10	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence.
2 3 4 5 6 7 8 9 10 11	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you,	2 3 4 5 6 7 8 9 10 11	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's
2 3 4 5 6 7 8 9 10	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of	2 3 4 5 6 7 8 9 10	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a
2 3 4 5 6 7 8 9 10 11 12	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you,	2 3 4 5 6 7 8 9 10 11 12	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's
2 3 4 5 6 7 8 9 10 11 12 13	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the	2 3 4 5 6 7 8 9 10 11 12 13	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill
2 3 4 5 6 7 8 9 10 11 12 13 14	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in	2 3 4 5 6 7 8 9 10 11 12 13 14	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct. MR BUDLENDER SC: Now I want to say,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance backdated from 1st of July 2012. The allowance will be a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct. MR BUDLENDER SC: Now I want to say, dealing with the question of your discussions with the RDOs	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance backdated from 1st of July 2012. The allowance will be a monthly amount of R750. This is a management decision due
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct. MR BUDLENDER SC: Now I want to say, dealing with the question of your discussions with the RDOs from Karee, as my learned friend Mr Burger said, there are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance backdated from 1st of July 2012. The allowance will be a monthly amount of R750. This is a management decision due to RDO market movement. The intention is to retain the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct. MR BUDLENDER SC: Now I want to say, dealing with the question of your discussions with the RDOs from Karee, as my learned friend Mr Burger said, there are people who criticise you for engaging in those discussions. I want to make it clear that to the extent that my opinion is relevant, I don't criticise you for doing that. I want	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance backdated from 1st of July 2012. The allowance will be a monthly amount of R750. This is a management decision due to RDO market movement. The intention is to retain the RDOs and make Lonmin competitive. The representative must
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	positions first. Was the EXCO, did it consist primarily of members of the board? Was it, in other words, a sub- committee of the board of directors of the company? MR DA COSTA: There are two board - there are two directors who sit on the EXCO, that's the chief executive officer and the chief financial officer. Together with them there is the executive vice-president for mining, the executive vice-president for processing, an executive vice-president for human resources and at that point there was a chief commercial officer as well. MR BUDLENDER SC: Perhaps I can help you, Mr Da Costa. Lonmin have provided us with the minutes of the EXCO meetings held on 28 June and 19 July and the people who are reflected as being EXCO members in attendance, Mr Ian Farmer, Mr Mark Munro, Albert Jameson, Natasha Viljoen, Barnard Mokwena, Simon Scott and Thandeka Ncube. Does that sound correct? MR DA COSTA: Yes, it's correct. MR BUDLENDER SC: Now I want to say, dealing with the question of your discussions with the RDOs from Karee, as my learned friend Mr Burger said, there are people who criticise you for engaging in those discussions. I want to make it clear that to the extent that my opinion	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	principals and in fact you made a recommendation to your principals. MR DA COSTA: Yes, I did. MR BUDLENDER SC: And then you reported back to the rock drill operators on the outcome of that, of the discussion with your principals. MR DA COSTA: Yes. MR BUDLENDER SC: And we can see what happened in one of the documents which is part of the Lonmin discovery before this, produced for your evidence. It's the notes on the rock drill operators' meeting, it's XXX3 page 24. Do you see that? That records, that's a note of your meeting with representatives of the rock drill operators. I'm not going to take you through all of the detail but if we just go halfway down the page, this is the meeting of the 30th of July 2012 and what you say is, management, "It was explained that the executive has approved the payment of the rock drill operators' allowance backdated from 1st of July 2012. The allowance will be a monthly amount of R750. This is a management decision due to RDO market movement. The intention is to retain the RDOs and make Lonmin competitive. The representative must communicate this allowance to the RDO in general and make

Pretoria

1	Page 30055 MR DA COSTA: Yes.	1	Page 30057 did you understand that to mean and what was to be the
2	MR BUDLENDER SC: And then the RDO	2	subject of the decision which it was said the employees
3	response is, "The RDO" – it should be "wants" – "R12 500	3	would take once they got the news that they weren't getting
4	but the reps will take the news of the allowance to the	4	12 500 but merely an allowance of 750?
5	employees who will decide." Does that correctly reflect	5	MR DA COSTA: My understanding of what
6	what happened?	6	they were telling me is that they would take this back to
7	MR DA COSTA: That's correct. This was	7	the employees, to the other rock drill operators, they
8	the meeting where I – I conveyed the executive's decision	8	would communicate it and then the employees would decide
9	to implement the allowance -	9	whether they're happy with that or not.
10	MR BUDLENDER SC: Yes.	10	CHAIRPERSON: If they weren't happy with
11	MR DA COSTA: - to the rock drill	11	it, what did you think they would decide?
12	operators and that was the last meeting that we had.	12	MR DA COSTA: I honestly wasn't quite
13	MR BUDLENDER SC: Yes. Now your initial	13	sure at that point in time because these representatives
14	recommendation to Lonmin EXCO had in fact been that the	14	said to me they, they actually want 12 500 so this doesn't
15	single rock drill operators should be paid an allowance of	15	bring them to 12 500. However, they will take it through
16	R1 000 per month, do you remember that?	16	to the other rock drill operators and then they'll decide
17	MR DA COSTA: Yes, that's correct.	17	if they're happy with that or not.
18	MR BUDLENDER SC: Now what would you have	18	CHAIRPERSON: The decision would scarcely
19	done at that meeting if, when you said you're going to get	19	be a take it or leave it decision, you know, the decision
20	R750, the rock drill operators had said we're not satisfied	20	would scarcely be, well, thank you we'll take the 750 or no
21	with that, we are going to strike but if you give us R1 000	21	thank you, we won't want the 750. If they decided not to
22	we'll reconsider? Would you have told them you'll take	22	take, not to accept the 750 as the final amount that they
23	that back to your principals?	23	were happy with then other things would follow, wouldn't
24	MR DA COSTA: No. No, I wouldn't have	24	they?
25	because this decision has been made, it was the executive's	25	MR DA COSTA: Possibly, yes.
	Page 30056		Page 30058
1	Page 30056 final position on this. I was not engaging in a process of	1	Page 30058 CHAIRPERSON: What was the most likely
1 2	0	1 2	5
	final position on this. I was not engaging in a process of		CHAIRPERSON: What was the most likely
2	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply	2	CHAIRPERSON: What was the most likely thing that would follow?
2 3	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive	2 3	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there
2 3 4	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back	2 3 4	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage.
2 3 4 5	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead –	2 3 4 5	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the
2 3 4 5 6	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the	2 3 4 5 6	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't
2 3 4 5 6 7 8 9	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation	2 3 4 5 6 7 8 9	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that,
2 3 4 5 6 7 8 9 10	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it?	2 3 4 5 6 7 8 9 10	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja.
2 3 4 5 6 7 8 9 10 11	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does.	2 3 4 5 6 7 8 9 10 11	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you.
2 3 4 5 6 7 8 9 10 11 12	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company –	2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if
2 3 4 5 6 7 8 9 10 11 12 13	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on.	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a
2 3 4 5 6 7 8 9 10 11 12 13 14	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry.	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask a question dealing with a previous point? On the screen we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately adopted was about R3 million per year. Can you remember
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask a question dealing with a previous point? On the screen we have the minutes of the meeting you had on the 30th of July	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately adopted was about R3 million per year. Can you remember that? You said it would cost about, you estimated what you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask a question dealing with a previous point? On the screen we have the minutes of the meeting you had on the 30th of July and I see the RDO section that was read, what the RDOs said	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately adopted was about R3 million per year. Can you remember that? You said it would cost about, you estimated what you proposed would cost about 32 million and ultimately what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask a question dealing with a previous point? On the screen we have the minutes of the meeting you had on the 30th of July	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately adopted was about R3 million per year. Can you remember that? You said it would cost about, you estimated what you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	final position on this. I was not engaging in a process of negotiation with the rock drill operators so I was simply giving them the feedback that had come from the executive decision. So no, I would not have agreed to take it back any further. I would have said to them this is the decision, this is what the executive has decided to implement, please go ahead – MR BUDLENDER SC: Mr Da Costa, if the rock drill operators go on strike the mining operation virtually comes to a halt, doesn't it? MR DA COSTA: Yes, it does. MR BUDLENDER SC: It costs the company – CHAIRPERSON: Mr Burger's light is on. Mr Burger? Oh, mistake, sorry. MR BUDLENDER SC: I'm sure he'll object to something in due course, Mr Chair. CHAIRPERSON: No, I'm sure he won't unless he has a good reason to do so, which you won't give him. Mr Budlender, before you ask this question can I ask a question dealing with a previous point? On the screen we have the minutes of the meeting you had on the 30th of July and I see the RDO section that was read, what the RDOs said in response to what you said was that they wanted 12 500,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: What was the most likely thing that would follow? MR DA COSTA: It was possible that there would then be a work stoppage. COMMISSIONER HEMRAJ: And what is the illegal activity that you asked them to ensure would be averted? MR DA COSTA: It was that there wouldn't be any illegal work stoppages or anything else like that, ja. COMMISSIONER HEMRAJ: Thank you. MR BUDLENDER SC: One of the – yes, if the rock drill operators go on strike the company loses a great deal of money, is that correct? MR DA COSTA: Yes, that's correct. MR BUDLENDER SC: I looked at your initial proposal of R1 000 a month and the ultimate decision of R750 a month and the cost difference between the two, between your proposal and what was ultimately adopted was about R3 million per year. Can you remember that? You said it would cost about, you estimated what you proposed would cost about 32 million and ultimately what was proposed, what was adopted was going to cost 29.6

	Page 30059		Page 30061
1	that -	1	correct?
2	MR BUDLENDER SC: It was of the order of	2	MR DA COSTA: One of my concerns is that
3	2 or 3 million rand per year.	3	there was a risk of strike action and if offering an
4	MR DA COSTA: Yes.	4	allowance could avert strike action, then that would be
5	MR BUDLENDER SC: Now if the option was a	5	sort of first prize position to be in, but the position of
6	strike or possibly avoiding it by paying another 2 or 3	6	the company was that we were not going to get into a
7	million rand a year, surely that's something you would have	7	negotiation process, so you know if this allowance didn't
8	wanted your principals to consider.	8	address the issue, well, then we would have to see where
9	MR DA COSTA: You know, I think that at	9	that progresses to and then continue.
10	this point in the process it was clear that the company's	10	MR BUDLENDER SC: Mr Da Costa, one of the
11	position was that we were not prepared to reopen the wage -	11	purposes of the allowance was to reduce any risk of strike
12	we were not prepared to reopen the wage agreement. We did	12	action, is that correct?
13	not want to get into a wage negotiation process and we were	13	MR DA COSTA: It was certainly an attempt
14	not going to negotiate this position to the backwards and	14	to avert strike action, yes.
15	forwards.	15	MR BUDLENDER SC: Yes, and the would-be
16	[14:30] MR BUDLENDER SC: Do you seriously, are	16	strikers had told you what they wanted and you had told
17	you seriously telling the Commission that if the executive	17	them what management was prepared to give them, is that
18	had known that, and this is a hypothetical situation, if	18	correct?
19	the executive had been told there is a risk of a strike for	19	MR DA COSTA: That is correct.
20	another 2 or R3 million a year we can avert it, they	20	MR BUDLENDER SC: And if they had said it
21	wouldn't have been willing even to consider it.	21	is not quite enough but it is nearly enough surely you
22	MR DA COSTA: Well, maybe they would have	22	would have gone back to your executive and said, we can
23	but you know I also got the sense from the group of people	23	avert the strike action, we can achieve our goal if we just
24	that I was talking to at this stage, you know at the end of	24	pay them for example another R250 a month, surely you would
25	July, that, I mean they never said to me that, can you make	25	have told them that. I want to put it to you that if you
1	Page 30060 the allowance more.	1	Page 30062 hadn't, - if that situation has arisen and you hadn't told
1 2	MR BUDLENDER SC: No, I'm not suggesting	2	your executive that for another 250 a month we can avert
3	that they did, I'm trying to understand what the nature was	3	strike action and as a result strike action took place, you
4	of your discussion with them and what I'm saying to you is,	4	would have been in big trouble with the company. The
5	what, a hypothetical situation, if you had known, if you	5	executive would have said, why didn't you tell us that?
6	had been told another R250 a month will avert a possible	6	MR DA COSTA: You know as I said to you
7	strike, you say you wouldn't even have reported that to	7	previously, no doubt I would tell them that but –
8	your executive for decision?	, 8	MR BUDLENDER SC: Yes –
9	MR DA COSTA: No, you see at that point I	9	MR DA COSTA: - I had no mandate to give
10	had no mandate to entertain any other approaches from the	10	any indication or make any commitment to the rock drill
11	rock drill operators.	11	operators, that that is what I would do.
12	MR BUDLENDER SC: Would you have told the	12	MR BUDLENDER SC: No, I understand that,
13	executive the workers of, the RDOs have said another R250	13	all I'm trying to, what I'm coming to is that what you were
14	will keep us happy, or would you have just kept that from	14	doing is, you were in effect communicating between the rock
15	the executive?	15	drill operators and management and vice versa. That was
16	MR DA COSTA: No, I would most likely	16	the function you were performing.
17	have told them but –	17	MR DA COSTA: Yes, I was.
18	MR BUDLENDER SC: Yes –	18	MR BUDLENDER SC: Yes, now I want you to
19	MR DA COSTA: But I wouldn't be	19	have a look at the –
20	presenting it as, you know as a position of, please	20	COMMISSIONER HEMRAJ: Sorry, before that,
21	consider this so that you can continue this negotiation	21	there is just another point. When you made the
22	process because it was not intended to be a negotiation	22	recommendation for an increase of R1,000, that was to
23	process.	23	redress the imbalance because of what Impala had granted to
24	MR BUDLENDER SC: One of the purposes of	24	their RDOs.
25	the allowance was to reduce any risk of strike action,	25	MR DA COSTA: That's right, in my mind
20			

		1	
1	Page 30063 that extra thousand Rand would put our rock drill operators	1	Page 30065
1	just ahead of Impala's.	1	answer as opposed to another.
2 3	COMMISSIONER HEMRAJ: So when it came at	2 3	MR BURGER SC: No, I don't want to put anything to lead to him and that's why I'm ambivalent in
			5 6
4	7:50 it hadn't quite redressed that imbalance? MR DA COSTA: I can't remember 100% and	4	what I put, but –
5	the tables are in here, but it brought our rock drill	5	CHAIRPERSON: Well, I've indicated I
6	Ū.	6	haven't got a problem with what you've done.
7	operators very close to parity with Impala, I think. I can't remember.	7	MR BUDLENDER SC: Now I understand – MR DA COSTA: I'm sorry, I'm sorry.
8 9	CHAIRPERSON: But it wasn't quite up to	8	<u> </u>
9 10	parity or was it? Am I right, it wasn't quite up to	9 10	Okay, when you look at the – CHAIRPERSON: - you looked at both
11	parity of was it? An ingit, it was it quite up to	11	CHAIRPERSON: - you looked at both tables, well, my machine wasn't on, now we've got them.
12	MR DA COSTA: Yes, it wasn't quite up to	12	MR DA COSTA: Yes, so at that current
12			
14	parity, yes. CHAIRPERSON: And the whole purpose	13 14	time, if we compared our rock drill operator's total package to Impala's before the Impala increase, so that
15 16	surely of paying the allowance is because it was appreciated that the mineworkers would have known what had	15 16	would have been, (a), the R750 rock drill operator allowance would have put us ahead of Impala, but just at
17	happened at Impala and Amplats.	10	that time Impala also then increased their rock drill
18	MR DA COSTA: Yes, so –	18	operator allowances quite significantly or their rock drill
19	CHAIRPERSON: Am I correct?	10	operator remuneration quite significantly, so we would
20	MR DA COSTA: It was certainly intended	20	still, you know the R750 would still have set us a little
21	to close the gap.	21	behind Impala, but I must take it that the Executive
22	CHAIRPERSON: Ja, - no, no, no, no, the	22	Committee was comfortable with the fact that they were
23	mineworkers would have known that their colleagues at	23	closing the gap, even if they didn't close the gap
24	Impala and their colleagues at Anglo Platinum had got more	24	completely.
25	than what they were being offered, they would have known	25	CHAIRPERSON: I want to ask you another
			-
	Page 30064		Page 30066
1	that, wouldn't they, and the whole purpose was to make it,	1	question, the minute it was up of the meeting you had on
2	as you say to make it competitive because otherwise if	2	the 30th of July which contained this expression that the
3	people are getting more money elsewhere they will go	3	mineworkers would decide after they were told that they
4	elsewhere and I take it just as you people knew what was	4	weren't getting the R12,500 but only getting 750, was that
5	happening on the management side of Impala and Amplats	5	minute just for your own purposes or would that have gone
6	because you had, what you called the network, presumably	6	to the management and being available to Exco to see what
7	not in the same sophisticated way but the mineworkers also	7	the result of your discussions with the RDO representatives
8	would have known what was happening with their colleagues	8	was?
9	at the other two major Platinum Mines in the area, is that	9	MR DA COSTA: Ja, I wouldn't have send
10	not right?	10	that minute through to Exco but I certainly communicate it
11	MR DA COSTA: They would have had a fair	11	through to the Executive Vice President of Mines what the
12	idea, yes.	12	outcome of the meeting was.
13	CHAIRPERSON: So would it have been such	13	CHAIRPERSON: As we've heard it was a
14	a smart idea that you had to offer less than their	14	member of Exco?
15	colleagues were getting at the other two?	15	MR DA COSTA: That's correct, yes.
16	MR DA COSTA: Chair, -	16	MR BUDLENDER SC: Now, Mr Da Costa, I
17	MR BURGER SC: I don't want to interrupt	17	understand that you and your principals formulate this and
18	and I don't want to lead the witness but in fairness both	18	you take your stand on the principle that this was not an
19	the tables at page 20 and 21 should be put to him in this	19 20	amendment of the wage agreement and it was not the process
20	context, and I don't want to take it any further but in	20 21	of negotiation, because you wanted to stick to those
21	XXX3 there are two tables and what you are debating with	21 22	principles that you would not negotiate outside the
22 23	him is the table on the left hand side. CHAIRPERSON: No, that's a fair comment,	22 23	recognised channels and you would not renegotiate wages
23	I don't want to put anything to the witness which is unfair	23 24	anyway at this time, is that correct? MR DA COSTA: That's correct.
24 25	and I want information anyway, this is not seeking one	24 25	MR BUDLENDER SC: I understand that but I
	and a want internation anyway, this is not seeking one	20	
	RCHIVE FOR LUSTICE		

	Page 30067		Page 30069
1	want to put it to you that as far as your employees were	1	it into my book.
2	concerned that must have been an absolutely artificial	2	MR BUDLENDER SC: Thank you, could we
3	distinction, because what they saw was that they were	3	blow up the first four or five lines? Can we go to the
4	getting more money as a result of a process of demand,	4	left, please? Alright, you'll see there, this is now the
5	discussion, communication and decision, and while you may	5	Career RDO occurrence book, it is a Lonmin document,
6	have thought this was a very important question of	6	correct?
7	principle on which you were taking your stand, to them this	7	MR DA COSTA: Yes, it is a document from
8	must have been materially no different from a negotiation.	8	our security.
9	They made a request or a demand, you discussed the merits,	9	MR BUDLENDER SC: Yes, let's see what
10	you communicated with your principals, your principals	10	they say on the first entry, 21 July at 10 o'clock, "The
11	communicated with you and on behalf of them, you	11	RDO's first illegal march to the general office, Karee.
12	communicated with the rock drill operators and you gave	12	The first demand made for an increase from R5,400 to
13	them a decision. Now from their point of view what's the	13	R12,500. Negotiations between VP Mike da Costa and Semelo
14	difference? Do you think, did you think the rock drill	14	Mkhise and two reps from the RDOs, demand rejected at Exco
15	operators draw a critical distinction between cash which	15	level, threat, strike action." Now what that tells me is
16	comes and is called an allowance and cash which comes and	16	the following, the person who made that entry thought that
17	is called a wage, do you think that matters to them?	17	these were negotiations?
18	MR DA COSTA: I think they did understand	18	MR DA COSTA: Yes.
19	the difference in that, you know whether it comes as an	19	MR BUDLENDER SC: And that person didn't
20	increase to the basic wages it brings some other increases	20	draw the distinction between wages, allowances,
21	along, whether in terms of some of the other allowances and	21	negotiations, unilateral action, that's what, colloquially
22	so on, this is just an allowance on top of the basic wage.	22	what it means, isn't it?
23	MR BUDLENDER SC: Are you suggesting that	23	MR DA COSTA: The person who made this
24	if Lonmin had given an allowance which made up the	24	entry clearly didn't draw that distinction.
25	difference between the basic wage and R12,500 the rock	25	MR BUDLENDER SC: Yes.
1	Page 30068 drill operators would have said, hand op, po, we don't want	1	Page 30070
1	drill operators would have said, hang on, no, we don't want	1	CHAIRPERSON: NUM don't appear to have
2	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or	2	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the
	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased,	2 3	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth
2 3 4	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose?	2 3 4	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen.
2 3 4 5	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter.	2 3 4 5	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that
2 3 4 5 6	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes.	2 3 4 5 6	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations."
2 3 4 5 6 7	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked	2 3 4 5	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that.
2 3 4 5 6	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me,	2 3 4 5 6 7	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person who
2 3 4 5 6 7 8	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know	2 3 4 5 6 7 8	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that.
2 3 4 5 6 7 8 9	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage	2 3 4 5 6 7 8 9	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUM
2 3 4 5 6 7 8 9 10	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know	2 3 4 5 6 7 8 9 10	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too.
2 3 4 5 6 7 8 9 10 11	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would	2 3 4 5 6 7 8 9 10 11	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUMapparently who saw it that way too.MR BUDLENDER SC:I want to put it to
2 3 4 5 6 7 8 9 10 11 12	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations,	2 3 4 5 6 7 8 9 10 11 12	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations
2 3 4 5 6 7 8 9 10 11 12 13	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUMapparently who saw it that way too.MR BUDLENDER SC:I want to put it toyou, Mr Da Costa, that the distinction between negotiationsand unilateral decisions and the distinction between wages
2 3 4 5 6 7 8 9 10 11 12 13 14	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUMapparently who saw it that way too.MR BUDLENDER SC:I want to put it toyou, Mr Da Costa, that the distinction between negotiationsand unilateral decisions and the distinction between wagesand allowances may be important as a matter of theoretical
2 3 4 5 6 7 8 9 10 11 12 13 14 15	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUMapparently who saw it that way too.MR BUDLENDER SC:I want to put it toyou, Mr Da Costa, that the distinction between negotiationsand unilateral decisions and the distinction between wagesand allowances may be important as a matter of theoreticalprinciple or a practical principle to Lonmin but it is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees. MR DA COSTA: No, I'm not sure if I'm in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your bundle is the Career RDO occurrence book, 933, it is a new exhibit. It will be XXX4, Chair. CHAIRPERSON: [Indistinct]?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees. MR DA COSTA: No, I'm not sure if I'm in a position to comment on that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your bundle is the Career RDO occurrence book, 933, it is a new exhibit. It will be XXX4, Chair. CHAIRPERSON: [Indistinct]? MR BUDLENDER SC: It is called "Career	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees. MR DA COSTA: No, I'm not sure if I'm in a position to comment on that. MR BUDLENDER SC: Well, the relevance of the question is this, that Lonmin takes a stand on the basis that it says, oh, no, we never entered into
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your bundle is the Career RDO occurrence book, 933, it is a new exhibit. It will be XXX4, Chair. CHAIRPERSON: [Indistinct]? MR BUDLENDER SC: It is called "Career RDO OB 933" and it is page 216 of the Lonmin phase 1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees. MR DA COSTA: No, I'm not sure if I'm in a position to comment on that. MR BUDLENDER SC: Well, the relevance of the question is this, that Lonmin takes a stand on the basis that it says, oh, no, we never entered into negotiations, we just made a unilateral decision. Oh, no,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your bundle is the Career RDO occurrence book, 933, it is a new exhibit. It will be XXX4, Chair. CHAIRPERSON: [Indistinct]? MR BUDLENDER SC: It is called "Career RDO OB 933" and it is page 216 of the Lonmin phase 1 discovery.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON:NUM don't appear to havedrawn that distinction either, because if you look at theentry for the 23rd of July, what do we see in the fourthline? We need more to the right than is on the screen.NUM, - your answer, AMCU informed and NUM not happy thatthey were not involved in the negotiations."MR DA COSTA:Yes, I see that.CHAIRPERSON:So the only person whocompiled the security occurrence book was also NUMapparently who saw it that way too.MR BUDLENDER SC:I want to put it toyou, Mr Da Costa, that the distinction between negotiationsand unilateral decisions and the distinction between wagesand allowances may be important as a matter of theoreticalprinciple or a practical principle to Lonmin but it isactually entirely artificial from the point of view of theemployees.MR BUDLENDER SC:Well, the relevance ofthe question is this, that Lonmin takes a stand on thebasis that it says, oh, no, we never entered intonegotiations, we just made a unilateral decision. Oh, no,we never discussed wages, we just discussed an allowance,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	drill operators would have said, hang on, no, we don't want an allowance, we want a wage, we want a wage increase, or do you think they would have said, we're very pleased, thank you very much, we've achieved our purpose? MR DA COSTA: No, most likely the latter. MR BUDLENDER SC: Yes. CHAIRPERSON: In fact when they walked out of the meeting someone had come out and said, tell me, have you been engaged in wage negotiations, you know someone from the unions, have you been engaged in wage negotiations with management or what, surely they would have said, yes, or no, no, no, these aren't negotiations, these are something else, these are just talks about an allowance, I mean surely that kind of distinction wouldn't have appealed to their minds, would it? MR DA COSTA: No, I'm really not sure. MR BUDLENDER SC: Well, let me take you to a document, have a look at, one of the documents in your bundle is the Career RDO occurrence book, 933, it is a new exhibit. It will be XXX4, Chair. CHAIRPERSON: [Indistinct]? MR BUDLENDER SC: It is called "Career RDO OB 933" and it is page 216 of the Lonmin phase 1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: NUM don't appear to have drawn that distinction either, because if you look at the entry for the 23rd of July, what do we see in the fourth line? We need more to the right than is on the screen. NUM, - your answer, AMCU informed and NUM not happy that they were not involved in the negotiations." MR DA COSTA: Yes, I see that. CHAIRPERSON: So the only person who compiled the security occurrence book was also NUM apparently who saw it that way too. MR BUDLENDER SC: I want to put it to you, Mr Da Costa, that the distinction between negotiations and unilateral decisions and the distinction between wages and allowances may be important as a matter of theoretical principle or a practical principle to Lonmin but it is actually entirely artificial from the point of view of the employees. MR DA COSTA: No, I'm not sure if I'm in a position to comment on that. MR BUDLENDER SC: Well, the relevance of the question is this, that Lonmin takes a stand on the basis that it says, oh, no, we never entered into negotiations, we just made a unilateral decision. Oh, no,

Marikana Commission of Inquiry

Pretoria

	Page 30071		Page 30073
1	artificial distinction which has no meaning in the real	1	operators have issues related to their bonuses, they have
2	world. Would you like to comment on that?	2	issues related to, particularly the one, the rock drill
3	CHAIRPERSON: What is your answer, Mr Da	3	operators at Karee often had issues related to wanting a
4	Costa?	4	systems, that sort of thing. So I wasn't quite sure what
5	MR DA COSTA: That may well be, but you	5	they wanted to speak to me about when they first arrived.
6	know I'm not seeing it from the perspective of the general	6	MR BUDLENDER SC: And, sorry?
7	employees out there.	7	MR DA COSTA: I mean that was one of the
8	MR BUDLENDER SC: Let me move on. I want	8	reasons why I asked for the representatives to come into my
9	to look at some of the reasons why you then chose to engage	9	office in the first place, was to establish what the issue
, 10	directly with the representative of the RDO from Karee and	10	was.
11	again I say this was not to criticise your decision to do	11	MR BUDLENDER SC: Yes, and when you found
12	so, but just to understand the reasons. These are all	12	out what the issue was you had no, you really had no
12	reasons drawn from the transcripts in cross-examination.	13	option, you had to talk to them.
	Firstly, the workers concerned did not want to work through	14	MR DA COSTA: Yes, I had to talk to them.
14 15	· · · · · · · · · · · · · · · · · · ·	14	
15	the NUM, that was one of the reasons, wasn't it?		
16	MR DA COSTA: Well, they weren't	16	correct?
17	specifically about the NUM, they said that they did not	17	MR DA COSTA: Correct.
18	want union involvement in the process.	18	MR BUDLENDER SC: Now let's look at those
19	MR BUDLENDER SC: Yes, they didn't want	19	reasons again now through the lens of mid August 2012.
20	to work through the established channels for negotiation,	20	[14:50] There are strikers on the koppie, they're
21	is that correct?	21	demanding a substantial wage increase and they say we want
22	MR DA COSTA: Yes, I mean said that they	22	to talk to management. Now the first reason we looked at
23	weren't going to involve unions in this.	23	was that the workers concerned didn't want to work through
24	MR BUDLENDER SC: In other words they	24	the NUM or through the established negotiating channels.
25	weren't willing to work through the established channels	25	That was also the case in mid-August 2012, wasn't it?
1	Page 30072	1	Page 30074
1	for negotiation wages, is that not correct, that's why they	1	MR DA COSTA: Yes, it was.
2	for negotiation wages, is that not correct, that's why they came to you?	2	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second
	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to	2 3	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these
2 3 4	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any	2 3 4	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in
2 3 4 5	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions.	2 3 4 5	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike.
2 3 4 5 6	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly,	2 3 4 5 6	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes.
2 3 4 5 6 7	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not	2 3 4 5 6 7	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike
2 3 4 5 6 7 8	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected	2 3 4 5 6 7 8	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and
2 3 4 5 6 7 8 9	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them.	2 3 4 5 6 7 8 9	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing
2 3 4 5 6 7 8 9 10	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike	2 3 4 5 6 7 8 9 10	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct?
2 3 4 5 6 7 8 9 10 11	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high.	2 3 4 5 6 7 8 9 10 11	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct.
2 3 4 5 6 7 8 9 10 11 12	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why	2 3 4 5 6 7 8 9 10 11 12	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not
2 3 4 5 6 7 8 9 10 11 12 13	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have	2 3 4 5 7 8 9 10 11 12 13	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July,
2 3 4 5 6 7 8 9 10 11 12 13 14	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation.	2 3 4 5 6 7 8 9 10 11 12 13 14	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes. MR DA COSTA: - to the rock drill
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as I said in my evidence in chief that when they first arrived	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR DA COSTA: res. MR DA COSTA: ot the rock drill operators –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as I said in my evidence in chief that when they first arrived at my office I actually did not know what they wanted to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes. MR DA COSTA: - to the rock drill operators – MR BUDLENDER SC: In middle of August -
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as I said in my evidence in chief that when they first arrived at my office I actually did not know what they wanted to speak to me about.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes. MR DA COSTA: - to the rock drill operators – MR BUDLENDER SC: In middle of August - I'm sorry. In middle of August it was much more
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as I said in my evidence in chief that when they first arrived at my office I actually did not know what they wanted to speak to me about. MR BUDLENDER SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes. MR DA COSTA: - to the rock drill operators – MR BUDLENDER SC: In middle of August - I'm sorry. In middle of August it was much more threatening.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	for negotiation wages, is that not correct, that's why they came to you? MR DA COSTA: Well, I think they came to me because they felt that they weren't going to have any success if they took the issue to the unions. MR BUDLENDER SC: Yes, indeed. Secondly, a second reason which is given is that if you had not spoken to these people there would have been unprotected strike that was the reason why you spoke to them. MR DA COSTA: The risk of a strike ensuing had I not spoken to them was pretty high. MR BUDLENDER SC: Yes, a third reason why you spoke with them is that the strike would probably have been accompanied by violence and intimidation. MR DA COSTA: Very likely if it was an unprotected strike. MR BUDLENDER SC: And a fourth, - and so therefore under the circumstances you really had no option, you had to talk to the workers. MR DA COSTA: Well, yes, I had to but as I said in my evidence in chief that when they first arrived at my office I actually did not know what they wanted to speak to me about.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR DA COSTA: Yes, it was. MR BUDLENDER SC: Secondly that, a second reason we looked at was if you hadn't spoken to these people there was a risk of an unprotected strike. Well, in mid-August 2012 there was already an unprotected strike. MR DA COSTA: Yes. MR BUDLENDER SC: Thirdly the strike would probably have been accompanied by violence and intimidation. In mid-August 2012 there was ongoing violence and intimidation. Is that correct? MR DA COSTA: That's correct. MR BUDLENDER SC: So how can one not reach the conclusion that in mid-August, as in June/July, you really had no option, you had to talk to the workers? The same reasons applied. MR DA COSTA: Ja, the same reasons applied, but the environment was somewhat different in the middle of August to what it was when I was talking to the – MR BUDLENDER SC: Yes. MR DA COSTA: - to the rock drill operators – MR BUDLENDER SC: In middle of August - I'm sorry. In middle of August it was much more

	Page 30075		Page 30077
1	was talking to the rock drill operators the environment was	1	MR DA COSTA: Yes, they were as a
2	a lot more normal than it was during the time at the middle	2	separate party, represented by some delegates, yes.
3	of August.	3	COMMISSIONER HEMRAJ: There had also –
4	MR BUDLENDER SC: Yes.	4	MR BUDLENDER SC: So I want to ask you –
5	MR DA COSTA: And when the rock drill	5	COMMISSIONER HEMRAJ: Sorry.
6	operators came down to my offices in the middle of June	6	MR BUDLENDER SC: I'm sorry.
7	they were not armed. They were not aggressive.	7	COMMISSIONER HEMRAJ: There had also to
8	MR BUDLENDER SC: Yes, that's my point.	8	be a willingness to want to talk in mid-August.
9	MR DA COSTA: They had not, there had,	9	MR DA COSTA: Ja, certainly. Like I say,
10	nobody – at that point nobody had been assaulted. So the	10	a willingness from all parties at that point in time, yes.
11	whole environment was a lot more conducive to having a	11	MR BUDLENDER SC: The strikers also
12	discussion with the people.	12	wanted to talk before the shootings, didn't they?
13	MR BUDLENDER SC: Mr Da Costa, the time	13	MR DA COSTA: Well –
14	to – if you need to talk to people when a situation is	14	MR BUDLENDER SC: That's what they said
15	peaceful, you certainly need to talk to the people when the	15	their demand was.
16	situation is not peaceful, when there's violence and when	16	MR DA COSTA: My understanding of the
17	there's been death. You're not suggesting to me that	17	demand from the strikers at the time before the shooting
18	negotiations, or the discussions are only appropriate when	18	was that the management, management or management
19	it's peaceful? It's precisely when it's violent that you	19	representatives must come to them at, on the koppie to hear
20	need to avoid further violence, you need to talk.	20	their demand. It wasn't, from what I understand and my
21	MR DA COSTA: Yes, I have no argument	21	interpretation of the situation, it wasn't a request of can
22	with that, so –	22	we get some delegates together and engage in negotiations
23	MR BUDLENDER SC: That's the point I'm	23	or discussions or whatever. It was management must come
24	trying to make –	24	out to the koppie and stand in front of us at the koppie
25	MR DA COSTA: It's just that under, when	25	and hear our demand.
	Page 30076		Page 30078
1	Page 30076 things are volatile and violent and so on you need to at	1	MR BUDLENDER SC: I've got two responses
1 2	-	1 2	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly,
	things are volatile and violent and so on you need to at		MR BUDLENDER SC: I've got two responses
2 3 4	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion.	2 3 4	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled
2 3	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with	2 3	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the
2 3 4	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you	2 3 4	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin?
2 3 4 5	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly	2 3 4 5	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company
2 3 4 5 6	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people	2 3 4 5 6	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in
2 3 4 5 6 7	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly	2 3 4 5 6 7 8 9	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the –
2 3 4 5 6 7 8	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse.	2 3 4 5 6 7 8	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce?
2 3 4 5 6 7 8 9	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so.	2 3 4 5 6 7 8 9	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce.
2 3 4 5 6 7 8 9 10	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin	2 3 4 5 6 7 8 9 10	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM?
2 3 4 5 6 7 8 9 10 11	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of	2 3 4 5 6 7 8 9 10 11	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce.
2 3 4 5 6 7 8 9 10 11 12	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin	2 3 4 5 6 7 8 9 10 11 12	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM?
2 3 4 5 6 7 8 9 10 11 12 13	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of	2 3 4 5 6 7 8 9 10 11 12 13	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at
2 3 4 5 6 7 8 9 10 11 12 13 14	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers. MR BUDLENDER SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or discussions, whatever you call them, would have been about
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers. MR BUDLENDER SC: Yes. MR DA COSTA: But also involved the other role players in the impasse.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or discussions, whatever you call them, would have been about
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers. MR BUDLENDER SC: Yes. MR DA COSTA: But also involved the other role players in the impasse. CHAIRPERSON: Yes, but the non-unionised	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or discussions, whatever you call them, would have been about remuneration, the quantum of remuneration. So the established structure would have been negotiation with NUM. MR DA COSTA: Yes, it would have been.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers. MR BUDLENDER SC: Yes. MR BUDLENDER SC: Yes. MR DA COSTA: But also involved the other role players in the impasse. CHAIRPERSON: Yes, but the non-unionised people, or the people who weren't going through the unions,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or discussions, whatever you call them, would have been about remuneration, the quantum of remuneration. So the established structure would have been negotiation with NUM.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	things are volatile and violent and so on you need to at least be able to establish some sort of controlled environment where that is conducive to having such discussion. MR BUDLENDER SC: I don't disagree with that. What I'm suggesting to you is that if it was, if you had no option but to talk in June/July 2012, you certainly had no option but to talk in mid-August 2012 when 10 people were dead and when the situation was very threatening and likely to get worse. MR DA COSTA: That may be so. MR BUDLENDER SC: Yes, and in fact Lonmin finally recognised that after the shootings of the 16th of August when it did engage in discussions directly with representatives of the strikers. MR DA COSTA: That's correct. I mean those discussions were directly with representatives of the strikers. MR BUDLENDER SC: Yes. MR DA COSTA: But also involved the other role players in the impasse. CHAIRPERSON: Yes, but the non-unionised	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR BUDLENDER SC: I've got two responses to that, or two questions to that, Mr Da Costa. Firstly, did Lonmin ever say to the strikers we will talk to you, but we will talk to your representatives in a controlled environment, not here where we're under threat at the koppie? Was that offer ever made by Lonmin? MR DA COSTA: The position of the company at that point was that we were prepared to engage in discussions with the recognised representatives of the – MR BUDLENDER SC: Of the whole workforce? MR DA COSTA: Of the workforce. CHAIRPERSON: Which meant NUM? MR DA COSTA: It would have been NUM at that stage, yes. CHAIRPERSON: It was about remuneration, so it would have been through NUM. MR DA COSTA: Sorry, Chair? CHAIRPERSON: I say the negotiations or discussions, whatever you call them, would have been about remuneration, the quantum of remuneration. So the established structure would have been negotiation with NUM. MR DA COSTA: Yes, it would have been.

	Page 30079		Page 30081
1	through the union, didn't want to go, which meant they	1	strikers was the consequence of a rigid adherence to the
2	didn't want to go through NUM. Is that right?	2	principle of speaking to them only through NUM and this
3	MR DA COSTA: Yes, that's correct.	3	refusal was a mistake which had tragic consequences. Would
4	CHAIRPERSON: Did you know why they	4	you like to comment on that?
5	didn't want to go through NUM?	5	MR DA COSTA: Ja, I don't think the
6	MR DA COSTA: They weren't specific about	6	refusal was only because of rigid, was because of a rigid
7	that, no. I, and I did ask them. In fact I'm wrong. When	7	stance.
8	I asked them why they didn't want the unions involved, what	8	CHAIRPERSON: It may not only have been
9	they said to me at that stage was, "This is a rock drill	9	because of it, but was it one of the reasons?
10	operator issue and in fact it's a Karee rock drill operator	10	MR DA COSTA: Well, as I – I think the
11	issue, it's not an entire Lonmin issue, so therefore the	11	company wanted to stay within the organised structure that
12	unions have no place in this discussion, it's our	12	was in place, but the other issue was certainly that we
13	discussion with you as rock drill operators."	13	wouldn't send somebody out to the koppie in that
14	MR BUDLENDER SC: Chair, I'll come back	14	uncontrolled volatile situation where the people there were
15	to that a bit later, if I may, just to finish of this point	15	quite aggressive and confrontational. It would have been
16	first. The reason Lonmin gave for not talking to	16	irresponsible to send an executive out there when the risks
17	representatives of the strikers was not that it was unsafe	17	were so high.
18	at the koppie, it was that as a matter of principle they	18	MR BUDLENDER SC: You used the word
19	would speak to the strikers only through the recognised	19	"irresponsible." I'm afraid I'm driven to use it myself.
20	representatives, i.e. NUM. Is that correct?	20	Was it not irresponsible to refuse to talk to the
21	MR DA COSTA: No, it wasn't just that.	21	representatives of the strikers at all even in a controlled
22	The position of Lonmin management was that they could not	22	environment?
23	go out to the koppie because you know, having assessed the	23	MR DA COSTA: But at no point was – well,
24	risks of sending a management person or executive out to	24	again I wasn't close enough to the situation but my
25	the koppie at that point, that the risks of something going	25	understanding is that at no point was there a delegation
	······································		
	Page 30080		Page 30082
1	Page 30080 bad were extremely high –	1	Page 30082 put forward that, you know, that there are these
1 2		1 2	
	bad were extremely high –		put forward that, you know, that there are these
2	bad were extremely high – MR BUDLENDER SC: I understand that –	2	put forward that, you know, that there are these representatives of the strikers who have been elected to
2 3	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to	2 3	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware
2 3 4	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk.	2 3 4	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th.
2 3 4 5	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me	2 3 4 5	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never
2 3 4 5 6	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are	2 3 4 5 6	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your
2 3 4 5 6 7	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as	2 3 4 5 6 7	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then
2 3 4 5 6 7 8	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was	2 3 4 5 6 7 8	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently
2 3 4 5 6 7 8 9	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers?	2 3 4 5 6 7 8 9	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position.
2 3 4 5 6 7 8 9 10	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only	2 3 4 5 6 7 8 9 10	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding.
2 3 4 5 6 7 8 9 10 11	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down	2 3 4 5 6 7 8 9 10 11	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps
2 3 4 5 6 7 8 9 10 11 12	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work,	2 3 4 5 6 7 8 9 10 11 12	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time.
2 3 4 5 6 7 8 9 10 11 12 13	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised	2 3 4 5 6 7 8 9 10 11 12 13	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes.
2 3 4 5 6 7 8 9 10 11 12 13 14	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures.	2 3 4 5 6 7 8 9 10 11 12 13 14	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES]
2 3 4 5 6 7 8 9 10 11 12 13 14 15	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes. CHAIRPERSON: Now Mr Budlender, I was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender. CROSS-EXAMINATION BY MR BUDLENDER SC (CONTD.):
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes. CHAIRPERSON: Now Mr Budlender, I was proposing to take the tea adjournment at some stage now,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender. CROSS-EXAMINATION BY MR BUDLENDER SC (CONTD.): Mr Da Costa, by the 16th of August 2012 four of Lonmin's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes. CHAIRPERSON: Now Mr Budlender, I was proposing to take the tea adjournment at some stage now, but when it's convenient for you please let me know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender. CROSS-EXAMINATION BY MR BUDLENDER SC (CONTD.): Mr Da Costa, by the 16th of August 2012 four of Lonmin's employees had been killed, each for either doing his job or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes. CHAIRPERSON: Now Mr Budlender, I was proposing to take the tea adjournment at some stage now, but when it's convenient for you please let me know. MR BUDLENDER SC: Thank you, Chair.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender. CROSS-EXAMINATION BY MR BUDLENDER SC (CONTD.): Mr Da Costa, by the 16th of August 2012 four of Lonmin's employees had been killed, each for either doing his job or just for going to work – Mr Fundi, Mr Mabelane, Mr Madibe
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	bad were extremely high – MR BUDLENDER SC: I understand that – MR DA COSTA: So they weren't prepared to take that risk. MR BUDLENDER SC: I asked you, and let me ask you again; did Lonmin ever say to the strikers we are willing to talk to your representatives chosen by you, as long as it is in a safe and controlled environment? Was that offer ever made to the strikers? MR DA COSTA: As far as I know the only offer that was made to the strikers was please lay down your weapons, come off the koppie, get people back to work, and then we can discuss these issues in organised structures. MR BUDLENDER SC: Through NUM. MR DA COSTA: It would have been through NUM, yes. MR BUDLENDER SC: Yes. CHAIRPERSON: Now Mr Budlender, I was proposing to take the tea adjournment at some stage now, but when it's convenient for you please let me know. MR BUDLENDER SC: Thank you, Chair. Well, I want to put it to you for comment because	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	put forward that, you know, that there are these representatives of the strikers who have been elected to meet with management, let's have a meeting. I'm not aware that that ever happened before the 16th. MR BUDLENDER SC: And Lonmin never suggested it. All they said repeatedly was lay down your weapons, come down off the koppie, go back to work and then we will talk to you through NUM. That was consistently Lonmin's position. MR DA COSTA: That's my understanding. MR BUDLENDER SC: Yes. Chair, perhaps this might be a convenient time. CHAIRPERSON: We adjourn for 15 minutes. [COMMISSION ADJOURNS COMMISSION RESUMES] [15:18] CHAIRPERSON: The Commission resumes. Mr Da Costa, you're still under oath. MICHAEL GOMES DA COSTA: Yes, Chair. CHAIRPERSON: Mr Budlender. CROSS-EXAMINATION BY MR BUDLENDER SC (CONTD.): Mr Da Costa, by the 16th of August 2012 four of Lonmin's employees had been killed, each for either doing his job or just for going to work – Mr Fundi, Mr Mabelane, Mr Madibe and Mr Langa. All of them had been killed and each of

Marikana Commission of Inquiry

	Page 30083		Page 30085
1	right, isn't it?	1	own delegation which is that delegation of the strikers,
2	MR DA COSTA: Yes, that's right.	2	not a recognised entity, it's just workers forming
3	MR BUDLENDER SC: And as far as you were	3	delegations. So it's where we then, then we said, and then
4	concerned, or as far as - I don't mean, when I say "you" I	4	to come closer to your question, AMCU never influenced
5	don't mean you personally. As far as Lonmin knew the	5	anything. They signed on their behalf. They got the
6	killings had probably been by some of the strikers.	6	mandate on their own from the mountain. So we just had a
7	MR DA COSTA: Yes, it certainly seemed	7	seat there."
8	that way, yes.	8	CHAIRPERSON: I take it that "they"
9	MR BUDLENDER SC: Yes. A further	9	refers to the workers who were the delegation, not AMCU.
10	employee, Mr Twala, had been killed at the koppie.	10	MR BUDLENDER SC: Yes.
11	MR DA COSTA: Yes, that's right.	11	CHAIRPERSON: Is that right?
12	MR BUDLENDER SC: Three more employees	12	MR BUDLENDER SC: It seems to be. And
13	had been killed in a clash with the SAPS on the 13th.	13	then Mr Burger explains what Lonmin's position was, or is.
14	MR DA COSTA: That's correct.	14	He says, "Mr Mathunjwa, that was a different situation. 34
15	MR BUDLENDER SC: Two members of the SAPS	15	people had been killed and NUM had by then agreed that
16	had been killed in the same clash.	16	there would be a negotiation in order to obtain peace at
17	MR DA COSTA: Yes, that's correct.	17	Lonmin. That was after the tragedy. This was before the
18	MR BUDLENDER SC: So 10 people were dead,	18	tragedy, you're trying to avoid it here." So just to clear
19	right?	19	one piece of undergrowth; we've agreed I think that Lonmin
20	MR DA COSTA: Yes.	20	never said to NUM we think we should go and speak directly
21	MR BUDLENDER SC: And Lonmin's position	21	to the strikers. That was never proposed by Lonmin.
22	was that it would talk to the strikers only through the	22	MR DA COSTA: Not that I'm aware, no.
23	recognised channels, in other words through NUM. Is that	23	MR BUDLENDER SC: Right, so what had
24	correct?	24	happened was that this was now a different situation
25	MR DA COSTA: That was the position at	25	because 34 people had been killed. What it amounts to is
		Î	
	Page 30084		Page 30086
1	the time, yes. That –	1	this; the death of 10 people - eight employees and two
2	the time, yes. That – MR BUDLENDER SC: Yes.	2	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not
2 3	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk	2 3	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that
2 3 4	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes.	2 3 4	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct?
2 3 4 5	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the	2 3 4 5	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak
2 3 4 5 6	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin	2 3 4 5 6	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no.
2 3 4 5 6 7	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly	2 3 4 5 6 7	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring
2 3 4 5 6 7 8	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that	2 3 4 5 6 7 8	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the
2 3 4 5 6 7 8 9	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct?	2 3 4 5 6 7 8 9	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths.
2 3 4 5 6 7 8 9 10	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then	2 3 4 5 6 7 8 9 10	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's
2 3 4 5 6 7 8 9 10 11	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes.	2 3 4 5 6 7 8 9 10 11	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that
2 3 4 5 6 7 8 9 10 11 12	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to	2 3 4 5 6 7 8 9 10 11 12	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the
2 3 4 5 6 7 8 9 10 11 12 13	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript	2 3 4 5 6 7 8 9 10 11 12 13	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the
2 3 4 5 6 7 8 9 10 11 12 13 14	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582.	2 3 4 5 6 7 8 9 10 11 12 13 14	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross-	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I beg your pardon, of AMCU; somebody's going to be angry with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I beg your pardon, of AMCU; somebody's going to be angry with me for saying that. Mr Mathunjwa of AMCU is being cross-	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation." He's talking about what happened before the 16th. "That was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I beg your pardon, of AMCU; somebody's going to be angry with me for saying that. Mr Mathunjwa of AMCU is being cross- examined by my learned friend Mr Burger on behalf of Lonmin	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation." He's talking about what happened before the 16th. "That was a different situation. 34 people had been killed and NUM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I beg your pardon, of AMCU; somebody's going to be angry with me for saying that. Mr Mathunjwa of AMCU is being cross- examined by my learned friend Mr Burger on behalf of Lonmin and Mr Mathunjwa in line 9 says, "The concluded agreements	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation." He's talking about what happened before the 16th. "That was a different situation. 34 people had been killed and NUM had by then agreed that there would be negotiations in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or 1 beg your pardon, of AMCU; somebody's going to be angry with me for saying that. Mr Mathunjwa of AMCU is being cross- examined by my learned friend Mr Burger on behalf of Lonmin and Mr Mathunjwa in line 9 says, "The concluded agreements after the shootings were the very same central forum that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation." He's talking about what happened before the 16th. "That was a different situation. 34 people had been killed and NUM had by then agreed that there would be negotiations in order to obtain peace at Lonmin. That was after the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	the time, yes. That – MR BUDLENDER SC: Yes. MR DA COSTA: - we would only talk through the recognised structures that was in place, yes. MR BUDLENDER SC: Yes, and then after the 16th of August another 34 people had been killed and Lonmin then changed its position and was willing to talk directly to the strikers, or their representatives. Is that correct? MR DA COSTA: That's correct. We then went into a mediated negotiation process, yes. MR BUDLENDER SC: Yes. I'd like you to go – well, you don't have it. Could we have the transcript of day 25, page 2582. CHAIRPERSON: Line, Mr Budlender? MR BUDLENDER SC: 2582, starting from line 9. Now there Mr Mathunjwa of NUM is being cross- examined by my learned friend Mr Burger on behalf of – or I beg your pardon, of AMCU; somebody's going to be angry with me for saying that. Mr Mathunjwa of AMCU is being cross- examined by my learned friend Mr Burger on behalf of Lonmin and Mr Mathunjwa in line 9 says, "The concluded agreements	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this; the death of 10 people - eight employees and two members of the SAPS - before the 16th of August did not cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: Well, we didn't speak directly to the strikers at that point, no. MR BUDLENDER SC: The deaths didn't bring about that Lonmin thought we must now talk directly to the strikers, those 10 deaths. CHAIRPERSON: According to Mr Burger's question the death of the 34 people was something that happened and then there were negotiations after the tragedy. He then goes on to say, "This was before the tragedy." He's talking about what happened before the 16th. Were the deaths of the 10 people not a tragedy? MR DA COSTA: I'm sorry, Chair? I didn't catch the last part. CHAIRPERSON: Let's look at Mr Burger's question. "Mr Mathunjwa, that was a different situation." He's talking about what happened before the 16th. "That was a different situation. 34 people had been killed and NUM had by then agreed that there would be negotiations in

	Page 30087		Page 30089
1	of the 10 people before the 16th not a tragedy?	1	a problem.
2	MR DA COSTA: No, I think the death of	2	MR DA COSTA: No, it didn't, but that
3	the 10 people before the strike, as I said – I mean before	3	outcry brought other people into the process who then were
4	the events of the 16th, as I said just now was quite a, it	4	able to facilitate these discussions and were able to get
5	was clearly traumatic, Chair, to be living through all of	5	the parties to shift from their positions and start talking
6	that. So it was a serious situation.	6	to each other.
7	MR BUDLENDER SC: And that's really, the	7	MR BUDLENDER SC: Are you saying that if
8	point I'm seeking to ask you is this, Mr Da Costa; those	8	outside parties had not become involved, after the 16th of
9	deaths of 10 people before the 16th of August didn't have	9	August Lonmin still wouldn't have talked directly to the
10	the result that Lonmin felt it should talk directly to the	10	strikers?
11	strikers. Is that correct?	11	MR DA COSTA: No, I'm not saying that,
12	MR DA COSTA: Well, I think in my view	12	for sure. I'm just saying –
13	what happened was after the events on the 16th where the 34	13	MR BUDLENDER SC: Well, what do you say?
14	people lost their lives the external world, or the rest of	14	MR DA COSTA: I'm just saying that I
15	the country also woke up to the grey situation that was	15	think that deaths assisted in getting the parties together.
16	developing at Marikana, and there were a lot of other	16	MR BUDLENDER SC: Well, Mr Burger, what
17	parties who became involved and started facilitation and,	17	he put seems to me consistent, with respect, with common
18	you know, offering to mediate and so on, and I think it's	18	sense. He says, "Mr Mathunjwa, that was a different
19	probably through a lot of those processes that these	19	situation. 34 people had been killed and NUM had by then
20	discussions then started happening, that we then had	20	agreed that there would be a negotiation in order to obtain
21	delegates elected from the striking workers, that the	21	peace at Lonmin. That was after the tragedy." It was the
22	people in the NUM changed their attitudes, people in AMCU	22 23	tragedy of the death of 34 people which triggered Lonmin's
23 24	changed their attitude to some extent, and I guess the company then also changed its view on the situation and	23 24	willingness to talk directly to the strikers, whether through mediators or not through mediators.
24	that's how these talks then got going.	24	MR DA COSTA: That may well have been.
20	that's new these taiks then get going.	20	Wit DA 6651A. Hiat hay well have been.
	Page 30088		Page 30090
1	MR BUDLENDER SC: Mr Da Costa, let me ask	1	MR BUDLENDER SC: Now what I want to ask
2	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is	2	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score
2 3	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August	2 3	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which
2 3 4	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided	2 3 4	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause
2 3 4 5	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that	2 3 4 5	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What
2 3 4 5 6	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct?	2 3 4 5 6	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before
2 3 4 5 6 7	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we	2 3 4 5 6 7	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers?
2 3 4 5 6 7 8	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to –	2 3 4 5 6 7 8	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was
2 3 4 5 6 7 8 9	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes.	2 3 4 5 6 7 8 9	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point.
2 3 4 5 6 7 8	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to –	2 3 4 5 6 7 8	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't
2 3 4 5 6 7 8 9 10	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the	2 3 4 5 6 7 8 9 10	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point.
2 3 4 5 6 7 8 9 10 11	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers.	2 3 4 5 6 7 8 9 10 11	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't
2 3 4 5 6 7 8 9 10 11 12	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further	2 3 4 5 6 7 8 9 10 11 12	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true?
2 3 4 5 6 7 8 9 10 11 12 13	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause	2 3 4 5 6 7 8 9 10 11 12 13	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from
2 3 4 5 6 7 8 9 10 11 12 13 14	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: oto talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area. MR BUDLENDER SC: Yes, but I take it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the RDOs at Karee during June when there have been no deaths, but there's a threat of an unprotected strike. Second position, we will talk to the strikers in September when
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area. MR BUDLENDER SC: Yes, but I take it Lonmin's attention was already – Lonmin didn't need its	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the RDOs at Karee during June when there have been no deaths, but there's a threat of an unprotected strike. Second position, we will talk to the strikers in September when there have been 44 deaths. Third position in the middle,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area. MR BUDLENDER SC: Yes, but I take it Lonmin's attention was already – Lonmin didn't need its attention brought to what was going on; it was there, it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the RDOs at Karee during June when there have been no deaths, but there's a threat of an unprotected strike. Second position, we will talk to the strikers in September when there have been 44 deaths. Third position in the middle, but we will not talk to the strikers in August when there
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area. MR BUDLENDER SC: Yes, but I take it Lonmin's attention was already – Lonmin didn't need its attention brought to what was going on; it was there, it was its company, its land and its employees. It didn't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the RDOs at Karee during June when there have been no deaths, but there's a threat of an unprotected strike. Second position, we will talk to the strikers in September when there have been 44 deaths. Third position in the middle, but we will not talk to the strikers in August when there have been 10 deaths. Now what's the logic of that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	MR BUDLENDER SC: Mr Da Costa, let me ask you the question again, perhaps slightly differently. Is it correct that the deaths of 10 people before 16 August 2012 did not bring about the result that Lonmin decided that it had to speak directly to the strikers? Is that correct? MR DA COSTA: Ja well at that point we had not taken the decision to – MR BUDLENDER SC: Yes. MR DA COSTA: - to talk directly to the strikers. MR BUDLENDER SC: The deaths of a further 34 employees of Lonmin on the 16th of August did cause Lonmin to speak directly to the strikers. Is that correct? MR DA COSTA: That's – again I'm not sure that it was the death of the employees that caused Lonmin to speak to the strikers. We did speak to the strikers after that, but as I said, I mean it was, those 34 deaths brought a lot more attention onto what was going on in that area. MR BUDLENDER SC: Yes, but I take it Lonmin's attention was already – Lonmin didn't need its attention brought to what was going on; it was there, it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR BUDLENDER SC: Now what I want to ask you is this, and I ask it to you not cynically or to score points, but it seems to me it's an important question which Lonmin has to answer. 10 deaths was not enough to cause that. Another 34 deaths was enough to cause that. What was the tipping point? How many people had to die before Lonmin was willing to talk directly to the strikers? MR DA COSTA: No, I don't think there was a tipping point. MR BUDLENDER SC: Well, it tipped, didn't it? It tipped from we won't talk to we will talk. Isn't that true? MR DA COSTA: Well, it did change from that we weren't talking and then we did engage with the striking workers after the 16th, yes. MR BUDLENDER SC: Well, can you explain to me the logic of what I understand to have been Lonmin's position – three positions; position 1, we will talk to the RDOs at Karee during June when there have been no deaths, but there's a threat of an unprotected strike. Second position, we will talk to the strikers in September when there have been 44 deaths. Third position in the middle, but we will not talk to the strikers in August when there

Marikana Commission of Inquiry

	Page 30091		Page 30093
1	position, so –	1	into discussions and finding an amicable solution to –
2	MR BUDLENDER SC: It's a difficult	2	MR BUDLENDER SC: No, I think you're
3	position to justify after the event, isn't it?	3	wrong –
4	MR DA COSTA: I think at the time,	4	MR DA COSTA: - to the problem –
5	certainly when the RDOs came to me to talk to me I engaged	5	MR BUDLENDER SC: Sorry. I'm sorry to
6	with them and, you know, under those circumstances I think	6	interrupt. I think you're wrong, Mr Da Costa. What the
7	that was the right thing to do. As I explained earlier,	7	strikers kept on saying was we want to talk to management.
8	the situation was somewhat different then, it was more	8	It's true they said we want 12 and a half thousand rand a
9	normal. During the time when everybody was sitting on the	9	month, but they didn't say we won't talk to you unless you
10	koppie it was a lot more volatile. It was an abnormal	10	give us 12 and a half thousand rand a month. They said we
11	situation. I think at that point in time all the parties	11	want to talk to management. We want to talk to them about
12	had fairly fixed positions, be it the company, the people	12	our wage demands.
13	sitting on the koppie, the recognised unions, everybody had	13	MR DA COSTA: My understanding of the
14	a fixed position –	14	situation is we want management to come to us, to the
15	MR BUDLENDER SC: But there was no	15	koppie, to come and – so that we can talk to them about our
16	position –	16	12 and a half thousand rand demand.
17	MR DA COSTA: - at that point in time –	17	MR BUDLENDER SC: Yes. They wanted to
18	MR BUDLENDER SC: I'm sorry to interrupt.	18	talk.
19	There was position which was more fixed than Lonmin's	19	MR DA COSTA: In my view they wanted us
20	position, which was we will only talk to you if you lay	20	to come there to tell them they could have the R12 500 so
21	down your weapons, you come down off the koppie and you go	21	that they could go back to work.
22	back to work and then we will talk to you through NUM.	22	MR BUDLENDER SC: Well, of course they
23	That was a fixed position if there were ever a fixed	23	did. I mean that's, obviously they did, but they didn't
24	position.	24	say we will only talk to you if you agree to give us
25	MR DA COSTA: Ja well, I think, you know,	25	R12 500. They said we want to talk.
1	Page 30092	1	Page 30094
1	on the counter side though the position of the employees on	1	MR DA COSTA: Again –
2	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to	2	MR DA COSTA: Again – MR BURGER SC: That's in fact not the
2 3	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to	2 3	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the
2 3 4	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation,	2 3 4	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when
2 3 4 5	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company	2 3 4 5	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid
2 3 4 5 6	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to –	2 3 4 5 6	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that.
2 3 4 5 6 7	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an	2 3 4 5 6 7	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for
2 3 4 5 6 7 8	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle?	2 3 4 5 6 7 8	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair.
2 3 4 5 6 7 8 9	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry?	2 3 4 5 6 7 8 9	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that
2 3 4 5 6 7 8	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an	2 3 4 5 6 7 8	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not
2 3 4 5 6 7 8 9 10	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry?	2 3 4 5 6 7 8 9 10	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that
2 3 4 5 6 7 8 9 10 11	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business.	2 3 4 5 6 7 8 9 10 11	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not
2 3 4 5 6 7 8 9 10 11 12	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really	2 3 4 5 6 7 8 9 10 11 12	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted,
2 3 4 5 6 7 8 9 10 11 12 13	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the	2 3 4 5 6 7 8 9 10 11 12 13	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500?
2 3 4 5 6 7 8 9 10 11 12 13 14	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions –	2 3 4 5 6 7 8 9 10 11 12 13 14	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal
2 3 4 5 6 7 8 9 10 11 12 13 14 15	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is –
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position which said we will not talk to you other than through NUM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first and then I'll ask the question.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position which said we will not talk to you other than through NUM when you've left the koppie, put down your weapons and gone	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first and then I'll ask the question. MR DA COSTA: Ja, so the only point I was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position which said we will not talk to you other than through NUM when you've left the koppie, put down your weapons and gone back to work. Is that not the most absolutist position of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first and then I'll ask the question. MR DA COSTA: Ja, so the only point I was making now is that, you know, if Lonmin had a fixed
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position which said we will not talk to you other than through NUM when you've left the koppie, put down your weapons and gone back to work. Is that not the most absolutist position of all?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first and then I'll ask the question. MR DA COSTA: Ja, so the only point I was making now is that, you know, if Lonmin had a fixed position in this, the other parties also had a pretty fixed
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	on the counter side though the position of the employees on the koppie, it was also give us R12 500, we'll go back to work and you come here to the koppie and come and talk to us, and the NUM's position was this is not our situation, we're not getting involved in this, it's for the company to – MR BUDLENDER SC: So NUM weren't an obstacle? MR DA COSTA: I'm sorry? MR BUDLENDER SC: NUM weren't an obstacle. They said, it's not our business. MR DA COSTA: Ja, they weren't really prepared to get involved in it. So now in my view all the parties were holding fairly fixed positions – MR BUDLENDER SC: Well, the one party which we won't speak to you at all was NUM. The strikers were never offered the opportunity of talking to representatives. Lonmin took up an absolutist position which said we will not talk to you other than through NUM when you've left the koppie, put down your weapons and gone back to work. Is that not the most absolutist position of all? MR DA COSTA: No, as I said I think the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR DA COSTA: Again – MR BURGER SC: That's in fact not the evidence, Sir. The evidence is that the strikers at the koppie wanted to talk about 12 and a half thousand and when they would be paid that, not whether they would be paid that. MR BUDLENDER SC: We'll leave that for argument, Chair. COMMISSIONER HEMRAJ: Are you saying that one of the reasons that contributed to the attitude of not wanting to go to the koppie to speak to the miners was that you would not be able to comply with what they wanted, which was R12 500? MR DA COSTA: I think the principal reason of not wanting to go to the koppie was the risk to the safety of whoever would be going to the koppie. So the only point is – CHAIRPERSON: How – sorry, carry on first and then I'll ask the question. MR DA COSTA: Ja, so the only point I was making now is that, you know, if Lonmin had a fixed position in this, the other parties also had a pretty fixed position and my understanding of the position of the people

Marikana Commission of Inquiry

Pretoria

	Page 30095		Page 30097
1	want to talk to management about this, can we elect a	1	speak to them. I mean that, you know, it certainly wasn't
2	delegation to go and speak to management. It was a demand	2	conducive to that, and as I said if you're inside a Nyala
3	that management should come to the koppie and speak to them	3	where people can't even see you and you're just talking
4	at the koppie and come and tell them about the R12 500. So	4	there, it's really not a, it's not the sort of environment
5	you know, it was also a pretty fixed position. It wasn't,	5	that's conducive to reaching any kind of agreement.
6	my understanding it's not, it wasn't an invitation to have	6	MR BUDLENDER SC: Mr Da Costa, just to
7	a negotiation or a discussion around this amount, it was	7	round off on the question of fixed or inflexible positions;
8	come here to us where we are and come and talk about, come	8	did the strikers ever set any precondition for talking to
9	and tell us about how we're going to get this R12 500.	9	management?
10	That's my understanding of the situation.	10	MR DA COSTA: You know, as I said I don't
11	CHAIRPERSON: I just want to ask you	11	think there was any invitation from – you're talking before
12	about something else. You said you were also concerned	12	the 16th?
13	about the security aspects; irresponsible, I think you	13	MR BUDLENDER SC: While they were on the
14	said, to expect Lonmin to go to the koppie because of the	14	koppie.
15	danger and so forth.	15	MR DA COSTA: The only demand from the
16	MR DA COSTA: Yes, Chair.	16	strikers was that management come to the koppie to talk
17	CHAIRPERSON: Now we know that eventually	17	about the R12 500.
18	on the Wednesday the two trade union presidents went to the	18	MR BUDLENDER SC: Yes.
19	koppie to speak to the miners, mineworkers. Mr Zokwana	19	MR DA COSTA: There was no, I mean the
20	spoke to them briefly and didn't find much support from	20	only condition was that you come to the koppie and come and
21	them, so he left. Mr Mathunjwa spoke to them and then	21	talk about the R12 500.
22	agreed to come back the next day. But both of them spoke	22	MR BUDLENDER SC: Management set three
23	from a Nyala. The police in fact wouldn't allow either of	23	preconditions; you've got to lay down your weapons - four
24	them to leave the Nyala because the police were concerned	24	preconditions; you've got to lay down your weapons, you've
25	about safety considerations. So what would have prevented	25	got to leave the koppie, you've got to go back to work and
	Dare 2000/		Dorra 20000
1	Page 30096 Lonmin from saying we'll go to the koppie, we're concerned	1	Page 30098 you've got to speak to us through NUM, otherwise management
2	about safety, but if we can do what the trade union people	2	wasn't prepared to speak. That's right?
3	did and speak through a loudhailer and so forth from a	3	MR DA COSTA: Those were the conditions
4	Nyala, that there would have been no safety problems at	4	that were laid down, yes.
5	all, or would there have been? I don't understand that	5	MR BUDLENDER SC: Now let's be practical.
6	point that you're making.	6	That was an inflexible position which is in no way to be
7	[15:38] MR DA COSTA: I guess management could	7	compared with any rigidity or inflexibility of the
8	have gone in a Nyala, but you know, again if you're going	8	strikers.
9	to approach people and go there with the aim of having a	9	MR DA COSTA: No, I maintain my point
10	discussion or a negotiation, having an aim of finding some	10	that the strikers on the koppie were, they had a very
11	sort of resolution to the impasse, I mean standing in a	11	definite fixed position that the only time they would come
12	Nyala with a loudhailer in front of 3 000 aggressive people	12	off the koppie is once management had been there and given
13	is not really a conducive environment to be able to get to	13	them the R12 500 that they were looking for, and that was
14	some sort of solution to the problem.	14	their position, which was extremely inflexible in my view.
15	CHAIRPERSON: I can understand that. The	15	MR BUDLENDER SC: I'm not talking about
16	argument then would be we don't want to go to the mountain	16	preconditions for coming off the koppie. I'm talking about
17	and speak because even though safety concerns can be	17	preconditions for talking. Management had four
18	addressed, the circumstances of the discussion would not be	18	preconditions for talking. The strikers had perhaps one
19	conducive to getting a settlement. I can understand that	19	precondition, you must come to the koppie to talk to us.
20	argument, but not the safety point. That's the one I have	20	MR DA COSTA: Well, their position in my
	difficulty with.	21	view was that they're not even really prepared to talk
21		22	about anything else except give us the R12 500, then we
21	MR DA COSTA: Ja, you know, I know, I	22	
- 173	MR DA COSTA: Ja, you know, I know, I guess you know, in my, when I'm saying, when I'm thinking	23	will come down from the koppie and then we will return to
22	h II Print L. Friday		
22 23 24	guess you know, in my, when I'm saying, when I'm thinking	23	will come down from the koppie and then we will return to
22 23 24 25	guess you know, in my, when I'm saying, when I'm thinking of a risky situation I'm thinking of going to stand in	23 24	will come down from the koppie and then we will return to work. That's –

1	Page 30099 MR DA COSTA: That's the way I understood	1	Page 30101 MR BUDLENDER SC: So the striking workers
2	their position.	2	didn't have confidence in the NUM. The NUM itself says
3	MR BUDLENDER SC: Lonmin never tested	3	that.
4	whether the strikers were inflexible, whether they were	4	MR DA COSTA: Yes, I see they say so.
5	willing to send representatives to a safe place or whether	5	MR BUDLENDER SC: The RDOs felt that they
6	they were willing to talk about a lesser amount. Lonmin	6	had been let down by the NUM in its negotiations with
7	wasn't even prepared to go there, wasn't prepared to enter	7	management. Are you aware of that?
8	into the discussions at all. So it never tested whether	8	MR DA COSTA: They never said that as
9	there were in fact rigid preconditions.	9	such to me, but it could be so.
10	MR DA COSTA: I'm not aware of whether it	10	MR BUDLENDER SC: There was a physical
11	was tested or not.	11	confrontation on Saturday, the 11th of August, when strikers
12	MR BUDLENDER SC: Yes, alright. Let me	12	marched to the NUM offices, correct?
13	move on then. I want to ask you some questions about the	13	MR DA COSTA: Yes, that's correct.
14	relationship between the strikers and the NUM and AMCU.	14	MR BUDLENDER SC: Some of the strikers
15	Now we know that at the time of the events of August 2012	15	who marched on the NUM offices were armed with dangerous
16	Lonmin's understanding was that the root cause of the	16	weapons.
17	conflict was inter-union rivalry between NUM and AMCU.	17	MR DA COSTA: That's correct.
18	MR DA COSTA: Yes, that's right.	18	MR BUDLENDER SC: NUM officials fired
19	MR BUDLENDER SC: And that conflict went	19	shots at the strikers. They injured two of the strikers
20	beyond the normal competition one sees when unions compete	20	and at the time the strikers thought that those two of
21	for membership. It involved physical conflict between the	21	their members had been killed by the NUM officials.
22	two groups.	22	MR DA COSTA: Yes, that's right.
23	MR DA COSTA: There had been some – well,	23	MR BUDLENDER SC: It was a source of
24	you know, I guess before the 9th of August those conflicts	24	great anger on their part because they thought their
25	weren't obvious and weren't, you know, I guess weren't	25	members had been killed by union officials.
	Page 30100		Page 30102
1	really violent. It was more competing for space at that	1	MR DA COSTA: That's how I understand it,
2	time, but from the events that took place on the morning of	2	yes.
3	the 11th of August, from there on forward it started	3	MR BUDLENDER SC: Various people wrote
4	becoming more of a physical conflict, yes.	4	very florid things about that, but it turned out not to be
5	MR BUDLENDER SC: Yes, and there was a	5	true.
6	bad relationships between the strikers and the NUM. Would	6	MR DA COSTA: Correct.
7	you agree with that?	7	MR BUDLENDER SC: The strikers repeatedly
8	MR DA COSTA: Ja, I guess that would be		
	-	8	said that the reason they were carrying dangerous weapons
9	correct, although there were quite a number of strikers who	9	was that they feared that NUM members would attack them and
10	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but	9 10	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct?
10 11	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some	9 10 11	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's –
10 11 12	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM.	9 10 11 12	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said.
10 11 12 13	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair	9 10 11 12 13	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion,
10 11 12 13 14	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day	9 10 11 12 13 14	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes.
10 11 12 13 14 15	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana	9 10 11 12 13 14 15	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying
10 11 12 13 14 15 16	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't	9 10 11 12 13 14 15 16	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but
10 11 12 13 14 15 16 17	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an	9 10 11 12 13 14 15 16 17	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said.
10 11 12 13 14 15 16 17 18	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the	9 10 11 12 13 14 15 16 17 18	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said,
 10 11 12 13 14 15 16 17 18 19 	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were	9 10 11 12 13 14 15 16 17 18 19	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes.
10 11 12 13 14 15 16 17 18 19 20	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were not adequately represented by NUM at that time; they didn't	 9 10 11 12 13 14 15 16 17 18 19 20 	 was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes. MR BUDLENDER SC: That is what they said, yes. MR BUDLENDER SC: The NUM was trying to
10 11 12 13 14 15 16 17 18 19 20 21	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were not adequately represented by NUM at that time; they didn't have confidence in NUM." And Mr Gcilitshana very fairly	 9 10 11 12 13 14 15 16 17 18 19 20 21 	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes. MR BUDLENDER SC: That is what they said, yes. MR BUDLENDER SC: That is what they said, yes. MR BUDLENDER SC: The NUM was trying to persuade workers to go back to work.
10 11 12 13 14 15 16 17 18 19 20 21 22	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were not adequately represented by NUM at that time; they didn't have confidence in NUM." And Mr Gcilitshana very fairly says, "It will be difficult for me to say yes or no on that	 9 10 11 12 13 14 15 16 17 18 19 20 21 22 	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes. MR BUDLENDER SC: The NUM was trying to persuade workers to go back to work. MR DA COSTA: Yes, they were at the time.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were not adequately represented by NUM at that time; they didn't have confidence in NUM." And Mr Gcilitshana very fairly says, "It will be difficult for me to say yes or no on that one, but what I agree with you that there was loss of	 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes. MR BUDLENDER SC: The NUM was trying to persuade workers to go back to work. MR DA COSTA: Yes, they were at the time. MR BUDLENDER SC: To break the strike.
10 11 12 13 14 15 16 17 18 19 20 21 22	correct, although there were quite a number of strikers who were still NUM members at the time they went on strike, but ja, probably the majority of the strikers had some animosity towards the NUM. MR BUDLENDER SC: Yes, that's fair enough. Could we go to day 36? It's the transcript of day 36, page 3874, lines 4 to 12. This is again Mr Gcilitshana of NUM giving evidence. At line 4 he's asked, "It wouldn't assist in September 2012 for NUM and Lonmin to reach an agreement through the normal processes about how the dispute could be resolved because the striking workers were not adequately represented by NUM at that time; they didn't have confidence in NUM." And Mr Gcilitshana very fairly says, "It will be difficult for me to say yes or no on that	 9 10 11 12 13 14 15 16 17 18 19 20 21 22 	was that they feared that NUM members would attack them and that they wanted to defend themselves, correct? MR DA COSTA: That's – MR BUDLENDER SC: That's what they said. MR DA COSTA: That was their assertion, yes. MR BUDLENDER SC: Yes, I'm not saying that's necessarily true. They must answer for that, but that was what they said. MR DA COSTA: That is what they said, yes. MR BUDLENDER SC: The NUM was trying to persuade workers to go back to work. MR DA COSTA: Yes, they were at the time.

Marikana Commission of Inquiry

	Page 30103		Page 30105
1	get back to work.	1	lose its position as the recognised union and for AMCU to
2	MR BUDLENDER SC: And the strikers were	2	take its place? Wouldn't there have had to be
3	very angry about this.	3	verification? Apart from the fact that people had to leave
4	MR DA COSTA: Yes.	4	the one union to join the other, wouldn't there have had to
5	MR BUDLENDER SC: Some of the strikers	5	be verification process and things of that kind?
6	attempted to prevent workers, including NUM members, from	6	MR DA COSTA: Well, we'd have to check to
7	going to work.	7	see if, you know, that people have signed stop orders to
8	MR DA COSTA: They did.	8	change unions –
9	MR BUDLENDER SC: The strikers killed	9	CHAIRPERSON: Yes, yes, I understand.
10	some of the Lonmin employees.	10	How long did it –
11	MR DA COSTA: Yes, they did.	11	MR DA COSTA: But the –
12	MR BUDLENDER SC: Mr Julius Langa was	12	CHAIRPERSON: Sorry to interrupt you.
13	killed early on the morning of Monday the 13th of August	13	How long did it in fact take for NUM to lose its recognised
14	when he was on his way to work.	14	status and for AMCU to gain it?
15	MR DA COSTA: Yes, that's right.	15	MR DA COSTA: I believe NUM lost their
16	MR BUDLENDER SC: It seems that he was	16	recognised status towards the end of 2013 and AMCU then
17	killed for going to work.	17	was, we ascertained that AMCU was representing the majority
18	MR DA COSTA: I believe so.	18	of the employees and then began negotiating a recognition
19	MR BUDLENDER SC: When Mr Zokwana of NUM	19	agreement with AMCU, which is round about, if my memory
20	attempted to speak to the strikers at the koppie they were	20	serves me correct, round about February this year.
21	hostile to him. They wouldn't listen to him and they told	21	CHAIRPERSON: Yes, now you see, we had a
22	him to go away.	22	serious problem with people on the koppie and people being
23	MR DA COSTA: That's what I heard, yes.	23	killed and disputes about an unprotected strike and so
24	CHAIRPERSON: And they also sing an anti-	24	forth, and this was going to be solved by, it was hoped by
25	Zokwana or anti-NUM song when –	25	negotiation. It was said it's got to be through the
	Page 30104		Page 30106
1	MR BUDLENDER SC: Sang a rather rude song	1	recognised union because that's the structure. So what was
2	in the process, yes.	2	going to happen to this dispute while the lengthy process
3	CHAIRPERSON: Yes.	3	of changing the identity of the recognised union was going
4	MR DA COSTA: Ja, I heard that that did	4	to take place?
5	take place, yes.	5	MR DA COSTA: Ja, Chair, I understand
6	MR BUDLENDER SC: In short the strikers'	6	that, but my - the point I'm making is that it was not, if
7	grievance wasn't only against Lonmin, it was also partly	7	people were, had lost confidence in the NUM and if they did
8	against NUM.	8	not want to negotiate or work through the NUM, this is now
9	MR DA COSTA: It would appear so.	9	even before the unprotected strike action began, AMCU had a
10	MR BUDLENDER SC: Some of them saw NUM as	10	presence at Karee. In fact I know that AMCU was trying to
11	the enemy.	11	recruit across the entire Lonmin. So if it was that the
12	MR DA COSTA: Some of them.	12	employees had, really had lost that much confidence in NUM
13	MR BUDLENDER SC: And what Lonmin said	13	and they no longer wanted NUM to represent them, it wasn't
14	was if you want to talk to us, talk to us through the NUM.	14	as if they did not have another alternative. They had
15	MR DA COSTA: I think what Lonmin said is	15	another alternative. They could have joined –
16	if you want to talk to us, talk to us through the	16	CHAIRPERSON: What I was –
17	recognised structures, through the recognised union. At no	17	MR DA COSTA: They could have joined
18	point did we say that you are not allowed to change your	18	AMCU, which was an alternative union.
19	union affiliation. At no point did we say that you cannot	19	CHAIRPERSON: They had another
20	become a member of another union and you know, should,	20	alternative, but it was a long-term alternative, wasn't it?
21	obviously if people had decided to exercise that right and become members of a different union, AMCU for example, then	21	There would have been a verification process to make sure
10		22	that the majority had indeed left NUM and was now behind
22	A A A A A A A A A A A A A A A A A A A	22	AMCH. That couldn't have beenened oversight could it?
22 23	the membership of that alternate union would have grown -	23 24	AMCU. That couldn't have happened overnight, could it? It
22 23 24	the membership of that alternate union would have grown – CHAIRPERSON: How long would that have	24	would probably have taken at the very least several months,
22 23 24 25	the membership of that alternate union would have grown -		

Marikana Commission of Inquiry

1	Page 30107 MR DA COSTA: It would have taken several	1	Page 30109 union and then conduct the discussion through that union.
2	months –	2	MR BUDLENDER SC: Isn't that what
3	CHAIRPERSON: Ja, so our –	2	happened? And it took more than a year.
	MR DA COSTA: That's what the law		
4		4	
5	requires of –	5	MR BUDLENDER SC: It was only at the end
6	CHAIRPERSON: I know, but how practical	6	of 2013 that NUM lost its status and only in 2014 that AMCU
7	therefore would it have been to have said to the	7	gained that status.
8	mineworkers on the koppie come down, negotiate through the	8	MR DA COSTA: Yes, that's correct,
9	established structures, of course you realise that will	9	because of certain clauses in the recognition agreement
10	take several months before the union you want will be the	10	that are negotiated with the unions.
11	union vested with negotiating powers. Would that have been	11	MR BUDLENDER SC: But NUM was not an
12	a practical suggestion to make to them to solving the	12	obstacle to your talking directly to the strikers. We've
13	problem?	13	had this two or three times now. NUM did not object.
14	MR DA COSTA: Well, I mean once they were	14	MR DA COSTA: Well, NUM said to us that
15	on the koppie it was a difficult situation. However, you	15	they are not getting involved in this because it is not
16	know, I make the point again that we, to remain within the	16	their issue.
17	bounds of the law and to maintain the collective bargaining	17	MR BUDLENDER SC: Yes.
18	structure and the fabric of that, you would want to conduct	18	MR DA COSTA: However, they did not say
19	your engagements through recognised structures that you	19	it's okay to go and conclude some sort of agreement, or
20	want in place, that you have in place, and you know, if	20	reach some solution and agreement with the strikers sitting
21	those structures are going to change you would want them to	21	on the koppie –
22	change in an orderly fashion. So we were, what we were	22	MR BUDLENDER SC: NUM never said to you
23	being faced with was a very disorderly change of that	23	or suggested to you or implied to you that they would
24	organised bargaining structure that was in place, and it	24	object to Lonmin talking directly to the strikers or their
25	was a difficult situation to be faced with. So the company	25	representatives.
	Page 30108		Page 30110
1			
1	took the stance that we did not want to undermine the	1	MR DA COSTA: Ja, not as far as I know.
2	took the stance that we did not want to undermine the collective bargaining structures and therefore we wanted to	1 2	
			MR DA COSTA: Ja, not as far as I know.
2	collective bargaining structures and therefore we wanted to	2	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No.
2 3	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures	2 3	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if
2 3 4	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established.	2 3 4	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to
2 3 4 5	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at	2 3 4 5	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go
2 3 4 5 6	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted	2 3 4 5 6	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect
2 3 4 5 6 7	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down	2 3 4 5 6 7	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the
2 3 4 5 6 7 8	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak	2 3 4 5 6 7 8	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many
2 3 4 5 6 7 8 9	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012.	2 3 4 5 6 7 8 9	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to
2 3 4 5 6 7 8 9 10	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through	2 3 4 5 6 7 8 9 10	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf.
2 3 4 5 6 7 8 9 10 11	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go	2 3 4 5 6 7 8 9 10 11	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably
2 3 4 5 6 7 8 9 10 11 12	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership –	2 3 4 5 6 7 8 9 10 11 12	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes.
2 3 4 5 6 7 8 9 10 11 12 13	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they –	2 3 4 5 6 7 8 9 10 11 12 13	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can
2 3 4 5 6 7 8 9 10 11 12 13 14	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else	2 3 4 5 6 7 8 9 10 11 12 13 14	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin
2 3 4 5 6 7 8 9 10 11 12 13 14 15	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they vanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through which they could talk to Lonmin was the NUM.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such time as other processes have taken place, we will talk to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through which they could talk to Lonmin was the NUM. MR DA COSTA: At that point.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such time as other processes have taken place, we will talk to you only through NUM, and NUM was the organisation in which
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through which they could talk to Lonmin was the NUM. MR DA COSTA: At that point. MR BUDLENDER SC: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such time as other processes have taken place, we will talk to you only through NUM, and NUM was the organisation in which they didn't have confidence, the organisation which they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through which they could talk to Lonmin was the NUM. MR DA COSTA: At that point. MR BUDLENDER SC: Yes. MR DA COSTA: But if the employees had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such time as other processes have taken place, we will talk to you only through NUM, and NUM was the organisation in which they didn't have confidence, the organisation with which they felt had let them down, the organisation with which they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	collective bargaining structures and therefore we wanted to address this and speak, sort it out through the structures that we had established. MR BUDLENDER SC: Mr Da Costa, as at August 2012 the strikers had no alternative if they wanted to speak to Lonmin. Their only option was to lay down their weapons, leave the koppie, go back to work and speak to Lonmin through NUM, as of August 2012. MR DA COSTA: Speak to Lonmin through NUM, or go back to work. Again lay down the weapons, go back to work, change your union membership – MR BUDLENDER SC: But if they – MR DA COSTA: Change it to something else and then we establish a new structure and we talk. MR BUDLENDER SC: But if they wanted to talk to Lonmin in August or September or October or November or December of 2012, the only organisation through which they could talk to Lonmin was the NUM. MR DA COSTA: At that point. MR BUDLENDER SC: Yes. MR DA COSTA: But if the employees had been at work and there was a mass resignation from NUM and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR DA COSTA: Ja, not as far as I know. MR BUDLENDER SC: No. COMMISSIONER HEMRAJ: But if you, if Lonmin thought that the correct thing for the strikers to do would be to go back to work, lay down their weapons, go back to work and then change their union, what in effect would have happened is that would have been the end of the strike and you would have them back at work for a good many months before another union would be in a position to negotiate their salaries on their behalf. MR DA COSTA: Well, that would probably be the case, yes. MR BUDLENDER SC: So to sum up, if we can perhaps close for today on this; as at August 2012 Lonmin was faced with 3 000, approximately, strikers on the koppie who were angry. There had been violence. They said that they wanted to talk to Lonmin and Lonmin's position was we will talk to you but for the foreseeable future, until such time as other processes have taken place, we will talk to you only through NUM, and NUM was the organisation in which they didn't have confidence, the organisation which they felt had let them down, the organisation with which they were in a physical conflict and confrontation, the

Pretor	ia

	Page 30111	
1	under threat from, the organisation which had attempted to	
2	break the strike by persuading workers to go back to work,	
3	and the organisation which some of them saw as the enemy.	
4	[15:58] Lonmin's position was those are the people you	
5	should speak to. Those are the people through whom you	
6	should speak to us. As of August, September, October,	
7	November, December. Is that correct?	
8	MR DA COSTA: That's correct. That was	
9	the, they were the recognised union at that point in time.	
10	MR BUDLENDER SC: Chair, I wonder if this	
11	is a convenient time.	
12	CHAIRPERSON: We'll adjourn now until	
13	Thursday morning – unfortunately we can't sit tomorrow here	
14	because the chamber is not available and it's not possible	
15	for us to transport all the equipment to some other	
16	alternative venue for tomorrow and then bring it back again	
17 10	on Thursday. So we're adjourning now until 9 o'clock on	
18	Thursday morning.	
19	[COMMISSION ADJOURNED]	
20		
21		
22		
23		
24		
25		
<u> </u>		
-		
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
+R		
	As m E (X's /it /a	
\bigcirc	ming home, price or to have	
E.	- Toparty Ke you othe	
A	RCHIVE FOR JUSTICE	

				Paç I
Α	adequately 30025:14	agreeing 30031:21	30039:9,17 30042:11	apparently 30070:10
Abey 30037:6	30100:20	agreement 30008:9	30070:5 30084:19,20	appealed 30068:15
able 29939:25	adhered 30000:11	30012:20 30013:17	30085:4,9 30087:22	appear 29939:13
29942:16 29943:1	adherence 30081:1	30026:10 30031:22	30099:14,17	29941:21 29952:14
29944:21,24	adjourn 30082:13	30031:25 30032:10	30104:22 30105:1,14	30070:1 30104:9
29953:19 29957:9	30111:12	30032:12,14 30036:8	30105:16,17,19	appearing 30018:4
29958:13 29960:13	ADJOURNED	30036:9 30059:12	30106:9,10,18,23	appears 29936:15
29961:11 29964:10	30111:19	30066:19 30076:24	30109:6	29939:11,24
29985:9 29986:12	adjourning 30111:17	30097:5 30100:18	amenable 30049:9	29960:19 29961:8
29992:17 30076:2	adjournment 30033:20	30105:19 30109:9,19	amendment 30066:19	29964:2 30016:19
30089:4,4 30094:12	30034:5 30080:20	30109:20	amicable 30093:1	30047:1
30096:13	ADJOURNS 29988:22	agreements 30028:17	amount 29927:13	application 29988:8
abnormal 30091:10	30033:21 30082:14	30084:22	29986:15 30025:14	30020:16
abovementioned	administration	agrees 29939:15	30033:6 30046:25	applications 30019:9
	30022:18	ahead 29954:10	30054:20 30057:22	applied 30074:15,17
30036:16	admission 29943:19	29957:16,20 29967:1	30095:7 30099:6	apply 29936:22
absolutely 30067:2	adopted 30058:20,23	30056:7 30063:2	amounts 30085:25	29938:4 29988:14
absolutist 30092:18,21	advance 29962:8	30065:16	Amplats 30063:17	29989:12 30029:25
academic 29996:6	30003:6,15	aim 30096:9,10	30064:5	appreciate 29932:7
accelerating 29974:8	advancing 30001:20	Albert 30052:15	analysed 30010:12	30013:20
accept 29943:6				
29973:20 29980:17	30002:6 30003:5	alia 30003:22	analysis 29943:10	appreciated 30063:16
29980:17 29981:1,23	adversarial 30038:6	alive 29935:22	29962:5 29992:10	approach 30030:7
29981:25 29991:14	advice 29961:25	allegation 29960:18	30010:21 30014:5	30049:9 30051:14
29992:9 29993:6	30049:12,14	allege 29956:4	30015:1	30096:9
30006:18 30007:23	advise 30000:6	alleging 29927:22	analyst 29943:10	approached 29995:4
30015:3 30057:22	advised 29961:23	allow 29982:7	and/or 30039:9	30028:21
accepted 29981:12	30048:23	30004:21 30095:23	anger 30101:24	approaches 30060:10
30017:24 30037:24	affidavit 29943:19	allowance 30033:2	angle 29961:7	approaching 29928:2
accepting 29991:24	affiliated 30012:9	30034:16,18	29963:25	29996:12 30026:14
accompanied 30072:14	affiliation 30010:11	30035:18,21,21,22,25	angles 29935:8	appropriate 29938:23
30074:8	30014:14 30104:19	30036:1 30037:17	Anglo 30037:13	30075:18
account 29999:24	affirm 30015:10	30039:15 30046:25	30063:24	approve 30027:17
30000:7	afraid 30081:19	30054:18,19,23	angry 30084:19	approved 30039:15,1
	African 30042:2,20	30055:4,9,15	30103:3 30110:16	30054:18
accuracy 30009:20	30043:2,15,17	30056:24 30057:4	animosity 30100:12	approximate 29928:1
accurately 30013:21	30044:2 30051:16	30060:1,25 30061:4,7	annual 30026:9	29928:23 29929:9
achieve 30061:23	afternoon 30022:19	30061:11 30063:15	30031:24	29999:11
achieved 30068:4	30040:1,15 30041:13	30065:16 30067:16	anonymous 29955:11	approximately
act 29943:24 29990:14	30040.1,15 30041.15	30067:22,24 30068:2	answer 29932:5	30110:15
29996:5				area 29929:20
acted 29947:20	aggressive 30030:3	30068:14 30070:24	29936:1,9 29944:1	
acting 29940:19	30075:7 30081:15	allowances 30036:16	29946:8 29955:23	29930:15 29931:25
29941:10 30023:11	30096:12	30039:18 30065:18	29962:18 29970:21	29937:16 29940:5
action 30040:5	aghast 30040:6	30067:21 30069:20	29996:3 30002:12	29942:13,16 29969:
30053:12,19	ago 29969:6 29982:21	30070:14	30020:13 30036:20	29994:7 30002:2
30060:25 30061:3,4	agree 29930:18	allowed 29982:9	30036:22 30047:9	30064:9 30088:20
30061:12,14,23	29940:13,22 29941:8	30104:18	30048:5,12,16	areas 30025:10
30062:3,3 30069:15	29941:15,16	alright 29959:3,19	30065:1 30070:5	aren't 30011:25
30069:21 30106:9	29943:23 29944:3	29960:12,15	30071:3 30090:4	30068:12
activities 30047:23	29951:19 29964:5	29962:19 29963:5,9	30102:16	argue 29956:10
activity 30054:24	29965:14 29971:17	29963:12 29968:8	answering 29944:7	29975:19 29981:12
30058:6	29974:5,6 29976:22	29969:24 29973:25	answers 29936:23,24	29982:25 29991:5
	29977:21 29978:19	29974:23 29975:14	29955:20,22	argued 29981:9
actual 29942:10	29978:22,23 29979:2	29984:20 29989:17	30004:15 30039:6	argument 29942:22
29986:3	29987:14 29992:22	29994:25 30008:25	anti 30103:24	29944:12 29962:2,1
add 29941:17 29951:20	29993:19,20	30044:4,8 30045:23	anticipate 30033:10	29981:11 30075:21
29986:13	29994:17 30005:3,16	30044:4,8 30043:23	anticipated 30004:2	30094:8 30096:16,2
added 29955:8	30006:10,12 30048:1	30099:12	anti-NUM 30103:25	arisen 30062:1
29990:24 30015:1	30053:8 30093:24	alternate 30104:23	anymore 29927:11	arises 29935:21
adding 29944:4			•	
29990:18	30100:7,23	alternative 30106:14	30001:1	30007:20
address 30026:19	agreed 29939:10	30106:15,18,20,20	anyway 29939:4	arising 30004:11
30042:12,15	29974:6 29992:21	30108:6,24 30111:16	30017:2 30064:25	arithmetic 29982:24
30043:24 30061:8	30032:12 30039:1	ambivalent 30065:3	30066:23	armed 29928:19,24
30108:3	30048:7,7,10,14,15	AMCU 30010:25	apart 30051:12	29929:9 29949:21
addressed 29967:7	30056:4 30085:15,19	30011:20 30012:6,8	30105:3	29951:23 29993:15
30049:23 30096:18	30086:22 30089:20	30012:13 30038:3,7	apologise 29927:6	29994:11 30075:7
30017.23 30070.10	30095:22	30038:12,12,14,20	apologising 29994:6	30101:15
	R LUSTICE			

RealTime Transcriptions

				Page
arms 29993:2,16,18,25	29977:12 29978:20	30043:12 30044:17	30026:9,9 30031:17	29940:3,10 29947:17
29993:25 29994:12	29981:3 29983:5,9,20	30082:3 30085:22	30031:18,24	29950:15,20,22
29994:16,19	29983:21 29985:10	30099:10 30101:7	30035:24 30070:22	29953:1
arrangement 30013:6	29991:18,22		bearings 29964:14	Bongani 29956:1
30013:8	30002:10 30003:9	<u> </u>	becoming 30100:4	Bonginkosi 29955:25
arrested 30010:8,9,14	30102:9	B 29928:22 29929:23	beg 29952:20 30010:6	bonuses 30073:1
30010:22,24	attacked 29973:20	29936:4	30084:19	book 30068:19 30069:1
arrived 30023:2	29976:3 29977:2	Babe 29955:25	began 29927:5	30069:5 30070:9
30030:2 30072:21	29978:10	back 29929:16 29941:3	30105:18 30106:9	books 30011:21
30073:5	attacking 29972:5,11	29941:5,9,13 29943:8	beginning 30042:7	bottom 29929:18
arrow 29939:24 29961:7	29977:20,20 29978:11	29943:8,23 29944:11	begins 30008:12	29930:10,16,20 29965:9
arrows 29955:12	attempt 30003:8	29950:9,9 29999:23 30000:7 30003:12	behalf 30042:2 30067:11 30084:18	bounds 30107:17
29967:24	30048:10 30061:13	30005:1 30006:2,18	30084:21 30085:5	box 30019:19
articulate 29938:23	attempted 30103:6,20	30007:21,22	30110:10	break 29964:9
artificial 30067:2	30111:1	30027:12 30033:4	belabour 29989:4	29988:19 29989:5
30070:16,25 30071:1	attempting 30040:8	30034:1 30039:8	belatedly 30048:17	30013:9 30033:15
ascertained 30105:17	attendance 30052:15	30040:4,18 30046:16	believe 30019:1	30102:23 30111:2
asked 29929:4	attended 29927:5	30049:7,14 30054:5	30040:21 30043:19	breakdown 30010:17
29935:13,25	29935:20 30022:11	30055:23 30056:4	30048:7 30049:19	30013:23
29944:15 29945:24	30022:12	30057:6 30061:22	30103:18 30105:15	breakdowns 30014:19
29948:14,14 29982:8	attending 29954:19	30079:14 30080:12	benefit 30036:21	brief 29998:11
29988:24,25	attention 29936:6	30082:7 30091:22	best 29939:3 30024:5	30034:18
29989:18 29990:23	29937:20 29938:13	30092:2,21 30093:21	30092:25	briefed 30035:20
29993:15,17	29938:17 29951:6	30094:25 30095:22	better 29962:19	30045:25
29994:11,16,18	30043:9 30088:19,22	30097:25 30102:21	30047:10 30049:16	briefing 29998:7,11
29995:25 29998:13	30088:23	30103:1 30108:8,11	beyond 30011:8	30035:16
30004:23 30014:3	attitude 29946:22	30108:12 30110:5,6,8	30048:6 30099:20	briefly 30008:17
30019:21 30020:11	29999:25 30000:8	30111:2,16	Bham 30019:4	30022:5 30095:20
30023:10,13,15	30003:12 30046:19	backdated 30054:19	big 29960:19 30026:3	bring 30033:19
30028:7 30043:2	30048:5 30087:23	background 30009:14	30062:4	30057:15 30086:7
30045:9 30046:17	30094:10 attitudes 30087:22	backing 29994:7 backward 29964:2	bigger 30006:1	30088:4 30111:16
30047:8 30058:6 30073:8 30079:8	August 30008:16	backwards 29963:20	birdshot 29961:10 bit 29934:15 29945:23	brings 30067:20 broker 30012:21
30080:5 30100:16	30010:4,9,12,24	30059:14	29950:9 29969:14	30013:4,5,18
asking 29942:18	30014:7,13 30032:18	bad 29952:1 30050:12	29974:21 29996:4	broking 30013:8
29943:15 29944:7	30036:6 30039:22	30080:1 30100:6	30002:11 30025:20	brother 30041:1
29945:22 29967:10	30044:18 30045:18	balls 29956:22 29957:5	30027:9 30031:8	brought 30063:6
29971:5,5 29981:7	30047:17 30048:4,12	29957:8,11,14	30040:21 30079:15	30088:19,23 30089:3
29982:17 29989:23	30073:19 30074:18	29977:11	Bizos 30020:1,2,3,12	building 30022:18
30002:18 30027:15	30074:22,23 30075:3	barbed 29969:21	30020:18	bullet 29942:16
30029:17 30047:15	30076:14 30082:20	29970:11 29996:12	bi-annual 30026:9	29960:20
30050:9 30086:25	30084:6 30086:2	29999:4 30000:10	blanketed 30006:7	bullets 29957:7
30094:25	30087:9 30088:3,13	bargaining 30026:8	blankets 29997:9	29961:9 29977:11
aspect 29936:8	30089:9 30090:23	30031:13,15,17,18,23	block 29972:22	29983:14 29999:10
29944:25	30099:15,24 30100:3	30031:25 30032:17	30002:19,20	30000:22
aspects 30095:13	30101:11 30103:13	30042:17 30047:20	30003:20 30014:12	bunch 29978:22
assaulted 30040:12	30108:6,9,17	30048:2,11 30107:17	blocked 29972:14,15	bundle 30010:7
30075:10	30110:14 30111:6	30107:24 30108:2	29972:21 29973:14	30014:18 30016:4,16
assertion 29961:11 30102:13	authorised 30026:22 available 30017:18	Barnard 30037:6 30043:20 30052:16	29979:3,14 30002:25 blow 30069:3	30016:20 30017:17 30017:22,24 30018:2
assess 30024:21	30019:4,7 30066:6	base 30028:8	blue 29955:13 29956:5	30017.22,24 30018.2
assessed 30079:23	30111:14	based 29962:8 29963:2	29961:9	30033:8 30037:3,5,21
assist 29972:3	avert 30059:20 30060:6	29981:13,16 29982:6	board 30037:23,23,25	30041:16 30068:19
	30061:4,14,23	29982:6 30044:20,25	30052:2,3,4	bundled 30006:16
		30045:14	bodies 29929:8,20	bundling 30006:19
30013:25 30036:25 30100:17	30062:2	300-3.1-		0
30013:25 30036:25 30100:17	30062:2 averted 30054:24	basic 29979:2,17,18	29932:22 29934:18	Burger 30008:4,6,10
30013:25 30036:25 30100:17 assistance 30014:21			29932:22 29934:18 29948:9,24 29955:14	
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15	averted 30054:24	basic 29979:2,17,18		30015:5,6,22 30016:6
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15	averted 30054:24 30058:7	basic 29979:2,17,18 29980:5,7 30026:2	29948:9,24 29955:14	30015:5,6,22 30016:6
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15	averted 30054:24 30058:7 avoid 30075:20	basic 29979:2,17,18 29980:5,7 30026:2 30028:2 30029:17	29948:9,24 29955:14 29955:16 29956:6	30015:5,6,22 30016:6 30016:11,13,17,19,24 30017:3,8,16,21 30018:1,7,10,13,17
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15 assumed 30024:12 assuming 29940:9	averted 30054:24 30058:7 avoid 30075:20 30085:18 30086:25 avoiding 30059:6 aware 29937:12	basic 29979:2,17,18 29980:5,7 30026:2 30028:2 30029:17 30032:24 30067:20	29948:9,24 29955:14 29955:16 29956:6 29985:22 29990:12	30015:5,6,22 30016:6 30016:11,13,17,19,24 30017:3,8,16,21
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15 assumed 30024:12 assuming 29940:9 29987:21	averted 30054:24 30058:7 avoid 30075:20 30085:18 30086:25 avoiding 30059:6 aware 29937:12 29956:12,14	basic 29979:2,17,18 29980:5,7 30026:2 30028:2 30029:17 30032:24 30067:20 30067:22,25 basically 29971:24 30028:22 30032:3	29948:9,24 29955:14 29955:16 29956:6 29985:22 29990:12 body 29927:16,23,24 29928:2,2,3 29929:24 29930:6 29931:21	30015:5,6,22 30016:6 30016:11,13,17,19,24 30017:3,8,16,21 30018:1,7,10,13,17 30018:22 30019:15 30019:25 30020:9,11
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15 assumed 30024:12 assuming 29940:9 29987:21 attack 29966:3,3,7	averted 30054:24 30058:7 avoid 30075:20 30085:18 30086:25 avoiding 30059:6 aware 29937:12 29956:12,14 29976:17 29993:6	 basic 29979:2,17,18 29980:5,7 30026:2 30028:2 30029:17 30032:24 30067:20 30067:22,25 basically 29971:24 30028:22 30032:3 basis 29943:4,6 	29948:9,24 29955:14 29955:16 29956:6 29985:22 29990:12 body 29927:16,23,24 29928:2,2,3 29929:24 29930:6 29931:21 29936:3,5 29938:5,18	30015:5,6,22 30016:6 30016:11,13,17,19,24 30017:3,8,16,21 30018:1,7,10,13,17 30018:22 30019:15 30019:25 30020:9,11 30020:15,19,25
30013:25 30036:25 30100:17 assistance 30014:21 assisted 30089:15 associate 29947:6 assume 30010:15 assumed 30024:12 assuming 29940:9 29987:21	averted 30054:24 30058:7 avoid 30075:20 30085:18 30086:25 avoiding 30059:6 aware 29937:12 29956:12,14	basic 29979:2,17,18 29980:5,7 30026:2 30028:2 30029:17 30032:24 30067:20 30067:22,25 basically 29971:24 30028:22 30032:3	29948:9,24 29955:14 29955:16 29956:6 29985:22 29990:12 body 29927:16,23,24 29928:2,2,3 29929:24 29930:6 29931:21	30015:5,6,22 30016:6 30016:11,13,17,19,24 30017:3,8,16,21 30018:1,7,10,13,17 30018:22 30019:15 30019:25 30020:9,11

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

				Page
30029:2 30030:17	30014:5	30084:7 30087:22,23	29991:19,25 30007:1	30019:2 30032:6
30032:4,19 30033:7	carry 29949:4	30087:24	30033:2 30042:24	30040:9 30062:13
30033:10,12,17,25	29958:19 29959:7	changing 30106:3	30045:4,5 30063:7,21	30098:16
30034:7,10,22	29983:3 29989:13	channels 30066:22	30065:23 30081:24	commence 30019:24
30035:2,5,12 30036:2	30035:8 30094:18	30071:20,25	30110:14	commencement
30036:7,13,19	carrying 30102:8	30073:24 30083:23	closed 29968:5 29973:9	30042:3
30037:2,11,18,21	case 29927:3 29936:14	charge 29991:11	29980:13 29991:12	comment 29944:16
30038:2 30039:4,20	29936:22 29937:25	30021:24 30030:11	30007:13	29945:22 29946:7
30041:8 30052:21	29995:7 30073:25	charts 30014:17	closer 29929:18	29947:19 29953:6
30056:14 30064:17	30110:12	check 29947:14	29968:2 30030:24	29960:13,21
30065:2 30084:18,21	cash 30067:15,16	29950:15 29969:12	30031:5 30085:4	29961:11,13 29973:1
30085:13 30089:16	catch 30086:17	30043:22 30105:6	closing 30065:23	29973:5 29974:14
30094:2	categories 30011:15	chief 29942:9 30033:11	clothes 29947:13	29980:15 29981:5,24
Burger's 30056:13	category 30011:25	30033:19 30052:5,6	29950:15,22	30064:23 30070:19
30086:10,18	30025:25	30052:10 30072:21	clothing 29950:23	30071:2 30080:23
business 30036:18	cause 29967:8 29968:4	choose 30000:13	cloud 29960:19	30081:4
30092:11	30086:3 30088:13	chose 30007:14	29961:8	comments 29960:13
busy 30014:2	30090:4,5 30099:16	30071:9	clue 29979:24	commercial 30052:10
bystanders 29997:10	caused 29941:12	chosen 30080:7	coding 30014:10	Commission 29927:2,4
29997:11,15,15,18	29961:9 30088:16	chronology 30022:2	coincidentally 29968:1	29941:7 29971:23
B16 29927:14,15	cease 29998:17	30034:11	coincides 29968:10,22	29981:10 29985:21
C	central 30022:17	circle 29939:24	colleagues 30002:9	29988:22,22
C 29932:8	30031:17,17,23,25	29961:9	30003:8 30040:11	30008:12 30009:15
	30084:23	circled 29961:6	30041:7 30063:23,24	30009:22 30015:2,13
calculate 30028:8	certain 29936:4 29943:4 30013:14	circles 29955:13 circulated 29959:10,16	30064:8,15 collective 30031:13,15	30016:1 30017:18 30018:25 30022:5
calculations 30028:9		30008:14 30014:24	-	
call 29931:24 29934:10 29941:22 29965:13	30018:23 30020:6 30026:5 30034:3	circum 29992:18	30042:16 30047:20 30048:2 30107:17	30029:5 30033:21,21 30033:22 30042:3
30001:8,18 30008:5,6	30020.3 50054.3	circumnavigate	30108:2	30046:1 30050:22
30009:2,4 30015:7	certainly 29945:13	29973:8 29979:16	colloquially 30069:21	30059:17 30080:24
30019:1 30078:19	29965:3 30022:7	circumnavigated	colour 30014:10	30082:14,14,15
called 29958:22	30033:17 30048:25	30005:17	come 29942:2 29947:9	30111:19
29971:4 30002:19	30061:13 30063:20	circumnavigating	29955:20 29966:5	Commissioner
30019:2 30045:17	30066:10 30075:15	29928:19,24	29968:18 29974:21	29951:12 29960:17
30064:6 30067:16,17	30076:7 30077:9	29929:10 29979:7	29975:24 29979:10	30007:9,12,17
30068:22	30081:12 30083:7	29982:2 29992:20	29980:3 29991:21,25	30028:11 30041:20
camera 29962:9	30091:5 30097:1	30005:18	30000:1 30001:21	30041:23,24 30044:9
29963:2	cervical 29936:17	circumstances 29954:1	30007:15,22	30044:16 30051:10
cameramen 29952:18	Chairman 29927:13	30072:18 30091:6	30022:17 30023:5,8	30058:5,11 30062:20
can't 29929:6 29933:12	29929:1,2 29933:1,7	30096:18	30023:17 30024:3,14	30063:3 30077:3,5,7
29956:23,24	29936:13,25,25	claim 29940:21	30025:3 30027:6	30094:9 30110:3
29957:12 29961:12	29938:11,22 29942:3	29958:1	30030:4,6 30034:1	Commissioners
29961:14 29962:19	29942:19 29943:3,11	claimed 29940:18	30035:8 30036:22	30008:13
29968:15 29972:16	29948:18,19 29949:6	29943:24	30037:1 30043:9	commit 30027:11
29973:1,3,4,10	29952:13 29954:11	clarification 29932:16	30049:7,13 30056:3	commitment 30062:10
29974:8,13,14	29954:15 29955:2,19	29942:25 29943:1,16	30068:8 30073:8	committed 30028:23
29985:8 29994:3	29958:14,20 29959:5	29943:18	30077:19,23	30028:24
29995:10,25	29959:9,9 29960:1,16	clarify 29953:25	30079:14 30080:12	committee 30033:1,1
29999:19 30024:23	29962:4,14,20	29964:14	30082:7 30085:4	30037:16 30051:18
30026:25 30040:24	29963:8 29995:3	clash 30083:13,16	30091:21 30092:3,3	30051:19,22 30052:3
30047:20 30063:5,8	30020:1	clauses 30109:9	30093:14,15,20	30065:22
30097:3 30111:13	challenging 30038:24	clear 29932:3 29939:15	30095:3,4,8,8,8,22	common 29967:8
capable 29938:10	30038:25	29972:20 29974:21	30097:16,20,20	29968:4 30089:17
29949:13	chamber 29939:7	30052:23 30053:11	30098:11,19,23	communicate 30054:23
Capital 30021:24	29949:3 30034:1	30059:10 30085:18	30107:8	30057:8 30066:10
30023:12	30111:14	clearly 29931:5	comes 30018:2	communicated 30033:4
Captain 29974:6,9	chambers 29927:5	29941:9 29952:14	30029:12 30047:25	30067:10,11,12
29993:13,24 29994:1	29954:19	29969:23 29977:4	30056:10 30067:16	communicating
29994:11,20 29998:7	chance 29939:2	30069:24 30087:5	30067:16,19	30062:14
29998:10	29963:13	clients 29966:15	comfort 29964:8	communication
care 29970:12,16,19,25	change 30018:25	29988:9	29988:18	30034:17 30067:5
29970:25	30090:13 30104:18	clip 29948:21 29949:1	comfortable 30023:20	companies 30027:6
Career 30068:19,22	30105:8 30107:21,22	29949:5 29950:11	30065:22	company 30031:17
30069:5	30107:23 30108:12	29952:14	coming 29972:8	30032:2 30036:8,9
				00044 - 000
caring 29947:7	30108:14 30110:6	clips 29952:17,21	29978:2,6 30004:25	30041:6 30048:8
	30108:14 30110:6 changed 29973:8,14		29978:2,6 30004:25 30006:11 30008:9	30041:6 30048:8 30049:4 30051:14

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

30052:3 00051:12 30016:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 2995:11:12 30016:12 30006:12					Page 4
30052:13 30061:6 30100:24 3001:12 controlled 30094:10 3004110 30084:17 debating 3006:42 30082:4 30087:24 controlled 30080:1 30084:20 cross-examination 29936:15.21 29938:13 30082:4 30087:24 comparty 350081-1 30072:44 30081:21 29936:15.21 29938:13 comparty 350081-1 confirmed 3007:44 conventices 30010:24 30015:24 29964:10 29987:13 29956:15.21 29958:15 competing 30008-20 confirmed 3007:19 30015:24 conventices 30010:24 30015:24 30015:24 competing 30008-12 confirmed 3002:19 20976:15 30089:21 20976:16 30089:24 30015:24 30015:24 competing 30056:3 confiret 30099:17.19:21 30016:13 30008:13 20976:6 30035:64 30035:72:18 completing 30056:4 confiret 3009:16 30031:15 confiret 3009:17 30035:13 30035:14 30035:12 completing 30055:2 consist 30057:16 consist 30057:16 30035:13 30035:13 30035:13 30035:14 30035:14 30035:14 30035:14 30035:14 30035:14 30035:15 300	30052:3 30056:12	confidence 30100:21	30013:13.16	cross 29991:17.21	29937:13
3008/24 3008/24 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
3008111 3008724 confictent 299372.12 300501.14 30076.1 consexamination coresexamination 30088.4 3008112 company 500810 30078.4 3008.8 2997.12 2998.12 2993.12 sompany 500810 company 500810 30078.4 3008.8 2996.11 3008.212 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 2996.11 3008.213 30015.9 30015.9 30015.9 30015.9 30015.9 3002.21 3008.212 30015.9 3002.21 3008.213 3002.21 3008.213 3002.21 3008.213 3002.21 3008.212 3002.21 3008.212 3002.21 3008.213 3002.21 3008.213 3002.21 3008.213 3002.21 3008.212 3002.21 3008.213 3002.21 3008.213 3002.21 3008.213 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.213 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.213 3002.21 3008.213 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212 3002.21 3008.212<					
300824 30091:12 confined 300301:0 300784 30080.8 2992712 2998:15 2998:15,12 2998.15 compare 3005:13 30072.4 30081.2 20071:13 30082:19 20071:13 30082:19 competing 3001:10 30084:24 convertience 30010:4 30082:12 20071:13 30082:12 20065:13 30015:34 competing 3001:10 control 400:04 30110:23 convertience 3005:13 30015:14 30015:24 convertience 3005:13 30015:24 30055:25 30056:25 30056:25 30056:25 30055:25 30056:25 30057:21 30055:24 30055:24 30055:24 30055:24 30055:24 30055:24 30056:25 30056:25 30056:25 30056:25 30056:24 30056:25 30056:24 30055:24 30055:24 30055:25 30055:24 30055:25 30055:25 30055:24 30055:25 30055:25 30055:25 30055:25 30055:25 30055:24 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:25 30055:					
30092-5 30107-25 compare 29961-9 compare 29961-9 compare 29961-9 compare 29961-9 compare 29961-9 compare 300051-1 30098-7 compare 300051-1 30098-7 compare 300051-1 30008-12 compare 300051-1 compare 300055-1 compare 300055-1 compare 300055-1 compare 300055-1 compare 300055-1 compare 300051-1 compare 3000051-1 compare 300051-1 compare 300051-1 compare 30005					
compary 's 30059:10 30037:24 30071:13 30082:12 30071:13 30082:12 30071:13 30082:12 300111.7 competing 3009:20 confilter 3009:17,19.21 30084:24 30019:17 30009:17 30008:13 30009:17 30008:12 30009:17 30009:17 30009:17 30009:11 300109:11 30009:12 300000:12 30000:12 30000:12					
compare 29961:9 conformation 30008:21 30015:24 converted 30033:15 30015:24 converted 30033:15 30017:42 2996410 239981:2 decide 30055.5 competition 30038:9 30100:43 30100:43 3011:12 3011:12 3011:12 30015:24 30015:25 30015:25 30003:25 30003:25 30015:25					
compared 3006513 confirmed 30021-9 convexient 300331-5 2996410 2998012 decide 200555 competing 3010-1 30100-4 30100-4 30000-2 30005-12 30005-12 30005-12 3005-12 <					
30098-7 3008-24 30080-21 30082-12 30010-9 30057-25 30057-8.1 competion 30038-9 30100-4 30110-23 30010-11 30017-16 30075-16 3000-62.1 3009-20 competion 30038-9 confinet 30099-20.1 30011-11 30011-11 30012-15 <td< td=""><td></td><td></td><td></td><td></td><td></td></td<>					
compete 30099:20 conflict 3009:17,19.21 30111:11 cross-examiners 3009:17 competing 3009:20 conflicts 3009:24 converted 3005:8:13 converted 3000:11 converted 3000:11 converted 3000:11 converted 3000:12 3006:62 confrontational converted 3000:12 converted 300:12					
competing 30100:1 301004 30110:23 converted 29968:13 30091:11 accided 2998.23 30099:20 competing 30038.9 confrontation 30036.4 30037.2 29980.13 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.2 30036.4 30037.1 30036.4 30036.7 30036.4 30037.1 30036.4 30036.7 30036.4 30036.7 30036.4 30036.7 10017.6 30037.7 101.4 3006.6 3007.7 110.4 3006.6 3007.7 110.4 3006.7 30007.1 3006.7 3007.1 <td></td> <td></td> <td></td> <td></td> <td></td>					
competition 30038-29 conflicts 3009:24 conveyed 30055:8 cross-examining 3002:216 30046:22 3009:24 2997613 30040:3 3001917 3000612 30008115 30008115 30008112 3000812 3000812 30008112 30008112 30008115 30008112 3000812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008812 3008125 3008115 3008712 3007113		, , ,			
30099:20 competitive 30054:22 30056:6 30057:21 30064:2 30101:11 30110:23 corpiles 30021:9 30080:19:20:24:25 30080:19:22:2999:83 30080:12 30081:15 30080:12 299930:13 209930:12 20993:17 30087:12:22 30087:12:12 complied 30070:9 confrontational 3017:6 correction 29970:13 20993:12 29930:13 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30088:12:3008:12:12 30088:12:12:22 30088:12:12:22 30088:12:3008:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12 30087:12:12:22 30087:12:12:12 30087:12:12:12 30087:12:12:12:12:12:12:12:12:12:12:12:12:12:	competition 30038:9				
competitive 30064:2 29976:13 30040:3 30019:17 crowdd: 30067:10 compited 30070-9 confrontational cordial 30028:19.22 30060:12, 3008:14.5 3008:14.5 compited 30070-9 confrontational cordial 30028:19.22 30037, 2998:18 3008:41.5 compited 30070-9 confrontational correct 29930:13 curre 130065:12 curre 30065:12 30053.82.55 compited 30005:10 consequences 30081:1 29981:22 30017.12 29981:24 consequences 30081:10 30057.82 30057.82 30057.51 30077.13 consequences 30081:10 30057.82 30057.82 30077.13 30077.13 concert 29927.3 30057.82 consider 29987.16 30077.13 30077.13 30077.13 30025.25 consider 29987.12 30057.25 30077.13 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
30064:2 30101:11 30110:23 copy 30046:10 30000:19.20.24.25 decision 29998:5 compile 30010:1 30081:15 30030:7 crucial 30028:19.22 30038:12 30058:12 30058:12 30058:12 30058:12 30058:12 30058:12 30058:12 30058:12 30058:13 30067:13 30058:13 30067:13 30058:13 30067:13 30058:13 30067:13 30058:13 30067:13 30058:13 30067:13 3008:17 30058:13 30067:13 3008:17 30071:13 3008:17 30071:13 30068:17 30071:13 3008:17 30071:13 3008:17 30071:13 30067:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 30071:13 <td></td> <td></td> <td></td> <td></td> <td></td>					
competitors 30027:8 confrontational complied 30070:9 confrontational 30081:15 confrontational 30081:15 confrontational 30081:15 30033:12 30035:13 30057:13 30057:21 30057:21 30057:21 30057:21 30057:21 30071:11 30067:31 30077:13					
compile 30010:1 3008115 30030:7 29989:8 30038:19 3005123 compiled 30070:9 confronted 29976:6,14 correct 29970:13 current 30065:12 30054:20 30055:8,25 composition 30008:16 consider 29981:16 consider 29981:16 30054:20 30055:8,25 30055:12 30055:13 30075:21,8 competed 30009:10 30019:14 30049:9 30019:14 30049:9 30012:14 30070:13 30058:18 30067:31 30070:13 concerde 39980:18 consider 29970:13 correction 3005:55 corrections 30015:10 adargerous 30101:16 declines 29981:24 concerde 3990:18 30049:12 consist 30052:1 29972:12 29971:19 30071:13 30070:23 concert 29902:23 consist 20052:1 29978:23 30071:24 29957:19 30071:24 29957:19 30071:14 30071:2 declines 29981:24 concert 29902:3 consist 20052:1 29978:23 30072:13,14 29981:24 29981:24 29981:24 concert 29902:3 consist 20052:1 29978:23 20071:3 30072:13 30072:2 30072:13 30072:2 29981:24 29981:24 29981:24 29981:24 29981:24 29981:14 29981:24 29981:24					
compiled 30070-9 confronted 29976.6,14 correct 29930.13 current 30065:12 30054:23 30055:82 compiled 30905:12 consequences 30081:1 currection 2996:12 29931:22 2997:12 30055:42 30057:19 30057:42 30071:13					-
completely 30065:12 confusion 30017:6 29931:22 29976:12 cut 29953:17 29983:18 300554:6 300572.18 compsition 30008:16 consequence 30081:1 corrected 29970:4 cut 29953:17 29976:2 300573:9 300571:9 300571:9 300571:9 300571:9 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:8 30071:11 30082:1 29978:2 30001:9:18 decluctoria 29981:14 decluctoria 29981:14 decluctoria 29981:14 30072:13 30071:23 30071:13 30072:23 30071:13 30072:13 decluctoria 29981:14 decluctoria 29981:14 29981:12 30011:5 decluctoria 29982:7 decluctoria 29982:12 decluctoria 29982:12 29981:12 30011:5 decluctoria 29981:14 29981:12 30012:13 30011:13 30012:13 decluctoria 29982:12 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14 29981:14		confronted 29976:6,14	corner 29930:13	current 30065:12	
comply 30094:12 comps 30094:12 comsequences 30081:13 comsequences 30081:13 consequences 30081:13 consequences 30081:13 consequences 30081:13 consequences 30081:13 30014:25 3002:20 30014:22 3002:20 30014:22 3002:20 30014:22 3002:20 30059:82 10060:21 consected 29970:13 consected 29970:12 consected 29971:12 consected 29971:12 consected 29971:12 consected 29971:12 consected 29971:12 consected 29971:12 consected 29971:13 consected 29971:14 consected 29971:14 consect					· · · · · · · · · · · · · · · · · · ·
compy 30094:12 consider 29981:16 corrected 29970:4 30053:9 30065:13 30062:13 30014:12 30059:8,21 30014:25 30012:13 30070:12 30070:12 20952:25 consider 29981:16 consider 29970:4 30055:12 29992:12 30070:13 300770:23 20072:15 consider 29970:13 correctly 30055:15 danger 29941:12 30070:13 30070:13 20072:25 consider 29970:13 correctly 30071:1 30070:13 declucts 30070:12 20072:13 30052:12 29978:24 30072:13 30072:13 declucts 30070:12 20952:4 consist 0027:1 20978:23 date 30016:12 deflect 2994:02.20,20 29981:14 30071:14 30072:13 consists 29937:9 cost 30056:12 29996:15 deflect 290:02.20,20 29944:22,23 30077:12 consist 0005:12 consist 0005:12 29938:21 cost 30056:12 2996:15 29996:23 30003:14 deflect 290:02.20,20 2994:12 2994:12 3001:12 3001:12 3001:12 3001:12 30001:12 3		consequence 30081:1	29981:2	cycle 30032:5,5	
composition 3008:16 consider 29981:16 correction 2996:22 30014:12 cynically 30090:2 30067:5,13 30070:23 30071:13 10088:8 concended 29980:18 considerations 30014:12 30052:5 30095:12 30070:13 30070:13 29992:25 considerations correctly 30055:5 29992:1 29971:19 30070:13 declines 2981:24 30026:20 3003:10 consisten 29961:10 consisten 29961:10 29978:23 30019:19.18 danger 29941:12 date 30016:12 declines 2981:24 20032:23 30033:19 consisten 2997:9 consisten 29979:9 30007:23 30017:3 3007:23 29978:23 00019:19.18 date 30016:7 30017:2 29981:10 29943:22 29981:12 30071:13 3003:12 consiste 2997:9 consiste 29979:9 30007:13 3007:33 3007:23 29994:10 29943:22 29994:10 29943:22 29984:51 29959:8 300017:3 30037:23 29998:51 29997:9 30001:7 30037:23 30017:3 30037:23 30017:3 30037:23 30001:7 30037:23 30001:7 30037:23 30001:7 30037:23 30001:7 30037:23 30001:7 30037:23 30001:7 30037:23 30001:7 30037:23 30061:7 3007:13 30081:1 30005:12 consiste 29973:13 30001:7 30037:13 <td></td> <td></td> <td></td> <td></td> <td></td>					
comprises 30009:10 30011:14 30049:9 30014:12 30020:20 30071:11 30088:8 conceded 29980:18 considerations corrections 30015:1 danger 29941:12 30070:13 concern 29992:35 consider 29979:13 consider 29979:13 consider 29979:13 30049:1 3002:23 3003:10 consist end 29979:13 30049:1 corrections 3001:91 danger 0085:15 deckions 3001:15 3002:23 3005:19 consist end 29979:13 30049:1 29978:23 20001:9,18 danger 0085:10 deduction 2998:1:7 30032:23 3005:12 consist end 29971:1 30002:5,19,22,25 date 30016:7 30017:2 29981:21 30011:24 20984:21 3003:12 consist end 3006:12 consist end 3006:15 consist 3005:12 29945:15 299978:8 30002:9 30071:14 3007:22 2993:21 costa's 30015:25 29945:15 29945:			correction 29965:23	cynically 30090:2	
30014:12 30059:8.21 3006:0:21 30021:8 D decisions 30051:19 29992:25 considerations corrections 30015:1 corrections 30015:1 30070:13 29992:25 considerations corrections 30015:1 30095:15 30095:15 declines 29981:14 20026:20 30031:10 consistent 2996:10 29978:2 300019:19.18 dated 30016:12 deduction 29982:7 30025:24 29963:24 consistent 2996:10 29978:2 300019:19.18 dated 30016:12 29981:21 30011:24 20984:21 30030:12 consistent 2997:9 consistent 2997:9 consistent 2994:22.23 day 017:3 3007:23 29941:10 29943:22 3007:11 30030:12 constant 30042:15 consist 2995:12 29978:15 29995:8 300078:3 300078:3 299978:2 39999:5 30004:12,25 30098:11 30005:12 consultative 30036:16 consultative 30038:13 30001:19 30008:12,25 30098:11 30098:11 300027:19 30032:12 consultative 30038:13 30001:19 30008:12,3004:12,25 30003:13 30008:12 29998:5 3004:12,3004:12,25 30098:11 30006:12 30006:17 co		30019:14 30049:9	30014:25 30020:20		
29992:25 30095:25 correctly 30055:5 29992:19 declines 29981:24 concentrating 2992:3 30049:1 consist 30052:1 29931:24 29931:21 2011:124 20301:21		30059:8,21 30060:21	30021:8	D	decisions 30051:19
concentrating 2992:2: consist 2997:13 correctness 30021:9 30095:15 deductod 30011:6 3002:2:0 30031:10 consist 0052:1 29931:24 29957:17 30102:8 deductions 29981:14 30032:2:3 3005:1:9 consist 29937:9 29931:24 29957:17 30002:51 20011:24 deductions 29981:14 29952:4 29963:24 consist 29937:9 consist 29937:9 cost 30007:2,13,14 30017:3 30037:23 29998:2,4 20071:14 30073:23 constitute 30036:15 cost 30056:12 29998:2,4 29998:2,4 30009:1 constitute 30036:15 cost 30056:12 29998:2,9 30003:8 30102:10 300071:14 30073:23 consult 30042:15 cost 30056:12 29998:9 30029-9 definit 60031:14 30002:5 30031:10 30032:1 30049:3 29978:2 90978:3 30041:7 30045:12,25 30084:14 30057:2,25 30084:14 30057:2,25 30061:2 30096:17 consult 30009:14 consult 30009:12 30016:2,3 3008:14 30084:14 3007:13 30056:10 30076:9 30061:2 30084:14 30005:15 coultry 3008:15 30050:10 30076:9 300698:13 30076:2 30084:14 30005:12 299964:51	conceded 29980:18	considerations	corrections 30015:1	danger 29941:12	30070:13
concern 29992:3 30026:20 30031:10 consist 30052:1 29951:24 29957:17 30026:20 30031:10 consisten 29961:10 29952:42 29957:17 30007:13 0007:2 30007:114 30073:23 30077:13 00067:2 30077:12 30067:2 30077:13 00067:2 30077:13 00067:2 30077:14 30073:23 30077:14 30073:23 30083:4 30095:12,24 constitute 30036:16 constitute 30036:16 constitute 30036:16 constitute 30036:16 constitute 30036:16 constitute 30036:16 constitute 30037:19 30083:4 30095:17 30083:4 30095:12,24 300032:1 30049:3 300032:1 30049:3 300032:1 30049:3 300032:1 30049:3 300032:1 30049:3 300032:1 30049:3 300032:1 30049:13 30017:9 30031:14 30017:9 30030:12 constitute 30039:17 300061:2 30096:17 concersion 29954:7,89 29954:14 300061:2 30096:17 concersion 29954:7,89 20954:14 300061:2 30096:17 concersion 29954:7,89 20954:14 300061:2 30096:17 concersion 29954:7,89 200954:14 300061:2 30096:17 concersion 29954:7,89 20954:14 300061:2 30096:17 contained 30009:14 300081:8 contract 30009:14 300081:8 contract 29964:52 containe 30009:14 30008:18 contract 29954:15 30006:12	29992:25	30095:25	correctly 30055:5	29992:1 29997:19	declines 29981:24
30026:20 30031:10 30032:23 30053:19 consistent 29961:10 30082:12 30072:13 001:24 29971:24 29957:17 3002:8 date 30016:12 date 30016:12 30006:13 30006:13 30006:13 30006:13 30006:13 30006:14 30007:19 30007:14 30007:14 30007:14 30007:15 30007:15 30007:15 30007:15 30007:15 30007:15 30007:15 30007:15 30007:15 30007:16 30007:17 30007:17 30007:16 30007:16 30007:17 30007:17 30007:17 30007:16 30007:17 30007:17 30007:17 30007:16 30007:16 30007:16 30007:17 30007:17 30007:16 30007:16 30007:16 30007:17 30			correctness 30021:9	30095:15	deducted 30011:6
30032:23 30053:19 concerned 29940:18 29953:24 consistent 29961:10 3008:17 29953:24 29978:2 30001:9,18 30002:5,19,22,25 30007:13 30016:7 30017:2 30007:23 30017:3 30017:3 30007:13 30037:23 29994:10 29941:10 29941:20 29941:20 29941:10 29941:20 30031:14 definite 30031:14 definite 30031:14 definite 29941:12 300027:19 30030:25 300027:19 30030:25 300027:19 30030:25 300061:2 30081:10 30061:2 30081:14 30001:41 30009:14 300031:14 30001:7,9 30031:7 300041:2 30041:12 30038:14 30002:9 300081:14 30007:25 30049:18 30081:25 30049:18 30081:25 30049:18 30081:25 30049:18 30081:25 30049:18 30081:25 30049:18 30081:25 30008:18 30006:12 30083:16 30076:25 30084:12 30053:21 30031:16 30073:21 30046:21 30073:21 30046:21 30073:21 30046:12 30073:21 30036:16 30073:21 30036:16 30073:21 30036:16 30073:21 30046:19 30073:21 30046:19 30073:21 30046:19 30073:21 30046:19 30073:21 30036:16 30007:13 30076:25 30007:14 30041:2 30007:13 30076:27 30006:12 30063:11 30007:13 30076:27 30006:12 30063:11 30007:13 30076:27 30006:12 30063:11 30007:13 30076:27 30006:12 30063:12 30007:14 30041:23 30073:21 30006:21 30007:14 30041:23 30073:21 30006:21 30007:14 30041:25 30007:14 30041:25 30007:14 30041:23 30073:21 30006:21 30007:13 30076:27 30006:12 30003:12 4000303:13 30073:12 4000303:13 30073:12 4000303:13 30073:12 4000303:13 30073:12 400033:13 30073:12 400033:13 300071:1 300073:13 30073:12 400033:13 30073:14 400033:13 30073:14			corridor 29930:2		
concerned 29940:18 30089:17 30002:5,19,22,25 dated 30016:7 30017:2 defence 29940:20,20,20 29952:4 29963:24 consistently 30082:8 consistently 30082:8 cost 30051:8,21,22,23 day 2994:22,23 2998:11 (0.2994:325) 300071:14 30077:2 29938:21 constant 30042:15 cost 30056:12 29996:15 29993:8 20998:24 (0.0017:3) definite 30002:9 300071:14 30073:23 constitute 20983:21 constitute 20983:21 constitute 20983:21 20982:5 29987:3,17 30041:7 30045:12,25 30098:11 30007:19 30030:25 30031:10 consultative 30038:13 30106:23 30001:41,40 30008:12,4 delegate 30077:2,22 30061:2 30096:17 consultative 30038:13 30106:23 30030:25 30041:7,30045:12,25 30098:11 30061:2 30096:17 30038:14 counterd 20964:22 day 30006:6 delegate 30077:2,22 30087:21 conclude 30039:5 contants 29964:5 counterv 30097:15 30088:18 30008:18 30008:19 30085:1,19,30082:13 30001:19,30082:13 30004:19,30082:13 30004:19,30082:13 30004:19,30082:13 30004:19,30082:13 30004:19,30082:13 30004:19,300					
29952:4 29963:24 consistently 30082:8 30007:2,13,14 30017:3 30037:23 29943:25 29984:21 30030:12 consists 29937:9 cost 30058:18,21,22,23 29984:2,1 30027:23 29988:2,1 30037:11 30067:2 29938:21 cost 30056:12 29984:2,1 50029:9 30033:8 30102:10 30037:13 30095:12,24 constitute 30036:16 constitute 30036:16 condin't 29965:19 29998:9 30029:9 300031:14 30007:23 3003:25 consultative 30038:13 30016:23 30001:1,7 30084:14 30095:22 30084:14 30095:22 30084:14 30095:22 30085:11,1 30085:12,12 30085:13 3016:23 30106:23 30106:14,14 30085:13 30085:1 30085:13 30017:2					
29984:21 30030:12 30047:1 30067:2 30071:14 3007:23 30083:4 30095:12,24 30096:1 consists 29037:9 29938:21 cost 30058:18,21,22,23 costs's 30015:25 day 29944:22,23 29958:5,15 299938:3 29998:2,4 defend 30002:9 30003:8 30102:10 30083:4 30095:12,24 30096:1 constitute 29983:21 30032:5 30031:2 constitute 29983:21 30032:5 30041:7 30045:12,25 30041:7 30045:12,25 30041:7 30045:12,25 30098:11 30027:19 30030:25 30030:25 30031:10 30030:25 30031:10 consult 30019:13 30038:14 299978:2 29988:9 30029:9 30041:7 30045:12,25 30041:7 30045:12,25 30098:11 30001:2 30096:17 consult 30019:13 30038:14 consult 30019:14 consult 3009:14 counter 20962:12 days 30036:6 delegates 30077:2,22 30048:19 30048:19 300881:4 conclude 30039:5 contained 3009:14 counter 20962:13 30014:2 0 30066:2 counter 20962:13 30014:2 0 30066:2 300083:18 demand 30045:20 conclude 30029:16 content 30015:2 30037:13 30077:13 30077:4.9 30026:6,7,22,25 30046:19 30049:22 30077:13 30052:1 content 30051:1 30007:13 30027:1 30027:15 30022:1 30077:15,17,20,25 conclusion 30077:11 content 30051:1 30007:13 30007:2 content 30052:1 30037:2 30066:1 <td></td> <td></td> <td></td> <td></td> <td></td>					
30047:1 30067:2 29938:21 Costa's 30015:25 29954:5,15 29959:8 defend 30002:9 30003:25 30031:14 30061:2 constant 30042:15 cousta's 30015:25 29966:15 29993:8 30003:8 30102:10 30007:11 4 30075:12,24 30032:1 30049:3 29982:5 29987:3,17 30041:7 30045:12,25 30098:11 30007:19 30030:25 consult ave 3009:14 consult ave 3009:14 300041:7,9 30031:7 300441:4 30095:22 30088:10 300051:2 30038:10 consult ave 3009:14 counter ad 3009:14 30088:11 30081:4 30081:25 conclude 30039:5 contains 29964:5 counter ad 3009:14 counter ad 29962:13 29946:21 30048:19 30085:1, 1,9 30095:2 30109:19 conclusion 30074:13 counter 3008:18 counter 3008:16 30083:18 delegation 30025:2 conclusion 30074:13 counter 3009:12 30014:20 3006:12 30026:6,7,22,25 30069:12,14 30026:6,7,22,25 30069:12,14 30007:20 contents 0053:1 30014:8 3005:16 30026:2,02,25 30007:15,17,20,25 3007:15,17,20,25 30007:21 3006:12 30037:2 30064:20 <td></td> <td></td> <td></td> <td></td> <td></td>					
30071:14 30073:23 30083:4 30095:12,24 constant 30042:15 constitute 30036:16 constitute 30036:16 constitute 30036:16 constitute 30036:16 s0009:20 costs 30056:12 s0098:21 29995:3 29995:3 3004:17 30042:17, 30042:12,25 30046:2,5 30047:13 30046:2,5 30047:13 30046:2,5 30047:13 30087:21 30003:8 30102:10 definite 30031:14 30046:2,5 30047:13 30046:2,5 30047:13 30087:21 definite 30031:14 definite 30098:11 30087:21 30030:25 30030:25 30031:10 30061:2 30096:17 concession 29954:7,8,9 consult 30019:13 consult 30019:13 30016:23 30010:7,9 30031:7 30038:14 30017:4,14 30087:21 30087:21 delegates 30077:2,22 30046:2,5 30047:13 30092:1 conclude 30039:5 30109:19 containe 39066:2 30076:25 30084:22 contains 29964:5 30034:7 30082:19 country 30087:15 30010:5 30050:10 30076:9 delegations 30085:1,1 9 30085:1,1 9 30085:1,3 9 30045:1,2 30046:19 30049:22 30076:25 30084:22 30034:7 30082:19 30076:3 30097:20 30004:15 30022:1 30010:5 30006:12 30069:12,14 300097:11 30026:67,22,25 300069:12,14 300097:15 30092:2 conditional 29944:13 contents 30053:1 30035:21 30036:1 30037:2 30064:20 content 29971:3 30009:1 30010:2 30075:13 30036:13 30037:2 30064:20 300097:13 3006:25 30007:14 30075:17 300097:14 30044:24 30097:15 30009:12,30006:17 30007:14 30075:17 30036:17 30003:13 30073:21 30003:13 30007:14 30075:17 30008:16 30089:22 demands 30032:15 deals 30013:13 300073:21 demands 30032:15 deals 30013:13 300073:21 conditions 3007:14 30007:13 30064:21 30007:14 30007:15 30009:13 30007:15 30009:12					
30083:4 30095:12,24 constitute 30036:16 couldn't 29965:19 29998:9 30029:9 definite 30031:14 30096:1 30030:25 30031:13 30041:7 30045:12,25 30098:11 30027:19 30030:25 consult 30019:13 30001:7,9 30031:7 30084:14 30095:22 definite 30087:12 30061:2 30096:17 consultative 30088:13 30001:7,9 30031:7 30084:14 30095:22 delegates 30077:2,22 20954:14 contained 30009:14 contained 30009:14 counter 30092:1 deag 29944:17 29946:5 30045:1,9 30045:12 20954:14 30014:20 30066:2 counter 30092:1 counter 30092:1 deag 29939:17 30045:18 30085:3 30107:15 30034:12 30034:7 30082:19 30005:12 30004:15 30022:1 30046:19 30049:22 30076:2 30084:22 30034:7 30082:19 counter 30057:1 30004:15 30022:1 30053:3 7 30067:4.9 condition 30077:20 contention 29962:7,13 contents 3005:12 300393:52 30077:15,17,20,25 300077:15 30008:12 30030:20 30031:16 contexted 29944:23 30093:22 30107:9 29951:22 30000:17 demanded 29947:2 30030:20 30031:16 content 3005					
30096:1 concerns 3009:20 30027:19 30030:25 300327:1 30049:3 30061:2 30096:17 300325 30031:10 30061:2 30096:17 consultative 30038:13 30061:2 30096:17 30038:14 consultative 30038:13 30017.9 30031:7 30038:14 consultative 30038:13 30106:23 30061:2 30096:17 concession 29954:7,8,9 contained 30009:14 30038:14 30006:2 contained 30009:14 30046:2 30096:17 30038:14 contained 30009:14 30046:2 30096:17 30038:14 contained 30009:14 30046:2 30096:17 30038:14 contained 30009:14 30046:2 30096:17 30038:14 contained 30092:16 containe 30092:10 conclude 30022:16 CONTD 29927:12 30008:18 content 30015:2 30004:15 30006:2 30076:25 30084:22 content 30015:2 30004:15 30007:25 30084:22 content 30015:2 content 30015:2 content 30015:2 content 30015:2 content 30015:2 content 30015:2 content 3005:2 content 3005:1 30009:1 30010:2 deal 3007:15 content 3005:2 content 3005:2 content 3005:1 30009:1 3000:2 deal 30026:1 30026:6 content 3005:2 content 3005:2 content 3005:2 content 3005:2 content 3005:2 content 29991:2 content 3005:1 30006:1 3007:2 content 3005:1 30006:2 content 3005:1 30006:2 content 3005:1 30006:2 content 3005:1 continue 30003:1 continue 3002:1 continue 3002:1 continue 3002:1 continue 3002:1 continue 3002:1 continue 3002:1 continue 3002:1 continue 30003:1 continue 3002:1 continue 3002:1 continue 3002:					
concerns 30009:20 30032:1 30049:3 29997:8 29999:5 30046:2,5 30047:13 definitely 29984:16 30001:2 30096:17 consult 30019:13 30001:7,9 30031:7 30084:14 30095:22 30087:21 30061:2 30096:17 consult 30019:14 30016:23 30100:14,14 30087:21 30087:21 concession 29954:14 contained 30009:14 30016:23 30016:23 30046:2,5 30047:13 delegation 30023:5 conclude 30039:5 containe 30096:12 counter 30097:15 30005:10 30076:9 30046:13 30076:9 30109:19 30008:18 counter 30087:15 30004:15 30022:11 30046:19 30049:22 30070:52 30084:22 30034:7 30082:19 course 29927:3 30004:15 30022:1 30053:3 3006:19 30049:22 conclude 30027:10 content 30015:2 29973:14 3007:11 30027:1 30036:25 300077:15,17,20.25 condition 30097:20 content 30053:1 context 29971:3 30009:1 30010:2 30016:1 30049:22 30039:16 30095:2 conditions 30026:6 context 29971:3 30009:1 30010:2 3005:10 3007:1 30036:10 30097:15 conditions 30026:6 context 29971:3 30006:					
30027:19 30030:25 consult 30019:13 30001:7,9 30031:7 30084:14 30095:22 delegates 30077:2,22 30030:25 30031:10 30031:7 30084:14 30095:22 30107:2,22 30087:21 30061:2 30096:17 30038:14 consultative 30038:13 3016:23 30101:14,14 30087:21 concession 29954:7,8,9 contained 30009:14 30014:20 30066:2 counter 30092:1 counter 30092:1 counter 30081:15 30084:12 30085:1 30085:1,19 30095:2 conclude 30039:5 contains 29964:5 counter 30087:15 300081:18 delegation 30025:2 delegation 30085:3 30109:19 30008:18 counter 30015:2 30015:5 deal 29939:17 30046:19 30049:22 30076:25 30084:22 30033:17 300091:12 30002:1 30007:15 30027:1 30036:25 30071:13 conclusion 3007:20 contention 29962:7,13 counterd 30015:2 29973:14 30007:11 30027:1 30036:25 30071:15 30012:17,922 30097:15 condition 30026:6 contents 30053:1 30014:8 30056:16 dealing 29939:16 30071:12 30073:21 300035:21 30036:1 30037:2			,	· · · · · · · · · · · · · · · · · · ·	
30030:25 30031:10 30061:2 30096:17 concession 29954:78,9 29954:14 consultative 30038:13 30038:14 30106:23 counters 20964:22 30100:14,14 30087:21 concession 29954:78,9 29954:14 30014:20 30006:2 counter 30092:1 days 30036:6 delegation 30023:5 conclude 30039:5 contains 29964:5 30016:23 counter 30092:1 days 30036:6 delegation 30023:5 conclude 30022:16 CONTD 29927:12 s0008:18 course 29927:3 30006:13 30074:13 content 30015:2 300092:1 30005:2 30004:15 30022:1 30066:19 30049:22 conclusion 30074:13 contents 0015:2 29973:14 30007:11 30027:1 30036:25 30077:15,17,20,25 30069:12,14 conditiona 30026:6 contexted 29944:23 contexted 29944:23 30037:2 30064:20 30014:8 30056:16 30097:15 30007:15 30092:1 30005:19 3007:15 30030:20 30031:16 context 29971:3 s006:21 30041:2 30009:11,15 30012:1 30036:1 30007:15 30005:10 30098:3 context 29971:3 s006:21 30061:9 covered 29928:23 300101:1 30044:24 30073:21 30098:3 context 29971:3 30060:21 30061:9				-	
30061:2 30096:17 30038:14 counsel 29964:22 days 30036:6 delegation 30023:5 concession 29954:7,8,9 30014:20 30066:2 counter 30092:1 29944:17 29946:5 30049:18 30085:3 conclude 30039:5 contains 29964:5 country 30087:15 country 30087:15 29946:21 30048:19 30085:3 30199:19 30008:18 country 30087:15 country 30087:15 30004:15 30022:1 30046:19 30045:20 concluded 30022:16 CONTD 29927:12 30010:5 country 30087:15 3004:15 30022:1 30046:19 30045:20 concrete 29994:8,17 30053:2 countent 30015:2 29973:14 30007:11 30026:6,7,22,25 30069:12,14 condition 30077:20 contents 30053:1 30031:03010:2 30031:03006:1 30037:2 30064:20 29951:22,30107:9 29951:22 30000:17 demande 20947:2 30030:20 30031:16 contexte 29971:3 300037:2 30064:20 29951:22,24 30052:20 30056:20 demande 30032:10 30097:5 goog3:5,14 30037:2 30064:20 29951:22,24 30052:20 30056:20 demande 30032:15 30097:5 30007:14 30041:2 30007:14 30041:2					0
concession 29954:7,8,9 29954:14 contained 30009:14 30014:20 30066:2 conclude 30039:5 30109:19 counter 30092:1 counter act 29962:13 counter 20996:21 dead 29944:17 29946:5 29946:21 30048:19 30049:18 30081:25 30085:1,1,9 30095:2 30109:19 30008:18 country 30087:15 counter 30076:25 30084:22 30034:7 30082:19 conclude 30074:13 counter 30015:2 3004:15 30022:1 30046:19 30046:20 30076:25 30084:22 30034:7 30082:19 courter 29997:13 30014:5 30022:1 30066:6,7,22,25 30069:12,14 concluion 30077:20 contention 29962:7,13 30007:13 30007:13 30026:6,7,22,25 30069:12,14 30030:20 30031:16 context 29971:3 30093:22 30107:9 29951:22 30000:17 30097:15 30075:3 30030:20 30031:16 context 29971:3 30009:12,14 30012:1 30014:8 30056:16 30075:17 30075:13 30077:2 30007:14 30041:2 30011:1 30044:24 30073:21 30098:3 continued 29998:16 covering 29951:8 deal 29933:4 demands 30032:15 30073:21 30097:5 continued 29998:16 30007:13 30007:13 30073:21 30086:1,11 30087:2 30036:17 30093:12 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
29954:14 30014:20 30066:2 counteract 29962:13 29946:21 30048:19 30085:1,1,9 30095:2 30109:19 30008:18 contains 29964:5 30087:15 30050:10 30076:9 delegations 30085:3 30109:19 30008:18 conple 29954:16 30083:18 demand 30045:20 30076:25 30084:22 30034:7 3082:19 30015 deal 29939:17 30065:1,1,9 3009:22 conclusion 30074:13 content 30015:2 29936:5,6,18 29937:1 30026:6,7,22,25 30069:12,14 condition 30097:20 contents 30053:1 30009:1 30010:2 30053:14 30097:15 conditions 30026:6 context 29971:3 30093:22 30107:9 29951:22 30000:17 30046:19 30030:20 30031:16 context 29971:3 covered 29928:23 30010:1 30044:24 30077:15 30098:3 continua 30003:13 30007:14 30041:2 30010:20 deals 30037:17 30036:17 30093:12 30097:5 continue 29998:16 continue 29998:16 continue 29998:16 cranial 29942:12,13 deals 30075:17 30036:17 30093:12 30097:5 continue 29998:16 continue 29998:16 continue 30					
conclude 30039:5 30109:19contains 29964:5 30008:18country 30087:15 couple 29954:1630050:10 30076:9 30083:18delegations 30085:3 demand 30045:20concluded 30022:16 30076:25 30084:22CONTD 29927:12 30034:7 30082:1930010:5 course 29927:330046:19 30049:22 30026:6,7,22,2530053:3,7 30067:4,9 30026:67,22,25conclusion 30077:10 condition 30097:20 contents 30053:1contents 30053:1 30036:1230099:130010:2 29973:14 30007:1130026:6,7,22,25 30026:67,22,2530077:15,17,20,25 30077:15,17,20,25conditional 29944:13 conditional 29944:13 contents 30053:1contents 30053:1 30030:20 30031:1630037:2 30064:20 context 29971:330039:22 30107:9 29951:22,2430052:20 3005:20 30052:20 30056:20demande 29947:2 30046:19 30049:12,1430030:20 30031:16 30036:12 30036:1context 29971:3 30037:2 30064:20 continuation 29965:2 continuation 29965:2covering 29951:82 covering 29951:8 30009:11,15deals 30013:13 deals 30013:1330073:21 demande 30032:1530097:5 conduct 29999:24 300037:5continuing 30001:25 contracted 30013:14 continuing 3001:25co-ordination 3007:2 co-ordination 3007:2 co-ordination 3007:230086:7,9,15,25 30088:16 30089:22 30088:15 30088:3,12 30031:13 30023:12430000:7 30107:18 300023:21,25contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14contracted 30029:5,7 30092:5,730088:18 30089:15 30092:4,5depate 29927:15 29938:19 29939:12					
30109:19 30008:18 couple 29954:16 30083:18 demand 30045:20 concluded 30022:16 30034:7 30082:19 30010:5 deal 29939:17 30046:19 30049:22 conclusion 30074:13 content 30015:2 29936:5,6,18 29937:1 30026:6,7,22,25 30069:12,14 concrete 29994:8,17 30053:2 contention 29962:7,13 30009:1 30010:2 30027:1 30036:25 30077:15,17,20,25 conditiona 30077:20 contents 30053:1 context 29971:3 30009:1 30010:2 30058:14 30093:16 30095:2 solo30:20 30031:16 context 29971:3 context 29971:3 covered 29928:23 30010:1 30044:24 30045:19 30030:20 30031:16 continua 30031:3 30009:11,15 deals 30013:13 30073:21 30098:3 continua 3003:1 30009:11,15 deals 2993:4 demands 30032:15 30097:5 continue 3003:14 continue 3001:25 continue 3001:25 continue 3001:25 3010:20 continue 3001:25 continue 3001:25 continue 3001:25 continue 3001:25 30007:51 continue 3001:25 continue 3001:25 continue 30001:25 cont					
concluded 30022:16 30076:25 30084:22CONTD 29927:12 30034:7 30082:19 content 30015:230010:5 course 29927:3deal 29939:17 300046:19 30049:22conclusion 30074:13 concrete 29994:8,17content 30015:229936:5,6,18 29937:1 29936:5,6,18 29937:130026:6,7,22,25 30026:6,7,22,2530069:12,14 30025:2condition 30097:20 contenti 30057:20 contents 30053:1 conditions 30026:6 contested 29944:13 continue 29962:7,13contents 30053:1 30014:8 30056:1630027:1 30036:25 30093:12 30064:20 29951:22 30001:130077:15,17,20,25 30058:1430030:20 30031:16 30035:21 30036:1context 29971:3 30037:2 30064:20 continuation 29965:2 continue 30097:11context 29971:8 30009:11,15dealing 29939:16 29951:22,24430044:24 30044:2430097:51 30097:51 300076:3 30092:25continue 30031:13 30077:14 30041:230010:20 coorring 29951:8 30009:11,15dealt 29933:4 dealt 29933:4demands 30032:15 dealt 30037:2130097:52 conduct 29999:24 300007:3 30069:12 3006:21 30061:9 30109:1continued 2998:16 contracted 30013:14 continuing 30001:25 contracted 30013:14 contracting 3001:25 contracted 30013:14 contracting 3001:25 contracted 30013:14 contracting 3001:25 contracted 30013:14 contracting 3001:25 contracting 3001:25 contracting 3001:25 contracting 3001:25 contracting 3001:26 contracting 3001:27 contracting 3001:27 contracting 3001:28 contracting 3001:28 contracting 3001:29 contracting 3001:21 contracting 3001:21 contracting 3001:21 contracting 3001:21 contracting 3001:21 contracting 3002:25,7 30032:19,21dealt 29939:17 dealt 29927:1530046:19 30049:22 30026:10<					
30076:25 30084:22 30034:7 30082:19 course 29927:3 30004:15 30022:1 30053:3,7 30067:4,9 conclusion 30074:13 content 30015:2 29936:5,6,18 29937:1 30026:6,7,22,25 30009:12,14 condition 30097:20 contention 29962:7,13 30009:1 30010:2 30007:1 30036:25 30077:15,17,20,25 conditions 30026:6 contents 30053:1 contents 30053:1 30004:15 30027:1 30009:16 30097:15 30030:20 30031:16 context 29944:23 context 29971:3 covered 29948:23 30010:1 30004:12 30007:15 30035:21 30036:1 30037:2 30064:20 covered 29928:23 30010:1 30044:24 30045:19 30076:3 30092:25 30007:14 30041:2 30009:11,15 deals 30013:13 30075:17 30036:17 30093:12 30007:5 continued 29998:16 30003:14 coordination 30007:2 cordination 30007:2 30086:1,11 30087:2 departing 29967:23 30000:7 30107:18 continuing 3001:25 continuing 3001:25 continuing 3001:25 continuing 3001:25 continuing 3001:25 deaths 3005:15 departing 29967:23 30000:7 30107:18 continuing 3001:25			L		
conclusion 30074:13 concrete 29994:8,17 condition 30097:20 conditions 30027:20 conditions 30027:20 conditions 30027:20 contents 30053:1 30030:20 30031:16content 30015:2 30053:1 contents 30053:1 contested 29944:23 300303:22 30107:929936:5,6,18 29937:1 30009:1 30010:2 30058:1430026:6,7,22,25 30028:1430069:12,14 30027:1 30036:25 30098:3 continue 3003:13 30037:2 30064:20 continue 30075:11 30097:330026:6,7,22,25 30009:1 30010:2 30093:22 30107:9 29951:22 30000:17 30098:3 contacte 29944:23 continue 3003:13 30076:3 30092:25 30007:14 30041:2 30097:530026:6,7,22,25 30014:8 30056:16 29951:22 30000:17 29951:22 30000:17 29951:22 30000:17 30009:11,1530026:6,7,22,25 30012:1 30014:8 30056:16 29951:22 30000:17 29951:22 30000:17 29951:22 30000:17 30012:13 deals 30013:13 deals 30013:13 deals 30013:13 deals 30013:13 deals 3007:14 30041:2 30006:21 30061:29 30009:11,15 continue 29998:16 30007:14 30041:2 30000:7 30107:18 30000:7 30107:18 continuing 3001:25 continue 30013:14 continuing 3001:25 contracted 30013:14 contracting 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracted 30013:14 contracters 30012:11 contracters 30012:11 contracters 30012:11 contacter 30023:21,25300012:17,2330026:6,7,22,25 30012:17,23300026:6,7,22,25 30003:12 covered 29928:23 30010:2030026:6,7,22,25 deals 30013:13 deals 3003:13 30088:16 30089:22 deaths 30050:15 30088:16 30089:22 deaths 30050:15 deaths 30050:15 300088:312 dog8:19 29939:1230026:6,7,22,25 30003:11 30026:10 30088:18 30089:15 30090:4,5,19,22,24 depate 29927:1530069:12,14 30060:12,14 30077:15,17 30036:17 30032:19,2					
concrete 29994:8,17 condition 30097:20 conditional 29944:13 conditions 30026:630053:2 contents 30053:1 context 29971:329973:14 30007:11 30009:1 30010:2 30009:1 30010:230027:1 30036:25 30058:1430077:15,17,20,25 30093:16 30095:230030:20 30031:16 30035:21 30036:1contested 29944:23 and source 29971:330014:8 30056:16 and support30093:22 30107:9 covered 29928:2329951:22 30000:17 and supportdealing 29939:16 29951:22 30000:1730044:24 and support30098:3 conducive 30075:11 30098:330037:2 30064:20 continuation 29965:2 continuation 29965:2 continue 30003:13 30007:14 30041:229951:22,24 30009:11,1530052:20 30056:20 deals 30013:13 dealt 29933:4demanding 30025:10 30073:2130096:13,19 30097:2 30096:13,19 30097:230060:21 30061:9 30003:5.14co-ordination 30007:2 continuing 30001:25 continuing 30001:25coordination 3007:2 continuing 30001:25 continuing 30001:2530088:16 30089:22 continuing 3001:25 continuing 3001:25death 30050:15 a0088:16 30089:22 deaths 30050:15depending 29941:17 30088:16 30089:22 deaths 30050:1530000:7 30107:18 300023:21,25contracting 30013:8 contracted 30013:1430071:11 criticise 30052:22,2430088:18 30089:15 30092:5,730032:19,2130028:21 conducted 299291:2530012:17,2330032:19,21depate 29927:1529938:19 29939:12					
condition 30097:20 conditional 29944:13 contents 30053:1 30030:20 30031:16 30035:21 30036:1contents 30052:7,13 sourtext 29944:23 context 29971:330009:1 30010:2 30093:22 30107:9 covered 29928:23 29951:22,2430058:14 dealing 29939:16 29951:22 30000:17 30010:1 30044:24 30010:1 30044:2430093:16 30095:2 30097:1530030:20 30031:16 30035:21 30036:1 30098:3context 29971:3 30037:2 30064:20 continuation 29965:2 continuation 29965:2 30007:14 30041:2 30007:14 30041:2 30007:14 30041:2 30007:530037:2 30064:20 covering 29951:8 30009:11,15 30009:11,15 deals 30013:13 30009:11,15dealing 29939:16 covering 29951:20 deals 30013:13 dealt 29933:4 dealt 30075:17 30036:17 30093:12 death 30075:17 30036:17 30093:12 death 30075:17 30036:17 30093:12 death 30075:17 denying 29984:12,13 death 30050:15 deaths 30050:15 depending 29941:17 30036:7,9,15,25 30003:5,14 continuing 3001:25 contracted 30013:14 continuing 3001:25 contracted 30013:14 contracting 30013:8 contracting 30013:2130009:1,11 criticism 30029:5,7 30092:5,730058:18 30089:15 30090:4,5,19,22,24 deate 29927:15depicted 29929:10 cented 29929:12					· · · · · · · · · · · · · · · · · · ·
conditional 29944:13 conditions 30026:6contents 30053:1 contested 29944:23 context 29971:330014:8 30056:16 30093:22 30107:9 covered 29928:23dealing 29939:16 29951:22 30000:17 30010:1 30044:24 30010:1 30044:2430097:15 demanded 29947:2 30045:1930030:20 30031:16 30035:21 30036:130037:2 30064:20 continuation 29965:2covered 29928:23 29951:22,2430052:20 30056:20 deals 30013:13demanding 30025:10 30073:2130076:3 30092:25 30007:13 30097:230007:14 30041:2 30060:21 30061:9300097:15 covering 29951:8dealt 29933:4 dealt 29933:4demandis 30032:15 30086:1,11 30087:230097:5 conduct 29999:24 30000:7 30107:18 30109:11continuing 30001:25 contracted 30013:14 contracting 3001:25covering 29942:12,13 cranial 29942:12,13 cranial 29942:12,1330088:16 30089:22 30086:1,11 30087:2denying 29941:2,13 depending 29967:2330000:7 30107:18 300028:21 conducted 30023:21,25contracting 30013:8 contractors 30012:1130071:11 criticism 30029:5,7 30032:19,2130088:18 30089:15 30090:4,5,19,22,24depicted 29929:10 29938:19 29939:12	· · · · · · · · · · · · · · · · · · ·				
conditions 30026:6 30030:20 30031:16 30035:21 30036:1 30093:22 30064:20 continuation 29965:2 conducive 30075:11 30076:3 30092:25 30007:14 30041:2 30007:14 30041:2 30007:14 30041:2 30007:14 30041:2 30007:14 30041:2 30007:1530093:22 30107:9 covered 29928:23 29951:22,24 deals 30013:13 deals 30013:13 deals 30013:13 deals 30013:13 deals 30075:17demanded 29947:2 30045:19 demanding 30025:10 30073:21 demands 30032:15 30096:13,19 30097:230096:13,19 30097:2 30096:13,19 30097:2continue 30003:13 30060:21 30061:9 30060:21 30061:930009:11,15 co-ordination 30007:2 co-ordination 30007:2 co-ordination 30007:2 30088:16 30089:22 deaths 30050:15 deaths 30050:15 deaths 30050:15 deaths 30050:15 deaths 30088:3,12 30003:11 30026:10 30003:124conducted 30023:21,25 300028:21 contracted 30013:14 contracting 30013:8 30028:21 contractors 30012:11contracting 30013:8 criticism 30029:5,7 30032:19,2130099:4,5,19,22,24 30090:4,5,19,22,24depicted 29929:10 29938:19 29939:12					
30030:20 30031:16 30035:21 30036:1 30098:3context 29971:3 30037:2 30064:20 continuation 29965:2 continuation 29965:2 continue 30003:13covered 29928:23 29951:22,24 covering 29951:8 30009:11,1530010:1 30044:24 30052:20 30056:20 deals 30013:1330045:19 demanding 30025:10 30073:2130076:3 30092:25 30096:13,19 30097:230007:14 30041:2 30060:21 30061:930009:11,15 30010:20dealt 29933:4 dealt 30075:17demands 30032:15 30086:1,11 30087:230097:5 conduct 29999:24 30000:7 30107:18 30109:1continuing 30001:25 contracted 30013:14 contracting 3001:25covering 29942:12,13 create 30031:11 critics 30052:22,24 30071:1130086:7,9,15,25 30088:16 30089:22 deaths 30050:15depending 29941:17 30036:17 30031:1230028:21 confess 29951:2530012:17,2330032:19,2130032:19,2130090:4,5,19,22,24 30032:19,2130090:4,5,19,22,24 29938:19 29939:12	conditions 30026:6				demanded 29947:2
30098:3 conducive 30075:11 30076:3 30092:25continue 30003:13 30007:14 30041:2covering 29951:8 30007:14 30041:2deals 30013:13 dealt 29933:430073:21 demands 30032:1530096:13,19 30097:230060:21 30061:9 30096:13,19 30097:530060:21 30061:9 30060:21 30061:9co-ordination 30007:2 cranial 29942:12,1330086:1,11 30087:2 30086:1,11 30087:2denying 29984:12,13 deaths 30050:1530000:7 30107:18 30109:1continuing 30001:25 contracted 30013:14crated 30013:14 criticse 30052:22,24criticse 30052:22,24 30088:18 30089:1530003:1.13 deaths 30088:3,1230028:21 confess 29951:25contractors 30012:11 30012:17,23criticism 30029:5,7 30032:19,2130090:4,5,19,22,24 debate 29927:1529938:19 29939:12	30030:20 30031:16	context 29971:3	covered 29928:23	30010:1 30044:24	30045:19
conducive 30075:11 30076:3 30092:25continue 30003:13 30007:14 30041:2 30096:13,19 30097:230007:14 30041:2 30060:21 30061:9 30060:21 30061:930009:11,15 30010:20dealt 29933:4 death 30075:17demands 30032:15 30036:17 30093:1230097:5 conduct 29999:24 30000:7 30107:18 30000:7 30107:18continuing 30001:25 contracted 30013:14 contracted 30013:14 contracted 30013:14 confress 29951:2530003:5,14 contracted 30013:8 contractors 30012:11contracting 3001:25 criticism 30029:5,7 30032:19,21dealt 29933:4 death 30075:17 30086:1,11 30087:2 30088:16 30089:22 deaths 30050:15demands 30032:15 30088:16 30089:22 depending 29967:23 depending 29941:17 30088:18 30089:15conducted 30023:21,25 30028:21 confress 29951:25contracting 30013:8 sou12:17,23criticism 30029:5,7 30032:19,21dealt 29927:15conducted 29929:10 29938:19 29939:12	30035:21 30036:1		29951:22,24	30052:20 30056:20	demanding 30025:10
30076:3 30092:2530007:14 30041:230010:20death 30075:1730036:17 30093:1230096:13,19 30097:230060:21 30061:9co-ordination 30007:230086:1,11 30087:2denying 29984:12,1330097:5continued 29998:16co-ordination 30007:230088:16 30089:22depending 29967:2330000:7 30107:18continuing 30001:25create 30031:11critical 30067:1530086:7,9,15,2530003:11 30026:1030028:21contracted 30013:8contractors 30012:1130071:1130088:18 30089:1530031:24confess 29951:2530012:17,2330032:19,21debate 29927:1529938:19 29939:12					
30096:13,19 30097:230060:21 30061:9co-ordination 30007:230086:1,11 30087:2denying 29984:12,1330097:5continued 29998:1630003:5,14cranial 29942:12,1330088:16 30089:22departing 29967:2330000:7 30107:18continuing 30001:25crate 30031:11deaths 30050:15depending 29941:1730109:1contracted 30013:14criticise 30052:22,2430088:79,30088:3,1230003:11 30026:1030028:21contractors 30012:1130029:5,730090:4,5,19,22,2429934:25 29936:4confess 29951:2530012:17,2330032:19,21debate 29927:1529938:19 29939:12				dealt 29933:4	
30097:5 conduct 29999:24 30000:7 30107:18 30109:1 continued 29998:16 30003:5,14 cranial 29942:12,13 create 30031:11 30088:16 30089:22 departing 29967:23 conduct 29999:24 30000:7 30107:18 30109:1 continuing 30001:25 contracted 30013:14 create 30031:11 30088:16 30089:22 departing 29967:23 conducted 30023:21,25 30028:21 contracting 30013:8 create 30052:22,24 30088:18 30089:15 30031:24 confess 29951:25 contractors 30012:11 30032:19,21 30032:19,21 debate 29927:15 29938:19 29939:12					
conduct 29999:2430003:5,14create 30031:11deaths 30050:15depending 29941:1730000:7 30107:18continuing 30001:25contracted 30013:14critical 30067:1530086:7,9,15,2530003:11 30026:1030109:1contracting 30013:8contracting 30013:8criticise 30052:22,2430087:9 30088:3,1230031:2430028:21contractors 30012:1130029:5,730090:4,5,19,22,2429934:25 29936:4confess 29951:2530012:17,2330032:19,21debate 29927:1529938:19 29939:12	· · · · · · · · · · · · · · · · · · ·			-	
conduct 29999.24 50005.5,14 create 30031.11 deaths 30030:13 depending 29941.17 30000:7 30107:18 continuing 30001:25 critical 30067:15 30086:7,9,15,25 30003:11 30026:10 30109:1 contracted 30013:14 criticise 30052:22,24 30087:9 30088:3,12 30031:24 conducted 30023:21,25 contracting 30013:8 criticism 30029:5,7 30090:4,5,19,22,24 29934:25 29936:4 confess 29951:25 30012:17,23 30032:19,21 debate 29927:15 29938:19 29939:12	/ 31 1 196-				
30109:1contracted 30013:14criticise 30052:22,2430087:9 30088:3,1230031:24conducted 30023:21,25contracting 30013:830071:1130088:18 30089:15depicted 29929:1030028:21contractors 30012:11criticism 30029:5,730090:4,5,19,22,2429934:25 29936:4confess 29951:2530012:17,2330032:19,21debate 29927:1529938:19 29939:12	conduct 29999.24				
conducted 30023:21,25 30028:21contracting 30013:8 contractors 30012:11 30012:17,2330071:11 criticism 30029:5,7 30032:19,2130088:18 30089:15 30090:4,5,19,22,24 debate 29927:15depicted 29929:10 29934:25 29936:4 29938:19 29939:12	In It Prese				
30028:21 confess 29951:25contractors 30012:11 30012:17,23criticism 30029:5,7 30032:19,2130090:4,5,19,22,24 debate 29927:1529934:25 29936:4 29938:19 29939:12					
confess 29951:25 30012:17,23 30032:19,21 debate 29927:15 29938:19 29939:12					
	contess 29951:25	30012:17,23	50052:19,21	uevale 29927:15	27730:17 27737:12

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

				Page
30002:2 30003:22	29942:17 30013:15	29972:16 29973:3,10	draw 29934:20	30014:25 30062:14
deploy 29980:4	direction 29930:25	29974:8,13 29980:11	30067:15 30069:20	30110:6
deploying 29996:12	29931:6,7,11,16	29992:17 29995:9,10	30069:24	effectively 29935:1
describe 29964:3	29932:15 29934:25	29995:25 30047:19	drawn 29962:16	29949:15 29965:7
30008:18 30017:20	29935:8 29941:14	30048:1,11 30100:19	30070:2 30071:13	29968:14 29979:3
described 29928:18,22	29967:2,9 29968:15	30106:2	drew 30053:13	29989:21 29991:12
29942:11 30008:15	29971:18 29977:14	disputes 30042:10	drift 30036:14	efforts 30042:14
30012:3,11,17	29977:16 29996:21	30105:23	drill 30022:9,24	30043:23
30018:9	29999:4 30000:13	disputing 29934:14	30026:14,15,17	eight 30003:7 30050:10
description 30009:14	directions 29944:6	29972:24 29986:19	30027:4,7,7 30029:19	30086:1
30018:5,11,19	29996:14	disrespect 29943:2	30030:14 30032:9	either 29946:21
designate 30049:18	directly 30013:11	disrupt 30053:16	30035:19,23,24	29952:25 29972:6
designated 30023:9	30025:3 30030:18	distance 29928:8	30047:23 30054:5,11	29973:10 30010:14
designation 30021:22	30039:11 30048:21	29930:5 29992:5,5	30054:13,18	30012:9 30031:24
despite 29984:22	30048:22 30071:10	distances 29940:11	30055:11,15,20	30043:9 30070:2
detail 30022:2 30029:3	30076:14,17	distinction 30067:3,15	30056:2,9 30057:7,16	30082:21 30095:23
30054:15	30080:25 30084:7	30068:14 30069:20	30058:13 30060:11	elect 30023:5 30095:1
determine 29991:17	30085:20 30086:3,6,8	30069:24 30070:2,12	30062:10,15 30063:1	elected 30012:8
determined 30046:25	30087:10 30088:5,10	30070:13 30071:1	30063:6 30065:13,15	30023:7 30082:2
developing 30087:16	30088:14 30089:9,23	distinguish 30014:11	30065:17,18	30087:21
devices 29966:16	30090:7 30109:12,24	distress 29948:25	30067:12,14 30068:1	embarked 30030:23
didn't 29956:16	directors 30052:3,5	distressed 29953:18	30072:25 30073:2	emerged 29957:18
29970:22,25	disagree 29974:9	distributing 30036:21	30074:20 30075:1,5	29973:19 29976:12
29972:19 29973:16	30076:5	Division 30045:1,12,17	30079:9,10,13	29979:22 29981:2
29975:9,16 29977:12	disallowed 29982:13	divisions 30010:18	drillers 30034:16	emotional 29948:25
29977:12 29989:12	disallowing 29982:15	document 29960:9,24	30037:16	employ 30011:18
29993:8 29999:6	disappear 29939:1	29961:1 30008:11	driven 30081:19	employed 30011:16
30000:2 30003:20	discharge 30040:8	30014:2 30017:16	drivers 30007:1	30012:1 30013:3
30024:14 30032:22	discover 29939:25	30018:2,4 30034:10	driving 30007:6	employee 30025:25
30039:11 30042:23	discovery 30054:10	30034:14,16,22	DR-number 29933:9	30031:9 30038:21,25
30050:4 30051:2	30068:24	30035:5,13,15,15,17	DR-numbers 29932:21	30083:10
30061:7 30062:5	discretion 29998:6	30035:19 30036:2,14	due 29954:17 30054:20	employees 30010:16
30065:23 30069:19	discuss 30024:10	30036:20 30037:5,5,7	30056:16	30011:7 30013:10
30069:24 30071:19	30080:13	30037:10,15 30042:1	dues 30011:6	30022:3,22 30029:9
30073:23 30077:12	discussed 29979:15	30045:24 30068:18	duration 29987:22,23	30030:12,18,24,24
30078:25 30079:1,2,5	29989:9 30021:2	30069:5,7	30031:25	30031:5 30032:20
30079:8 30086:5,7,16	30030:10 30031:16	documents 30017:22	dust 29960:19 29961:6	30034:12 30039:8
30087:9 30088:22,24	30046:21 30067:9	30017:24 30018:14	29961:8 29984:4,7	30049:5 30050:11
30089:2 30090:10	30070:24,24	30019:10,12,14,17,20	29985:25 29986:25	30055:5 30056:24
30093:9,23 30095:20	30078:24	30019:21 30020:7	29987:3,4,13,15,20	30057:2,7,8 30067:1
30100:20 30101:2	discussion 29953:12	30041:16 30054:9	29987:23 29989:22	30070:17 30071:7
30110:21	30005:14 30022:5	30068:18	29990:1,19,25	30082:21 30083:12
die 30090:6	30026:19 30027:10	doesn't 29936:15,21	d.s.s 30015:19	30086:1 30088:13,16
died 29958:2 30010:4	30042:21 30054:6	29938:4 29939:13	u.s.s 50015.17	30088:24 30092:1
30014:12	30060:4 30067:5	29938.4 29939.13	E	30096:25 30103:10
difference 29990:7	30075:12 30076:4	30013:8 30056:10	earlier 29938:18	30105:18 30106:12
30058:18 30067:14	30079:12,13 30095:7	30057:14	29968:11 29969:14	30103.18 50100.12
30067:19,25	30096:10,18 30109:1	doing 29944:8 29945:4	29908.11 29909.14 29970:3 29971:16	employment 30014:14
differences 30042:12	discussions 30034:2,11	29945:18 29946:8	29970:3 29971:16	30026:7 30030:20
	,			
different 29957:4,7	30035:23 30042:25	29950:14 29951:17	29992:9 30031:23	30031:16
30037:12 30067:8	30043:3,12,13	29982:4 30028:6	30034:1 30078:23	enable 29949:2
30074:17 30085:14	30044:2 30050:5,25	30034:6 30052:24	30091:7	30033:18
30085:24 30086:19	30051:8 30052:20,22	30062:14 30082:21	early 30103:13	encourage 30030:23
30086:21 30089:18	30053:2,2,13 30066:7	30082:25	earn 30025:21,22	30042:8
30091:8 30104:22	30075:18 30076:14	dots 29956:5	earned 30037:12	endeavour 30045:8
differently 30088:2	30076:17 30077:23	double-barrelled	earning 30028:2	ended 30001:17
difficult 29998:19	30078:9,19 30087:20	30039:21	earnings 30025:25	30028:23 30040:23
ZIMMY1. 1/1 /2/WY15.0	30089:4 30093:1	doubt 30027:17	easier 30001:19	ends 30016:15
30002:12 30025:8	30099:8	30062:7 30080:24	30003:4,5,15,18	enemy 30104:11
30038:13,16,21,21	1	DR 29933:5	east 29935:1,10	30111:3
30038:13,16,21,21 30039:2 30040:21	dismissed 30020:22			
30038:13,16,21,21 30039:2 30040:21 30090:25 30091:2	disorderly 30107:23	drag 29946:18 29948:2	Eastern 30010:19	engage 30032:24
30038:13,16,21,21 30039:2 30040:21 30090:25 30091:2 30100:22 30107:15	disorderly 30107:23 dispersal 29967:16	drag 29946:18 29948:2 29948:9	easy 29954:2	30039:15 30042:9,21
30038:13,16,21,21 30039:2 30040:21 30090:25 30091:2 30100:22 30107:15 30107:25	disorderly 30107:23 dispersal 29967:16 disperse 29998:24	drag 29946:18 29948:2 29948:9 dragged 29947:1,2	easy 29954:2 educating 30035:16	30039:15 30042:9,21 30043:3 30046:22
30038:13,16,21,21 30039:2 30040:21 30090:25 30091:2 30100:22 30107:15 30107:25 difficulty 30023:24	disorderly 30107:23 dispersal 29967:16 disperse 29998:24 29999:24 30000:6	drag 29946:18 29948:2 29948:9 dragged 29947:1,2 29950:1,2,6 29951:4	easy 29954:2 educating 30035:16 EEE16 29948:17	30039:15 30042:9,21 30043:3 30046:22 30071:9 30076:14
30038:13,16,21,21 30039:2 30040:21 30090:25 30091:2 30100:22 30107:15 30107:25	disorderly 30107:23 dispersal 29967:16 disperse 29998:24	drag 29946:18 29948:2 29948:9 dragged 29947:1,2	easy 29954:2 educating 30035:16	30039:15 30042:9,21 30043:3 30046:22

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

				Page
engaged 30030:15	30091:3	30056:3,6 30059:17	29948:25	far 29940:17 29950:22
30046:23 30049:5	events 29966:13	30059:19 30060:8,13	extremely 30027:15	29951:14 29952:1
30068:9,10 30091:5	29979:14 29989:8	30060:15 30061:22	30080:1 30098:14	29957:20 29958:1
engagements 30107:19	30000:20 30010:3	30062:2,5 30065:21	ex-Lonmin 30012:3	29984:21 30024:25
engaging 30052:22	30040:15,22 30087:4	30066:11 30079:24		30031:13 30047:1
30056:1	30087:13 30099:15	30081:16	F	30050:9 30067:1
English 29940:11	30100:2	executive's 30055:8,25	fabric 30107:18	30080:10 30082:24
30023:18,21	eventually 29942:2	exercise 30010:7	faced 30029:9	30083:3,4,5 30110:1
enlarged 29945:16	29957:18 29966:21	30104:21	30107:23,25	Farmer 30052:15
enquire 30028:11	29968:1 29969:5	exhibit 29928:16,16,22	30110:15	fashion 30028:22
ensuing 30072:11	30022:11 30095:17	29929:22 29936:4	face-to-face 30035:24	30107:22
ensure 30058:6		29929:22 29930:4	facie 29939:11	fast 29983:14
	everybody 29944:6			
enter 30099:7	30039:2 30049:6	29941:3 29948:17	facilitate 30089:4	fatal 29966:9
entered 30068:25	30091:9,13	29949:10 29955:5	facilitation 30087:17	father 30041:1
30070:22	evidence 29937:14	29958:23 29959:17	facility 30045:6	favour 30011:18,20,24
entering 29942:12	29938:9,15 29944:15	29962:21,24	facing 29931:1,3,7,11	30026:18
30092:25	29944:18,20 29954:1	30009:18 30015:25	29932:13 29941:14	fear 29942:25
entertain 30060:10	29959:18,24	30016:2 30017:24	29976:21 30002:14	feared 30102:9
entire 30028:18	29961:23 29962:6	30033:8 30034:8	fact 29930:10 29931:16	February 30105:20
30079:11 30106:11	29965:19 29966:21	30037:8 30041:17	29932:4 29934:24	feedback 30028:24,25
entirely 30070:16	29968:9,22 29970:1,4	30068:20	29944:20 29951:12	30031:9 30032:8
entitled 30019:20	29972:13,20	exhibits 30002:3	29954:18 29959:19	30056:3
entity 30085:2	29979:13 29984:23	30015:23	29971:9 29975:12	feel 29953:19 30025:13
entrance 29931:3,21	29987:19,23	existence 29981:3	29976:19 29984:22	30025:19 30026:12
29932:2	29991:10 29993:13	29982:1	29984:24 29991:11	30041:5
entry 30069:10,16,24	29994:8,12,17	existing 30032:10	29992:1 29999:9,14	feeling 30029:25
30070:3	29998:15 30004:23	exiting 30005:19	30003:25 30007:12	feelings 29948:25
environment 30038:22	30007:19 30015:13	expect 30095:14	30011:10 30012:6	feet 29937:10 29952:4
30038:24,25 30039:3	30018:24 30019:1,24	expected 29952:5	30019:18 30024:5	felt 30025:1,3 30028:7
30049:20 30050:2,14	30034:12 30037:3	29983:9 29999:2	30028:1,20 30029:5	30029:21 30030:8
30074:17 30075:1,11	30042:7 30046:16	30040:16	30029:16,24 30032:7	30040:25 30072:4
30076:3 30078:5	30047:15 30050:22	expedition 30047:5	30053:15 30054:1	30087:10 30101:5
30080:8 30081:22	30051:9 30054:10	experience 29948:24	30055:14 30065:22	30110:22
30096:13 30097:4		-		fence 29934:11 29964:4
	30072:21 30094:3,3	29961:18 30021:17	30068:7 30076:12	
episode 29965:23	30100:16	30021:21	30079:7,10 30094:2	fenced 29930:15
29985:2,15	evidence-in-chief	experienced 30051:2	30095:23 30099:9	29931:25 30002:2
episodes 29986:22	30019:5	expertise 29961:18	30105:3,13 30106:10	fencing 29932:9
equal 29943:22	exactly 29947:6	experts 29943:6	facts 29981:21	29934:15
equipment 30111:15	29964:16 29973:9	expire 29954:17	failed 30047:10	FFF9 30041:17,19
error 30046:4	30024:14 30050:25	expired 29949:2	fair 29927:13 29953:19	field 29961:18 29977:7
escalate 30026:23	examination 30004:15	29988:1,6 30032:10	29953:21 29972:2	fight 29954:14
30027:12,18	30015:22 30020:19	explain 29954:3	29975:18 29978:12	figure 29953:11
30028:23 30029:23	30033:11,19 30034:7	30009:9 30021:21	29980:17 29986:23	29983:25 30013:12
30031:6 30040:14	examined 30084:18,21	30035:17 30090:16	29986:25 29989:19	30027:22 30028:1
escalated 30032:25	examiner 30041:11	explained 29950:7	30064:11,23	file 30020:3
escalating 30024:8,17	example 30002:3	29989:16 30009:9	30100:13	filed 30016:3
30024:25	30014:17 30061:24	30019:19 30029:2	fairly 29934:10	fill 30047:8
especially 29998:21	30104:22	30054:17 30091:7	29937:11,12	filling 30023:11
essence 30014:4	Exco 30027:17,19	explaining 29982:16	29952:25 30038:23	final 29999:11 30056:1
essentially 30009:13	30028:24 30029:24	explains 30085:13	30045:4,5 30091:12	30057:22
30013:9 30014:23	30029:24 30037:25	express 29989:6	30092:14,24	finalised 30046:24
establish 30073:9	30039:8,15 30046:24	expression 30066:2	30100:21	finally 29963:7,8
30076:2 30108:15	30052:1,5,13,14	extend 29965:1	fairness 30064:18	29968:20 30001:17
established 29981:22	30053:8 30055:14	extended 30038:11	fall 30003:12	30006:10 30076:13
30032:2 30045:4	30066:6,10,14	extending 29942:14	fallen 29987:12	30076:25
30052.2 50045.4	30069:14	extension 29965:6	30027:8	financial 30052:6
30073:24 30078:21	excuse 29930:19	29988:8,15		find 29936:24 29955:20
		, ·	falling 29987:1,24	
30082:24 30107:9	29998:12 30007:19	extent 30014:21	29989:22 29990:2,20	30029:14 30095:20
30108:4	excused 30008:1,3	30040:10 30044:25	29991:1 30029:20	finding 29936:2,7
estimate 29985:5,14,18	excuses 29953:14	30047:22 30052:23	falter 29998:17	30093:1 30096:10
29986:9 29987:21	executive 30026:24	30053:7 30087:23	familiar 30025:12	findings 29942:9
estimated 29985:13	30027:12,13 30033:1	external 30087:14	30044:11	finds 30009:15
1 II I Dates	30033:1 30034:15	extra 30015:1 30063:1	families 29929:6	fine 30023:24
30058:21				
estimation 29983:21	30037:15 30039:17	extract 30046:2	29955:19,22	finish 30079:15
estimation 29983:21 event 29974:16	30037:15 30039:17 30051:18,21 3005 2:6	extracted 30010:23	Fanagalo 30023:22,22	finished 29949:2
estimation 29983:21	30037:15 30039:17 30051:18,21 30052:6 30052:7,8,9 30054:17			

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

Pretoria

				Page
fire 29928:18,24	30047:16	furrow 29942:14	30014:22 30018:25	30055:21 30058:23
29929:9 29966:4	foot 29946:2 30041:18	further 29936:10	30020:4 30027:3	30059:14 30061:6
29983:9,24 29984:1	30041:22 30042:4	29940:4 29942:24	30044:11 30046:1,3	30071:23 30072:4
29984:10 29998:1,4	force 29947:18	29945:24 29965:1	30048:16 30050:22	30076:23 30079:25
29998:16,17	29952:19 30032:15	29972:22 29994:24	30067:24 30072:7	30082:22,25
29999:11 30002:8	forcibly 29936:22	29996:16 29998:14	30098:12	30084:19 30087:25
firearm 29941:2	forensic 29943:9	30001:3 30008:3	gives 29940:10	30084:19 30087:23
				,
29997:2,9,11,20,22	foreseeable 30110:18	30045:24 30056:5	29958:25 30011:22	30094:16 30095:9
firearms 29949:22	forgive 29929:6	30064:20 30075:20	30018:24 30037:11	30096:8,24 30103:7
30000:21	29982:11	30083:9 30088:12	giving 29932:5	30103:17 30105:24
fired 29956:11,13	form 29943:19	furthest 30006:3	29946:16 29996:5	30106:2,3 30107:21
29957:3 29961:10	29979:17 29980:5	fusillade 30003:7	30035:16 30046:10	Gomes 30015:19
29974:24,25	formed 29964:16	future 29996:8	30047:15 30056:3	30016:21 30033:24
29977:21 29983:15	29979:3,18 29980:7	30110:18	30100:16	30082:17
29983:17 29984:24	forming 29957:17		glance 30014:18	good 29960:8 30012:5
29984:25 29986:16	30085:2	G	go 29945:23 29946:22	30028:4,7,10
29987:10 29997:16	formulate 30066:17	gain 30105:14	29948:6 29967:17	30041:13,14 30046:4
	forth 29952:21			,
30000:12 30101:18		gained 30109:7	29969:8 29973:16	30056:18 30110:8
firing 29956:20,20	30095:15 30096:3	gap 29930:2 29931:24	29979:18 29980:5	Gotz 29984:9 29993:1
29957:10,10	30105:24	29932:8 29976:14	29989:11 29991:18	30005:4
29977:10,13 29984:7	forum 30027:1	29977:25 29990:13	29992:18,20 29993:8	Gotz's 30006:15
29984:11,16,22	30031:23 30032:1	29991:11 30001:18	29993:8 29995:5	grant 29987:21
29985:18 29986:14	30038:14 30049:2,3	30002:5 30003:20	29996:16 29999:4,5,6	granted 30020:17
29987:10 29997:18	30084:23	30006:2 30027:9	30000:5,7,14	30062:23
29998:21 29999:22	forums 30038:13	30033:2 30063:21	30002:14 30004:2,3	gratitude 30014:21
30000:23	forward 29963:20	30065:23,23	30005:4 30023:4	great 30058:14
firm 29937:10	29964:1 29974:8	gaps 29974:2 29978:11	30037:4,22 30041:17	30101:24
29938:20	30004:1,2 30082:1	29996:20,22,23	30045:13 30046:15	green 30006:7
firms 30013:14	30100:3	, ,		grenades 29999:1
		Gcilitshana 30018:15	30049:14 30054:15	
first 29940:8 29946:22	forwards 30059:15	30047:14 30100:15	30056:7,9 30058:13	grey 30087:15
29964:8 29976:5,12	fossae 29942:12,14	30100:21	30064:3 30069:3	grievance 30024:12
29976:13 29978:21	found 29929:5,8	Gcilitshana's 30048:5	30078:25 30079:1,2,5	30025:1,6 30029:11
29985:23,25	29932:1 29940:1	general 29979:19	30079:23 30082:7	30104:7
29986:25 30000:18	29962:10 30073:11	29998:8,12 30054:23	30084:13 30085:20	grievances 30024:20,20
30004:14 30012:5	founded 29995:22	30069:11 30071:6	30091:21 30092:2	ground 29937:10
30014:8 30015:7	four 29985:5 30011:15	generally 29972:8	30093:21 30094:11	29938:20 29941:24
30016:6 30017:14	30019:16 30069:3	29979:19,19	30094:15,24 30095:2	29948:22 29986:14
30024:1,18 30036:5,6	30082:20 30097:23	30051:18	30095:14 30096:1,9	29987:10
30037:24 30039:7,22	30098:17	gentleman 30006:5,8	30096:16 30097:25	group 29966:21
30039:24 30040:20	fourth 30011:25	gentlemen 30023:14,19	30099:7 30100:14	29967:22 29968:12
30041:10,17 30052:1	30070:3 30072:17	30029:6	30102:21 30103:22	29968:20 29969:5,20
30053:1 30061:5	fragment 29942:16	gents 30028:19	30108:8,11,11,25	29971:16,17 29976:5
30069:3,10,11,12	frankly 29952:5	getting 29935:23	30109:19 30110:5,5	29976:7 29993:17,24
30072:21 30073:5,9	29955:18	29950:15 29989:1	30111:2	29994:18 30007:13
30073:22 30079:16	Friday 30046:21	30031:5 30057:3	goal 30061:23	30021:24 30023:1,3,8
30094:18	friend 30008:9	30064:3,15 30066:4,4	God 30015:15,16	30023:16 30024:4
Firstly 30071:14	30013:20 30019:4	30067:4 30089:15	goes 29965:8 30011:8	30029:9 30030:2
30078:2	30020:12 30052:21	30092:5 30096:19	30086:13	30045:19 30046:23
fit 30034:11	30084:18,21	30109:15	going 29927:17	30050:14 30059:23
five 29967:21 29982:19	friends 29948:23	give 29933:12 29934:21	29948:18,20 29949:8	30096:25
		0	·	
29982:20,25 30069:3	front 29942:1 29972:23	29939:4 29943:1,16	29959:13 29960:21	groups 30099:22
fixed 30026:8 30091:12	29984:4,5,8 30006:3	29947:19 29988:19	29962:8,10 29966:13	grown 30104:23
30091:14,19,23,23	30006:5,13,19,20	29988:23,24	29966:16 29969:18	guard 29951:16
30092:14,24	30077:24 30096:12	29993:12 29998:1	29971:24 29972:6	guess 30049:1
30094:21,22 30095:5	30096:25	30015:13 30028:24	29975:19 29979:1	30087:23 30096:7,23
30097:7 30098:11	frontline 30034:18	30028:25 30031:9	29980:19 29991:17	30099:24,25 30100:8
florid 30102:4	30035:16,17	30045:9 30051:25	29995:8 29998:24	guidance 29954:12
follow 29936:5 29949:8	30036:25	30055:21 30056:18	30002:12,14	gun 29948:1 29951:2
29991:7 30035:11	frustration 29989:6	30061:17 30062:9	30003:12 30005:21	guns 29957:3,7
30056:25 30057:23	full 30015:17	30092:2 30093:10,24	30006:14 30008:5	gunshot 29936:17
30058:2	function 30009:24	30092:2 30093:10,24	30009:4,9 30017:8,17	gunshots 29983:5,6
followed 29985:22	30062:16			8
In II Dette	Y M. Lind M.	given 29938:13	30018:2,3 30023:4	guys 29948:11
following 30022:14	Fundi 30082:22	29943:9 29944:13	30025:16 30026:23	29969:23 29979:16
30047:18 30069:16	funnel 2 9928:18,23	29946:25 29955:12	30039:8,18 30040:6,8	29984:6 29997:9
follows 29939:23	29929:9	29958:23 29993:7,13	30041:10,16	30038:17
29979:14 30042:5	furnished 30010:10	30009:18 30013:23	30054:14 30055:19	Gwelani 29927:15
ARCHIVE FO	R LUSTICE	1		

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

		1		Page
29928:8 29940:8,21	29990:5,10	Huh 29973:23	29970:18 29977:23	injure 29994:21
29999:9	hear 29970:23,25	human 29981:8	30005:6 30015:23	injured 29944:17
Gwelani's 29928:2	29974:18 29998:22	30023:12 30027:5	30041:13	29945:5,19 29946:5,9
29929:20 29939:17	30021:6 30026:23	30052:9	incident 30041:1	29946:10,20,21
29939:19 29940:3	30029:15 30030:8	humble 30028:20	incidents 30039:22	29947:4,7 29948:1,2
	30039:22 30042:7	hundred 29963:19	included 30010:25	29951:14,15 29953:1
H	30050:12 30077:19	husband 30041:1	including 30010:11	29955:11,16
hadn't 30062:1,1	30077:25	hypothesis 29982:6	30026:16 30103:6	30101:19
30063:4 30074:3	heard 29983:6 29993:9	hypothetical 30059:18	inconceivable 30040:14	injuries 29989:8
hailer 30000:4	29997:23 30026:22	30060:5	increase 30026:3	30040:12
half 29959:3 29964:8,9	30029:22 30037:4	50000.5	30027:15,18	insensitive 29951:18
29991:15 30004:20	30039:24 30043:13	I	30029:17 30045:9	inside 30020:22
30039:25 30093:8,10	30043:18 30066:13	Ian 30052:15	30062:22 30065:14	30021:2 30097:2
30093:16 30094:4	30103:23 30104:4	idea 30064:12,14	30067:20 30068:2	insofar 29968:19
	hearing 30080:25	identified 30011:2,9	30069:12 30073:21	30019:14
halfway 30054:15 halt 30056:10	6			instance 29929:17
	held 30052:13	identify 30008:14	increased 30025:19 30027:4 30065:17	
hand 29956:6 29958:18	help 29932:5 29943:17	30015:24 30042:1		instances 29952:25
29958:21 30015:15	29962:2 30015:15,16	identity 30106:3	increases 30028:13	instruct 30000:6
30038:8 30064:22	30035:24 30052:11	illegal 30046:23	30032:13 30036:9	instructed 29989:15
handed 29963:1	helpfully 30014:10,16	30054:24 30058:6,9	30067:20	30038:19
30037:3	helping 29945:12	30069:11	indebted 29989:2	instruction 29998:1,17
handedly 29954:3	helps 29936:23,24	illiterate 30024:23	Index 30018:13	instructions 29991:7
handle 29954:2,13	HEMRAJ 29951:12	illustrate 29979:1	indicate 29930:1	29998:14
30001:19 30003:15	29960:17 30007:9,12	imagination 30040:16	29934:9 29935:19	intend 30019:11
handled 29951:15	30007:17 30028:11	imagine 30040:24,24	29942:1 29943:7	30022:1
30003:4,6	30041:20,24 30044:9	imbalance 30062:23	29949:5 29955:14	intended 30060:22
handling 29952:3,25	30044:16 30051:10	30063:4	30034:2	30063:20
hang 30068:1	30058:5,11 30062:20	immediate 30029:14	indicated 29937:14,16	intention 29971:24
happen 29996:9	30063:3 30077:3,5,7	immediately 29936:18	29937:19 29961:7	29975:20 29978:20
30038:15 30040:17	30094:9 30110:3	29939:3 30010:5	30009:20 30013:9	29981:2 29995:5
30050:4 30106:2	Henderson 29938:13	imminent 29941:11	30034:4 30048:6	30054:21
happened 29928:9	Hendrickson's 29939:5	immobile 29936:18	30065:5	inter 30003:22
29941:18 29945:6,20	he'll 30019:3 30056:15	immobilise 29953:13	indicates 29931:21	interacted 30044:12
29946:11 29954:2	he's 29945:24 29970:16	Impala 30027:3,3	29938:18 29956:10	interacting 30051:12
29940.11 29934.2 29967:21 29986:11	30009:9 30019:20,20	30028:13,16	indicating 29930:15	interdict 29996:5,6,8
	30033:9 30034:25	30037:13 30062:23	29931:20 29939:22	interest 29967:24
29986:22 29989:17				
29989:20 29990:6,13	30086:14,20	30063:7,17,24	indication 29944:13	interests 30047:5
29990:15,20	30100:16	30064:5 30065:14,16	30037:12 30062:10	international 30088:25
29993:19 29994:8	hiding 29947:14	30065:17,21	indications 29928:4,5	interpretation
29996:6 30001:6	29950:16	Impala's 30063:2	30019:10	30077:21
30003:3 30022:8,15	high 29941:2 29999:15	30065:14	indicator 29931:18	interrogate 29936:11
30031:22,24	30027:15 30028:1	impasse 30076:21	indirect 29941:23,23	interrogation 29936:10
30047:17 30049:8	30072:11 30080:1	30096:11	29942:17	interrupt 29928:13
30052:25 30054:9	30081:17	impeccable 29981:11	Indistinct 30068:21	29931:23 29942:6
30055:6 30063:17	high-velocity 29936:17	implement 30033:2	industry 30021:18	29952:16 30034:20
30082:4 30085:24	holding 30092:14	30034:16 30039:19	30029:19 30033:4	30044:10 30051:2
30086:12,14,20	home 29972:7	30055:9 30056:7	inference 29936:2,7	30064:17 30091:18
30087:13 30106:23	29991:21 29995:5,8	implementation	29941:13 29962:15	30093:6 30105:12
30109:3 30110:7	honestly 30057:12	30036:15	30011:22 30012:1	interrupted 30014:1
happening 29946:25	hope 30008:12 30019:6	implemented 30032:13	30053:13	interrupting 29932:4
29949:9 29970:13	30045:24 30046:14	30035:22	inflexibility 30098:7	30051:11
29987:3 30027:3	hoped 30047:8	implementing	inflexible 30097:7	intervention 29935:16
30041:5 30047:14	30105:24	30028:17	30098:6,14 30099:4	29935:19,23,24
30064:5,8 30087:20	hopefully 30009:22	implied 30109:23	influenced 30085:4	29938:2
happens 29990:2,4,5	host 29949:21	important 29986:18	information 29935:18	inter-union 30099:17
happy 29941:7 30057:9	Hostel 30022:13	29988:9 30014:7	29936:1 29943:16	intimidation 30040:7
30057:10,17,23	hostile 30103:21	30034:2 30067:6	30009:12,23 30010:1	30072:14 30074:9,10 introduce 30008:17
30060:14 30070:5	hour 29954:20 29959:3	30070:14 30090:3	30014:17,23	
haven't 29961:20	29964:8	impossible 29997:8	30064:25	30037:16
30020:11 30065:6	hours 30022:16	29999:18	informed 30039:10,14	investigated 29936:9
nead 29941:3,0,9	30025:9 30030:4	impression 29953:16	30070:5	invitation 30095:6
20042.002	hour's 29964:9	29953:17,20	initial 30039:12	30097:11
29943:8,8,23		1 - 20021.2	30055:13 30058:17	involve 30071:23
29944:11 29947:14	housekeeping 29927:4	improving 30031:2		
29944:11 29947:14 30038:19	29954:18 30034:3	inappropriate	initially 29989:12	involved 30003:7
29944:11 29947:14				

RealTime Transcriptions

Marikana Commission of Inquiry

Pretoria

				Page
30076:20 30079:8	30058:25 30063:22	29994:1,11,20	29975:1,20 29976:2	30005:22 30064:22
30087:17 30089:8	30066:9 30074:16	29998:8,10	29976:12,24 29977:7	30069:4 30092:20
30092:5,13 30099:21	30077:9 30078:23	kill 29994:21	29978:3 29979:4,7,16	30095:21 30106:22
30109:15	30081:5 30088:7	killed 29937:16,18	29979:23 29980:9,19	left-hand 29931:10
involvement 30026:12	30091:25 30092:12	29940:9,18,19	29982:2 29992:18,20	29934:10 29935:9
30071:18	30094:20 30096:22	29968:1,21,25	29995:5 29996:18	29965:3
involving 30026:18	30100:8,11 30104:4	30082:21,23,24	29999:16 30001:8	length 30026:10
30042:10	30106:5 30107:3	30083:10,13,16	30005:17,18,19,21	lengthy 30106:2
irresponsible 30081:16	30110:1	30084:6 30085:15,25	30006:2,3	lens 30073:19
30081:19,20	Jameson 30052:15	30086:21 30089:19	Kwadi 30084:24	lessen 30041:3
30095:13	January 30016:7	30101:21,25 30103:9		lesser 30099:6
isn't 29964:15	job 30031:2 30082:21	30103:13,17	L	lethal 29986:10,21
30054:25 30069:22	30082:25	30105:23 30110:24	L 29928:16,16	letter 29939:23,24
30083:1 30090:11	JOC 30045:3	killings 30083:6	29939:12	let's 29948:16
30091:3 30109:2	JOE 29927:9	kind 29938:14	label 29959:11	29950:11 29955:22
isolate 29997:6	join 30023:13 30105:4	29941:24,25	labelled 29927:16	29960:8 29962:23
isolated 29997:1	joined 30010:17	29946:16 29952:4	labour 30012:20	29963:13 29964:13
issue 29946:19	30106:15,17	29957:9 29965:6	30013:4,4,5,8,18	29967:18 29982:25
29971:22 29992:24	30108:24	29970:24 30000:16	30042:9,10	29989:13 30006:18
29997:14 30007:22	joins 29965:9	30008:9 30028:5	laid 29970:11 30098:4	30008:21 30023:23
30023:18 30025:6	Jomo 30084:24	30068:14 30097:5	land 30088:24	30035:7 30048:4
30026:4,23,25	Julius 30103:12	30105:5	Langa 30082:23	30053:1 30069:9
30027:18 30028:24	July 30023:10,19	knew 29981:3	30103:12	30073:18 30082:3
30029:15,16 30030:1	30037:7,23 30052:13	29992:12,13,19	language 29943:9	30086:18 30098:5
30030:9,10,13	30054:16,19	29997:11 30027:3,9	29977:17	level 30030:19,20,22
30032:25 30061:8	30056:21 30059:25	30064:4 30083:5	large 29960:19 29961:8	30040:7 30051:3
30072:5 30073:9,12	30066:2 30069:10	knowing 30029:19,20	30014:12 30023:3,16	30069:15
30079:10,11,11	30070:3 30078:25	knowledge 29976:8	30038:24	levy 30032:19
30081:12 30109:16	June 29927:1 30022:4	30044:5,7	lastly 30000:16	liberty 30019:17
issued 30034:17	30022:9,12 30028:12	known 29991:20	late 29927:6 29954:18	Lieutenant 29995:3
issues 30024:25	30052:13 30075:6	30029:18 30059:18	law 30107:4,17	29996:10 30006:25
30031:3,6,16 30050:6	30090:19	30060:5 30063:16,23	lay 29943:5 29993:1,15	Lieutenant-Colonel
30073:1,2,3 30080:13	June/July 30074:13	30063:25 30064:8	29993:18,24,25	29927:8 29942:25
I'd 29933:8 29988:14	30076:7	knows 29962:12	29994:12,16,18	lifting 29950:15
30027:6 30028:25,25	junior 29938:12	29977:24	30049:7,13 30080:11	light 30056:13
30038:6 30041:15,17	justified 29947:5,20	koppie 30008:16	30082:6 30091:20	limit 30019:5 30047:22
30084:12	29953:9	30040:3 30043:25	30097:23,24 30108:7	limitations 30019:5
I'll 29928:15 29929:7	justify 29953:19	30047:24 30049:7,14	30108:11 30110:5	limited 30015:23
29954:21 29969:11	30091:3	30049:20 30073:20	laying 30026:5	limits 29989:7
29971:4 29980:12		30077:19,24,24	layman's 29943:8	lined 29930:11
29981:16 29987:21	K	30078:6 30079:18,23	lead 30064:18 30065:3	lines 29944:21,22
29988:19 30004:21	K 29931:20,21	30079:25 30080:12	leader 30006:6 30025:2	29945:3 29954:5
30009:8 30015:11	Karee 30010:19	30081:13 30082:7	30029:11 30030:8	30069:3 30100:15
30029:12 30042:5	30021:13 30022:4,9	30083:10 30091:10	leaders 30044:3	listed 30011:1
30079:14 30094:19	30022:13,17	30091:13,21 30092:2	leading 29995:16,17,23	30076:24
I've 29943:3 29957:6	30023:12 30025:2	30092:3,20 30093:15	29996:1 30019:24	listen 29986:17
29960:10 29971:15	30026:15,18	30094:4,11,15,16,24	30022:8	30029:13,21
29982:8 29989:14	30030:11,11,15	30095:3,4,14,19	lead-up 30025:7	30031:11 30103:21
30002:19 30011:2	30038:4 30044:20	30096:1 30097:14,16	learned 30008:9	literally 29994:9
30017:1 30018:20	30045:15 30051:8	30097:20,25	30013:20 30019:3	little 29927:9 29934:15
30026:22 30065:5	30052:21 30069:11	30098:10,12,16,19,23	30020:12 30052:21	29969:14 30017:17
30068:25 30078:1	30071:10 30073:3	30103:20 30105:22	30084:18,21	30027:17 30037:3,4
i.e 30079:20	30079:10 30090:19	30107:8,15 30108:8	leave 29949:3 29954:14	30065:20
	30106:10	30109:21 30110:15	29962:24 30008:17	live 29966:15
J	keep 29953:13 30007:6	koppies 29967:23	30019:9 30047:24	lives 30010:2,14
ja 29931:8 29934:1,7	30007:6 30039:6,9,14	kraal 29928:19,25	30057:19 30094:7	30014:6,11 30040:11
29934:23 29937:25	30060:14	29929:10,25 29930:2	30095:24 30097:25	30040:19 30047:21
29938:16 29951:7	kept 30049:23	29930:11 29931:3,3	30105:3 30108:8	30087:14
29954:11,11,22	30060:14 30093:7	29931:20,22 29932:2	leaving 29968:4	living 30087:5
29955:15 29965:22	keyhole 29942:14	29932:3,9 29957:18	led 29979:13	locate 29952:14
29967:5 29973:25	Kgotle 30037:6	29965:17,24	left 29930:16,17	location 29959:18
29975:14 29976:5	Khululekile 30039:16	29966:13,23	29931:18 29942:15	29960:5
29982:14 29983:4	30039:16	29967:10 29969:6,22	29949:4 29956:6	Loest 29974:6,9
29985:14 29990:1,11	kicked 29961:6	29970:1,3,6 29971:19	29957:20 29965:6,9	logic 29981:9,11,16
30028:15 30043:11	kicking 29950:9	29972:23 29973:8,15	29968:11 29971:17	30090:17,24
				logical 29981:13,21
30044:13 30058:10	Kidd 29993:13,24	29973:17,17,21	29991:18,20	logical 29901.13,21

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

Marikana Commission of Inquiry

				Page
logically 29981:7	loved 29948:23	Mark 30037:6	29935:23,23 29936:6	30005:6 30015:22
long 29967:25	lower 29928:12	30052:15	29936:20 29937:20	30041:13
29985:15 29986:2	LPD 30020:22 30021:2	market 30054:21	29938:2,13,17	mid 30048:11 30073:1
29983:15 29980:2	30045:17	mass 30108:23	meet 29965:4 29999:6	middle 30053:9
30033:10 30080:8	Lukusa 29956:1	massacre 29993:18	30082:3	30074:18,22,23
30104:24,25	29958:2	mastoid 29942:15	meeting 30022:3,12,14	30075:2,6 30090:22
30105:10,13	lying 29946:24	materially 30067:8	30022:14,16	mid-August 30073:25
longer 30005:18,21	29948:11,22	Mathibedi 29945:21	30023:13,18,20,25	30074:5,9,13 30076:
30106:13	L191 29967:17	29946:2,7 29947:15	30028:18,19,21,23	30077:8
long-term 30106:20	L206 29977:22	29961:22 29962:12	30054:11,13,16	Mike 30069:13
Lonmin's 30030:17		29962:19 29970:14	30055:8,12,19	million 30058:20,22,24
30082:9,20 30083:21	M	29970:19 29995:2,12	30056:21 30066:1,12	30059:3,7,20
30085:13 30088:22	M 29928:22 29929:5	29995:20,21 29996:2	30068:8 30082:3	mind 29939:2 29954:4
30089:22 30090:17	Mabelane 30082:22	29996:10,15,25	meetings 30022:10,10	29975:15 30005:4
30091:19 30099:16	machine 30065:11	29997:5,14,19,25	30032:8 30052:13	30025:24 30041:18
30110:17 30111:4	Madibe 30082:22	29998:7,15,23	member 29978:1	30051:11 30062:25
look 29927:14	magical 29975:23	29999:8,21 30000:3	29997:22 30066:14	minds 29980:20,21,21
29928:15,21	Magidiwana 29968:10	30000:16 30001:2	30104:20	30029:25 30068:15
29930:20 29932:8,12	29968:22	30004:8,9,10,17	members 29928:20	mine 30017:3 30022:4
29933:24 29938:6	Magqabine 30023:8	30006:24,25 30007:8	29940:13,19,21	30029:9 30042:8
29942:9 29950:8	main 30037:23	Mathunjwa 29967:6	29945:4,18 29946:4,8	30022.2 30042.8
29942.9 29950.8	maintain 30098:9	30009:16 30084:17	29943.4,18 29940.4,8 29952:19 29956:18	miners 29984:5,7,8
· · · · · · · · · · · · · · · · · · ·				
29963:13 29965:4	30107:17	30084:20,22	29957:15,16,17,19,22	29987:1 30000:22
29966:12 29977:22	major 30064:9	30085:14 30086:19	29958:9 29974:2,19	30002:14 30003:12
29978:7 29982:3	majority 30100:11	30089:18 30095:21	29975:2 29976:7,15	30045:8 30051:15
29997:10 30002:12	30105:17 30106:22	matter 29938:5	29977:1,9,21 29984:5	30094:11 30095:19
30012:5 30019:20	making 29935:17	29939:6 29942:22	29984:6 29997:1	Mines 30064:9
30033:8 30043:11	29978:19 30019:17	29943:17 29944:12	29998:1,4,16,17	30066:11
30048:19 30050:12	30094:21 30096:6	29961:17 29989:15	29999:12,22 30003:7	mineworkers 30063:1
30053:1 30062:19	30106:6	30001:5 30011:11	30010:25,25	30063:23 30064:7
30065:9 30068:18	management 30000:19	30020:23 30021:2	30011:17,23 30038:7	30066:3 30095:19
30070:2 30071:9	30000:20,24,25	30046:22,24 30047:2	30038:8 30043:15	30107:8
30073:18 30086:18	30020:22 30021:2	30053:22 30070:14	30052:2,14 30083:15	mining 30010:18
looked 29939:6	30024:17,25	30079:18	30086:2 30100:10	30021:13,17 30052:8
29946:3 29969:15	30030:19,21 30042:9	matters 29927:4	30101:21,25 30102:9	30056:9
30000:18 30019:21	30042:14 30043:3,15	29954:19 30014:24	30102:25 30103:6	minute 30033:20
30058:16 30065:10	30043:17,23 30044:3	30034:3 30067:17	30104:22 30110:25	30066:1,5,10
30073:22 30074:3	30044:23 30045:9,20	Mdze 29956:1 29958:2	membership 30099:21	minutes 29954:16
looking 29929:19	30046:21 30047:25	mean 29935:4	30104:23 30108:12	29967:21 29979:5
29931:6,20 29932:20	30049:19,24	29937:10 29970:20	memory 30019:19	29982:19,21,21,21,2
29948:10,25	30054:17,20	29979:6 29983:13	30105:19	29988:17,24,24,25
29996:20 30001:6	30061:17 30062:15	29986:5 29998:12	mention 29929:7	30008:10 30019:6
30033:9,12 30046:3	30064:5 30066:6	30002:21 30005:19	29938:1 29939:3	30020:6 30033:13,10
30098:13	30068:11 30073:22	30011:4 30025:21	mentioned 30011:3	30052:12 30056:21
looks 29931:21	30077:18,18,18,23	30040:12 30057:1	30014:22 30026:1	30082:13
29935:14 29939:11	30079:22,24 30082:3	30059:25 30068:14	mentioning 29990:9	mission 29947:3
29964:1 30004:12	30093:7,11,14	30071:22 30072:25	merely 29981:20	mistake 30056:14
30014:8	30095:1,2,3 30096:7	30073:7 30076:16	30011:11 30057:4	30081:3
lose 30105:1,13	30097:9,16,22	30083:4,5 30087:3	merits 30053:6 30067:9	misunderstanding
loses 30058:13	30098:1,12,17	30088:18 30093:23	message 30022:25	29989:16
loss 30100:23	30101:7	30096:11 30097:1,19	30023:2	Mkhise 30069:14
lost 29969:25 29970:2,5	management's	30107:14	met 30032:9	Mm 29953:5 29987:5
30010:2,14 30014:6	30042:15	meaning 30071:1	metre 29991:11	Mofokeng 30023:9
30014:11 30038:9	manager 30021:24	means 29993:17	metres 29927:18	Mokwena 30037:6
30040:11,19,25	30023:12 30025:2	30031:2 30069:22	29928:3,4 29929:22	30043:20,22
30041:6 30047:21	30029:11 30038:22	meant 30078:12	29929:24 29930:5	30052:16 Mala: 20020:15
30087:14 30105:15	30039:13 30051:3	30079:1	29932:14,15	Moloi 30039:15
30106:7,12 30109:6	mandate 30060:10	measured 29929:23	29939:19 29940:3,10	moment 29928:14
lot 29967:7 29985:16	30062:9 30085:6	measurement 29930:4	29961:11 29991:7,12	29929:7 29945:12
29985:18 29986:14	manner 29946:18	measures 29948:6	29991:15,15	30025:21,22
29998:21 30038:7,9	29947:1 29951:16	media 29952:18	29999:16,17,17	Monday 30103:13
30050:5 30075:2,11	29989:20	29993:7,8	Michael 30015:19	money 30058:14
30087:16,19	march 30069:11	mediate 30087:18	30016:21 30033:24	30064:3 30067:4
30088:19 30091:10	marched 30101:12,15	mediated 30084:11	30082:17	month 30025:20,22,23
loud 30000:4	marching 30024:4	mediators 30089:24,24	Microphone 29965:18	30025:24 30026:1
	Indi Chine JUU27.7	inculators 50007.24.24		
loudhailer 30096:3,12	Marikana 30087:16	medical 29935:16,18	29970:18 29977:23	30055:16 30058:17

Tel: 011 021 6457 Fax: 011 440 9119

Pretoria

				Page 1
30058:18 30060:6	nearly 29982:24	30099:3,8 30101:8	29979:14 29980:3,13	30036:10 30108:17
30061:24 30062:2	30061:21	30109:22	29996:17,21,23	30111:6
30093:9,10	necessarily 29943:18	nevertheless 30010:16	30001:9,15,24	offer 29951:3 30064:14
monthly 30054:20	30000:14 30102:16	30012:23	30004:25 30007:1	30078:6 30080:9,11
months 30106:24	necessary 29938:8	new 29958:23 30005:20	30095:23,24 30096:4	offered 30063:25
30107:2,10 30110:9	29946:17 29948:8	30068:19 30108:15	30096:8,12 30097:2	30092:17
morning 29927:5	29950:5 29997:25	news 30055:4 30056:24	Nyalas 29972:4,7	offering 30061:3
30002:3 30100:2	29998:4 30002:8	30057:3	29974:3 29976:7	30087:18
30103:13 30111:13	30004:16 30007:20	nice 30070:25	29977:8,9,9,13	office 30022:19
30111:18	30007:21 30019:14	nine 30012:7	29978:1,2,3,10,17	30023:1,10,15
mortem 29935:14,14	necessity 30003:6	Nkaneng 29972:7,15	29996:12 30001:14	30029:10 30030:3
29936:16	need 29932:16 29946:2	29972:24 29973:10	30001:25 30002:13	30038:19 30040:2
mortems 29932:22	29946:15 29948:12	29991:18 29992:13	30002:19,25	30069:11 30072:22
motion 29949:13	29948:17 29954:8,22	29995:6,9 29996:11	30003:20 30007:13	30073:9
mountain 29967:16	29958:22 29980:3	29996:16		officer 29939:5
29994:9,11 30085:6	29983:24 29984:1,10	Nkisi 30039:13 30040:1	0	29947:12,25 29948:5
30096:16	29984:15,18,19,22	nods 30013:20	oath 29927:8 30015:9	29950:1,4 29951:2
move 29948:14,15	29986:13 30009:3	Noki 29968:13	30015:11 30033:23	30000:4 30052:6,6,10
29980:4 30045:24	30048:20 30070:4	29971:10,14 29995:6	30082:16	officers 29943:5
30071:8 30099:13	30075:14,15,20,20	29995:8 30006:2,4,13	OB 30068:23	29949:21 29950:12
moved 29935:21,22	30076:1 30088:22,25	30006:19	object 30020:9,13	30042:14 30043:23
29936:5 29977:14	needed 29947:16	non-unionised	30056:15 30109:13	offices 30022:17,18
30004:1	needs 30024:19	30011:22 30076:22	30109:24	30023:2,6,13 30024:5
movement 29967:8	negotiate 29975:20	normal 30047:20,23	objecting 29995:15	30024:14 30045:12
29978:9 30029:18	30032:22 30042:16	30048:2,11 30075:2	objection 29995:20,22	30045:13,13,18
30054:21	30046:17 30059:14	30091:9 30099:20	29996:6 30020:14,15	30075:6 30101:12,15
moving 29945:6,19	30066:21 30106:8	30100:18	objective 29937:14	officials 30023:1
29946:11 29948:11	30107:8 30110:10	normally 30096:25	29938:14 29962:6	30101:18,21,25
29963:20 29968:2	negotiated 30032:20	north 29931:17	obscured 29965:17	oh 29931:8,8 29942:7
29978:13,25 30007:6	30033:5 30048:2	29935:6,8	29973:18 29979:23	29958:18 29961:21
mowed 29968:20	30109:10	note 29961:6 30008:15	29980:9 29987:12,17	30008:25 30016:15
Mpangeli 29956:1	negotiating 29979:4	30009:11,15	30001:10 30002:6	30056:14 30070:22
Mpofu's 29965:10	30031:20 30034:12	30010:20 30024:19	observation 29968:20	30070:23
29977:6 29987:2	30049:2,3 30073:24	30024:23,24	observe 29968:4	okay 29931:4 29932:11
Mtshazi 29927:18,22	30105:18 30107:11	30054:13	29969:4 29970:9,13	29933:22,24
29927:23 29928:3	negotiation 30030:19	notebook 30018:20	29974:18,24 29975:3	29941:19 29946:25
29929:20,21	30032:5 30056:2	notes 30009:3 30035:17	29975:7,9,16	29954:6 29962:22
29932:25 29933:1	30059:13 30060:21	30054:11	observed 29965:16,23	29963:5 29965:22
29999:9	30060:22 30061:7	notice 30020:3	29966:3,4,8,20,21,22	29966:12,12 29967:6
Mtshazi's 29927:23	30066:20 30067:8	notified 30018:22	29967:1,11,15	29967:18 29968:8
29929:24 29930:6	30071:20 30072:1	30019:15	29970:7,17,20	29969:8 29974:16
29933:9 29939:20,20	30078:21 30084:11	November 30108:18	29971:6	29975:11 29976:23
29940:3,10	30085:16 30089:20	30111:7	obstacle 30092:8,11	29977:5,17 29978:25
Munro 30052:15	30095:7 30096:10	no-one 29935:17	30109:12	29980:16,16 29983:4
Munroe 30037:6	30105:25	29949:4	obtain 30085:16	29984:3 29990:10,11
mustn't 29953:17	negotiations 30031:15	Nqongophele 29933:1	30086:23 30089:20	29991:2,6 29993:22
N	30032:25 30036:10	29933:13 29935:15	obtains 30004:15	30005:12 30006:9,10
N 29927:24 29928:22	30036:17 30042:10 30043:3 30068:9,11	29938:13	obvious 29979:22	30025:4,21 30035:9 30036:15 30065:9
	,	number 29951:12,13	30099:25 obviously 29931:2	
29929:5 29939:21,23 29939:24	30068:12 30069:13 30069:17,21 30070:6	29955:5 29958:23 29967:23 30009:19	29936:1 29937:15	30109:19 old 29978:20
29939:24 Naidoo 29998:8,12,12	30070:12,23	30010:10 30011:1	29936:1 29937:15 29942:21 29947:25	once 29941:2 29977:7
names 29929:7 29955:3	30075:18 30077:22	30012:6,7 30014:8,9	29942:21 29947:25 29990:2 29992:5	29989:6 29998:20
29955:8,9,12,13,24	30078:18 30086:12	30012:0,7 30014:8,9	30024:2 30093:23	30039:14 30057:3
29955:12 29962:25	30086:22 30101:6	30013:23,24 30010:2	30104:21	30098:12 30107:14
30015:18 30051:23	30108:25	30028:10 30040:11	occasions 30038:16	ones 29933:2 29948:23
Natasha 30052:16	Neither 30019:3	30041:6 30100:9	occipital 29942:13,15	29952:2,12,17,21
nature 29941:12	Nellie 29939:23	numbers 29933:6	occupation 30010:12	29959:14
29943:5 30029:11	network 30064:6	NUM's 30048:4	30014:14	one's 29937:10 29939:2
30030:25 30060:3	networks 30027:5	30092:4	occupations 30010:21	ongoing 30074:9
navigated 29976:2	never 30004:2 30033:5	nutshell 29989:17	occurred 30000:15	onward 30016:4
navigating 29992:18	30044:16 30050:7	Nyala 29965:20,21	30029:23	onwards 30001:15
	30059:25 30070:22	29968:5 29969:23,24	occurrence 30068:19	OO17 30016:1,7
Ncube 30052:17		,		-
Ncube 30052:17 near 29929:25 29930:2	30070:24 30082:5	29970:11 29971:20	30069:5 30070:9	30020:20
	3007 0 :24 30082:5 30085:4,20,21	29970:11 29971:20 29972:14,15,18,18,21	30069:5 30070:9 occurs 29938:25	30020:20 OO19 30009:19
near 29929:25 29930:2				

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

				Page 12
opening 30042:1	outnumbered 29951:14	29979:25 29980:23	29953:13 29991:11	29930:4,10,16,24
operation 29998:9	outside 29939:6	29985:10 30004:1	30039:23 30051:20	29931:17 29932:6
30007:7 30021:14	30022:15 30023:2	30007:5 30008:22	30069:16,19,23	29934:14,25 29935:7
30022:9 30038:24	30029:10 30030:4	30009:24 30031:8	30070:8 30079:24	29936:4 29938:18,19
30056:9	30042:16 30048:2,11	30034:21 30039:12	personal 30031:3	29939:13,23
operations 30026:16	30066:21 30089:8	30049:3 30054:9	30044:5,6	29940:10 30004:1
30031:1 30045:15	overnight 30106:23	30086:17 30101:24	personally 30083:5	30007:5
30053:17	overtaken 30040:22	particular 29962:5	persons 29955:17	Platinum 30044:25
operator 30027:7	o'clock 29927:7	29967:24 29995:8	30008:16 30010:2,3,8	30045:6,12,17
30029:19 30065:15	30022:19 30039:25	30029:8 30041:18	30010:12,13,21,24	30063:24 30064:9
30065:18,19	30069:10 30111:17	30042:13 30045:12	30011:1,9 30012:8,11	play 29946:15,15
30079:10,10		30051:20	30012:17,19	29948:16,18
operators 30022:9,24	P	particularly 29989:7	30013:10 30014:6	29950:11
30026:14,15,18	P 29927:16 29928:2	30073:2	30044:12	played 29947:15
30027:4,7 30030:15	package 30025:25	particulars 30010:10	perspective 30038:22	29975:15
30032:9 30035:20,23	30065:14	30014:13	30041:6 30071:6	players 30076:21
30035:24 30047:24	page 29934:21,24	parties 30008:14	persuade 30042:11	please 29928:16
30054:5,11,14,18	29935:9,15 29936:16	30018:23 30019:10	30045:9 30102:21	29932:21 29933:6
30055:12,15,20	29940:25 29941:4	30019:16 30034:3	persuading 30111:2	29959:5 29969:14
30056:2,9 30057:7,16	29944:21 29945:8,10	30077:10 30087:17	pertain 29998:8	29975:25 29979:11
30058:13 30060:11	29960:18 29961:5	30089:5,8,15	pertinent 30009:22	29975.25 29975.11
30062:11,15 30063:1	29960:18 29961:3	30091:11 30092:14	phase 30068:23	30015:18 30035:3
	,	30094:22	-	
30063:7 30067:12,15	30010:3,6,7,20		photograph 29959:20	30037:5 30046:5
30068:1 30073:1,3	30012:6 30014:9,9,17	partly 30104:7	29965:8	30056:7 30060:20
30074:21 30075:1,6	30016:4,16,19	parts 30036:18	photographs 29962:16	30069:4 30080:11,21
30079:13	30021:4 30034:8	party 30050:5	photos 29976:20,20,22	pleased 30021:6
operator's 30065:13	30035:5 30036:7,19	30076:25 30077:2	physical 30099:21	30068:3
opinion 29997:13	30037:4,7,22	30092:15	30100:4 30101:10	plot 29964:4
30052:23	30041:18,21,22	passage 29946:12	30110:23	plotted 29927:23,24
opportunity 29998:24	30042:4 30046:5	29949:7 29961:4	physically 30025:9	29929:21 29937:17
29999:22 30000:5	30047:13 30054:12	29969:14 30047:6,11	pick 29967:17	pointed 29948:1
30019:12,13	30054:15 30064:19	passing 29977:8	pictorial 30014:18	29951:2 30027:14
30045:20 30092:17	30068:23 30084:14	patting 29947:13	picture 29929:18	pointer 29928:9
opposed 29944:14	30100:15	pay 30036:9 30061:24	29930:3 29934:12	29932:17 29933:16
30065:1	pager 29959:10,11	paying 29951:6	29954:24 29957:20	pointers 29956:1
option 30059:5	pages 30009:11,12	30059:6 30063:15	29959:4 29963:15,25	pointing 29930:20
30072:18 30073:13	30017:19	payment 30054:18	29964:18	29931:11,16
30073:15 30074:14	paid 30011:7 30055:15	payroll 30012:8,12,13	pictures 29978:9	29932:15
30076:7,8 30108:7	30094:5,5	30012:14,24	pie 30014:17	points 29937:20
oral 29938:9 29943:19	pain 30040:25 30041:3	peace 30085:16	piece 30085:19	29939:1 29940:8
order 29946:18	30041:4	30086:23 30089:21	Pillay 29958:25	29967:25 29981:13
29960:8 29992:18	pamphlet 30036:21	peaceful 29996:23	29959:1 29969:17,24	29981:20 30090:3
30002:9 30011:5,13	pangas 29992:4	30042:9 30075:15,16	30008:22,24	poised 29940:11
30011:17,19,21	29997:23	30075:19	place 29929:8 29933:20	police 29928:20
30034:17 30036:22	Papa10 29958:9	pellets 29956:12,21,22	29935:24 29936:3	29943:5 29944:17
30059:2 30085:16	Papa19 29957:23	29957:2,2,4,7,10,22	29937:18,21	29946:4,20 29947:12
30086:23 30089:20	29958:10	29958:4 29960:21	29963:18 29967:25	29947:20,25 29948:5
orderly 30107:22	Papa5 29958:11	perceived 30002:10	30011:5,18,20,21	29949:21,25 29950:3
orders 30105:7	paper 30017:17	30003:9	30013:6 30024:16,18	29950:12 29951:2,8
ordinary 30046:18	paragraph 29935:16	percent 29963:20	30026:6 30031:6,14	29952:14,19,19
organisation 30024:8	29940:25 29941:4	perforates 29942:11	30032:17 30036:5,11	29968:21 29972:6,8
30108:18 30110:20	30020:21,22	perforating 29942:13	30043:13 30044:2	29976:13,14,25
30110:21,22,24,25	30021:12,20,21	perform 30009:24	30050:5,16 30053:1	29980:18 29995:7
30111:1,3	30037:19 30042:4,5,7	performing 30062:16	30053:12 30062:3	29997:20 30000:4,17
organisational	30046:20	period 29964:11	30073:9 30079:12	30003:16 30007:14
30038:11	paragraphs 30017:4	29965:19 29966:2	30081:12 30084:4,24	30042:2,6,8,11,14,20
organised 29967:22	parallel 29934:12,21	29979:5,16 29986:9	30099:5 30100:2	30042:25 30043:2,15
30080:13 30081:11	29935:8 29964:2,3,16	29987:9 30009:17	30104:5 30105:2	30043:18,23 30044:2
30107:24	29965:5 29978:9,16	30010:5 30014:7	30106:4 30107:20,20	30044:12,24 30045:3
orient 29967:19	paramedics 29935:19	30022:8 30045:14	30107:24 30110:19	30047:18 30048:3
VIIVILV 4/JULII	pardon 29952:20	periods 30026:8	placed 29989:14	30051:13,16
/ 31 1 1.52	par uon 27752.20	permission 29958:25	30008:13	30095:23,24
original 30020:20	30010.6 30084.10			JUU/J.4J.4T
original 30020:20 originated 30034:15	30010:6 30084:19	-		
original 30020:20 originated 30034:15 outcome 30054:5	parity 30063:7,10,11	30039:5	places 29953:9	policeman 29950:9
original 30020:20 originated 30034:15 outcome 30054:5 30066:12	parity 30 063:7,10,11 30063:13	30039:5 person 29944:5	places 29953:9 placing 29989:9	policeman 29950:9 29976:3 29978:20
original 30020:20 originated 30034:15 outcome 30054:5	parity 30063:7,10,11	30039:5	places 29953:9	policeman 29950:9

RealTime Transcriptions

				Page
29975:22 29976:2,6	post-mortem 29941:1	30059:8 30066:17	30050:7,19,23	29982:5,6,7,8
29978:11,21,22	29941:22,25 29942:9	30067:10,10	30058:17,19	29984:23 29990:23
29985:18 29986:14	29943:7	principle 30066:18	propose 30016:2,5,24	29992:2,10 29995:16
policing 30047:23	power 29959:9,12,15	30067:7 30070:15,15	proposed 30058:22,23	29995:16,17,24,25
policy 30030:17	30041:3	30079:18 30081:2	30085:21	30003:25 30004:10
30038:18	powerfully 29952:12	principles 30066:21	proposing 30080:20	30014:3 30019:8
POP 29974:2,19	powers 30107:11	prior 29999:22	protesters 29928:19	30036:20 30039:7,20
29975:1 29976:7,15	practical 30070:15	30044:17	29946:18 29967:22	30039:21 30047:9,16
29977:1,9,13 29978:1	30098:5 30107:6,12	private 29941:10	29940.18 29907.22	30048:9,14 30049:22
29991:7,16		29998:2		30052:20 30056:19
,	practices 29998:19		protestors 29956:13,17	
POPS 29956:18	precise 29963:23	prize 30061:5	provide 30009:22	30056:20 30066:1
29957:15,15,16,19,22	precisely 30075:19	probabilities 29958:8	30013:14,16	30067:6 30070:21
29977:20 30004:5	precondition 30097:8	probability 29993:18	provided 29996:3	30085:4 30086:11,19
30007:15	30098:19	probable 29992:19	30010:17 30014:10	30088:2 30090:3
portions 29944:16	preconditions	probably 29944:17	30014:13 30052:12	30094:19 30097:7
pose 30018:23	30097:23,24	29946:5 30012:1	providing 29970:20	questioned 29992:25
30019:16	30098:16,17,18	30072:13 30074:8	prudent 30029:21	questions 29927:11
posed 29928:8	30099:9	30083:6 30087:19	pulling 29944:17	29936:24 29937:2
29940:11 29992:1	precursor 30014:22	30092:24 30100:11	29946:4 29947:13	29943:5 29955:21
29997:20,22	premise 29937:1,3,9	30106:24 30110:11	purpose 29972:21	29959:13 29969:6
position 29929:5,17	29938:20	problem 30024:2,7	30035:15 30063:14	29970:24 29981:15
29930:1,9 29934:9	preparation 30037:3	30029:12,13 30046:8	30064:1 30068:4	29989:18 30001:3
29939:10 29955:14	prepared 30007:21	30048:9,13 30065:6	purposes 29935:22	30004:11,14,19
29959:20,23	30009:13 30015:9	30089:1 30093:4	29936:6,20 29992:10	30008:3 30018:23
29962:24 29963:23	30036:20 30042:16	30096:14 30105:22	30060:24 30061:11	30019:16 30020:6
30001:17 30002:5	30049:18 30059:11	30107:13	30066:5	30036:22 30037:1
30013:21 30026:24	30059:12 30061:17	problems 30096:4	pursuant 30012:20	30039:6 30046:16
30038:23 30049:4	30078:8,24 30080:3	procedures 30024:7,16	pursue 30044:4	30047:15 30078:2
30056:1 30059:11,14	30092:13 30098:2,21	proceed 29993:16	push 30000:14	30099:13
30060:20 30061:5,5	30099:7,7 30108:25	30007:7	put 29927:16 29937:2	quick 29940:8
30070:19 30078:7	presence 30106:10	proceeded 29943:4	29939:18 29940:4,24	quit 29954:10
30079:22 30082:9	present 29993:3	29972:14,23,24	29943:4,10 29952:5	quite 29927:13 29952:1
30083:21,25 30084:7	30021:22 30045:16	30003:20	29959:10,11 29960:3	29952:14 29955:18
30085:13 30090:18	30045:18	proceeding 29972:22	29959:10,11 29900.5	29952.14 29955.18 29978:5 30022:12
30090:18,21,22	presentation 29954:15	30001:14,16	29900.17 29970.5	30023:16 30025:1,7
· · ·	29958:21,21,22			30026:3 30027:3
30091:1,3,14,16,19		proceedings 29927:1 30046:1	29981:10,12,20 29989:19 29990:25	
30091:20,23,24	29959:2,9,12,15,15			30030:7 30038:6,13
30092:1,4,18,21,24	29959:16 29960:18	process 30028:17	29995:3,6,24	30038:21,24,25
30094:22,23,23	29963:2	30031:8 30032:1,3,8	29996:25 29999:16	30040:6 30046:13
30095:5 30098:6,11	presenting 30060:20	30033:5 30038:17	30002:13 30004:11	30050:19 30057:12
30098:14,20 30099:2	president 30021:13,23	30039:7,12,14	30009:18 30013:21	30061:21 30063:4,9
30105:1 30110:9,17	30038:23 30066:11	30040:4 30044:14	30020:6 30028:13	30063:10,12
30111:4	presidents 30095:18	30048:13 30056:1	30029:7 30047:16	30065:18,19 30073:4
positions 29928:21	press 30000:5	30059:10,13	30048:14 30061:25	30081:15 30087:4
30051:24 30052:1	presumably 29938:4	30060:22,23 30061:7	30063:1 30064:19,24	30100:9
30089:5 30090:18	29939:25 30064:6	30066:19 30067:4	30065:2,4,16 30067:1	quote 30056:25
30091:12 30092:14	presume 30044:24	30071:18 30084:11	30070:11 30080:23	
30097:7	pretty 30072:11	30089:3 30104:2,25	30082:1 30089:17	R
possibility 30003:1,2	30094:22 30095:5	30105:5 30106:2,21	30092:20	raise 29939:2 29996:7
possible 29959:17,24	prevent 29996:8	processes 30026:6	putative 29940:20	30015:15 30031:10
29961:23 29987:8	30001:19 30040:8,9	30031:6 30047:21	29941:10	raised 29939:4
29996:13 29997:5	30041:4 30047:22	30048:3,11 30087:19	putting 29941:21	30031:10
29999:20 30002:18	30103:6	30100:18 30110:19	29946:12 29959:13	raising 29938:25
30002:24 30003:11	prevented 30095:25	processing 30052:8	29962:3 29982:5	ran 29944:5 29968:11
		produced 30054:10	puzzled 30046:4,4	29974:15
	previous 29936.21			
30007:1 30031:10	previous 29936:21 30056:20		-	rand 30059.37
30007:1 30031:10 30036:22 30050:19	30056:20	programme 30018:24		rand 30059:3,7 30063:1 30093:8 10
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6	30056:20 previously 30062:7	programme 30018:24 30030:23	Q	30063:1 30093:8,10
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14	30056:20 previously 30062:7 pre-paginated	programme 30018:24 30030:23 progresses 30061:9	Q quantum 30078:20	30063:1 30093:8,10 30093:16
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9	30056:20 previously 30062:7 pre-paginated 30009:12	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25	Q quantum 30078:20 quarter 29954:20	30063:1 30093:8,10 30093:16 random 29945:9
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14	Q quantum 30078:20 quarter 29954:20 29982:23,24	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25 30059:6	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2 30007:4	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14 prompting 30027:10	Q quantum 30078:20 quarter 29954:20 29982:23,24 question 29929:3	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10 ranging 30036:9
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25 30059:6 post 29932:22	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2 30007:4 prima 29939:10	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14 prompting 30027:10 proper 29947:25	Q quantum 30078:20 quarter 29954:20 29982:23,24 question 29929:3 29935:20,25	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10 ranging 30036:9 rate 29993:16 29994:1
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25 30059:6 post 29932:22 29935:14,14	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2 30007:4 prima 29939:10 primarily 30052:1	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14 prompting 30027:10 proper 29947:25 29948:5	Q quantum 30078:20 quarter 29954:20 29982:23,24 question 29929:3 29935:20,25 29936:10,11	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10 ranging 30036:9 rate 29993:16 29994:1 29994:13,19
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25 30059:6 post 29932:22 29935:14,14 29936:16	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2 30007:4 prima 29939:10 primarily 30052:1 principal 30094:14	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14 prompting 30027:10 proper 29947:25 29948:5 properly 29992:2	Q quantum 30078:20 quarter 29954:20 29982:23,24 question 29929:3 29935:20,25 29936:10,11 29947:10 29957:5	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10 ranging 30036:9 rate 29993:16 29994:1 29994:13,19 RDO 30047:19
30007:1 30031:10 30036:22 30050:19 30058:3 30060:6 30111:14 possibly 29939:6,9 29942:24 30057:25 30059:6 post 29932:22 29935:14,14	30056:20 previously 30062:7 pre-paginated 30009:12 pre-planning 30007:2 30007:4 prima 29939:10 primarily 30052:1	programme 30018:24 30030:23 progresses 30061:9 Project 30021:25 prompted 29945:14 prompting 30027:10 proper 29947:25 29948:5	Q quantum 30078:20 quarter 29954:20 29982:23,24 question 29929:3 29935:20,25 29936:10,11	30063:1 30093:8,10 30093:16 random 29945:9 range 29961:10 ranging 30036:9 rate 29993:16 29994:1 29994:13,19

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

Pretoria

				Dogo '
				Page 7
30066:7 30068:19,23	30009:16 30044:19	relate 30032:23	30048:22 30049:16	30033:22 30082:14
30069:5 30071:10	recalls 29937:1	related 30073:1,2,3	30050:1 30054:13	30082:15
RDOs 30028:14	receiving 29936:6	relating 29932:22	30057:13 30066:7	retain 30054:21
30030:11 30037:12	29938:16	relation 29929:22	30073:8 30076:15,17	retained 30016:3
30051:8 30052:20	recognise 30108:25	29951:13 30004:22	30077:19 30078:4,9	retreat 29999:23
30053:3 30054:22	recognised 30031:19	30028:12 30046:19	30079:17,20 30080:7	30000:6
30056:22 30060:13	30066:22 30076:13	relations 29948:23	30081:21 30082:2	retrieve 29947:3
30062:24 30069:14	30078:9 30079:19	30038:21,25	30084:8 30092:18	29950:8
30090:19 30091:5	30083:23 30084:4	relationship 30038:3,5	30099:5 30109:25	return 29999:23
30101:5	30085:2 30091:13	30099:14	represented 30031:18	30049:8 30098:23
RDO's 30069:11	30104:17,17 30105:1	relationships 30100:6	30077:2 30100:20	Reuters 29962:9
reach 29982:3	30105:13,16 30106:1	relative 29928:11	representing 30026:17	29963:2
30074:13 30100:17	30106:3 30107:19	29929:17 30033:3	30105:17	revealed 30010:23
30109:20	30111:9	relevance 30070:20	reps 30055:4 30069:14	reveals 29998:15
reached 29969:21	recognition 30105:18	relevant 29940:17,21	request 30043:7	revert 30053:22
29970:1,5 30027:22	30109:9	29945:22 29959:13	30051:15 30053:3	revision 30032:6,16
reaching 30097:5	recommendation	30010:18 30012:2	30067:9 30077:21	reward 30028:5
reaction 30024:1	30037:19,24 30054:1	30021:12 30052:24	requested 30022:20,24	re-examination
30029:7,15 30032:21	30055:14 30062:22	relied 29961:24	30045:19	29995:1,2 30009:16
30039:23	reconsider 30055:22	rely 29942:19 29966:16	requests 30032:16	30009:18
read 29969:18 30021:2	record 29940:25	30041:17	30043:14,17	re-re 30004:14
30029:4 30036:13	29949:9 29955:19	remain 29967:22	require 29936:1	ricochet 29941:24
30042:5 30047:5,10	29988:13 29989:10	30107:16	29943:1 30020:4	29942:4
30056:22	29989:15 29991:2	remember 29927:23,24	required 30031:9	rifle 29999:15
reads 29945:17	30047:13	29929:6,7 29944:24	requires 29936:10	rifles 29949:22
ready 30019:23	recorded 29952:17	29952:2,2 29967:6	30020:20 30107:5	right 29930:4,5
real 30022:2 30071:1	records 30009:25	29988:25 29993:9	requiring 30014:24	29931:12,13,17
realisation 30027:6	30010:15 30011:3,16	29997:2,4 30001:5,11	resignation 30108:23	29932:2 29934:8,17
realise 30088:25	30012:24 30054:12	30005:13,20	resolution 30037:22	29934:19 29935:7
30107:9	recovered 29942:16	30018:16,19	30096:11	29936:24,24 29937:7
realised 30025:16	recruit 30106:11	30055:16 30058:20	resolve 30048:8,10,13	29942:12 29951:23
30026:1	recruiting 30038:7	30063:5,8	resolved 30047:20	29961:15,18
reality 30040:21	rectangle 29955:13	remove 29946:23	30100:19	29964:18,24,25
really 29927:21	red 29955:12 29961:7	remunerated 30025:14	resort 29951:18	29965:8,10,11,16
29954:2 29981:13	redress 30062:23	remuneration	resources 30027:5	29966:12 29972:12
30002:18 30017:21	redressed 30063:4	30025:17 30027:8,19	30052:9	29973:6 29977:15
30022:3,11 30024:5	reduce 30060:25	30032:16 30065:19	respect 29936:21	29982:25 30004:5
30024:16 30027:16	30061:11	30078:15,20,20	30010:8,10,22	30005:10,12,13,23,23
30040:20,22	reduced 30014:16	rendered 29936:18	30011:5,19 30014:6,7	30009:2 30015:15
30042:24 30050:4	refer 29986:1 30015:23	renegotiate 30066:22	30014:14 30019:13	30024:16 30050:18
30052:25 30068:16	30017:17 30018:2,4	reopen 30059:11,12	30089:17	30053:10 30062:25
30072:18 30073:12	30019:11,18	reopening 30036:17	respectful 30028:20	30063:10 30064:10
30074:14 30087:7	30032:15	repeat 29970:24	respectfully 30009:23	
30092:12 30096:13				30070:4 30079:2
	reference 29939:5	repeatedly 30048:20		30070:4 30079:2 30083:1.2.11.19
30097.4 30098.21	reference 29939:5 30054·25	repeatedly 30048:20 30082:6 30102:7	response 29946:17	30083:1,2,11,19
30097:4 30098:21 30100:1 30106:12	30054:25	30082:6 30102:7	response 29946:17 30024:22 30025:18	30083:1,2,11,19 30085:11,23 30091:7
30100:1 30106:12	30054:25 referred 29958:10	30082:6 30102:7 reply 30006:15 30028:3	response 29946:17 30024:22 30025:18 30026:11,21	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18
30100:1 30106:12 realm 29993:23	30054:25 referred 29958:10 29961:5 30018:14	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15
30100:1 30106:12 realm 29993:23 reason 29935:13	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsiblitites 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15 30073:8,19 30074:15	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6 refuse 30081:20	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation 30014:19	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsiblitites 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10 30088:4	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16 risky 30096:24
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15 30073:8,19 30074:15 30074:16 30078:24	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6 refuse 30081:20 regain 30038:8	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation 30014:19 representative	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10 30088:4 resulted 29966:9	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16 risky 30096:24 rivalry 30099:17
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15 30073:8,19 30074:15 30074:16 30078:24 30081:9 30094:10	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6 refuse 30081:20 regain 30038:8 regard 29965:6	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation 30014:19 representative 30054:22 30071:10	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibliities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10 30088:4 resulted 29966:9 resume 30033:16	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16 risky 30096:24 rivalry 30099:17 road 29964:3,4,16,17
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15 30074:16 30074:15 30074:16 30074:15 30074:16 30074:15 30074:16 30094:10 recall 29940:5	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6 refuse 30081:20 regain 30038:8 regard 29965:6 29984:23	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation 30014:19 representative 30054:22 30071:10 representatives	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibilities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10 30088:4 resulted 29966:9 resume 30033:16 30034:4,5	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16 risky 30096:24 rivalry 30099:17 road 29964:3,4,16,17 29964:19 29965:1,4,5
30100:1 30106:12 realm 29993:23 reason 29935:13 29941:6 29944:11 29968:8 29973:6,7 29976:1 29983:12,14 29983:15,23 29999:5 30030:15 30046:4 30050:10 30056:18 30072:7,9,12 30073:22 30074:3 30079:16 30094:15 30102:8 reasons 29985:17 30071:9,12,13,15 30073:8,19 30074:15 30074:16 30078:24 30081:9 30094:10	30054:25 referred 29958:10 29961:5 30018:14 30020:7 30025:23 referring 29933:1 29953:10 29964:23 30016:9 30026:2 30034:23,25 refers 30043:24 30085:9 reflect 30055:5 reflected 29930:23 30052:14 refrain 30042:15 refusal 30080:25 30081:3,6 refuse 30081:20 regain 30038:8 regard 29965:6	30082:6 30102:7 reply 30006:15 30028:3 report 29935:15 29936:16 29941:1,22 29941:25 29942:9,10 29942:20 30053:22 30053:25 reported 30054:4 30060:7 reporting 30039:8 reports 29935:14 29943:7 represent 29956:5 29966:18 29989:5 30106:13 representation 30014:19 representative 30054:22 30071:10	response 29946:17 30024:22 30025:18 30026:11,21 30027:13,24 30055:3 30056:23 responses 30044:11 30051:15 30078:1 responsibliities 30040:9 responsible 30030:7 rest 29997:2 30003:21 30019:7 30021:20 30023:25 30026:16 30033:3,11 30051:13 30087:14 result 30062:3 30066:7 30067:4 30087:10 30088:4 resulted 29966:9 resume 30033:16	30083:1,2,11,19 30085:11,23 30091:7 30098:2 30099:18 30101:22 30103:15 30104:21 rights 30038:11 right-hand 29964:23 rigid 30081:1,6,6 30099:9 rigidity 30098:7 rise 30011:22 30015:9 risk 30059:19 30060:25 30061:3,11 30072:10 30074:4 30080:4 30094:15 risks 30079:24,25 30081:16 risky 30096:24 rivalry 30099:17 road 29964:3,4,16,17

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

30056:2.9 30057:7.16 safe 29948:7.13 30036:7 30042:5 29960:24 29976:1.20 30089:5 30051:0 30062:10,14 30063:1 3009:5 30070:22 30084:22 29967:17 29975:10 30089:5 30063:6 30065:13,15 safety 29946:22 30100:22 30101:2 see 29935:15 29946:24 29990:5 29999:17 30074:20 30075:12, 30096:17,20 safety 30046:16 scale 29942:13,15 seeleted 30050:14 29960:6,7 30074:20 30075:12, 30096:17,20 safer 30027:12 0997:10 self-defence 29940:19 29946:14 299961:6,7 30074:20 30075:12, 30096:17,20 safer 30037:12 scarcely 30057:18,20 self-defence 29941:10 29961:6,7 30074:20 30075:12, 30110:10 safares 30028:14 29951:18 Schedule 30006:13 29998:19 30000:15 30038:15,20 30049:15 30083:13 sochedus 30009:13 30012:3 30014:20 30016:13 3007:24 30051:3 30099:12,00 satified 30055:0 screen 39945:12 30051:3 30076:13 3007:24 30076:13 3007:24 30076:13 3007:24 30076:13 3007:23 3008:13 30025:21,6 satified 30055:0 screen 29945:12 30051:3 3006:13 30006:13					Page 1
29971;17:29979:4 30061:24 30023:1,3:0025:7 29932;12:29952;2.3 setterment:0000:19 29992;13:13,18 30058:03:0058;02 30031;4:10038;18 30071:6 server:3000-12 30002;10 29999;16:30025;23 3004:9;10:3008;17 29933;25:29934;2 29933;25:29934;2 3002;74;17:3002;91 750 :0005;20:3005:18 3009;16:30008;17 29945;12:29951;12 29938;17:29968;14 3003;14:0:3003;19 30005;12:0005;20:30058;18 3009;19:30006;12 30087;8 shaped:39947;11 3003;14:0:3003;19 30005;15:20 30102;15 says 2994;17:129968;11 29946;17:29952;16:21 shaped:39947;11 30055;11:15;20 30037;16:3004;25 30005;17:30045;17 says 2994;17:29948;14 30035;7 30055;11:15;20 30070;12:19968;11 29960;24:29977;16:1 30087;8 shaped:39947;11 30055;11:15;20 30070;12:19968;11 29960;24:19951;12 shaped:39949;12 30037;7 30055;11:15;20 30005;12:3006;24 30006;17;20 sect:3904;10:29946;12 30087;17 30065;13:10;50 seg994;51:30006;17 sattic:3007;12:30006;12 30007;12:3007;17 sattic	29972:23 29976:21	R250 30060:6,13	29994:5,6,9,16	seeing 29931:6	sets 30010:1,3
29991;17;10;21;25 R3 30055:20 30059:20 30035:11 30035:18 30071:6 30071:6 secki 2936:7 shack 29937:17 secki 2936:7 sec					
30002:16 29999:16 29993:12 2993:12 3003:12	29991:17,19,21,25	R3 30058:20 30059:20	-	30071:6	severe 30040:12
rock 30022:14.15.17 Staff 30025:14.15.17 29937.21 29940:17 29937.21 29940:17 29937.21 29940:17 29937.21 29940:17 29937.21 29940:17 29937.21 29950:19 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.17 29937.21 29950.17 29937.21 29950.17 29937.21 29950.17 29937.21 29950.17 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.13 29937.21 29957.14 299937.21 29957.14 299937.21 29957.14 299957.31 29957.14 299957.31 29957.14 299957.31 29957.14 299957.31 29957.14 299957.31 29957.14 299957.31 29957.14 30037.17 30037.17 30037.17 30037.17 30037.17 30037.17 30037.12 30077.12 29051.16 30077.22 30073.2 30098.17 30077.12 29937.14 30037.17 30077.12 29937.15 30077.12 29937.15 30077.12 29937.15 30077.12 29937.15 30077.12 29937.15 30077.12 29977.11 29999.17 30077.13 00077.19 30077.17 30	29992:13,13,18	R5 29941:2 29999:15	30044:9,10 30049:11	seek 29936:7	shack 29929:19
30026:14.15.17 R5.400 30069:12 30084:20 300897.11 29943:21 2995:19 29937:17 29948:1 30030:14 30035:19 30055:15 30055:12 30094:12 430093:10 29941:25 30064:25 shaped 29942:11 30035:12 30055:12 30055:18 30071:16 300778:8 seen 29948:24 shaped 29942:11 30035:12 30057:16 saddened 30040:22 29967:17 29946:1 29953:14 29954:23 share 30025:13 30055:11,15,20 safe 29948:7,13 300367:30042:5 29957:14 29957:14 29957:14 29957:14 29957:13 20061:12 30039:17 30035:14 30060:11 29922:44,5 30080:8 30077:12 30037:10 safety 29948:13 3007:12 30084:22 29967:17 29975:10 30089:5 30005:12,300061:12 safety 29946:22 30007:12 30037:10 safety 29948:13 20957:18 30027:10 200377:19 safety 29948:12 29964:12 29995:19 29994:12 29995:19 29994:12 29995:19 29994:12 29995:19 29994:12 29995:19 29994:12 29995:19 29994:12 29995:12 29995:12 29995:12 29995:10 30079:21 29995:12 29995:12 29995:12 29995:12 29956:67 29996:67 29995:12 29956:67 29996:67 29995:12 29956:12	30002:16	29999:16 30025:23	30049:23 30050:17	seeking 29935:17	29930:12 29931:25
30027:47.7.30029:10 8750 30054:20 30089:12,14 30093:7 29961:25 30064:2 29938:17 29964:5 30031:16 30032:9 300651:2,03 300651:2,03 30072:12,03 30072:12,03 30072:12,03 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:11,23 30072:12,09952:12,23 30072:29952:11,23 30072:12,09952:12,23 30072:29952:11,23 30072:12,09952:12,23 30072:29952:11,23 30072:12,09952:12,23 30072:29952:12,23 30072:29975:10 30072:20072:29975:10 30072:20072:29975:10 30072:20072:29975:10 30072:20072:29975:10 30072:20072:29975:10 30072:20072:29975:10 30072:20072:299972:12,29975:10 30072:20072:299972:12,29975:10 30072:20072:299972:12,29977:10 30072:12,112,29975:10 30072:12,112,29975:10 30072:12,112,29975:10 30072:12,112,29927:12,29972:12,9977:10 30072:12,112,29927:12,29972:12,9977:10 30072:12,112,29927:12,29972:12,9977:13 30012:12,12,222,29972:12,29972	rock 30022:9,23	30026:1	30053:7 30060:4	29937:21 29940:7	29933:25 29934:2
30030:14 30032:19 30053:14 30032:14 30053:12 300551:1 30053:12 300551:1 30053:12 300551:1 30053:12 300551:1 30053:12 300551:1 30053:12 300551:1 30053:12 30055:11 30053:12 30057:12 30056:11 30054:12 30060:11 30054:12 30060:11 30054:12 30060:11 30054:12 30060:11 30054:12 30060:11 30054:12 30060:11 30054:12 30060:11 30071:12 30055:13 30071:29 30057:12 30057:12 30057:13 30071:29 30057:12 30037:12 30037:19 30057:12 30037:10 30057:12 30037:10 30057:12 30037:10 30057:12 30037:10 30057:12 30037:10 30057:12 30037:12 30095:15 30066:13 30071:12 30027:11 30007:12 30095:15 30066:29 30057:12 30037:12 30095:15 30066:29 30057:12 30075:12 30075:12 30095:15 30066:29 30057:12 30007:12 30075:12 30095:12 30067:12 30075:12 30067:12 30075:12 30075:12 30075:12 30067:12 30075:12 30075:12 30075:12 30067:12 30075:13 30055:12 30075:12 30075:12 30075:12	30026:14,15,17	R5,400 30069:12	30084:20 30089:7,11	29943:21 29950:19	29937:17 29938:14
30034:16 30035:19 30065:15,20 30102:15 seen 29948:24 shapeles 2995:18 30037:16 30047:23 893025:21,23 say 29945:17 29961:12 29946:67 29961:62 29949:17 29952:16,21 300391:12 30056:23 30057:7.16 safe 29943:7,13 30036:7 30042:5 29962:4 29977:11 29955:3,4 2996:12 30039:5 30056:23 00057:16 safe 29943:7,13 30036:7 30042:5 30027:2 20037:7,9 shottering 2992:4,3 30080:18 30027:2 30037:7,9 shottering 2994:112 30039:5 30095:5 shottering 2994:12 30095:2 3005:25 30056:2,4 3005:13,15 shottering 2994:12 30095:2 3005:25 30056:2,4 3005:14 30095:2 3005:25 3006:14 30095:2 3005:25 3006:12,0 shottering 2994:12 3005:2 3005:14 30095:2 3005:14 30095:2 3005:14 30095:2 3005:14 30095:13 3007:14 30095:13 3007:14 30095:13 3007:14 30095:14 29951:18 30011:10 29936:16 3006:11 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:12 30081:13 16 3007:14 30081:13 16 3007:12 30081:13 16 3007:12 <t< td=""><td>30027:4,7,7 30029:19</td><td>R750 30054:20</td><td>30089:12,14 30093:7</td><td>29961:25 30064:25</td><td>29938:17 29964:5</td></t<>	30027:4,7,7 30029:19	R750 30054:20	30089:12,14 30093:7	29961:25 30064:25	29938:17 29964:5
30035:23.24 R9 30025:21.23 says 29945:17 29946:2 299494:17 29952.1.12 share 30025:5 30035:13 saddened 30040:22 29967:21 29968:11 29955:34 29964:11 29955:34 29964:12 shattering 2992:14 30039:17 30055:29 30057:7.16 saddened 30040:22 30036:7 30042:5 29967:21 29975:10 shattering 2992:14 shattering 2992:14 shattering 2992:14 shattering 2992:15 30039:17 30056:29 30057:7.16 safey 29948:5 30085:14 30037:22 30037:22 30037:22 30036:7 30042:5 soboct 29951:18 shattering 2992:14 shattering 2994:11:12 shattering 2994:11:12 shattering 2994:11:12 shattering 2994:11:12 shattering 2994:11:12 shattering 2992:12 30057:12 soper:14 30095:0 selered 3005:14 selered 3005:14 selered 3005:14 selered 3005:14 30095:14 30095:14 30095:14 30095:14 30057:18 selered 30057:14 29956:15 3006:17:12 Spenitri 2997:12 29996:12 2996:12 2996:15 3006:17:12 2996:15 3006:17:12 2996:12 2996:12 2996:12 2996:12 2996:12 2996:12 2996:12 2996:12	30030:14 30032:9	30055:20 30058:18	30094:9 30096:1,23	30087:8	shaped 29942:11
30037:16 30047:12 29946:67 29961:6 29952:16,21 30037:11 30055:11,13,18 satderned 30040:22 29967:21 29967:11 29955:34 29961:12 30037:13 30056:29 30057:7,16 sate 29948:7,13 30036:73 30042:5 29967:22 29067:22 29087:12 29955:34 29961:20 30085:13 30065:13 30065:13 30099:5 30085:14 30089:18 30027:2 30037:7,9 stocked 30040:6 30065:17,18 29996:62,2 30006:2,24 0005:2,3 selected 3005:13,15 shoteced 3005:14 30077:25 30073:2 30085:14 30085:14 30095:23 souber 2990:52 shoteced 3005:14 30077:25 30073:2 30085:14 29951:13 29957:18 selected 3005:14 2996:13 29957:18 30077:25 30073:1 30110:10 2993:13 2996:13 29957:18 self-definer 2994:11 2997:22 29994:10 3013:10 salares 30037:12 secre 2992:24:24:55 setf-evident 2997:22 29994:12 2995:13 2997:13 2997:13 2997:13 2997:13 2997:12 2991:10 salaries 30037:12 secre 2992:24:25 300309:23 3007:13 300992:23 3007:17 2991:10	30034:16 30035:19	30065:15,20		seen 29948:24	shapeless 29995:18
30054:5,11,13,18 S 29967:21 29968:11 29953:14 299542:3 shattering 29942:14 30055:10,152 safe 29948:7,13 30036:7 30042:5 29966:12 29971:11 29953:34 29966:10 30085:13 30042:5 30085:14 30089:18 30027:22 30037:7,9 shot 29941:12 30085:14 30089:18 30027:22 30037:7,9 shot 29941:12 30065:17,17,9 shot 29941:12 30065:12,14,25 30067:12,14,25 30067:12,14,25 30067:12,14,25 30067:12,14,25 30067:12,089:10 scarce 30029:20 seleted 3005:14 30099:20 seleted 3005:14 29964:15 2996:17 29996:15 2996:14 29964:15 2996:17 29964:15 2996:17 29964:15 2996:17 29964:15 29964:12 29964:15 29964:12 29964:15 29964:14 29964:15 29964:12 29964:12	30035:23,24	R9 30025:21,23	says 29945:17 29946:2	29949:17 29952:1,12	share 30025:5
30055:11,15,20 sadtenet 30040:22 2996:24 29977:11 2995:34 2996:10 shift 3002:215 30030: 3008:5 30056:2,9 30057:7,16 safe 29948:7,13 3007:12 30084:22 29967:17 29975:10 3008:5 30065:13 30060:11 30099:5 3007:12 3008:14 30089:18 30077:25 30073:7,9 shocked 30040:6 shocked 30040:6 30065:17,18 30099:5 30099:20 30099:20 30099:20 29990:17 sectes 30029:20 sectes 30099:20 29998:14 29996:16 29998:14 29996:17.20 shocked 3006:6,7 30079:20 30075:15 safer 29946:18 3009:21 secre 29029:24,24,25 secre 2999:113 secre 2999:113 2995:113 2995:118 29998:14 29995:13 2995:118 29998:12 29999:17 29999:19 2999:17 29999:19 3000:15 29999:19 3000:15 29999:19 3000:22 30032:5 30069:13 30032:5 30069:13 30032:5 30069:13 30032:5 30069:13 30032:5 30069:13 30032:5 30069:13 30032:5 3007:12 secre 2999:110 2999:110 2999:112 2999:110 2999:113 2999:113 2999:113 3007:12 3008:13,16 3009:13 30007:12 3008:13,16 3007:12 30007:12	30037:16 30047:23		29946:6,7 29961:6	29952:16,21	
30056:2.9 30057:7.16 safe 29948:7.13 300367:3 30042:5 29960:24 29976:1:20 30089:5 30065:10.14 30060:11 29992.45 30080:8 30070:22 3008:42.2 29967:17 29975:10 shocked 30040:6 30067:12,14.25 30095:5 30096:15 30070:22 3008:42.2 29961:72 2996:24 29996:12.0 shocked 30040:14 3007:22 30073:2 30095:17 30042:15 30095:17 30042:15 shocked 30050:14 shocked 30050:14 29998:13 3007:22 30073:2 30096:17 30042:15 salaries 30023:12 secree 30029:20 self-defence 29914:10 29961:6,7 3007:22 30075:1 salaries 30037:12 salaries 30037:12 secree 30029:22 29941:11 29952:18 29941:10 29961:52 9957:18 300313:10 salaries 30037:12 secree 3009:20 self-defence 2991:22 29993:2 29994:10 29951:13 29052:18 29951:13 29052:18 29951:13 29052:18 29961:52 30077:12 30031:13 16 3006:9 30031:22 30077:12 30051:3 30076:13 30079:24 30051:3 30076:13 30079:24 30076:13 30079:24 30076:13 30079:24 30076:13 30079:24 30076:13 30079:24 30076:13 30079:24 30076:13 30079:24 <	30054:5,11,13,18		29967:21 29968:11	29953:14 29954:23	
30058:13 30060:11 30062:10,14 30063:1 30099:20 29967:17 29975:10 30072:23 20077:2 30072:23 20077:10 30072:25 30073:2 shoct 29941:12 30099:20 shoct 29941:12 29950:13 29950:13 shoct 29941:12 30099:20 shoct 29941:12 29950:13 29951:14 29951:15 29		saddened 30040:22	29969:24 29977:11	·	shift 30022:15 30030:5
30062:10,14 30063:1 30099:5 30085:14 30089:18 30027:2 30077.2,9 scale 30028:14 30099:20 2999:5 2999:17 30065:17,18 30095:17,20 scale 30028:14 scale 30029:20 seleted 30050:14,2994:12 30099:20 shootre 2999:18 3007:12,015 sake 2990:08 scale 30028:14,22 seleted 30050:14,2994:11 29996:1,4 29996:1,4 29994:19 2994:12 2995:19 2994:19 2995:19 2994:19 2995:19 2994:19 2995:19 2995:19 2995:19 2995:19 2995:13 2995:18 self-evident 29979:22 29994:2 29996:19 29994:12 29974:2 2996:9 29994:19 29974:2 2996:9 29994:19 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 29974:2 2996:9 30001:15 30018:13,15 10009:10 29974:2 2996:9 30076:13 3007:12 30076:13 3007:12 30083:13 5008:13 30009:3 3001:14 30076:13 3007:12 30084:23 3007:12 30084:23 3007:12 30084:23 3007:12 30084:23 3007:12 30084:23 3007:12 30011:13 15 30014:1 30076:13 3007:12 30084:23 3007:12	30056:2,9 30057:7,16	·	30036:7 30042:5		
30063:6 30065:13,15 safety 29946:22 30100:22 30101:2 sees 29935:15 29964:24 30099:20 30065:17,18 29948:6 30094:16 scale 30028:14 30099:20 shooter 29959:18 30077:25 30073:2 30096:17,20 scare 30029:20 selected 30050:14 29996:17 30079:9,10,13 salaries 30037:12 scare 930027:18,20 29998:1,4 29996:17 70l 30013:10 salary 30028:14 29930:6 29949:22 29941:11 29956:12 9997:22 70l 30013:10 salary 30028:14 29951:13 29952:18 self-efence 29941:20 29941:11 29972:22 29994:10 29951:18 SAPS 2994:6:18 schedule 30009:17 somed 30023:5 30066:9 30009:22 30077:17 root 30099:16 30049:15 30083:13 30012:3 30076:13 30077:12 30084:6.15,16 rougher 29952:3 satified 30055:20 screer 30945:12 30013:13 30084:23 rougher 29952:2 satified 30055:20 screer 2994:17 30049:13 30076:13 30077:12 2996:18,19 20977:7 satified 30055:20 screer 30945:12 30011:10 30012:023 30039:13 300027:12,30 223 <td>30058:13 30060:11</td> <td>29992:4,5 30080:8</td> <td>30070:22 30084:22</td> <td></td> <td>shocked 30040:6</td>	30058:13 30060:11	29992:4,5 30080:8	30070:22 30084:22		shocked 30040:6
30065:17,18 29948:6 30094:16 scale 30028:14 30095:20 shooter 29959:18 30073:22 30073:2 30095:17,20 scarce 30028:14 scarce 30050:14 selected 30050:14 spoots:14 spoots:12 spoots:12 spoots:12 spoots:12 spoots:12 spoots:12 spoots:13 spoots:13 </td <td>30062:10,14 30063:1</td> <td></td> <td></td> <td></td> <td></td>	30062:10,14 30063:1				
30067:12,14,25 30095:25 30096:2,4 scalp 29942:13,15 scarce 30029:20 scarce 30029:20 scarce 30029:20 scarce 30029:20 scarce 30029:20 scarce 30007:12,20 sototing 29944:11 29952:19 2995:1,4 29996:1,2 29996:1,2 29996:1,2 29996:1,2 29996:1,2 29996:1,2 29996:1,2 29997:1,2 29997:1,2 29997:1,2 29997:1,2 29997:1,2 29997:1,2 29997:2,2 29999:1,1 29997:2,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 29999:1,2 20999:1,2 20999:1,2 20999:1,2 20999:1,2 20999:1,2 20999:2,2 20997:1,1 20995:2,2 20077:1,3 3008:1,5 30007:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 30077:1,2 300	30063:6 30065:13,15	e e	30100:22 30101:2	sees 29935:15 29964:24	
30072:25 30073:2: 30074:20 30075:15, 30079:9,10,13 30096:17,20 scarce 30029:20 scaf 29943:14 shorting 29943:14 30074:20 30075:15, 30079:9,10,13 salaries 30037:12 scarce 30029:20,424,25 29998:1,4 29974:2 2990:0 role 30076:21 30110:10 29930:6 29948:22 29941:11 29974:2 2990:0 role 30076:21 30110:10 29930:6 29948:22 29941:10 29974:2 2990:0 role 30076:21 Sang 30104:1 29952:13 Scene 20023:3 30066:3 30039:22 30077:17 RONNY 29927:9 29984:618 Schedule 30009:17 scend 30079:24 30048:615,16 rough 29952:25 30083:15 30086:2 score 30090:2 30076:13 3007:12 30076:13 30077:12 rough 29977:6 satisfied 30055:20 screen 29945:12 30013:15 30014:19 30076:13 3007:13 29998:18 20027:7 satisfied 30055:20 screen 29945:12 30012:13 30009:13 29997:25 29957:15 subor:2 29957:15 30056:20 3007:4 sensibel 30050:11,15 30010:20,23 3008:18 29997:25 29957:15 30047:10 30048:17 30022:43 30032:12 300093:13 30000:10 300025:21 29					
30074:20 30075:1,5 sake 2990:8 scarcely 30057:18,20 2998:1,4 2995:19 29957:10 30013:10 salaries 30037:12 scene 29929:24,24,25 self-defence 29941:10 29964:15 29967:20 roll 30013:10 salaries 30037:12 scene 29929:24,24,25 self-defence 29941:11 29974:2 29990:9 roll 30013:10 salaries 30037:12 scene 29929:218 self-definet 29971:2 29998:19 30000:15 29950:18 SAPS 29946:18 schedule 30009:17 sendin 30079:24 30039:22 30077:12 room 30038:15 200 30047:17 30048:18 schedule 30008:15 sending 30079:24 30048:6,15,16 rooghe 29952:3 sat 30023:15 Scott 30052:16 senist 30084:23 30076:13 30084:23 roughe 29952:3 sat 30023:15 Scott 30052:16 sensible 30006:11,15 30014:10 29966:19 3000:110 rough 29972:6 sat 30023:15 30076:13 29965:19 3000:110 30051:4 30010:10 rough 29972:2 sensible 3005:12 sensible 3005:14 30014:6 sensible 30060:11,15 30014:6 soud 3007:7 sensible 3003:14 30014:6 <td< td=""><td></td><td></td><td>– <i>i</i></td><td></td><td>· · · · · · · · · · · · · · · · · · ·</td></td<>			– <i>i</i>		· · · · · · · · · · · · · · · · · · ·
30079:9.10,13 salaries 30037:12 scene 2992:24,24,25 self-defence 29941:10 29964:15 29967:20 roll 30013:10 30110:10 29930:6 29948:22 29941:11 29992:2 29994:10 roll 30013:10 Salary 30028:14 29952:18 self-evident 29979:22 29992:2 29994:10 roll 30038:15,20 30047:17 SAPS 29946:18 scheduls 30009:17 send 30023:5 30066:9 30039:22 30071:17 rough 29952:12 30047:17 30048:18 scheduls 30008:15 sendin 30072:14 30076:13 30076:13 30076:13 rough 29952:25 300331:5 30086:2 score 30090:2 30013:15 30014:19 30076:13 30077:12 30076:13 30076:13 30076:13 30076:13 30076:13 30076:13 30076:13 30012:10 30061:13 00071:12 30076:13 30012:10 30061:13 0001:10 rough 29972:6 sautride 30055:20 scree 30945:12 30013:15 30014:19 30000:11 300012:02 30039:13 3001:10 29962:8 30022:23 29950:25 29957:15 30056:20 30070:4 sentile 20050:11,15 30012:24 30023:2 sonter 29964:10 30104:6 30002:12 29979:25 29957:15 30056:20 30070:4 sentile 29063:1 29982:12 sonter 29964:10 30014:6		,			
role 30076:21 30110:10 299306:229948:22 29941:11 29972:229990:9 roll 30013:10 salary 30028:14 29951:13 29952:18 self-evident 29979:22 29992:2 29994:10 roll 29947:17 SAPS 29946:18 schedule 30009:17 send 30023:5 30066:9 300323:5 30066:9 room 30038:15,20 30047:17 30048:18 schedules 30009:17 send 30023:5 30066:9 30048:61,51.6 rough 29952:25 30033:15 30086:2 score 3009:02 30084:23 30077:24 solotins 29966:9 rough 29952:25 satified 30055:20 score 3009:02 30051:4 30009:13 30079:24 solotins 29957:15 solotins 2996:19 30001:10 rough 29972:6 satified 30055:20 score 3009:2 30051:4 300051:4 300051:4 30011:4 29969:18,19 29977:7 saw 29947:15 29953:18 30047:10 30048:17 30051:4 30012:22 30037:4 30000:12 29957:19 29959:20 scerenshots 29963:9 sensitive 29951:16 sontre 2996:10 sontre 2996:30:3937:15 30000:12 29977:11 scripts 29951:6 scentare 29946:19 300104:6 300022:23 29937				,	
roll 30013:10 salary 30028:14 29951:13 29952:18 self-evident 29979:22 29992:2 29994:10 rolled 29947:17 Saps 20104:1 29952:18 send 30023:5 30066:9 30039:22 30077:17 RONNY 29927:9 29984:6 30043:8 30012:3 sond 30038:15,20 30047:17 30048:18 schedule 30009:17 sond 30075:24 shooting 29966:9 rough 29952:25 30083:15 30086:2 screer 30090:2 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30076:13 30077:12 30081:11,15 30076:13 30077:12 30081:13,16 30099:1 30076:13 30077:12 30081:13,16 30099:1 30076:13 30077:12 30081:13,16 30099:1 30076:13 30077:12 30081:13,16 30099:1 30076:13 3008:13,30077:12 30081:13,16 30099:1 30076:13 30077:12 30081:13,16 30099:1 30081:13,16 30099:1 30081:13,16 30099:1 30081:13,16 30099:1 30081:13,16 30099:1 30081:13,16 30099:1 30081:13,16 30099:1 30011:16 <td< td=""><td></td><td></td><td>, ,</td><td></td><td></td></td<>			, ,		
rolled 29947:17 Sang 30104:1 29952:18 Sendu 30009:17 Sourd 3009:13 29998:19 30000:15 29950:18 SAPS 29946:18 schedule 30009:17 30031:13,16 3009:5 30039:22 30077:17 room 30038:15,20 30047:17 30048:18 schedules 30009:15 sending 30079:24 30048:6,15,16 rough 29952:25 30083:15 30086:2 score 30090:2 30051:3 30076:13 30077:12 30044:23 rough 29942:11 Saturday 30101:11 29966:4 30034:21 30035:23 30089:18 30001:10 30012:23 30011:20 short 29957:25 rough 29942:11 Saturday 30101:11 29960:4 30034:21 30035:23 30089:18 30001:10 30010:20,23 30089:18 30001:10 30025:21,23 29957:25 29957:15 30056:20 30070:4 sensible 30050:11,15 30010:20,23 30039:2 30000:12 29977:19 29959:20 script 30034:17 sourd 3002:14 30014:6 30000:12 29977:19 29959:20 script 30034:17 sourd 302:12,14 3011:6 30000:12 29977:19 29950:20 script 30034:17 sourd 302:12,14 3011:6 30000:12 29977:1					
29950:18 SAPS 29946:18 schedule 30009:17 send 30023:5 30066:9 30039:22 30077:17 RONNY 29927:9 29984:6 30043:8 30012:3 30081:13,16 30099:5 30047:17 30048:18 roogh 29952:25 30083:15 30086:2 score 30090:2 30014:20 sending 30079:24 30042:13 30076:13 30077:12 rough 29952:25 30083:15 Subosci score 30090:2 30013:15 30084:21 30014:20 rough 29972:6 satisfied 30055:20 Score 30090:2 30013:15 30014:19 29965:19 30001:10 rough 29972:6 saturday 30101:11 Saturday 30101:11 30052:21 30059:23 30089:18 30009:11,15 30012:02.23 30039: 29992:8 30022:23 29956:25 29957:15 30054:31 30059:23 30050:11,15 30104:6 30007:7 30105:19,20 29966:3 29971:18 scremtshots 2996:3 sensitive 29951:16 shorte 29964:10 300005:12 29979:25 29980:23 seript 30034:17 30042:13 30042:13 29928:23 29937:24 30007:12 29997:25 29980:23 seript 30037:14 30014:6 shorte 29964:10 30014:6 300097:7 30105:19,20 29997	roll 30013:10	salary 30028:14	29951:13 29952:18		29992:2 29994:10
RONNY 29927:9 29984:6 30043:8 30012:3 30081:13,16 30099:5 shootings 29966:9 room 30038:15,20 30047:17 30048:18 30009:3 30014:20 sending 30079:24 30048:61,5,16 rough 29952:25 30083:15 30086:2 score 30090:2 30051:3 30081:13,16 3009:5 short 29957:25 rough 29942:11 satisfied 30055:20 score 3090:2 30013:15 30014:19 29965:19 30001:10 29996:18,19 29977:7 saw 29947:15 29949:18 30035:4,8 30046:5,13 sensibe 30050:11,15 30011:20 30032:17 30039:25 29950:25 29957:15 30035:4,8 30046:5,13 sensibe 30050:11,15 30010:20,23 30039: 30007:7 30105:19,20 29966:2 29977:11 screenshots 2996:2 senitre 29951:16 shorter 29964:10 30007:13 20978:15 20971:18 29973:15 29974:19 scripts 20953:2 sentence 30036:14 shorter 29964:10 30000:12 29977:16 29974:19 scripts 20953:2 separate 29962:21,24 29936:3 20937:15,1 30000:12 29979:25 29980:23 29974:16 29948:3 30076:25 30077:2 29936:12,329937:15,1 30000:12 29987:25 29998:20 29987:19,20,232,32,44 <	rolled 29947:17	Sang 30104:1	29952:18	Semelo 30069:13	29998:19 30000:15
room 30038:15,20 30047:17 30048:18 schedules 30008:15 sending 30079:24 30048:6,15,16 rough 29952:25 30083:15 30086:2 score 30090:2 30051:3 300842:3 rough 29952:35 sat 30023:15 score 30090:2 30051:3 30084:23 rough 29972:6 satisfied 30055:20 scree 29945:12 30013:15 3008:19 30092:3 30092:13 30092:3 30092:13 29992:8 30022:23 29950:25 29953:18 30047:10 30046:5,13 sensitive 30051:4 30010:20,23 30039:18 30010:20,23 30039:13 30010:20,23 30039:13 30010:20,23 30039:13 30010:20,23 30039:13 30010:20,23 30039:14 30104:6 score 30036:14 30104:6 score 30036:14 30104:6 score 30036:14 30104:6 score 30036:14 30012:224 30023:2 short 29973:15 29977:11 script 30034:17 30042:13 20928:32 29937:24 29936:3: 29937:12,19,294 29937:12,13,2940 row 30006:13 29977:15 29974:19 script 30034:17 30042:13 30076:25 30077:2 29937:12,13,2940 row 30006:13 29977:10 29987:15 29987:15 29947:16 29948:3 30076:25 30077:2 299393:12,13,29940:2	29950:18	SAPS 29946:18	schedule 30009:17	send 30023:5 30066:9	30039:22 30077:17
root 30099:1630049:15 30083:1330009:3 30014:20senior 30042:1330076:13 30076:13 30077:12roughe 29952:35sat 30086:2score 30090:230051:3300851:330076:13 30076:13 30076:12roughe 29952:35sat 30023:15score 30090:230013:15 30014:1929965:19 30001:1029969:18,19 29977:7saw 29947:15 29949:1830035:4,8 30046:5,13sensibe 30050:11,1530010:20,23 30039:11,429969:28 30022:2329950:25 29957:1530056:20 30070:4sensitive 29951:1630010:20,23 3009:1930000:1229956:3 29971:1830056:20 30070:4sensitive 29951:16shorter 2996:4:1030000:1229973:15 29974:19screen 29963:3sentence 30036:14shorter 29963:230000:1229973:15 29974:19script 30034:1730042:1329937:19,19,2429950:25 2998:2529972:11,17script 30034:1730042:1329936:3 29937:15,19,29430000:1229976:15 29974:1829947:16 29948:330076:25 30077:229936:3 29937:15,19,29429957:19 29951:62998:20,29987:1529947:16 29948:330100:17 30108:1729941:15,20,23,23,2429950:19 29951:630007:10 30104:1029945:5,1830100:17 30108:1729941:15,20,32,3229950:19 29951:9,17 29937:1729945:19,17 29952:2029987:20,222996:15 29958:3,929947:12 29971:1130070:10 30104:10299451:9,17 29952:2029987:20,222996:15 29958:3,929947:12 29971:1229939:19,17 29952:2029987:20,222996:5 29958:3,929947:12 29971:1229939:19,217 29952:20 <td< td=""><td>RONNY 29927:9</td><td>29984:6 30043:8</td><td>30012:3</td><td>30081:13,16 30099:5</td><td>shootings 29966:9</td></td<>	RONNY 29927:9	29984:6 30043:8	30012:3	30081:13,16 30099:5	shootings 29966:9
rough 29952:25 30083:15 30086:2 score 30090:2 30051:3 30084:23 rougher 29952:3 sat 30023:15 score 30090:2 30051:3 sense 29928:10 short 29957:25 roughy 29972:6 satisfied 30055:20 screen 29945:12 30013:15 30014:19 29965:19 30001:10 rough 29942:11 satisfied 30055:20 screen 29945:12 30035:4.8 30045:5.13 sensible 30050:11,15 30010:20,23 30039:25 29992:8 30022:23 29957:15 20055:23 20957:15 30055:20 screenshots 29962:9 sensitive 29951:16 short 29964:10 300032:17 30039:25 29977:11 29965:3 29977:15 30035:4.8 30046:5,13 sensitive 29951:16 short 29964:10 300007:7 30105:19,20 29967:3 29971:18 script 30034:17 30022:24 30023:2 short 29926:3 29937:15, 1920927:17 row 30006:13 29979:25 29980:23 search 29946:19,23 29963:1 29989:20 29936:3 29937:15, 1920927:17 substrep 29956:2 29987:19,20,23,23,2 299950:19 209951:6 September 30032:11 29936:3 29937:15, 1920927:17 substrep 29956:2 29987:11,20,23,23,2 299950:19,17 29950:12 29996:13 30000:21 2	room 30038:15,20	30047:17 30048:18	schedules 30008:15	sending 30079:24	30048:6,15,16
rougher 29952:3 sat 30023:15 Scott 30052:16 sense 29928:10 short 29957:25 roughly 29972:6 satisfied 30055:20 screen 29945:12 30013:15 30014:19 29965:19 30001:10 29969:18,19 29977:7 saw 29947:15 29949:18 saw 29947:15 29949:18 30053:4,8 30046:5,13 30059:23 30089:18 30010:20,23 30039: 30025:21,23 29956:25 29957:15 30047:10 30048:17 30051:4 301014:6 short 29964:10 30025:21,23 29957:19 29959:20 screenshots 29962:9 sensitive 29951:16 short 29964:10 short 29964:10 30007:7 30105:19,20 29966:3 29971:18 29963:3 sentince 30036:14 short 29962:21 short 29962:24 sup 2928:23 29937:15, 1 30000:12 29979:25 29980:23 seript 30034:17 30042:13 29928:23 29937:15, 1 29963:1 2998:20 29937:19, 19, 24 ruber 29956:22 29983:20 29987:15 29946:19, 23 29963:1 2998:20 29937:19, 19, 24 29997:55, 14 29977:10 29988:21, 22, 22 29950:19 29951:6 September 30032:11 29941:1, 5, 20, 23, 23, 24 29999:3 30000:12 30004:5 30067:3 29994:5, 18 301010	root 30099:16	30049:15 30083:13	30009:3 30014:20	senior 30042:13	30076:13 30077:12
roughly 29972:6 satisfied 30055:20 screen 29945:12 30013:15 30014:19 29965:19 30001:10 round 29942:11 saw 29947:15 29949:18 30035:48, 30046:5,13 30059:23 30089:18 3001:20, 23 3039:25 29992:8 30022:23 29956:25 29957:15 30056:20 30070:4 sensitive 29951:16 shorter 29964:10 30032:17 30039:25 29977:17 seript 30034:17 30042:13 29928:23 29972:17 round 2998.25 29972:11,17 script 30034:17 soud2:24 30023:2 shorter 29964:10 30000:12 29973:15 29974:19 script 30034:17 30076:25 30077:2 29936:3 29937:15,1 30000:12 29971:15 29978:15 29946:19,23 29963:1 2998:20 29937:19,12,3294 ruber 29956:22 29987:19,20,23,23,24 29950:19 29951:6 separate 29962:21,24 29936:3 29937:15,1 29957:5,14 29977:10 29989:21,22,22 search 10,29947:13 30076:25 30077:2 29939:12,13 29942:12 29957:5,14 29977:10 29989:12,22,22 search 29946:9,10 29947:3 30101:17 30108:17 2994:15,20,32,32,3 299977:11 29998:25 29990:25 29991:1 29946:9,10 29947:3 301011:16 <td< td=""><td>rough 29952:25</td><td>30083:15 30086:2</td><td>score 30090:2</td><td>30051:3</td><td>30084:23</td></td<>	rough 29952:25	30083:15 30086:2	score 30090:2	30051:3	30084:23
round 29942:11Saturday 30101:1129960:4 30034:2130059:23 30089:1830009:11,1429960:18,19 29977:7saw 29947:15 29949:1830035:4,8 30046:5,13sensible 30050:11,153010:20,23 30039:29992:8 30022:2329956:25 29957:1530047:10 30048:1730051:4sensitive 29951:16shorter 29964:1030032:17 30039:2529957:51 9 29959:20screenshots 29962:9sentitive 29951:16shorter 29964:1030000:1229976:15 29977:11script 30034:1730042:1329928:23 29937:15,1rounds 2998:2529977:15 29974:19scripts 29953:2separate 29962:21,2429936:3 29937:15,1row 30006:1329979:25 29980:23seript 29946:19,2329963:1 29989:2029937:19,19,24RRR17 30005:529987:1529947:16 29948:330076:25 3007:229939:12,13 29940:29957:5,14 29977:1029989:21,22,22searching 29945:5,1830032:18 30090:2129941:15,20,23,23,2429999:3 30000:1230004:5 30067:329947:12,2130111:629942:17 29943:2329999:3 30000:1230004:5 30067:329947:12,2130111:629942:17 29943:2329998:1930111:329950:12,14,21,2329965:2 29974:7,1129965:2 29974:7,11run 2968:13 29971:11saying 29927:17set 30084:25 30085:729987:20,2229961:7 29966:2229944:6,10 29955:1229935:12 29931:4229935:14,29330085:729987:20,2229961:7 29956:29974:7,1629944:6,10 29955:1229935:12 29935:1429945:43 30035:1530003:2229997:12,29979:1229944:5,13 29971:12 </td <td>rougher 29952:3</td> <td>sat 30023:15</td> <td>Scott 30052:16</td> <td>sense 29928:10</td> <td>short 29957:25</td>	rougher 29952:3	sat 30023:15	Scott 30052:16	sense 29928:10	short 29957:25
29969:18,19 29977:7 29992:8 30022:23saw 29947:15 29949:18 29950:25 29953:1830035:4,8 30046:5,13 30047:10 30048:17 30056:20 30070:4 screenshots 29962:9sensible 30050:11,15 30051:430010:20,23 30039: 30051:430025:21,23 30097:7 30105:19,20 30097:7 30105:19,2029956:25 29957:15 29957:19 29959:20 29966:3 29971:18 29966:3 29971:18 29963:3screenshots 29962:9 screenshots 29962:9 screenshots 29962:9sent 30022:24 30023:2 sentence 30036:14short 29964:10 short 29962:9rounds 29988:25 30000:1229977:15 29971:19 29979:15 29971:19script 30034:17 script 29953:2separate 29962:21,24 29966:3 29937:19,19,2429936:3 29937:15,1 29936:3 29937:19,19,24RRR17 30005:5 29987:5,14 29977:10 29988:21,22,2229987:16,29948:3 29967:5,14 29977:1030076:25 30077:2 29989:21,22,2229937:19,19,24 29947:16 29948:3 30010:17 30108:1729941:1,3,5,8,9,13, 29947:12,21rude 30104:1 30070:10 30104:10 29958:13 29971:1130006:53 29936:13 29971:11 29938:19 30111:329951:2,17,2937:4,6 29951:9,17 29951:2,12,22sequence 29979:14 29956:52,20252:0 29987:20,2229967:12,29979:14 29956:52,2958:3,9rude 30104:1 299968:13 29971:11 29948:13 29971:1130011:3 29951:9,17 29937:4,6 29938:12 29935:17 29937:4,6 29938:12 29935:17 29937:4,6 29938:12 29935:17 29937:4,6 29967:19 29971:12 29939:19 29940:2 29939:19 29940:2 29936:13 29971:17 29938:12 29943:11 29945:3 00072:7 29967:12 299791:17 29968:13 29971:17 29938:12 29947:14 29945:4 29938:15 30072:7 300032:13 300032:13 300042:229966:5 29974:7,11 300032:12 300042:2299791:72 29980:13 29971:71 29938:1	roughly 29972:6	satisfied 30055:20	screen 29945:12	30013:15 30014:19	29965:19 30001:10
29992:8 30022:2329950:25 29953:1830047:10 30048:1730051:430104:630025:21,2329956:25 29957:1530056:20 30070:4sensitive 29951:16shorter 29964:1030032:17 30039:2529957:19 29959:20screenshots 29962:9sent 30022:24 30023:2shorty 3009:1930097:7 30105:19,2029966:3 29971:1829963:3sent acc 30036:14shot 29927:1730000:1229973:15 29974:19script 30034:1730042:1329928:23 29935:2430000:1229979:25 29980:23search 29946:19,2329963:1 29963:1 29989:2029937:19,19,24RR17 30005:529987:19,20,23,23,2429951:6September 30032:1129941:15,20,23,23,229957:5,14 29977:1029989:21,22,22search 29945:5,1830010:17 30108:1729942:17 29943:2329999:3 30000:1230004:5 30067:329947:12,2130111:629942:17 2943:2329999:3 30000:1230007:10 30104:1029951:2,14,21,23sequence 29979:1429956:5 29978:3929998:13 29971:11saying 29927:17seated 30084:25 30085:729989:2329969:5 29974:7,11rung 2968:13 29971:1229935:12 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529974:12 29979:1729939:12 29934:430033:15 30072:730087:6 30105:2229997:18 30000:2129974:12 29979:1729946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730004:2329979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730004:2329979:17 29980:1329946:25 29947:5,162996	round 29942:11	Saturday 30101:11	29960:4 30034:21	30059:23 30089:18	30009:11,14
30025:21,23 30032:17 30039:25 30097:7 30105:19,2029956:25 29957:15 29957:19 29959:20 29966:3 29971:18 29963:330056:20 30070:4 screenshots 29962:9 29963:3sensitive 29951:16 sent 30022:24 30023:2 sentence 30036:14shorter 29964:10 shortly 30009:19 shortly 30009:19 shortly 30009:19rounds 29998:25 30000:1229972:11,17 29973:15 29974:19 29973:15 29974:19 seript 30034:17script 30034:17 script 30934:1730042:13 29963:1 29989:20 29963:1 29989:20 29937:19,19,24299363:3 29937:15,1 29939:12,13 29940:2 29937:19,19,24row 30006:13 29957:5,14 29977:10 29989:21,22,22 29987:5,14 29977:10 29998:25 29990:25 29991:1 29990:25 29991:1 299946:9,10 29945:5,18 30010:12 30000:12searching 29945:5,18 29946:9,10 29947:3 29946:9,10 29947:3 29946:9,10 29947:3 30101:6sequence 29979:14 29946:9,10 29947:3 30101:629941:15,20,23,23,24 29946:9,10 29947:3 30101:6rude 30104:1 running 29988:19 29946:4,10 29955:12 29947:12 29937:171 29943:19 29934:9 29943:930111:3 29950:12,14,21,23 29950:12,14,21,23 29946:51 20935:17 29943:29937:4,61 29943:29937:4,61 29943:29937:4,61 29943:29977:17 29943:11,12 29943:41 29930:8,21 29937:4,6 29943:11,12 29943:41 29930:8,21 29937:4,6 29943:12,29977:17 29943:11,12 29943:42 29933:12 29943:49 29933:12 29943:49 29933:12 29943:49 29933:12 29943:49 29933:12 29943:42 29933:12 29943:42 29933:12 29943:42 29933:12 29943:42 29933:12 29943:42 29933:12 29943:42 29933:12 29943:42 29933:12 29940:16 29977:14 29955:12 29977:14 29987:17 29933:12 29943:13 29946:25 29947:5,16 29977:17 29933:12 29940:16 29977:14 29985:16 299993:13 300077:42 30074:2 30003:15 30016:8 <br< td=""><td>29969:18,19 29977:7</td><td>saw 29947:15 29949:18</td><td>30035:4,8 30046:5,13</td><td>sensible 30050:11,15</td><td>30010:20,23 30039:6</td></br<>	29969:18,19 29977:7	saw 29947:15 29949:18	30035:4,8 30046:5,13	sensible 30050:11,15	30010:20,23 30039:6
30032:17 30039:25 30097:7 30105:19,2029957:19 29959:20 29966:3 29971:18screenshots 29962:9 29963:3 29973:15sent 30022:24 30023:2 sentence 30036:14short 29009:19 shot 29927:17rounds 29988:25 30000:1229973:15 29974:19 29973:15 29974:19script 30034:17 script 29953:230042:13 29963:1 29989:20 29939:12,13 29937:15,129973:15 29973:15,1 29937:19,19,24row 30006:13 rubber 29956:22 29987:19,20,23,23,2429957:16 29948:3 29989:21,22,2230076:25 30077:2 29939:12,13 29940:2 29947:16 29945:5,18 29947:12,2129941:1,3,5,8,9,13, 30032:18 30090:2129941:1,3,5,8,9,13, 29941:1,3,5,8,9,13, 29942:17 29943:23 29946:9,10 29947:329957:5,14 29977:10 29989:25 29990:25 29991:1 29990:25 29991:1 29990:25 29991:1 29946:9,10 29947:12,21September 30032:11 3011:629941:1,5,20,23,23,2 29942:17 29943:23 29946:9,10 29947:12,21 30111:629944:4,29948:22 29944:4,22948:22rude 30104:1 running 29938:19 29943:13 29971:1130070:10 30104:10 29951:9,17 29952:20 29939:12,12 29933:12 29934:12 29944:6,10 29955:12 29939:12,12 29933:12 29934:12 29938:12 29936:13 29971:12 29939:12 29939:12 29934:12 29938:1 29940:16 29964:2 29974:1,22979:17 29943:11,12 29945:4 29938:1 29940:16 29977:17 29943:13 29944:2 20976:14 29985:15 29961:5 30016:8 29967:19 29944:2 29938:1 29940:16 30087:6 30105:22 29999:18 30000:21 30008:23,24 29976:14 29985:15 29999:3 29994:2 29999:18 30000:21 30004:23 30007:26 30008:23,24 29999:18 30000:21 30040:3 30040:3 30040:329961:5 30016:8 29961:5 30016:8 29961:5 30016:8 29962:8 29999:18 30000:21 30040:329966:15,11,11 30072:6 30042:2,68,11,21 30042:	29992:8 30022:23	29950:25 29953:18	30047:10 30048:17	30051:4	30104:6
30097:7 30105:19,2029966:3 29971:1829963:3sentence 30036:14shot 29927:17rounds 29998:2529972:11,17script 30034:1730042:1329928:23 29935:2430000:1229973:15 29974:19scripts 29953:2separate 29962:21,2429936:3 29937:15,1row 30006:1329979:25 29980:23search 29946:19,2329963:1 29989:2029937:19,19,24rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,22searching 29945:5,18September 30032:1129941:15,20,23,23,23,23,23,23,23,23,23,23,23,23,23,	30025:21,23	29956:25 29957:15	30056:20 30070:4	sensitive 29951:16	shorter 29964:10
rounds 29998:2529972:11,17script 30034:1730042:1329928:23 29935:2430000:1229973:15 29974:19scripts 29953:2separate 29962:21,2429936:3 29937:15,1row 30006:1329979:25 29980:2329947:16 29948:330076:25 30077:2299391:2,13 29940:rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,22searching 29945:5,1830076:25 3007:2299391:2,12,22,2329999:3 30000:1230004:5 30067:329947:12,2130100:17 30108:1729942:17 29943:2329999:3 30000:1230070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:142996:5 29974:7,11running 29934:930111:329931:12,29934:12seted 30015:20seties 29962:82996:5 29974:7,1129967:1,9 29971:1229939:19 29940:2setied 30015:20seties 29962:829976:14 29985:1529977:17 29943:11,12 29943:1229938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:132994:22 29947:5,1629961:3 20971:1300033:15 30072:7series 3005:16,1730000:21 30004:2429979:17 29980:1329947:24 29948:430033:15 30072:7series 29952:20shotgun 29956:5,11,130035:1629947:24 29948:430033:15 30072:7series 29952:20shotgun 2955:5,11,130040:212996:3 29970:7,1630074:230043:2,1829955:2,2057	30032:17 30039:25	29957:19 29959:20	screenshots 29962:9	sent 30022:24 30023:2	shortly 30009:19
30000:1229973:15 29974:19scripts 29953:2separate 29962:21,2429936:3 29937:15,1row 30006:1329979:25 29980:2329947:16 29948:330076:25 30077:229939:12,13 29940rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,2229947:6,29945:5,1830076:25 30077:229939:12,13 2994029999:3 30000:1230004:5 30067:329946:59,10 29947:330100:17 30108:1729942:17 29943:2329999:3 30000:1230007:10 30104:1029950:12,14,21,23sequence 29979:1429955:529958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22run 29968:13 29971:11saying 29927:17seated 30015:20series 29962:829974:18,25 29976:2229944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529977:17 29943:1329946:25 29947:5,1629961:5 30015:20serious 30025:129990:3 29994:229974:12 29979:1729943:11,12 29940:229938:1 29940:1630087:6 30105:2229990:3 29994:229974:12 29979:1729943:11,12 29945:429961:5 30072:7serious 30025:130000:21 30004:2429979:17 29980:1329947:24 29948:430033:15 30072:7serious 30055:1630040:329941:2 30055:1629964:32 12967:3,1930074:2 30090:20serious 30055:1030040:330055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 2995730005:22 <td< td=""><td>30097:7 30105:19,20</td><td>29966:3 29971:18</td><td>29963:3</td><td>sentence 30036:14</td><td></td></td<>	30097:7 30105:19,20	29966:3 29971:18	29963:3	sentence 30036:14	
row 30006:1329979:25 29980:23search 29946:19,2329963:1 29989:2029937:19,19,24RRR17 30005:529983:20 29987:1529947:16 29948:330076:25 30077:229939:12,13 29940rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,22searching 29945:5,1830032:18 30090:2129941:1,3,5,8,9,13,29999:3 30000:1230004:5 30067:329947:12,2130100:17 30108:1729942:17 29943:23299988:1930111:329950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29984:929917:17seat 30084:25 30085:729987:20,2229967:7 29966:2829944:6,10 29955:1229930:8,21 29934:12seat 30015:20series 29962:829974:18,25 29974:7,11runing 29934:929935:17 29937:4,6Sebatjane 30009:130082:3,2429976:14 29985:1529967:1,9 29971:1229943:11,12 29945:429938:12 2940:1630087:6 30105:2229999:18 30000:2129974:12 29979:1729943:1329946:25 29947:5,1629961:5 30016:8serious 30025:129999:18 30000:2129974:12 29979:1729943:1329946:25 29947:5,1629961:5 30016:8serious 30025:129999:18 30000:2129974:12 29979:1729943:1429961:5 30016:8serious 30059:16,1730000:21 30004:2430055:21 30055:162996:23 29970:7,1630074:2 30090:20serve 30105:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957 </td <td>rounds 29998:25</td> <td>29972:11,17</td> <td>script 30034:17</td> <td>30042:13</td> <td>29928:23 29935:24</td>	rounds 29998:25	29972:11,17	script 30034:17	30042:13	29928:23 29935:24
RRR17 30005:529983:20 29987:1529947:16 29948:330076:25 30077:229939:12,13 29940rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,22searching 29945:5,1830032:18 30090:2129941:15,20,23,23,2429999:3 30000:1230004:5 30067:329946:9,10 29947:330100:17 30108:1729942:17 29943:2329998:1930070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22run 29968:13 29971:11saying 29927:17seat 30084:25 30085:729989:2329969:5 29974:7,1129944:6,10 29955:1229930:8,21 29934:12sectad 30015:20series 29962:829974:18,25 29976:29944:6,10 29955:1229939:19 29940:229938:1 29940:1630008:23,2429976:14 29985:1529974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229990:3 29994:229974:12 29979:1729946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730000:2130017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957R1,000 30062	30000:12	29973:15 29974:19		separate 29962:21,24	29936:3 29937:15,17
rubber 29956:2229987:19,20,23,23,2429950:19 29951:6September 30032:1129941:1,3,5,8,9,13,29957:5,14 29977:1029989:21,22,22searching 29945:5,1830032:18 30090:2129941:15,20,23,23,229977:11 29988:2529990:25 29991:129946:9,10 29947:330100:17 30108:1729942:17 29943:2329999:3 30000:1230004:5 30067:329947:12,2130111:629944:5 29948:22rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22run 29968:13 29971:11saying 29927:17seated 30015:20series 29962:829974:18,25 29976:29944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:1299990:3 29994:229979:17 29980:1329947:24 29948:430033:15 30072:7serves 30105:2030040:3runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,68,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11	row 30006:13	29979:25 29980:23	search 29946:19,23	29963:1 29989:20	, ,
29957:5,14 29977:1029989:21,22,22searching 29945:5,1830032:18 30090:2129941:15,20,23,23,229977:11 29998:2529990:25 29991:129946:9,10 29947:330100:17 30108:1729942:17 29943:2329999:3 30000:1230004:5 30067:329947:12,2130111:629944:5 29948:22rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22run 29968:13 29971:11saying 29927:17seated 30015:20series 29962:829974:18,25 29976:29944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:22299990:3 29994:229979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:1299990:3 20994:229979:17 29980:1329947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:2030040:330055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:5,11,130074:230074:230043:2,1829957:2,4,7,8,10,11	RRR17 30005:5	29983:20 29987:15	29947:16 29948:3		29939:12,13 29940:9
29977:11 29998:2529990:25 29991:129946:9,10 29947:330100:17 30108:1729942:17 29943:2329999:3 30000:1230004:5 30067:329947:12,2130111:629944:5 29948:22rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22running 29934:929930:8,21 29934:12seated 30015:20series 29962:829974:18,25 29976:1429967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229974:12 29979:1729946:25 29947:5,1629961:5 30016:8serious 30025:1299990:3 29994:229979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30059:16,1730000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11				-	29941:1,3,5,8,9,13,14
29999:3 30000:1230004:5 30067:329947:12,2130111:629944:5 29948:22rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22running 29934:929930:8,21 29934:12seat 30084:25 30085:729989:2329969:5 29974:7,1129944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23series 30025:129990:3 29994:229974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8series 30059:16,1730000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957R1,000 30062:2229969:3 29970:7,1630074:230074:230043:2,1829957:2,4,7,8,10,11	29957:5,14 29977:10	29989:21,22,22		30032:18 30090:21	29941:15,20,23,23,24
rude 30104:130070:10 30104:1029950:12,14,21,23sequence 29979:1429956:5 29958:3,9ruling 29988:1930111:329951:9,17 29952:20sequence 29979:1429956:5 29958:3,9run 29968:13 29971:11saying 29927:17seat 30084:25 30085:729989:2329969:5 29974:7,11running 29934:929930:8,21 29937:4,6seated 30015:20series 29962:829976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:129999:18 30000:21runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630043:2,1829956:17,21 29957R1,000 30062:2229969:3 29970:7,1630074:230074:230043:2,1829957:2,4,7,8,10,11		29990:25 29991:1			
ruling 29988:1930111:329951:9,17 29952:2029987:20,2229961:7 29966:22run 29968:13 29971:11saying 29927:17seat 30084:25 30085:729989:2329969:5 29974:7,11running 29934:929930:8,21 29934:12seated 30015:20series 29962:829974:18,25 29976:129944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:1299999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:130008:23,2429999:18 30000:21runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630043:2,1829956:17,21 29957:2,4,7,8,10,11		30004:5 30067:3			
run 29968:13 29971:11saying 29927:17seat 30084:25 30085:729989:2329969:5 29974:7,11running 29934:929930:8,21 29934:12seated 30015:20series 29962:829974:18,25 29976:129944:6,10 29955:1229935:17 29937:4,6second 29929:23series 29962:829976:14 29985:1529974:12 29979:1729943:11,12 29940:2second 29929:23serious 30025:129990:3 29990:3 29994:229979:17 29980:1329946:25 29947:5,1629961:5 30016:8serious 30025:1299999:18 30000:2129979:17 29980:1329947:24 29948:430033:15 30072:7serves 30105:2030040:3runs 30017:4,1829947:24 29948:430033:15 30072:7service 29952:2030040:381 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11					
running 29934:929930:8,21 29934:12seated 30015:20series 29962:829974:18,25 29976:29944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,17300000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11	U U		·	-	
29944:6,10 29955:1229935:17 29937:4,6Sebatjane 30009:130008:23,2429976:14 29985:1529967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 2994:229974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11					29969:5 29974:7,11
29967:1,9 29971:1229939:19 29940:2second 29929:23serious 30025:129990:3 29994:229974:12 29979:1729943:11,12 29945:429938:1 29940:1630087:6 30105:2229999:18 30000:2129979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11					29974:18,25 29976:6
29974:12 29979:17 29979:17 29980:1329943:11,12 29945:4 29946:25 29947:5,16 29946:25 29947:5,1629938:1 29940:16 29961:5 30016:8 30033:15 30072:730087:6 30105:22 seriously 30059:16,17 30000:21 30004:24runs 30017:4,18 30055:21 30055:16 30055:21 30058:1729947:24 29948:4 29968:9,19,2430033:15 30072:7 30074:2 30090:20seriously 30059:16,17 serves 30105:2030000:21 30004:24 30040:3R1 29941:2 30055:16 30055:21 30058:1729968:9,19,24 29968:9,19,24Secondly 30072:6 30074:230042:2,6,8,11,21 30043:2,1829956:17,21 29957:2,4,7,8,10,11		,	ů.	-	
29979:17 29980:1329946:25 29947:5,1629961:5 30016:8seriously 30059:16,1730000:21 30004:24runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230074:230043:2,1829957:2,4,7,8,10,11	-				
runs 30017:4,1829947:24 29948:430033:15 30072:7serves 30105:2030040:3 R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:2 R1,000 30062:2229969:3 29970:7,1630074:230074:230043:2,1829957:2,4,7,8,10,11					
R1 29941:2 30055:1629964:21 29967:3,1930074:2 30090:20service 29952:20shotgun 29956:5,11,130055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11		29946:25 29947:5,16		•	
30055:21 30058:1729968:9,19,24Secondly 30072:630042:2,6,8,11,2129956:17,21 29957:R1,000 30062:2229969:3 29970:7,1630074:230043:2,1829957:2,4,7,8,10,11	runs 30017:4,18	29947:24 29948:4	30033:15 30072:7		
R1,000 30062:22 29969:3 29970:7,16 30074:2 30043:2,18 29957:2,4,7,8,10,11		29964:21 29967:3,19			shotgun 29956:5,11,12
		29968:9,19,24		30042:2,6,8,11,21	29956:17,21 29957:2
	,	29969:3 29970:7,16	30074:2	30043:2,18	29957:2,4,7,8,10,11
	R12 30025:19 30055:3	29971:4 29972:5	seconds 29949:1,3,4	services 30013:14	29957:22 29958:4,22
30092:2 30093:20,25 29976:23 29978:8 29979:5 29985:2,6,11 30021:24 30042:25 29959:2,15,18,20,23	30092:2 30093:20,25	29976:23 29978:8	29979:5 29985:2,6,11	30021:24 30042:25	29959:2,15,18,20,23
30094:13,24 30095:4 29979:12 29980:7 30003:7 30006:12 30043:15 29960:2,20 29961:1	30094:13,24 30095:4	29979:12 29980:7	30003:7 30006:12	30043:15	29960:2,20 29961:10
30095:9 30097:17,21 29983:17,19,20 section 30056:22 set 30009:12 30014:9 29962:25	30095:9 30097:17,21	29983:17,19,20	section 30056:22	set 30009:12 30014:9	
	30098:13,22		security 29951:3	30031:6 30040:21	shotguns 29956:19,25
R12,500 30066:4 29986:19 29989:18 30022:25,25 30069:8 30046:20 30065:20 29957:8,15,22				30046:20 30065:20	
30067:25 30069:13 29990:12,18,20,22 30070:9 30095:13 30076:24 30097:8,22 shots 29974:18,19,24	30067:25 30069:13	29990:12,18,20,22	30070:9 30095:13	30076:24 30097:8,22	shots 29974:18,19,24
ARCHIVE FOR JUSTICE	ARCHIVE FO				L

Marikana Commission of Inquiry

				Page 1
29974:25 29983:10	singled 30010:13	30109:20	30048:21 30049:12	30040:5,5 30087:17
29983:15,17,22,24	sir 29929:15 29931:1	solved 29938:10	30049:16,18,24,25	30087:20 30100:3
29984:1,10,16,17,23	29941:18 29948:7	30105:24	30072:23 30073:5	starting 29927:6
29984:24 29985:1,10	29958:13 29973:2,12	solving 30107:12	30079:19 30085:20	29980:4,4 30016:21
29985:17,22,22	29975:25 29976:10	somebody 29951:22	30086:3,5 30088:5,14	30084:16
29986:1,3,10,10,16	29977:4 29979:20	29997:11 30018:25	30088:17,17	starts 29949:3
29986:20,21 29992:6	29980:10 29983:7,11	30023:5 30029:12	30092:16 30094:11	30016:18 30020:22
29997:23 30006:12	29985:8,19,24	30081:13	30095:2,3,19 30096:3	30022:3
30101:19	29986:4 29987:25	somebody's 30084:19	30096:17 30097:1	state 29999:8,13
shouldn't 29943:11	30000:2 30002:23	somewhat 30028:13	30098:1,2 30103:20	statement 29939:10
29996:8	30005:2 30006:9,21	30029:21 30074:17	30108:3,7,8,10	29970:24 30015:25
shout 29998:20,21	30015:11 30017:9	30091:8	30111:5,6	30016:3,7,7,8,10,20
show 29927:19,19	30018:3 30019:22	song 30103:25 30104:1	speaking 29949:2	30016:23 30017:6,7
29935:7 29937:14	30020:13 30021:4	soon 29959:6 29963:11	29963:11 30023:18	30017:11 30018:14
29941:1,3 29949:8	30094:3	30031:9 30046:13	30030:18 30081:2	30020:5,20,21
29955:3 29976:20	sit 30009:8 30038:15,20	sophisticated 30064:7	spears 29992:4	30020:5,20,21
29980:12	30048:7,8 30052:5	sorry 29929:2,13	29997:24	30022:2 30029:3,4
showed 29971:15,16	30111:13	29931:23 29932:4	specific 30026:17	30042:1,5 30046:20
30019:18	sitting 30050:18		30031:7 30079:6	30050:21
	0	29942:5 29946:1,9		
showing 29999:4	30091:9,13 30094:24	29952:15 29958:19	specifically 30026:14	stating 29979:22
shown 29929:22	30109:20	29961:22 29964:22	30026:15 30042:6,11	status 30105:14,16
29935:4 29949:1,12	situation 29941:17	29972:19 29974:22	30071:17	30109:6,7
29955:25 29958:8	29944:4,6 29947:2	29977:4 29983:18,18	speculation 29993:23	stay 30002:13 30081:11
29960:9 29976:22	29951:20,21	29985:9 29994:4	29994:7,7	stayed 30001:14,17
shows 29928:2	30000:17,19,24	30000:2 30001:22	spine 29936:17	30002:4,7
29937:15 29948:21	30001:1,19 30006:15	30004:8 30005:8	spoke 30005:20	staying 29995:6,9
29968:2	30040:14 30048:19	30011:12 30012:14	30029:5,6 30030:13	step 30011:8
side 29928:12 29930:17	30050:12 30059:18	30014:1 30016:22	30030:16 30072:9,13	stepped 29953:11
29931:7,9,10	30060:5 30062:1	30034:20 30041:20	30095:20,21,22	Steve 30039:16
29934:10,12,21,24	30075:14,16 30076:9	30044:10 30046:3	spoken 29959:6	stick 30066:20
29935:9 29947:18	30077:21 30081:14	30051:2 30056:14	30049:19 30072:8,11	stop 29998:20 29999:3
29950:19 29956:6	30081:24 30085:14	30062:20 30065:8,8	30074:3	30003:22 30004:4
29957:18 29964:4,23	30085:24 30086:19	30073:6 30074:23	spot 29930:15	30011:5,13,17,19,21
29965:3 29984:15	30086:21 30087:6,15	30077:5,6 30078:17	29935:24 29939:12	30105:7
29994:8,11 29997:7	30087:24 30089:19	30086:16 30091:18	29951:23	stoppage 30058:4
30002:1 30003:10,16	30091:8,11 30092:4	30092:9 30093:5,5	spread 29956:10	stoppages 30058:9
30064:5,22 30092:1	30092:25 30093:14	30094:18 30105:12	squared 29951:24	stopped 30000:13
30092:24	30095:10 30096:24	sort 29937:1 29965:13	stage 29938:19	stopping 29943:13
sight 29969:25 29970:2	30107:15,25	29968:11 30024:1	29967:19,20 29974:1	story 30029:3
29970:5 29973:18	size 29960:19 29961:7	30025:15,24 30027:5	29980:8 29985:21	straight 29984:6,7
signed 30037:5 30085:5	sketch 29927:18,20	30027:14 30028:2	29990:3 29995:7	29987:10
30105:7	29928:1,11 29929:23	30031:7,22 30036:5	30013:23 30023:11	strained 30038:6
significant 30027:4	29930:4,10,16,23	30049:2,4 30061:5	30024:11 30030:18	30039:3
significantly 30028:2	29931:16 29932:4	30073:4 30076:2	30032:8,24 30033:15	strike 30040:5
30065:18,19	29934:14,25 29935:7	30096:11,14 30097:4	30043:9 30044:17	30045:14 30046:23
signing 30031:21	29936:4 29938:17,19	30108:3 30109:19	30059:24 30078:14	30049:6 30053:12,19
signs 29935:16,18	29939:13,23	sorts 29949:22	30079:9 30080:20	30054:25 30055:21
29938:1	29940:10 30022:5	30051:18	stages 30042:8	30056:9 30058:13
Siliyawa 29955:25	skill 30029:20	sought 29962:15	stance 30081:7 30108:1	30059:6,19 30060:7
similar 30010:7	skull 29942:12	sound 30052:17	stand 29997:12	30060:25 30061:3,4
30014:5	slide 29928:16,16	source 30101:23	29998:13 30066:18	30061:11,14,23
Simon 30052:16	29929:10 29954:23	south 29931:18	30067:7 30070:21	30062:3,3 30069:15
simple 29928:7	29955:3 29962:22,22	29932:13 30042:2,20	30077:24 30096:24	30072:9,10,13,16
simply 29943:12	29977:22,25	30043:2,14,17	standing 29948:1	30074:4,5,7 30087:3
29947:16,17,20	slides 29939:11	30044:2 30051:16	29951:2,16 30005:22	30090:20 30100:10
29959:11 29972:14	slightly 29932:2	southerly 29931:16	30029:10 30096:11	30102:23,25
29972:24 29989:9	29950:8 29967:5	so-called 29930:2	stands 29942:20	30105:23 30106:9
30056:2	30088:2	29939:21	start 29964:13,14	30110:8 30111:2
simultaneously	slow 29949:13	space 29931:24	29989:3 29999:3	striker 29947:12
29989:21 29990:2,6	snow 29949.13 smart 30064:14	29996:17,17 30100:1	30023:21 30042:6	29950:1,4,10,12
27707.21 27770.2,0	soft 29942:15 29954:3	spaces 29996:17,17 50100:1	30023.21 30042.0	29950:1,4,10,12 29951:4 29997:1,6,20
20000.13 16 10		speak 29990:24 speak 29991:3 30023:4	started 29954:18	striker's 29947:13,17
29990:13,16,19 sing 30103:24	soften 300/11.2	LAUCAN 77771.1 JUU/J/4	sialicu 27734.10	SUINCI S 2774/:13,1/
sing 30103:24	soften 30041:3	-	20067-0 20074-9 12	atriling 20007.21
sing 30103:24 singing 30030:3	Solidarity 30031:19	30023:6,9,21,22,22	29967:9 29974:8,12	striking 30087:21
sing 30103:24 singing 30030:3 single 29936:16	Solidarity 30031:19 solution 30029:14	30023:6,9,21,22,22 30030:8,23 30039:9	29982:21,23	30090:15 30100:19
sing 30103:24 singing 30030:3	Solidarity 30031:19	30023:6,9,21,22,22		

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

Marikana Commission of Inquiry

Pretoria

				Page 1
structure 30032:1	30056:17 30057:13	30087:10 30088:10	29977:19 29978:15	thinks 29939:1
30078:21 30081:11	30068:16 30070:18	30089:23 30090:7,11	29988:21 29989:3	third 29930:16
30106:1 30107:18,24	30073:4 30088:15	30090:11,18,21,23	29992:23 29994:23	29969:23 30072:12
30108:15	30089:12 30106:21	30091:5,20,22	29994:25 30004:7,17	30090:22
structures 30024:19	30108:24	30092:3,19 30093:7,9	30004:22 30006:22	thirdly 30011:20
30026:5 30031:14	surely 29967:16	30093:11,11,15,18,24	30006:22 30007:17	30074:7
30042:17 30046:18	29980:19 30050:11	30093:25 30094:4	30007:18 30008:1,2	thought 29952:4,5,8
30080:14 30084:4	30050:14 30059:7	30095:1,8 30097:16	30015:4,4,6,21	29981:15 30000:10
30104:17 30107:9,19	30061:21,24	30097:21 30098:19	30019:25 30020:18	30000:23 30004:1,4
30107:21 30108:2,3	30063:15 30068:11	30098:21 30099:6	30041:8,9,24 30051:7	30021:5 30027:9
stun 29998:25	30068:14	30104:14,14,16,16	30057:20,21	30028:5 30067:6
stunned 30025:20	surprised 30003:19,25	30108:15,17,19	30058:11 30068:4,25	30069:16 30086:8
30040:20 sub 30012:22 30052:2	survived 29966:18 sustained 29936:16	30110:17,18,19	30069:2 30080:22 Thomks 20070:21	30101:20,24 30110:4
subject 29937:13	swear 30009:8	talked 29927:22 29932:23,23 30089:9	Thanks 29979:21 29995:3 29996:10	30110:24,25 thousand 30063:1
29965:22 30057:2	30015:12,15,16	talking 29934:11	30001:2 30006:25	30093:8,10,16
submissions 30080:24	system 30011:10,25	29941:21 29954:13	30007:8	30094:4
submit 29941:6	systems 30073:4	29987:22 30039:8	theirs 30026:20	threat 29928:8
29995:21 30009:23	s.u.o 29927:9	30059:24 30074:18	theoretical 30070:14	29940:12 29946:22
submitted 30037:15	5.4.0 27727.7	30075:1 30079:16	theory 29937:18	30069:15 30078:5
subpoena 30007:22	Т	30086:14,20 30089:5	thereto 29940:17	30090:20 30111:1
subsequently 30043:10	table 30010:23 30012:5	30090:14 30092:17	29959:14	threatening 30074:24
30053:18	30038:15 30064:22	30097:3,8,11	there'll 29948:17	30076:9
substantial 30073:21	tabled 30032:23	30098:15,16,17,18	there's 29929:19	three 29985:5,11
substantive 30030:20	tables 30063:6	30109:12,24	29930:11 29938:1	30004:20,21
sub-committee	30064:19,21	talks 30047:25	29964:25 29984:4	30009:11 30010:18
30051:22	30065:11	30068:13 30087:25	29986:13 30003:1	30083:12 30090:18
success 29993:16	take 29935:24	tangent 30005:19	30005:20 30006:1,18	30097:22 30109:13
29994:13 30072:5	29944:14 29954:16	target 29999:17	30012:6 30013:17	thrown 30000:10,20,24
sudden 30000:20	29964:8 29967:18	tea 30080:20	30019:2 30023:16	Thursday 30111:13,17
suffered 30040:12	29988:13,18	teargas 29977:10	30024:16 30046:8	30111:18
sufficient 29991:16	30008:10 30015:9,11	29998:25	30047:19,21	tied 29971:8
suggest 29928:14	30024:18 30026:13	technical 30021:24	30050:20 30075:16	timeframe 30038:3
29954:8 29970:23	30029:12 30033:20	30046:9	30075:17 30090:20	times 29998:22
30004:13 30047:7	30036:11 30046:12	technically 29936:19 tell 29932:21 29942:10	they'd 30002:7	29999:9 30109:13
suggested 29954:13 29999:21 30000:3	30049:24 30053:12	29970:15 29997:8	30003:14 30025:3 30056:24	Tip 30008:8,20 30009:5 30009:6,8,10 30011:8
30082:6 30109:23	30054:14 30055:4,22 30056:4,24 30057:3,6	29970.13 29997.8	they'll 30057:16	30011:13 30012:4,14
suggesting 29946:17	30057:15,19,20,22	30009:4 30020:21	they're 29948:11	30012:18,22 30013:2
29947:5 30060:2	30064:4,20 30065:21	30062:5,7 30068:8	29965:5,5 30005:21	30012:10,22 30013:2
30067:23 30070:25	30066:18 30068:17	30093:20 30095:4,9	30005:23 30023:20	30014:4 30015:5
30075:17 30076:6	30080:4,20 30085:8	telling 29986:15	30025:11,14	tipped 30090:10,11
suggestion 30050:21	30088:21 30104:5	30057:6 30059:17	30026:15 30030:11	tipping 30090:6,9
30107:12	30105:2,13 30106:4	tells 29977:25 30069:15	30030:12 30057:9,17	Tiro 30023:11
sum 30110:13	30107:10	tend 30025:10	30073:20 30098:21	tissues 29942:15
summarised 30010:20	taken 29937:16,19	tender 30008:10	they've 29998:5	today 30110:14
summary 29942:8	29996:14,22	tending 30005:23	30014:21	told 29938:12 29957:4
supervisor 30031:7	29999:14 30024:13	tense 29944:6 29951:20	thing 29932:14	29957:6 29968:12,12
supervisors 30028:3	30032:17 30050:5,16	29985:7,11,23	29945:17 29951:22	29993:1,4 29999:23
30030:23 30031:4,8	30051:19 30088:8	tensions 30042:12	29952:5 29967:21	30021:12 30055:22
30034:18 30035:16	30104:25,25	terminating 29942:14	29971:2 29980:19,20	30059:19 30060:6,12
30035:18 30036:25	30106:24 30107:1	terms 29997:10	29982:5 29990:15	30060:17 30061:16
supplementary	30110:19	30011:6 30024:23	29991:6 30000:23	30061:16,25 30062:1
30016:3,9,20,23	takes 30070:21	30067:21	30031:22 30050:11	30066:3 30103:21
30017:6,7,11	talk 29944:5 29954:9	terrible 30040:23	30050:15 30051:4	tolerated 30036:18
supplied 30013:4	29992:24 30050:13	test 30019:20	30058:2 30073:4	tomorrow 30111:13,16
support 30030:14	30050:13 30053:1	tested 30099:3,8,11	30091:7 30110:4	top 29946:24 29965:8
30095:20	30072:19 30073:13	testified 29944:25	things 29936:5	30067:22
supports 29967:19	30073:14,22	29965:16 29983:22 29993:14	29943:22 29953:18	total 29987:17 30025:24 30065:13
suppose 29936:19 30009:3	30074:14 30075:14	29993:14 testimony 29943:19	29962:5 29986:11 29990:12 29996:8	30025:24 30065:13 totalling 30011:2
sure 29935:25 29937:7	30075:15,20 30076:7 30076:8 30077:8,12	29969:20	30024:6 30057:23	totally 29997:21
29948:6,12 29983:19	30078:3,4,25 30080:7	Thandeka 30052:16	30076:1 30102:4	track 29973:8
30043:5 30044:14	30080:25 30081:20	thank 29933:15	30105:5	trade 30095:18
30050:3,6,18,25	30082:8 30083:22	29953:21 29954:12	thinking 30011:14	30096:2
50050.5.0.10.2.1				
30054:24 30056:15	30084:3,7 30086:8	29964:7 29965:15	30096:23,24	tragedy 30040:23

Tel: 011 021 6457 Fax: 011 440 9119

RealTime Transcriptions

				Page 18
30085:17,18	29983:5,6,21	understood 30099:1	velocity 29941:2	29959:2,19,24
30086:13,14,15,24,24	29984:16 29985:10	undertaken 30010:7	29999:15	29962:24 29963:13
30087:1 30089:21,22	29985:21 29986:11	undertook 30009:21	venue 30111:16	29964:14 30002:3
tragic 30081:3	29986:22,22 29990:7	unfair 29989:23	verbatim 29969:19	
transcript 29969:10	29990:12 30010:1	30064:24	verification 30105:3,5	W
30045:25 30046:2,7,9	30023:7,9,14	unfolded 30038:17	30106:21	wage 30026:2,4,10
30084:13 30100:14	30028:16,19,25	unfortunately	versa 30062:15	30028:2,17 30029:16
transcripts 30071:13	30029:6 30038:9	29966:14 30010:2	version 29973:7	30029:17 30031:15
translating 30023:19	30039:6,14 30042:12	30111:13	29992:17,20	30031:21,25
transpired 30040:15	30052:4,5 30058:19	unhappy 30029:22	30016:14	30032:10,12,12,14,15
transport 30111:15 traumatic 30040:13	30064:9,15,21	unilateral 30069:21 30070:13,23	versions 29966:17 vested 30107:11	30032:24 30036:8,9 30036:10,17 30053:9
30087:5	30069:14 30078:1,2 30083:15 30086:1	union 30010:11	vice 30021:13,23	30059:11,12,13
travel 29983:14	30095:18 30099:22	30011:6,23,24	30038:23 30062:15	30066:19 30067:17
treatment 29936:20	30101:19,20	30012:7 30024:18	30066:11	30067:22,25 30068:2
tried 29937:14 29953:8	30109:13 30110:24	30026:8,12 30044:3	vice-president 30052:7	30068:2,9,10
29953:15 29979:15	two-year 30036:8	30071:18 30079:1	30052:8,9	30073:21 30093:12
30042:8,11	type 30031:16	30095:18 30096:2	victim 29955:11,11	wages 30011:6
triggered 30089:22	typed 30021:4	30101:25 30104:17	victims 29955:10	30025:19 30026:6,25
trouble 30024:13	5Fcc c c c c c c c c	30104:19,20,22,23	29956:5,10 29957:3	30029:19,23
30062:4	U	30105:1,4 30106:1,3	29959:21,24	30031:21 30032:20
TRT 29928:9,10	UASA 30031:19	30106:18 30107:10	29962:25 29978:21	30032:22 30034:12
29933:23 29934:6	ultimate 30025:2	30107:11 30108:12	video 29938:12	30047:19 30066:22
29939:14,18 29940:4	30051:13 30058:17	30108:24 30109:1,1	29939:5,5 29944:16	30067:20 30069:20
29940:4,12,13,19,21	ultimately 30058:19,22	30110:6,9 30111:9	29947:11 29948:17	30070:13,24 30072:1
29963:14 29975:23	unable 29989:20	unions 30011:7	29948:18,21,24	wait 29990:4 29998:13
29977:2,14 29979:17	unaffordable 30027:16	30012:9 30026:13,19	29949:12 29951:8	30035:7
29979:24 29980:12	unbelievable 30040:10	30031:18,19	29975:10,12 29984:4	waiting 29927:7
29980:22 29981:3	uncontrolled 30081:14	30038:10 30039:14	29984:14	30046:15
29982:1,3 29992:11	undated 30016:13	30042:13 30068:10	videos 29946:3 29952:3	walk 29968:13
29992:21 29997:16	undergrowth 30085:19	30071:23 30072:5	29980:12 29993:9	29971:11 29996:23
29998:25 29999:6,12	undermine 30108:1	30076:23 30079:8,12	30001:6	walked 29968:14
29999:19,22	underneath 29948:13	30091:13 30099:20	view 29927:21	29969:20,21
30001:20 30002:8,15	understand 29931:5	30105:8 30109:10	29946:20 29947:23	30005:21 30068:7
30002:15 30003:7	29932:3,6 29936:12	unnecessary 29952:16	29966:8 29987:12	walking 29966:22
true 29964:14	29943:14 29947:4	unpick 30052:25	30002:6 30031:12,14	29968:21,25 29969:5
29987:18 30090:12	29948:20 29966:18	unprotected 30040:5	30067:13 30070:16	29969:24 29970:7,10
30093:8 30102:5,16	29968:17,23 29970:8	30049:6 30072:8,16	30087:12,24	29970:10,13 29971:6
trust 29948:12	29971:25 29977:4,17	30074:4,5 30090:20	30092:13 30093:19	29971:10,18,18
truth 30015:14,14,14	29979:8 29980:24,25	30102:25 30105:23	30098:14,21	29972:4,7,11,18
try 29953:13 29954:9	29982:18 29983:19	30106:9	viewed 30046:24 viewing 29984:14	wanted 29959:11
30002:12 30039:1 30052:25	29987:16 29990:6,8	unsafe 30079:17 unsigned 30016:14	Viljoen 30052:16	29964:13 29989:21 30024:10 30026:19
trying 29932:5	29990:16,18 29994:13,14	unwillingness 30046:16	violence 30040:7	
29939:17 29941:4	30002:21 30008:4	30046:17	30047:22 30072:14	30042:19 30048:17 30049:1 30056:23
29952:11 29953:11	30002:21 30008:4	upright 29934:24	30074:8,10 30075:16	30059:8 30061:16
29976:19 29983:25	30024:2 30025:8,9,11	use 29976:19 29983:23	30075:20 30110:16	30066:20 30072:22
29988:8 29996:16	30029:13 30030:24	30046:11 30081:19	violent 30075:19	30073:5 30077:12
30038:8 30047:8	30035:1,25 30046:8	useful 29996:7	30076:1 30100:1	30081:11 30084:24
30048:9,13 30060:3	30049:21 30057:1	30008:11	violently 29944:14	30093:17,19 30094:4
30062:13 30075:24	30060:3 30062:12	usefully 30010:19	virtually 30056:10	30094:12 30102:10
30085:18 30086:24	30065:7 30066:17,25	usual 30007:19	vision 29977:8	30102:25 30106:13
30102:20 30106:10	30067:18 30071:12	utilisation 29998:25	29987:12 30001:10	30108:2,6,16
Tumelo 30039:13	30077:20 30080:2	utility 30009:21	30002:6	30110:17
30040:1	30090:17 30096:5,15		volatile 30048:19	wanting 30026:4
turn 29976:24	30096:19 30102:1	V	30076:1 30081:14	30073:3 30094:11,15
29991:18 30000:20	30105:9 30106:5	value 29944:23	30091:10	wants 30004:13
30051:8	understandable	Van 30013:20	volley 29939:14	30055:3
turned 29934:15	29983:13	various 30019:10	29963:18 29966:4	warned 29993:14
29991:20 30000:25	understanding	30042:8 30044:1,11	29974:20 29985:11	warning 29948:18
30102:4	30013:19 30031:5	30102:3	30002:8	29983:10,15,17,24
turning 29976:18	30043:22 30057:5	vehicle 29964:24,25,25	VP 30069:13	29984:1,10,17,22,24
Twala 30083:10	30077:16 30081:25	29965:1,3,10	VVV10 29959:24	29985:1,15,21
two 29932:22,23	30082:10 30093:13	vehicles 29946:9	29963:2	29986:1,9,15,20
29940:8 29952:1	30094:23 30095:6,10	30003:13,15	VVV8 30003:23	29990:3,14,15
29978:1 29979:5	30099:16	veld 29980:24	VVV9 29958:24	29993:7
ARCHIVE FO	8 JUSTICE		1	

RealTime Transcriptions

		1	1	Page
Warrant 29939:5	30057:3,10 30066:4	29934:24	worked 30000:8	30064:21
wasn't 29929:2	30071:16,23,25	wire 29969:21	30035:20	XXX4 30068:20
29950:22 29954:2	30072:4 30076:23,25	29970:11 29996:12	workers 29957:18	XX2 30018:3,7,17,20
29987:16 29995:25	30079:6 30080:3	29999:4 30000:10	30029:6 30042:15	30033:8 30034:8
30001:15,23 30023:4	30090:14 30092:7,10	wish 29936:2 29949:3	30043:24 30060:13	30035:1,2,3,6
30042:24,24	30092:12 30094:25	30015:10 30019:17	30071:14 30072:19	X 7
30043:12 30044:13	30099:25,25,25	30049:6	30073:23 30074:14	Y
30050:4,4,8,24	Wesley 29928:10	wishing 30019:16	30085:2,9 30087:21	Y 29964:16 29965:7,13
30057:12 30063:9,10	29933:12,12	witness 29927:11	30090:15 30100:19	Yawas 29958:2
30063:12 30065:11	29982:24 29989:3	29928:15,15 29929:4	30101:1 30102:21	year 30058:20 30059:3
30071:15 30073:4,25	west 29935:1,10	29939:15 29941:21	30103:6 30111:2	30059:7,20 30105:20
30077:20,21	Western 30010:19	29943:17 29945:17	workforce 30078:10,11	30109:3
30079:21 30081:24	30045:6	29946:12 29949:8	working 30012:20	years 30021:17
30092:25,25 30095:5	wet 30025:10	29952:6 29954:9	30013:13,17	yellow 29961:6
30095:6 30097:1	we'd 29933:5 30049:15	29960:21 29970:15	30022:15 30025:11	yesterday 29927:22,24
30098:2 30099:7,7	30105:6 we'll 29954:14	29970:20,20	30030:5,6 30031:4 30035:23 30039:2	29929:21 29983:22
30104:7 30106:13,20		29981:10,12,13	world 29980:1 30071:2	29984:10 29989:16
watch 29984:4 30033:12	29962:23 29964:8 29988:18 30033:19	29988:9 29989:7	30087:14	29992:25 30001:5 Yona 29955:25
water 29999:1	30043:21 30055:22	29995:24 30001:3 30008:3,5,7 30015:7	worry 29977:12	29958:2
		30016:4,20 30017:9	worry 29977:12 worse 30076:10	
way 29930:10,16 29932:1 29938:10	30057:20 30092:2 30094:7,24 30096:1	30018:14,23,24	worse 30078:10 wouldn't 29940:14	you'd 30025:18 30028:2 30047:10
29932:1 29938:10 29947:20 29963:1	,	30018:14,25,24		
29965:21 29970:10	30111:12 we're 29927:6	30020:5,7,8 30047:6	29958:1,3,5,7,11,12 29958:13 29971:13	you'll 29928:21 29939:4 29968:3
_//		, ,	_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
29972:24 29973:9	29929:18 29934:11	30064:18,24	29972:10 29974:10	29981:19 29984:4
29976:21 29977:2	29935:16,17	witnesses 29979:2	29974:15 29977:19	30001:5 30037:22
29979:2 30000:15	29937:21 29939:19 29940:2 29975:19	29980:18 29981:20 30050:21	29977:20 29980:10	30042:3 30055:22 30069:4
30001:10,24 30003:21 30004:14	30024:23 30029:20	woke 30087:15	29980:15 29984:7,16	
			29985:3 29986:12	you're 29927:7
30009:13 30023:23	30034:6 30041:16	wonder 30047:4 30111:10	30003:24 30024:13 30024:24 30041:18	29930:15,20,21
30024:3,5,16	30046:10,15	wondered 30033:14		29931:11,15
30028:21 30036:23	30055:20 30068:3	won't 29942:25	30044:14,14	29932:20 29939:22
30037:1 30040:19 30048:25 30064:7	30078:5 30092:5	29962:1 30020:12	30046:22 30051:19	29941:20 29946:12
30070:10 30083:8	30095:9 30096:1 30111:17	30044:4 30046:3	30055:24 30057:23 30058:8 30059:21	29949:8 29952:11
30098:6 30099:1	we've 29939:4	30090:11 30092:16	30060:7,19 30064:1	29954:10 29961:25
30103:14	29945:11,15 29952:1	30090.11 30092.10	30066:9 30068:14	29962:2,8,9 29964:10
	29943:11,13 29932:1 29952:12 29955:4		30081:13 30089:9	29968:24 29982:4,5
ways 30024:7 weapon 29950:8,10	29952:12 29955:4	word 30081:18 words 29931:15	30095:23 30100:16	29984:21 29989:1 29990:9,20 30005:22
weapons 29930.8,10 weapons 29945:5,19	30018:22 30019:2,9	29935:21 29941:11	30103:21 30105:2,4	-
29946:10,24 29947:3	30019:15,21 30029:3	29953.21 29941.11 29964:17 29971:19	30105:21 30105:2,4	30007:25 30008:5 30017:13 30019:23
29940.10,24 29947.3	30037:2 30065:11	29904.17 29971.19 29974:15 29978:11	would-be 30061:15	30017:13 30019:23
29947.4,12,14,21 29948:13 29950:13	30066:13 30068:4	29974.13 29978.11	wound 29936:17	30033:23 30035:11
29948.13 29950.13 29950:14,16	30085:19 30109:12	29983.23 29990.19 29991:19 29994:15	29942:11	30041:10 30046:3,4
29950.14,10 29952:20 30049:7,13				· · · · · · · · · · · · · · · · · · ·
	what's 29928:18 29944:1 29949:9	30002:17 30004:24 30010:8 30011:11	write 30024:19,23 writing 29967:18	30051:1,2 30055:19
30080:12 30082:7 30091:21 30092:20	29944:1 29949:9 29953:6 30016:10,12	30010:8 30011:11	30024:23	30075:17 30082:16 30085:18 30086:24
30097:23,24	30018:5 30046:8	30052:2 30056:25	written 30018:20	30093:2,6 30096:6,8
30101:16 30102:8	30047:13 30053:8	30052.2 30050.25		30095:2,8 50096:6,8
30108:8,11 30110:5	30047.13 30033.8	work 30009:17	wrong 29937:4	you've 29935:3
·			29961:15 29968:14	•
wearing 29997:9 Wednesday 30095:18	whichever 29967:17 whilst 29941:4,14	30013:16 30024:24 30025:8,9,10,12,15	30013:20 30079:7 30093:3,6	29946:2 29954:6,7,20
week 29944:15	30008:8			29955:7,11 29959:6
	30008:8 white 29967:25	30028:6 30034:18	wrongly 29950:24 wrote 30102:3	29960:24 29961:1
30017:18 30018:24		30035:18 30040:10	WWW 30008:22	29964:8 29982:18,25
30019:1,3,4,7	30014:12 who'd 30023:8	30049:7,8,14 30058:4		29988:10,12,25
30028:16 30036:5 weeks 30028:25	who'd 30023:8	30058:9 30071:14,20	30009:1	29999:14 30021:17
	who've 29927:7	30071:25 30073:23	X	30024:2,2 30041:16
went 29929:16	29932:23 30023:17 wildost 20040:16	30080:12 30082:7,22		30045:24 30046:1
29973:15 29979:15	wildest 30040:16	30082:25 30091:22	Xolelwa 29999:9	30065:6 30092:20
	willing 30049:25 30059:21 30071:25	30092:3,21 30093:21	XXX 30008:24,25	30097:23,24,24,25
29992:10 29995:4		30094:25 30097:25	XXX1 30009:2,4,9	30098:1
30025:7 30028:1		20000 24 20102 21		
30025:7 30028:1 30045:8,11 30084:11	30080:7 30084:7	30098:24 30102:21	30015:3	7
30025:7 30028:1 30045:8,11 30084:11 30095:18 30099:19	3008 0:7 30084:7 3009 0: 7 30099:5, 6	30103:1,7,14,17	XXX2 30016:5,9,25	
30025:7 30028:1 30045:8,11 30084:11 30095:18 30099:19 30100:10	30080:7 30084:7 30090:7 30099:5,6 willingness 30077:8,10	30103:1,7,14,17 30106:8 30108:8,11	XXX2 30016:5,9,25 30034:21	Zokwana 30095:19
30025:7 30028:1 30045:8,11 30084:11 30095:18 30099:19	3008 0:7 30084:7 3009 0: 7 30099:5, 6	30103:1,7,14,17	XXX2 30016:5,9,25	-

RealTime Transcriptions

				Page
0	15:18 30082:15	2582 30084:14,16	30098:13,22	
000 30025:21,23,23	15:38 30096:7	260 29932:14,15	590 29935:15	
30026:1 30055:16,21	15:53 30005:5,11	28 30052:13	590/2012 29933:14	
30058:17 30096:12	15:53:28 30005:5	29 30016:7	592/2012 29933:10	
30110:15	15:58 30111:4	29.6 30058:23		
09:13 29927:2	16 30008:16 30010:9,11	29462 29946:1,2	6	
09:32 29939:4	30010:24 30014:7	29463 29944:21,22	6 29936:16	
09:52 29949:13	30088:3	29945:9,11,15,16	60 30010:25	
	16th 30010:4 30014:13	29954:5	63 30016:18	
1	30039:22 30040:1	29606 29945:11	631 29940:25 29941:4	
1 29929:24,24,25	30044:17 30076:13	29611 29969:9,10,11,14	69 30034:8 30035:5	
29930:6 29948:22	30082:4,20 30084:6	29969:15		
29952:18 30009:12	30086:2,14,20		7	
30010:3 30012:6	30087:1,4,9,13	3	7 29944:21,22 29945:3	
30014:9 30036:7	30088:13 30089:8	3 29927:1 29935:15	29945:17	
30068:23 30090:18	30090:15 30097:12	29961:11 29972:18	7.3 30020:21 30021:3,4	
1st 30032:13 30054:19	17 29954:4 29962:21	29980:3 30037:19	30046:20	
1.1 30021:12	18 30009:12 30014:9	30059:3,6 30096:12	7:50 30063:4	
10 29944:21,22 29945:3	19 30021:4 30052:13	30110:15	70 30016:16	
29982:21 29991:12	193 29967:17,18	30 29949:1,3,4	750 30057:4,20,21,22	
30033:13 30047:21		29982:21 30019:6	30066:4	
30048:19 30050:10	2	30th 30054:16		
30050:15 30069:10	2 29960:18 29961:11	30056:21 30066:2	8	
30076:8 30083:18	30010:20 30014:17	300 30022:23,23	8 30010:6 30041:18,22	
30086:1,9,15 30087:1	30021:21 30059:3,6	31 30017:4	30042:4	
30087:3,9 30088:3	30059:20	32 30058:22	8% 30036:10	
30090:4,24	20 29991:12 30037:4,8	34 30010:3 30014:8,12		
10th 30045:8,18	30064:19	30084:6 30085:14,25	9	
30046:21	2012 30008:16 30010:9	30086:11,21	9 29927:7 29969:18,19	
10% 30036:10	30010:12 30022:4	30087:13 30088:13	30084:17,22	
10:12 29961:25	30032:6 30036:6,10	30088:18 30089:19	30111:17	
10:32 29975:22	30037:7,23 30048:12	30089:22 30090:5	9th 30099:24	
10:32 29975:22 10:43 29950:13	30054:16,19	35 30011:2	90 29979:5	
10:50 29950:13	30073:19,25 30074:5	36 30045:25 30046:2,5	933 30068:19,23	
100 29991:7,11,15	30074:9 30076:7,8	30047:13 30100:14	,	
100% 29993:16	30082:20 30088:4	30100:15		
29994:1,13,19	30099:15 30100:17	3874 30100:15		
30050:6 30063:5	30108:6,9,18	3875 30046:6 30047:13		
11th 30100:3 30101:11	30110:14			
11:06 29988:23	2013 30016:7 30032:11	4		
11:25 30002:7	30032:18 30036:11	4 29968:5 29972:14,15		
11:45 30016:2	30105:16 30109:6	29972:18,21 29973:9		
12 30045:21 30046:19	2014 29927:1 30109:6	29973:14 29979:3,14		
30056:23 30057:4,14	206 29977:25	29980:13 29996:17		
30057:15 30093:8,10	207 29978:8	30039:25,25		
30093:16 30094:4	209 29928:16,16	30100:15,16		
30100:15	29929:17	4(b) 29935:16		
12,5 30027:22	21 30005:12 30013:13	4.1 29940:25 29941:4		
12:05 30029:10	30047:13,16	44 30090:22		
12:05 30029:10 12:34 29949:15	30064:19 30069:10	46 30017:18 30037:22		
12:36 29949:11	21st 30022:4,8,11	48 30005:5		
12:38 29949:11,16	30028:12 30029:1,9	48:21 30005:9		
13th 30083:13	210 29927:17 29928:2,4	4821 30005:5,5,7,11		
30103:13	29929:22,23 29930:4	49 30005:13		
13:51 30033:22	29939:19 29940:3,9			
13:31 30033.22 14:10 30046:7	216 30068:23	5		
14:10 30040.7 14:30 30059:16	22 29954:5 30014:24	5 30010:7 30022:19		
14:50 30039:16 14:50 30073:20	30042:4,5,7	50 29991:15		
14:50 30075:20 144 30010:25	23rd 30070:3	500 299999:17,17		
144 30010:23 146 30016:4,19	230 29954:5	30025:19 30045:21		
140 30010:4,19 15 29988:17,24,24,25	236 29944:22	30046:19 30055:3		
apple of the property of the	24 29946:2 30021:17	30056:23 30057:4,14		
30005:5 30020:5	30054:12	30057:15 30092:2		
30033:16,20	25 30084:14	30093:20,25		
30082:13	25th 30037:23	30094:13,24 30095:4		
15th 30047:17 30048:4	250 30062:2	30095:9 30097:17,21	1	
The second				