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 248 24 JUNE 2014 PAGES 31141 TO 31227



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	Page 31141		Page 31143
1	[PROCEEDINGS ON 24 JUNE 2014]	1	put us in a position to assess, perhaps more effectively
2	[09:06] CHAIRPERSON: The Commission resumes.	2	than otherwise, the admissibility of the statements and
3	Would you please tell the witness that he's still under	3	whether there are likely to be issues that would have to be
4	oath?	4	investigated before one can accept that the statements are
5	MR X: [s.u.o. through interpreter]	5	admissible, which may raise further questions which we
6	CHAIRPERSON: Mr Mathibedi?	6	won't have to debate now, but I see that the attorney for
7	EXAMINATION BY MR MATHIBEDI SC (CONTD.):	7	the injured and arrested persons has turned her light on.
8	Thanks, Chair. Chair, before I proceed with the evidence	8	What do you want to tell us?
9	of the witness I would like to indicate that even up to	9	MS KEETSE: Sir, we have given the SAPS
10	this stage we have not received the necessary statements of	10	team the medical reports of all these arrested people. We
11	the arrested and injured persons who claim to have been,	11	only heard from Mr, from Adv Semenya yesterday regarding
12	you know, assaulted by the police during the taking, during	12	those statements, I mean those medical records that have
13	the period when their statements were taken down and this -	13	been given to them. Be that as it may be, we have engaged
14	CHAIRPERSON: I understand the problem	14	evidence leaders with regard to the statements that IPID
15	you have. I did understand that the evidence leaders were	15	took, so we are presently waiting for all that information.
16	endeavouring to get relevant dockets from IPID. I don't	16	Once that comes to hand we will definitely respond. Thank
17	know how successful that has been. Perhaps \ensuremath{Mr} Budlender or	17	you.
18	Mr Wesley or Mr Chaskalson or Ms Pillay can tell us.	18	CHAIRPERSON: It may well be that if we
19	MS PILLAY: Chair, we are engaging with	19	get the IPID statements it won't be necessary for you to
20	IPID and we've been told that once they follow the	20	get fresh statements from the witnesses concerned because
21	necessary internal protocol they will let us know when they	21	all the material that you would put into the statement is
22	can release the dockets.	22	already contained in the IPID statement, which would have
23	CHAIRPERSON: These dockets are relevant	23	the advantage also of having been made fairly close to the
24	actually in relation to the points that were raised by Mr	24	time when the alleged assaults or torture took place, so –
25	Mpofu originally in regard to the admissibility of the	25	but anyway, Ms Pillay has undertaken to do what she can to
	Page 31142		Page 31144
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2	statements that the SAPS want to rely on and so I can understand Mr Mathibedi's impatience to get the information	2	expedite the obtaining of those dockets from IPID and we can obviously take the matter no further at this stage. Mr
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	Page 31145		Page 31147
1	wishes to ask a question which deals with a matter that	1	white T-shirt with something bluish, can you see that?
2	arose yesterday.	2	CHAIRPERSON: I've got an idea blue is
3	COMMISSIONER HEMRAJ: You said that on	3	the top of the blanket.
4	the 12th the real issue was with NUM and that's why a group	4	MR MATHIBEDI SC: Sorry?
5	of you had armed yourselves and proceeded to the offices of	5	MR X: Yes, I see that.
6	NUM. My question is when you came upon the security guards	6	CHAIRPERSON: Blue, it looks like part of
7	the group of you outnumbered them, their bullets had no	7	the blanket.
8	effect on you, how did it come about that the group engaged	8	MR MATHIBEDI SC: Thanks, Chair. With,
9	in this attack on the security guards?	9	there's a blanket on the person, can you see that?
10	MR X: Mr Chair, the security guards were	10	MR X: Yes, I see that.
11	stopping us from going to the NUM offices, that is why.	11	MR MATHIBEDI SC: Are you in a position
12	COMMISSIONER HEMRAJ: And the attack on	12	to identify the person?
13	the security guards, did this take place on the spur of the	13	MR X: That's a man we killed.
14	moment or was this something that had been discussed in the	14	MR MATHIBEDI SC: When was he killed and
15	meeting that was held prior to embarking on the march to	15	where?
16	the NUM offices?	16	MR X: He was killed at K4 on the 12th.
17	MR X: We had talked about it on the	17	MR MATHIBEDI SC: Did you take part in
18	mountain.	18	the attack on the person?
10	COMMISSIONER HEMRAJ: What was the		-
		19	,
20	discussion about the security guards on the mountain? MR X: We said we would kill anything in	20	Makarapa gang.
21		21	MR MATHIBEDI SC: Now Makarapa gang, who
22	front of us until our demands are met.	22	are you referring to?
23	COMMISSIONER HEMRAJ: Thank you.	23	MR X: I'm referring to the people that
24	CHAIRPERSON: Mr Chaskalson, I see you	24	consumed muti on the mountain.
25	have your light on.	25	MR MATHIBEDI SC: Are you in a position
	Page 31146		Page 31148
1	Page 31146 MR CHASKALSON SC: That's not deliberate,	1	Page 31148 to state the names or details of the persons that took part
1 2	MR CHASKALSON SC: That's not deliberate,	1 2	
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1	Page 31149	1	Page 31151
1	still dealing with the incident that occurred on the 12th at	1	slide, are you familiar with that?
2	K4 shaft.	2	MR X: Yes, these are the cars that were
3	MR X: Yes.	3	set alight at K4.
4	MR MATHIBEDI SC: Did the strikers at any	4	MR MATHIBEDI SC: When was that, Sir?
5	stage leave that premises where the attack occurred?	5	MR X: On the 12th.
6	MR X: Yes, we left the shaft and went	6	MR MATHIBEDI SC: And who was responsible
7	back to the mountain. Mambush and Xolani gave a feedback	7	for setting alight the cars at K4 Shaft?
8	there and they produced a radio and a cell phone, the	8	MR X: Bhele set the cars alight.
9	things that we have confiscated from the security.	9	MR MATHIBEDI SC: Now Sir, you have
10	MR MATHIBEDI SC: Do you remember what	10	testified that upon arrival at the koppie muti –
11	was said during the feedback session?	11	COMMISSIONER HEMRAJ: Sorry, before you
12	MR X: Yes, it was decided that we should	12	get there can I just clarify something about this? When
13	go and block off the bobs plants, the people who appeared	13	you arrived at the K4 Shaft did you notice any workers
14	to be going or reporting for duty.	14	standing in the parking area where the cars were?
15	MR MATHIBEDI SC: Sir, I'm still	15	MR X: Yes, that's the person we killed
16	referring to the feedback that was given on the 12th.	16	that was there. The other people ran away.
17	MR X: It was said on the 12th the group	17	COMMISSIONER HEMRAJ: Was anything done
18	had to go to eastern plant to block off the eastern mine.	18	to the other people before they ran away?
19	CHAIRPERSON: After the events at K4 and	19	MR X: We chased them but could not
20	the killing of the gentleman whose picture see on the left-	20	apprehend them. They got away.
21	hand side of the slide and the setting alight of a number	21	COMMISSIONER HEMRAJ: Yes, thank you.
22	of motor vehicles, did you people return to the koppie?	22	MR MATHIBEDI SC: Had the workers not run
23	MR X: Yes, we went back to the koppie.	23	away, what would have happened to them?
24	CHAIRPERSON: And when you got to the	24	MR X: We were going to kill them.
25	koppie – sorry.	25	MR MATHIBEDI SC: Now we are back at the
	Page 31150		Page 31152
1	MR X: And muti was sprinkled on us as	1	koppie on the 12th. You testified that intelezi was
2	soon as we arrived on the koppie.	2	sprinkled on the strikers.
3	CHAIRPERSON: When you got back to the	3	MR X: Yes, intelezi was sprinkled on us
4	koppie and after the muti had been sprinkled on you, was	4	and the decision was taken that we should go now to Eastern
5	there any report given to the people who had remained on	5	Plats and block off that place.
6	the koppie as to what had happened at K4?	6	MR MATHIBEDI SC: Who was responsible for
7	MR X: Yes, we gave a report as to what	7	sprinkling the strikers with the intelezi?
8	we've done at K4.	8	MR X: The inyanga.
9	CHAIRPERSON: Who gave the report?	9	MR MATHIBEDI SC: What was the reason for
10	MR X: Mambush and Xolani gave the	10	sprinkling the strikers with intelezi?
11	report.	11	MR X: The reason was to revive the
12	CHAIRPERSON: What did they say?	12	rituals that had been done earlier on, on us.
13	[09:26] MR X: The report was that, car, or cars	13	MR MATHIBEDI SC: Sir, why was the cell
14	were burnt. People ran away. A cell phone and a radio	14	phone and the radio given over to Xolani?
			MR X: He was the chosen one on the
15	were confiscated.	15	
15 16	MR MATHIBEDI SC: What happened to the	16	mountain who would keep all these things that we take from
15 16 17	MR MATHIBEDI SC: What happened to the cell phone and the radio that was confiscated?	16 17	mountain who would keep all these things that we take from the police and the security people.
15 16 17 18	MR MATHIBEDI SC: What happened to the cell phone and the radio that was confiscated? MR X: They were given to Xolani at the	16 17 18	mountain who would keep all these things that we take from the police and the security people. MR MATHIBEDI SC: Sir, on the 12th where
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1	Page 31153 from the donations.	1	Page 3115 mountain.
2	COMMISSIONER HEMRAJ: Are you able to	2	MR MATHIBEDI SC: What was discussed
2	tell us how many of the miners were sleeping over at the	3	during that meeting?
4	koppie?	4	MR X: It was decided that we should go
5	MR X: There were many of us, Mr Chair,	5	and kill people at Bob Mine to send a message to the people
6	because even those who did not believe in the muti	6	that there is a strike here, until our demands are met, we
7	initially had come and joined, they could see that the	7	get the money that we are demanding.
8	firearms were not working.	8	MR MATHIBEDI SC: Was there no discussion
9	MR MATHIBEDI SC: Are you in a position	9	as to what would happen in case the strikers encounter, or
10	to mention some of the names of the persons who slept at	10	meet the security personnel in the employment of Lonmin?
11	the koppie on the 12th?	11	MR X: It was decided we knock off
12	MR X: Yes.	12	anything on our way, we kill anything on our way.
13	MR MATHIBEDI SC: Will you proceed, Sir?	13	MR MATHIBEDI SC: Are you in a position
14	MR X: It was myself, Bhele, Booi,	14	to provide us with the names of some of the protesters that
15	Mambush, Makubane, Anele, Bob, Baai, Kaizer, Nido, Masinga,	15	took part in the march to Bob Mine?
16	Matetjisa. There were a lot of us, Mr Chair. I only	16	MR X: It was myself, Bhele, Booi,
17	mention those I remember.	17	Mambush, Makubane, Anele, Bob, Nido, Kaizer, Baai, Masinga
18	COMMISSIONER HEMRAJ: Less than 50?	18	Matetjisa, Xolani. There were a lot of us, Mr Chair.
19	MR X: No, we were more than 50.	19	MR MATHIBEDI SC: Were the strikers
20	MR MATHIBEDI SC: Are you in a position	20	armed?
21	to give us an estimation of the number of persons that	21	MR X: We were armed to the tooth.
22	slept at the koppie?	22	MR MATHIBEDI SC: With what kind of
23	MR X: The vicinity of 600.	23	weapons were the strikers armed?
24	MR MATHIBEDI SC: The names that you have	24	MR X: Spears, pangas, firearms, we had
25	provided us with, were they all members of the makarapas?	25	all those.
1	Page 31154 MR X: That was a group of the makarapas,	1	Page 3115 MR MATHIBEDI SC: Do you remember who was
2	people who had undergone the rituals.		
2		2	in possession of firearms?
2	MR MATHIBEDI SC: On the 12th of August in	2 3	MR X: Mambush, Bhele, Baai, Anele.
	MR MATHIBEDI SC: On the 12th of August in the evening, where did the inyangas sleep? MR X: They were staying with us at the –		MR X: Mambush, Bhele, Baai, Anele.
3 4	the evening, where did the inyangas sleep?	3 4	MR X: Mambush, Bhele, Baai, Anele. Those are the people I remember, but there were many of us
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	Page 31157		Page 31159
1	involvement in the killing?	1	MR MATHIBEDI SC: It's item 15, Chair, of
2	MR X: Mr Chair, I also struck with the	2	bundle A, it's key to photographs and photo.
3	panga that I had on this gentleman.	3	CHAIRPERSON: Oh, I thought you were
4	MR MATHIBEDI SC: Are you in a position	4	going to refer to something in bundle B.
5	to give us the names of the persons that took part in the	5	MR MATHIBEDI SC: No, no.
6	attack on the deceased?	6	CHAIRPERSON: You did mention something
7	MR X: There were many of us who took	7	about that.
8	part. The people I remember is Bhele, Mambush, myself,	8	MR MATHIBEDI SC: Sorry, Chair.
9	Kaizer, Nido, Masinga, Anele, Makubane, Bob, Baai. Those	9	CHAIRPERSON: So you changed your mind,
10	are the people I remember who took part in the killing, but	10	alright. It's the key and photograph?
11	it was not only those people.	11	MR MATHIBEDI SC: That's correct, Chair.
12	MR MATHIBEDI SC: Prior to the victim	12	CHAIRPERSON: You want to make it an
13	being attacked was there any discussion between the victim	13	exhibit?
14	and any of the strikes?	14	MR MATHIBEDI SC: That's correct, Chair.
15	MR X: Yes, he was asked where was he	15	CHAIRPERSON: Is this a key prepared by
16	going to. When he said he was going to work we asked	16	Constable Ngqakoshe?
17	didn't he hear about the strike and he did not have a	17	MR MATHIBEDI SC: That's correct, Chair.
18	chance to respond to that.	18	CHAIRPERSON: Ms Pillay will help us. Is
19	MR MATHIBEDI SC: Who spoke to the	19	this AAAA21?
20	deceased?	20	MS PILLAY: That's correct, Chair.
21	MR X: Mambush did.	21	CHAIRPERSON: Thank you. It's key to
22	MR MATHIBEDI SC: In which language did	22	photographs, so then there's some photographs with it. So
23	the deceased respond?	23	it's key and photographs really.
24	[09:46] MR X: He was not speaking in Xhosa, he	24	MR MATHIBEDI SC: Chair, if the Langa
25	was speaking Sotho. I was under the impression he's saying	25	family could be given a warning.
	Page 31158		Page 31160
1	something part Sotho, part Shangaan, but it was not Xhosa.	1	CHAIRPERSON: Yes, alright. Well, let me
2	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask	2	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key
2 3	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that	_	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012
2 3 4	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video	2 3 4	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by
2 3 4 5	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show.	2 3 4 5	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G-
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2 3 4 5 6 7 8	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms.	2 3 4 5 6 7 8	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct.
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2 3 4 5 6 7 8 9 10 11 12 13	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed	2 3 4 5 6 7 8 9 10 11 12 13	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and
2 3 4 5 6 7 8 9 10 11 12 13 14	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only	2 3 4 5 6 7 8 9 10 11 12 13 14	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now
2 3 4 5 6 7 8 9 10 11 12 13 14 15	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not	2 3 4 5 6 7 8 9 10 11 12 13 14 15	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able to see?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the time that what I've said has been interpreted to give the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able to see? MR X: No, I cannot say how many.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the time that what I've said has been interpreted to give the members of the Langa family and all those others who feel
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able to see? MR X: No, I cannot say how many. COMMISSIONER HEMRAJ: Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the time that what I've said has been interpreted to give the members of the Langa family and all those others who feel they may be distressed at seeing these slides the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able to see? MR X: No, I cannot say how many. COMMISSIONER HEMRAJ: Thank you. CHAIRPERSON: The document to which you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the time that what I've said has been interpreted to give the members of the Langa family and all those others who feel they may be distressed at seeing these slides the opportunity to leave the chamber.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	something part Sotho, part Shangaan, but it was not Xhosa. MR MATHIBEDI SC: Chair, I'm going to ask that item A of bundle B be given an exhibit number and that also the family of Mr Langa be warned because of the video clips that we're going to show. COMMISSIONER HEMRAJ: May I just ask a question in clarification please? You say that many people had firearms. MR X: Yes. COMMISSIONER HEMRAJ: Were these firearms in the possession of these persons prior to the 9th of August? MR X: Mr Chair, they had not revealed these firearms, I had not seen the firearms. I had only seen the firearms of the people I just mentioned. It's not easy to see a firearm because it's normally underneath the clothes. A firearm's a secret thing, you don't publicly carry it. COMMISSIONER HEMRAJ: Are you able to say how many people had firearms with them that you were able to see? MR X: No, I cannot say how many. COMMISSIONER HEMRAJ: Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHAIRPERSON: Yes, alright. Well, let me mark the exhibit first before I give a warning. The key won't upset them. Key and photographs in CAS59/08/2012 prepared by, prepared and taken I suppose, and taken by Constable - I'm sure my pronunciation is wrong so it's N-G- Q-A-K-O-S-H-E. Now are you also going to use the post mortem report which follows this exhibit in the bundle? MR MATHIBEDI SC: That's correct. CHAIRPERSON: Do you want to mark that as well? Do you want to mark it also? MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Alright, so we'll make that AAAA22, PM report. It's prepared by Dr Shirley Mashilo and it appears to be dated the 14th of August 2012. Right, now you want me to warn the family of Mr Langa that we're going to see some photographs depicting his body where it was found on the morning of the 13th of August, depicting his injuries. I'm sure if they see these photographs it will cause them a great deal of distress and before these slides are shown I want a period of 30 seconds to expire from the time that what I've said has been interpreted to give the members of the Langa family and all those others who feel they may be distressed at seeing these slides the

1	Page 31161 explain it in the Swazi language, which is the language of	1	Page 31163 CHAIRPERSON: Yes, no, no, I understand.
2	the Twalas.	2	There are two points, aren't there?. The first is whether
3		2	she should be here while they're shown, would that cause
	5		5
4	are the Langa family siSwati-speaking?	4 5	her distress, and I think that's already been determined
5	MR MATHIBEDI SC: That's correct – or I'm	5	for us because she's left and I think we heard a lot of
6	not sure –	6	wailing and crying from outside which I imagine was her,
7	CHAIRPERSON: According to the evidence	7	but the second point is, from what you tell me is she would
8	so far, if it's correct, the late Mr Langa was apparently a	8	like the photographs to be seen by everybody else so they
9	Shangaan. Now I know that the Shangaan people come from	9	will understand what her husband underwent, what happened
10	the area in the vicinity of Swaziland but I don't know	10	to him when he was killed.
11	whether siSwati is a language they speak as well. But	11	MS PILLAY: That's my understanding,
12	anyway, the warning has been given, let's proceed.	12	Chair.
13	MR MATHIBEDI SC: Thanks, Chair.	13	CHAIRPERSON: That's her point. Alright,
14	CHAIRPERSON: I'm not sure that the Swazi	14	so you have that request from her representative here in
15	warning was given as I said, but never mind, let's carry	15	the chamber this morning.
16	on.	16	MR MATHIBEDI SC: Chair, I think it's a
17	MR MATHIBEDI SC: Sir, do you have	17	reasonable request.
18	exhibit AAAA21 before you?	18	CHAIRPERSON: Well, I can understand
19	MR X: Yes, Mr Chair, it's him.	19	where it comes from. It's a request that I think one could
20	MR MATHIBEDI SC: It's whom, Sir?	20	scarcely decline in the light of what's happened in the
21	MR X: The gentleman we killed near the	21	case of other people who were killed.
22	railway line, near the Eastern plants.	22	MR MATHIBEDI SC: Mr Bennett, will you
23	MR MATHIBEDI SC: When was the deceased	23	please show photos 1 up to 10 of exhibit AAAA21?
24	killed and by whom?	24	Chairperson, I think the ones are not coloured ones, I
25	MR X: He was killed on the 13th in the	25	think if we could maybe take an adjournment that we should
25		23	think if we could maybe take an adjournment that we should
	Page 31162		Page 31164
1	Page 31162 early hours of the morning when people were starting to	1	Page 31164 make available the coloured ones so that they could –
1 2		1 2	
	early hours of the morning when people were starting to		make available the coloured ones so that they could -
2	early hours of the morning when people were starting to leave their houses to go to work, killed by us who had come	2	make available the coloured ones so that they could – CHAIRPERSON: We're going to take the short adjournment at half past 10 and that aspect can be
2 3	early hours of the morning when people were starting to leave their houses to go to work, killed by us who had come from the mountain, yes. MR MATHIBEDI SC: Sir, I'm going to refer	2 3	make available the coloured ones so that they could – CHAIRPERSON: We're going to take the
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2 3 4 5 6	early hours of the morning when people were starting to leave their houses to go to work, killed by us who had come from the mountain, yes. MR MATHIBEDI SC: Sir, I'm going to refer you to – Chairperson, I'm told the widow would like to see the photos. Maybe that can be arranged with her, Chair.	2 3 4 5	make available the coloured ones so that they could – CHAIRPERSON: We're going to take the short adjournment at half past 10 and that aspect can be sorted out during that adjournment. So we won't lose time now. MR MATHIBEDI SC: Thanks, Chair.
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2 3 4 5 6 7 8	early hours of the morning when people were starting to leave their houses to go to work, killed by us who had come from the mountain, yes. MR MATHIBEDI SC: Sir, I'm going to refer you to – Chairperson, I'm told the widow would like to see the photos. Maybe that can be arranged with her, Chair. CHAIRPERSON: Ms Pillay, you were communicating with Mr Mathibedi. Can you tell us what	2 3 4 5 6 7 8	make available the coloured ones so that they could – CHAIRPERSON: We're going to take the short adjournment at half past 10 and that aspect can be sorted out during that adjournment. So we won't lose time now. MR MATHIBEDI SC: Thanks, Chair. CHAIRPERSON: We have the request from Mrs Langa, which has been granted, but we don't have to
2 3 4 5 6 7 8 9	early hours of the morning when people were starting to leave their houses to go to work, killed by us who had come from the mountain, yes. MR MATHIBEDI SC: Sir, I'm going to refer you to – Chairperson, I'm told the widow would like to see the photos. Maybe that can be arranged with her, Chair. CHAIRPERSON: Ms Pillay, you were communicating with Mr Mathibedi. Can you tell us what exactly the widow wants and where she wants it to happen?	2 3 4 5 6 7 8 9	make available the coloured ones so that they could – CHAIRPERSON: We're going to take the short adjournment at half past 10 and that aspect can be sorted out during that adjournment. So we won't lose time now. MR MATHIBEDI SC: Thanks, Chair. CHAIRPERSON: We have the request from Mrs Langa, which has been granted, but we don't have to hold up the proceedings at this stage. That can be sorted
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		1	
	Page 31165		Page 31167
1	post mortem findings made by me on this body were the	1	killed someone at Bob Mine and we were told about a group
2	following. 1, Multiple stab wounds on the body. 2, Stab	2	of people who had just left for K3. It was said that there
3	wounds on the liver, spleen, stomach, heart and pericardium	3	should be support for that group by people who felt strong
4	and both lungs; and number 3, fracture of the skull." Sir,	4	enough. We then went out, left for K3. We met that group,
5	I would like to know these findings by –	5	they were waiting for people who had gone to inspect or
6	CHAIRPERSON: Before we get there, on the	6	find out at the shaft if there are any people there.
7	next page we see in paragraph 4 "The external appearance of	7	MR MATHIBEDI SC: Sir, during the report
8	the body and condition of limbs, had multiple 18, 18 [one	8	back session were reasons given as to why Mr Langa was
9	eight] incised wounds on the body anteriorly and	9	killed?
10	posteriorly, chest, back and upper limbs, the sizes varying	10	MR X: The report was that he was killed
11	from 1 centimetre to 11 centimetres and a 1 by 1 centimetre	11	because he was going to work whilst we were on strike.
12	punctured wound with rim of abrasion on the left nostril, 4	12	Didn't he want the money that we were striking for? That's
13	centimetre deep punctured wound on the right chest, which	13	what I remember about the report, I can't remember other
14	is 2 by 1.5 centimetres by size and an incised wound 7.58	14	things that happened long ago.
15	to 9.5 centimetre long on the left temporal occipital	15	MR MATHIBEDI SC: Now dealing with the
16	area," and then there was a fracture of the left temporo-	16	march to K3 shaft, are you in a position to name some of
17	occipital bones of the skull. I think those are factors	17	the persons who took part in the march?
18	also that have to be taken into account. [Microphone off,	18	MR X: Yes sir, I can remember that.
19	inaudible] puts on the screen the last page, which is the	19	MR MATHIBEDI SC: Will you please name
20	sketch, is part of the form, the post mortem examination	20	them for us?
21	form on which – we've just passed it, go backward. That's	21	MR X: Myself, Bhele, Baai, Kaizer,
22	the sketch indicating - well the doctor's indicated where	22	Makhubane, Anele, Mambush, Xolani, there were many of us
23	all the various wounds were.	23	but not all of us left.
24	MR MATHIBEDI SC: Sir, the wounds shown	24	MR MATHIBEDI SC: Before embarking on the
25	on the sketch and described by the doctor, are they	25	march to K3 shaft, was there a discussion as to what was
1	Page 31166 consistent with the wounds that were caused by the	1	Page 31168 going to happen upon arrival and what would happen along
2	strikers, including yourself?	2	the way in case the strikers meet the Lonmin security
3	MR X · Yes they are consistent	3	
3	MR X: Yes, they are consistent.	3 4	personnel?
4	MR MATHIBEDI SC: Sir, are you in a	4	personnel? MR X: It was said if we meet security
4 5	MR MATHIBEDI SC: Sir, are you in a position to indicate why was it so that so many, you know,	4 5	personnel? MR X: It was said if we meet security personnel, we don't listen, we just kill.
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	Page 31169		Page 31171
1	or not, what happened?	1	copied –
2	MR X: They gave a report that there was	2	CHAIRPERSON: Oh, because they were going
3	no-one at the shaft. We then met up with the security	3	to be sorted out during the adjournment.
4	people who told us we will not be able to pass the police	4	MS PILLAY: That's right.
5	carrying these things that we were carrying. We did not,	5	CHAIRPERSON: Colour copies were going to
6	we ignored the security personnel, we know they were	6	be obtained during the short adjournment.
7	sissies, we did not worry about them. We had a caucus,	7	MS PILLAY: And I'm informed by Mr
8	Mambush showed us there are police that we are going to	8	Mathibedi that has happened.
9	meet up with. It was said we should not all talk with the	9	CHAIRPERSON: Yes, I understand. Well,
10	police, only three people should speak to the police	10	if it is correct that the Langa family wish to be present
11	because if we all speak to the police we'll be afraid,	11	when the photographs are shown then obviously I can't
12	we'll be scared.	12	compel them to leave the chamber. Mr Mathibedi, you'd
13	MR MATHIBEDI SC: Sir, can you just deal	13	better take us through the photographs then.
14	with the meeting with the security personnel?	14	EXAMINATION BY MR MATHIBEDI SC (CONTD.):
15	MR X: Yes.	15	Sir, are you familiar with photo number 1?
16	MR MATHIBEDI SC: Where did the strikers	16	MR X: I see it, Sir.
17	meet the security personnel?	17	MR MATHIBEDI SC: Which area does it, or
18	MR X: We met the security personnel	18	location does it depict?
19	after leaving K3, met them at a place where there were some	19	MR X: This is along the railway line
20	water pipes. We had not met Mr Mpembe, the tall police	20	from Segwaelane as one proceeds to Eastern Plats.
21	officer, at that stage. They were still ahead of us, we	21	MR MATHIBEDI SC: What happened at the
22	were still moving in that direction.	22	spot depicted on the photo?
23	MR MATHIBEDI SC: I'm going to ask that	23	MR X: This is the person that we killed
24	the video which is exhibit HHH61 be played.	24	at 4 o'clock in the morning.
25	CHAIRPERSON: I was wondering whether it	25	MR MATHIBEDI SC: When was that?
	Page 31170		Page 31172
1	wouldn't be advisable to take the short adjournment now and	1	MR X: On the 13th, 13th in the morning.
2	that starts a new chapter, as it were, thereafter and we go	2	MR MATHIBEDI SC: Will you please go to
3	into what happened when they met the police and General	3	photo number 2, depict the same area where Mr Langa was
4	Mpembe and what happened thereafter. So we'll take a 15	4	killed?
5	minute adjournment now.	5	MR X: Yes, Sir.
6	[COMMISSION ADJOURNS COMMISSION RESUMES]	6	MR MATHIBEDI SC: Does this picture also
7	[10:41] CHAIRPERSON: The Commission resumes.	7	depict Mr Langa and the spot where he was killed on the
8	Please remind the witness he's still under oath.	8	13th?
9	MR X: [s.u.o. through interpreter]	9	MR X: Yes, Sir.
10	MR MAHLANGU: Confirmed, Mr Chairperson.	10	MR MATHIBEDI SC: Photo number 4, does it
11	CHAIRPERSON: Mr Mathibedi. Ms Pillay,	11	still depict the spot where Mr Langa was killed on the 12th?
12	have you got something to say?	12	CHAIRPERSON: 13th.
13	MS PILLAY: Chair, the Langa family are	13	MR MATHIBEDI SC: On the 13th, I'm sorry.
14	now present in the auditorium, if I could ask in those	14	MR X: That's him, yes.
15	-	15	MR MATHIBEDI SC: Photo number 5, does it
10	circumstances that we view the photographs attached to		
	circumstances that we view the photographs attached to AAAA21?	16	still depict Mr Langa who was killed on the 13th next to the
16	AAAA21?	16 17	
16 17	AAAA21? CHAIRPERSON: Do they want to see them?		railway line at Segwaelane?
16 17 18	AAAA21? CHAIRPERSON: Do they want to see them? MS PILLAY: That was what we had	17 18	MR X: That's him, yes.
16 17 18 19	AAAA21? CHAIRPERSON: Do they want to see them? MS PILLAY: That was what we had previously been informed, that they want to see the	17 18 19	railway line at Segwaelane? MR X: That's him, yes. MR MATHIBEDI SC: And the same applies
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	Page 31173		Page 31175
1	MR MATHIBEDI SC: The same applies with	1	on the sound and then have it at a normal speed with sound.
2	photo number 7, it shows the upper body of Mr Langa who was	2	[VIDEO IS SHOWN]
3	killed on the 13th by the strikers?	3	MR MATHIBEDI SC: Thanks. Sir, you've
4	MR X: That's correct, Sir.	4	seen this video. Are you in a position to tell us what was
5	MR MATHIBEDI SC: And the same applies to	5	happening?
6	photo number 8?	6	MR X: Chairperson, in that video we are
7	MR X: Yes, Sir.	7	marching from K3 in the direction of where we eventually
8	MR MATHIBEDI SC: Photo number 9 also	8	met Mr Mpembe and the others.
9	shows the body of Mr Langa who was killed on the 13th next	9	MR MATHIBEDI SC: The video shows
10	to the railway line at Segwaelane?	10	strikers making, using the weapons in their possession to
11	MR X: Yes, Sir.	11	make a clicking sound.
12	MR MATHIBEDI SC: You also confirm that	12	MR X: I heard that, yes.
13	photo number 10 shows the body of Mr Langa who was killed	13	MR MATHIBEDI SC: Why did the strikers
14	on the 13th by the strikers next to the railway line at	14	conduct themselves in that fashion?
15	Segwaelane?	15	MR X: We were actually encouraging our
16	MR X: That's correct, Sir.	16	muti to work fast. We knew things were bad, that there
17	CHAIRPERSON: This is the part of the	17	were going to be people killed and we were hurrying things
18	narrative where he and his companions were coming away from	18	up. We knew that the guns wouldn't work, that we were not
19	the direction of the K3 Shaft along the railway line and	19	capable of being shot at.
20	they were just about to meet General Mpembe and the group	20	MR MATHIBEDI SC: At one stage the
21	of policemen who had gone with him. So those are the	21	strikers can be seen in a squatting position. Did you
22	points which you can take up the narrative again I think.	22	observe that?
23	MR MATHIBEDI SC: Sorry Chair, it's not –	23	MR X: Yes.
24	CHAIRPERSON: You were in fact going to	24	MR MATHIBEDI SC: Why were the strikers
25	show the video.	25	squatting?
	Page 31174		Page 31176
1	MR MATHIBEDI SC: That's correct, Chair.	1	MR X: That's where we were busy
2	MR MATHIBEDI SC: That's correct, Chair. CHAIRPERSON: Yes.	2	MR X: That's where we were busy caucusing and this is where it was mentioned that the
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1	Page 31177	1	Page 31179
	stage, Chairperson. Our blood was burning us and we were	1	believed in them. We trusted them.
2	also encouraging our muti to act fast.	2	MR QGIRANA: They are "tight," is the
3	MR MATHIBEDI SC: Were you present in	3	word he used.
	that group of strikers?	4	MR MATHIBEDI SC: And why was Sotho
5	MR X: Yes, I was there. I was part of	5	chosen to be one of those that were going to talk to
	the makarapa group. I was amongst them.	6	General Mpembe?
7	MR MATHIBEDI SC: I'm going to ask that	7	MR X: We did not only want to be
	the video be played. The time would be 28 to 35 seconds.	8	represented by Xhosa-speaking people, we wanted another
9	COMMISSIONER HEMRAJ: What does this	9	race, another nation to be present.
	blood being hot mean? Does it mean that the emotions were	10	MR MATHIBEDI SC: Was Sotho part of the
	running high, or what?	11	Makarapa?
12	MR X: Chairperson, the intelezi in our	12	MR X: Yes, sir.
13	blood was working in such a way that we did not listen to	13	MR MATHIBEDI SC:
14	anything. We just wanted the employer to come to us and	14	CHAIRPERSON: Is Sotho his name or are
15	give us what we wanted.	15	you just referring to someone who was a Sesotho speaker?
16	MR MATHIBEDI SC: Sir, if you look at the	16	MR X: I don't know what his name is, Mr
17	video, there's a gentleman who's having a pinkish blanket	17	Chairperson, but he speaks the Sesotho language.
18	around him. Can you see it?	18	MR MATHIBEDI SC: Chairperson, I'm going
19	MR X: Yes, I see it.	19	to ask that the ruling be repeated. The video footage that
20	MR MATHIBEDI SC: Are you in a position	20	we are going to play is going to show Mr X.
21	to identify this gentleman?	21	CHAIRPERSON: I did previously say that
22	MR X: That's me, Sir.	22	when videos were shown or even documents were shown which
23	MR MATHIBEDI SC: At that stage where	23	revealed the witness's identity, these were not to be
24	were the strikers heading to?	24	broadcast or in any way published. I don't propose
25	MR X: Going towards Mpembe who was ahead	25	repeating it every time a video is shown on which the
	D		Dev. 21100
1	Page 31178 of us, in front there.	1	Page 31180 witness appears. I trust that the media houses will take
2	MR MATHIBEDI SC: Chair, I forgot to ask	2	note of what I'm now saying and when a video is shown or
	for a ruling that this portion of the clip not be shown or	3	indeed a photograph is shown of this witness or which shows
4	be broadcast.	4	this witness, that is not to be published. That is covered
5	CHAIRPERSON: Yes, is it the Langa –	5	by the ruling I originally made.
6	which family? Not the Langa family. Which family –	6	MR MATHIBEDI SC: Thanks, Mr Chair.
7	MR MATHIBEDI SC: The clip showing Mr X.	7	CHAIRPERSON: And also the overflow group
8	CHAIRPERSON: Oh, yes. You're quite	8	must also not be shown either the photographs or the videos
9	right. Well, it's happened that – if you're going to show	9	which show this witness. The cameras must be switched off.
10	 yes, the video which we've just seen which depicts the 	10	People in the overflow room will just have to make do with
11		11	the sound.
	Witness, I would request the broadcasting companies, the		
	witness, I would request the broadcasting companies, the media houses not to broadcast that in order that the	12	
12	media houses not to broadcast that in order that the	12 13	MR MATHIBEDI SC: Thanks, Chair. Mr
12 13	media houses not to broadcast that in order that the witness's identity can be protected.	13	MR MATHIBEDI SC: Thanks, Chair. Mr Bennett, will you please show us exhibit Z1?
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	Page 31181		Page 31183
1	one of the strikers –	1	describe what was meant and why was that, why was it
2	[VIDEO IS SHOWN]	2	necessary for the strikers to sing?
3	MR MATHIBEDI SC: Will you please pause?	3	MR X: The name of the song is
4	CHAIRPERSON: Stopped at 9:57.	4	[vernacular words], translated into English, tighten your
5	MR MATHIBEDI SC: Sir, are you in a	5	balls young man, otherwise you won't come right. This is
6	position to identify the gentleman who is standing to the	6	because we knew that we are not capable of being shot, the
7	left?	7	police would do nothing.
8	MR X: Yes, sir.	8	MR MATHIBEDI SC: By tightening whatever
9	MR MATHIBEDI SC: Will you please	9	was to be tightened, what was meant by that?
10	identify him for us?	10	MR X: Anything that was to be done had
11	MR X: That is Mambush.	11	to be done then.
12	MR MATHIBEDI SC: Thanks, will you	12	MR MATHIBEDI SC: Was General Mpembe
13	proceed?	13	present during that stage when that song was, when the
14	[VIDEO IS SHOWN]	14	strikers sang?
15	MR MATHIBEDI SC: You can hear –	15	MR X: Yes.
16	CHAIRPERSON: Pausing at – sorry, pausing	16	MR MATHIBEDI SC: You are aware that
17	at 10:14.	17	General Mpembe is an elder, is that correct?
18	MR MATHIBEDI SC: Thanks. You can hear	18	MR X: I apologise because we were acting
19	the strikers making, using weapons in their possession to	19	on instructions, somebody had told us to do this. I am not
20	make clicking sounds.	20	turning away from what I am saying, it's true.
21	MR X: I can hear this, sir.	21	MR MATHIBEDI SC: Did the strikers at any
22	MR MATHIBEDI SC: Why did the strikers	22	stage show respect towards General Mpembe?
23	conduct themselves in that fashion?	23	MR X: No, there was no respect shown.
24	MR X: To hasten the muti that we had	24	MR MATHIBEDI SC: Will you please proceed
25	used, for it to act fast.	25	and show us the video?
	Page 31182		Page 31184
1	MR MATHIBEDI SC: You can also see	1	[VIDEO IS SHOWN]
2	MR MATHIBEDI SC: You can also see strikers in a squatting position.	2	[VIDEO IS SHOWN] MR MATHIBEDI SC: Will you please pause?
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1 MR MATHIBEDI SC: Was an explanation	1 CHAIRPERSON: By the other one, yes.
2 given by the traditional healer or the inyanga as to what	2 Thank you. Mr Mathibedi, I'm right, am I, the transcript
3 would happen if instructions are not followed?	3 of what's being said is exhibit QQ2 and we're on page 4, is
 4 MR X: Yes, he said. 5 MR MATHIBEDI SC: What did he say? 	 4 that right? 5 MR MATHIBEDI SC: That's correct, Chair.
 5 MR MATHIBEDI SC: What did he say? 6 MR X: The inyanga told us that if we did 	 5 MR MATHIBEDI SC: That's correct, Chair. 6 CHAIRPERSON: Okay. Well, that helps me
7 not follow his instructions the result would be that the	7 to follow. Yes, please carry on.
8 guns of the police would be effective, they would work,	8 MR MATHIBEDI SC: Sir, why did Mr Mambush
9 that we had to follow the instructions at all times that he	9 tell General Mpembe that they are not fighting?
10 had given us.	10 MR X: We were just fooling him.
11 MR MATHIBEDI SC: Sir, would you proceed	11 MR MATHIBEDI SC: Why do you say you were
12 and show us the $-$	12 just fooling General Mpembe?
13 [VIDEO IS SHOWN]	13 MR X: We wanted him to hurry up, get
14 MR MATHIBEDI SC: Will you please pause?	14 angry, so that they should start shooting.
15 CHAIRPERSON: Pausing at 11:20. The	15 COMMISSIONER HEMRAJ: But you had no
16 person who you say is Mambush is in the foreground. On his	16 quarrel with the police as at that stage.
17 right, our left looking at the screen, there's someone else	17 MR X: We were fighting them.
18 standing up. Do you know who that person is?	18 COMMISSIONER HEMRAJ: Why?
19 MR X: Mr Chairperson, this one was just	19 MR X: We wanted – the police were
20 becoming scared. He just stood up there and talked. He	20 stopping us from what we wanted. We wanted the employer t
21 was not one of the three that were chosen.	come to us to give us what it is that we wanted from him.
22 MR MATHIBEDI SC: Are you in a position	22 MR MATHIBEDI SC: Why were the police
23 to identify him? Do you know his name?	23 seen as stopping the strikers?
24 MR X: I only know him by seeing him, I	24 MR X: We knew that the police would not
25 don't know what his name is but I know he was one of the	25 allow us to proceed with the things that we had because
Page 31186	Page 3118
1 Makarapas on the mountain.	1 this was illegal.
2 MR MATHIBEDI SC: Will you proceed and	2 MR MATHIBEDI SC: Will you please proceed
3 play the video?	3 and play the video?
4 CHAIRPERSON: Pause for a moment at	4 [VIDEO IS SHOWN]
5 11:26. Mr Interpreter, what is the person who has been	5 MR MATHIBEDI SC: Will you please stop?
6 described as Mambush, what is he saying at this point?	6 CHAIRPERSON: Stopping at 12:20, it looks
7 MR MAHLANGU: He was saying, the last	 7 like the top of page 5 of the transcript, exhibit QQ2 I 8 would think. I'm not, is that correct, Mr Mathibedi? I
 8 thing he said is, "That is all we want, we are not 9 fighting" and it was also confirmed by the other one – 	8 would think. I'm not, is that correct, Mr Mathibedi? I9 see we actually stopped at the foot of page 4 of the
10 CHAIRPERSON: It sounds like, as if the –	10 contract.
11 MR MAHLANGU: If the video could be	11 [11:21] Is that correct?
12 played just a bit back for me to interpret?	12 MR MATHIBEDI SC: That's correct, Chair.
13 CHAIRPERSON: It's exhibit QQ2 which is a	13 CHAIRPERSON: Ja.
14 translation of the transcript of what is said, it appears	14 MR MATHIBEDI SC: During the time that
15 to be the passage at page 4 round about line 10, I would	15 General Mpembe spoke to the strikers, did the strikers
16 think.	16 understand what he was conveying to them?
17 MR MAHLANGU: If the video could be	17 MR X: Yes, Sir.
18 replayed a bit, sir?	18 COMMISSIONER HEMRAJ: How do you know
19 [VIDEO IS SHOWN]	19 that?
20 MR MAHLANGU: "That is all that we ask,	20 MR X: We heard him clearly,
21 we are not fighting with you."	21 Commissioner, saying those things that we had were not
22 CHAIRPERSON: And is that said by the	22 legal, but we were not prepared to conform to what his
23 person who the witness says is Mambush?	23 request was.
	24 CHAIRPERSON: He was speaking Zulu, was
25 confirmed by the other person.	25 he?
25 confirmed by the other person.	24CHAIRPERSON:He was speaking Zulu, was25he?

	Page 31189		Page 31191
1	MR MAHLANGU: He was speaking Zulu, a	1	[VIDEO IS SHOWN]
2	mixture of Zulu and Xhosa.	2	MR MATHIBEDI SC: Will you please pause?
3	CHAIRPERSON: I'm asking the witness.	3	CHAIRPERSON: Now we can see the
4	General Mpembe was speaking Zulu, was he?	4	[inaudible].
5	MR X: Yes, I could hear him. His	5	MR MATHIBEDI SC: Are you in a position
6	language was mostly Fanagalo.	6	to identify the gentleman who is depicted standing in the
7	CHAIRPERSON: I see. So that's why you	7	video clip?
8	were able to understand him?	8	MR X: That is the one I referred to as
9	MR X: That's correct, Chairperson.	9	Mosotho.
10	MR MATHIBEDI SC: Did the other strikers	10	MR MATHIBEDI SC: Will you please
11	understand Fanagalo language?	11	proceed?
12	MR X: Any language comes into Fanagalo,	12	[VIDEO IS SHOWN]
13	Mr Chairperson. This is the language that is generally	13	Will you please pause? You have seen as he is
14	used in the mines.	14	talking he's making gestures with his hands. Did you see
15	MR MATHIBEDI SC: Thanks. Will you	15	that?
16	proceed and show us the video?	16	MR X: Yes, he's speaking in the language
17	[VIDEO IS SHOWN]	17	Fanagalo with both his fists clenched.
18	[Microphone off, inaudible] problem.	18	MR MATHIBEDI SC: Why were both fists in
19	CHAIRPERSON: I don't think it's a	19	the clenched position?
20	problem. If you look at the transcript, page 5, QQ2, you	20	MR X: Those are the inyanga's
21	would see that it's recorded "At 12min:26 seconds the video	20	instructions.
22	screen darkens. The police are talking and comes back on –	22	MR MATHIBEDI SC: Will you please proceed
23	13min:01 seconds." That's what happened, no technical	23	
23 24	problem. Well, there was a technical problem maybe on the	23 24	and play the clip? CHAIRPERSON: From 15:21.
24 25	day but certainly what, we are seeing what's on the video	24 25	CHAIRPERSON: From 15:21. [VIDEO IS SHOWN]
20			
		25	
	Page 31190	20	Page 3119.
1	Page 31190 here.	1	Page 3119 MR MATHIBEDI SC: Will you please stop
1 2	Page 31190 here. MR MATHIBEDI SC: Thanks, Chair.		Page 3119 MR MATHIBEDI SC: Will you please stop the clip? Amongst others the speaker said "They are not
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2	Page 31190 here. MR MATHIBEDI SC: Thanks, Chair.	1 2	Page 3119 MR MATHIBEDI SC: Will you please stop the clip? Amongst others the speaker said "They are not
2 3	Page 31190 here. MR MATHIBEDI SC: Thanks, Chair. [VIDEO IS SHOWN]	1 2 3	Page 3119 MR MATHIBEDI SC: Will you please stop the clip? Amongst others the speaker said "They are not fighting anyone." Did you hear that?
2 3 4	Page 31190 here. MR MATHIBEDI SC: Thanks, Chair. [VIDEO IS SHOWN] Pause.	1 2 3 4	Page 3119: MR MATHIBEDI SC: Will you please stop the clip? Amongst others the speaker said "They are not fighting anyone." Did you hear that? MR X: Yes, Sir.
2 3 4 5	Page 31190 here. MR MATHIBEDI SC: Thanks, Chair. [VIDEO IS SHOWN] Pause. CHAIRPERSON: [Microphone off, inaudible]	1 2 3 4 5	Page 3119: MR MATHIBEDI SC: Will you please stop the clip? Amongst others the speaker said "They are not fighting anyone." Did you hear that? MR X: Yes, Sir. CHAIRPERSON: I'm sorry to interrupt you,
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	Page 31193		Page 31195
1	MR MATHIBEDI SC: By Zuma who are you	1	CHAIRPERSON: The question you're being
2	referring to, Sir?	2	asked is if the police tried at that stage to disarm the
3	MR X: If we speak of the government,	3	protesters, what would have happened according to you?
4	that is the person who is known as the government. That's	4	MR X: We were going to kill them, Sir.
5	how I know him.	5	MR MATHIBEDI SC: Using what to kill
6	MR MATHIBEDI SC: You have mentioned the	6	them?
7	name NUM. What is the relevance thereof?	7	MR X: Bush knives, pangas we had, all
8	MR X: NUM is also part of the	8	the weapons that we had.
9	government. It's ANC.	9	CHAIRPERSON: He mentioned the word "bush
10	MR MATHIBEDI SC: Thanks. Will you	10	knife," which I gather is Xhosa for panga.
11	please proceed and play the video?	11	MR MAHLANGU: That's correct, Chair.
12	CHAIRPERSON: Carrying on now from 15:46.	12	MR MATHIBEDI SC: Were you aware at that
13	[VIDEO IS SHOWN]	13	stage that the police had, some police had firearms with
14	MR MATHIBEDI SC: Will you please pause?	14	them?
15	Will you please identify the gentleman depicted in the	15	MR X: Yes, Sir.
16	video?	16	MR MATHIBEDI SC: Sir, will you proceed
17	MR X: We had only chosen three people	17	and play the video clip for us?
18	amongst them, Xolani, this is one of those people who just	18	CHAIRPERSON: 16:18.
19	stand and stood up unelected.	19 20	[VIDEO IS SHOWN] MR MATHIBEDI SC: Sir, amongst others
20	CHAIRPERSON: We're stopping at the moment at 15:55 and I'm informed by Mr Tokota that we're on		MR MATHIBEDI SC: Sir, amongst others you've heard –
21 22	page 7 of the transcript QQ2 and the person standing up and	21 22	CHAIRPERSON: We've now stopped at 18:18.
22	speaking is the person described as Lonmin worker 3,	22	MR MATHIBEDI SC: There was a request by
23	starting at the fourth line on page 7. Is that correct, Mr	23 24	Mambush that the employer should be brought to the workers.
25	Mathibedi?	25	Did you hear that?
20		20	
	D 04404		
	Page 31194		Page 31196
1	MR MATHIBEDI SC: That's correct, Chair.	1	MR X: Yes, Sir.
2	MR MATHIBEDI SC: That's correct, Chair. Will you please proceed and play the clip for us?	2	MR X: Yes, Sir. CHAIRPERSON: Again this was quite a long
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	Page 31197		Page 31199
1	MR X: [s.u.o. through interpreter]	1	MR MATHIBEDI SC: Why did the speaker
2	MR MAHLANGU: Confirmed, Chairperson.	2	conduct himself in that fashion?
3	CHAIRPERSON: Mr Mathibedi.	3	MR X: We wanted Mr Mpembe to act fast,
4	EXAMINATION BY MR MATHIBEDI SC (CONTD.):	4	to start shooting.
5	Thanks, Chair. Mr Bennett, will you please proceed and	5	MR MATHIBEDI SC: Thanks. Will you
6	show us the video?	6	please proceed and play the video?
7	CHAIRPERSON: We're now at 18:18.	7	[VIDEO IS SHOWN]
8	[VIDEO IS SHOWN]	8	Will you please pause?
9	CHAIRPERSON: Stop it, sorry that passage	9	CHAIRPERSON: 20:38.
10	we've just heard is, I understand, on page 9 of the,	10	MR MATHIBEDI SC: Sir, I would like you
11	translated into English on page 9 of the transcript,	11	to identify this gentleman in the picture. Can you see
12	exhibit QQ2 and he's just ended at line 22 on page 9. Is	12	him, where –
13	that correct, Mr Mathibedi?	13	CHAIRPERSON: What you are indicating
14	MR MATHIBEDI SC: That's correct, Chair.	14	with the pointer, Mr Mathibedi, is a person who is under
15	CHAIRPERSON: Now we're going to hear	15	the right arm of Mr Noki, and it appears from the slide,
16	Lonmin worker 2 as he's described on the transcript, whom I	16	but appears to be under the right arm, under the elbow as
17	presume is the gentleman standing up now on the screen at	17	it were of Mr Noki.
18	19:02 in the video.	18	MR X: I see that.
19	[VIDEO IS SHOWN]	19	MR MATHIBEDI SC: Will you please tell us
20	MR MATHIBEDI SC: Will you please pause,	20	who this gentleman is?
21	Sir?	21	MR X: That is Rasta, Rasta Makubane.
22	CHAIRPERSON: 19:06.	22	MR MATHIBEDI SC: Are you in a position
23	MR MATHIBEDI SC: On this portion of the	23	to describe his clothing?
24	video, Sir, there's a gentleman there who - can you see	24	MR X: Yes, he was wearing a jacket, I
25	him? I'm using a pointer to indicate him.	25	can see it.
	Page 31198		Page 31200
1	Page 31198 MR X: I see that person, that's me.	1	Page 31200 MR MATHIBEDI SC: Can you see the colour
1 2		1 2	=
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2 3	MR X: I see that person, that's me. CHAIRPERSON: It is the gentleman in a pink blanket in the right-hand corner of the slide and	2 3	MR MATHIBEDI SC: Can you see the colour of the jacket? MR X: It's whitish, the colour is not
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	Page 31201		Page 31203
1	and play the video?	1	start action.
2	CHAIRPERSON: Moving on to 21:43.	2	MR MATHIBEDI SC: Will you please proceed
3	[VIDEO IS SHOWN]	3	and play the video?
4	Stopped at 22:32.	4	[VIDEO IS SHOWN]
5	MR MATHIBEDI SC: Witness that at one	5	CHAIRPERSON: 23:50.
6	stage he spoke while his fist was not clenched?	6	MR MATHIBEDI SC: At this stage where
7	MR X: Yes, Sir.	7	were the protestors heading to?
8	MR MATHIBEDI SC: What was the attitude	8	MR X: We were going towards the
9	of the strikers about that conduct?	9	settlement.
10	MR X: He screams on him that he was	10	MR MATHIBEDI SC: What were the strikers
11	disobeying the instructions of the inyanga. The person who	11	going to do in the settlement?
12	then stood up and made order was Mambush, he clenched his	12	MR X: We were going to go through the
13	fist and ordered us.	13	settlement to look at the people who were just hiding
14	MR MATHIBEDI SC: Will you please proceed	14	there, taking beer.
15	and play the video?	15	COMMISSIONER HEMRAJ: I'm sorry, I didn't
16	[VIDEO IS SHOWN]	16	understand that. Could you –
17	Will you please stop?	17	MR X: We were going to go through the
18	CHAIRPERSON: 23:30.	18	settlement to look and see the other strikers who were not
19	MR MATHIBEDI SC: Sir, will you please	19	with us, who were busy with beer there.
20	describe what you are seeing on the clip?	20	MR MATHIBEDI SC: Sorry, I think the
21	MR X: We did not obey what the policeman	21	interpreter missed a portion that they were going to be
22	was saying. We wanted them to shoot first but he seemed	22	killed.
23	not to have been shooting. We wanted them to shoot first.	23	CHAIRPERSON: Mr Mathibedi, repeat it?
24	MR MATHIBEDI SC: Can you describe how –	24	COMMISSIONER TOKOTA: He said something
25	can you describe the position of the strikers?	25	about the mountain, about those who were not with us at the
1	Page 31202 MR X: Ves, this was the position – this	1	Page 31204
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2	MR X: Yes, this was the position – this was the instructions given by the inyanga that we should	2	mountain. MR X: Yes, those who were not with us at
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	Page 31205		Page 31207
1	to tell the Commission what happened after the utilisation	1	MR X: It's because they were using a
2	of the teargas and the stun grenade by the police?	2	real gun now, they were using a real gun.
3	MR X: Then there was confrontation, Mr	3	MR MAHLANGU: He calls it a CCS.
4	Chairperson, we killed two policemen. The third policeman	4	MR MATHIBEDI SC: Sir, you've testified
5	ran towards the vehicles. We took two of the shorter guns	5	that at one stage the protesters were going towards the
6	and a long gun, cell phones and the radios and then we	6	informal settlement, do you remember that?
7	proceeded to the mountain.	7	MR X: Yes, sir.
8	MR MATHIBEDI SC: What led to the	8	MR MATHIBEDI SC: Now, the police noting
9	confrontation between the strikers and the police?	9	that the strikers were going towards the informal
10	MR X: They first fired rubber bullets,	10	settlement –
11	the police.	11	CHAIRPERSON: How does he know what the
12	MR MATHIBEDI SC: And after firing, what	12	police noted? That's a leading question, please don't lead
13	happened?	13	the witness.
		14	
14 15			
15	policeman. When we left the one policeman was still	15	At the stage that the strikers were going towards the
16	moving, he had not died as yet.	16	informal settlement was there any reaction from the police?
17	MR MATHIBEDI SC: Now the firing that was	17	MR X: Yes, they did not want us to go
18	done by the police, was it not effective to, in dispersing	18	into the settlement, that's when they fired with the rubber
19	the strikers?	19	bullets.
20	MR X: No, it didn't work, we really did	20	MR MATHIBEDI SC: Did the police fire
21	not care much about it.	21	teargas at any stage?
22	MR MATHIBEDI SC: Why was that firing not	22	MR X: There were those who fired
23	effective?	23	teargas, yes.
24	MR X: Because the tribal healer had	24	MR MATHIBEDI SC: At what stage did the
25	worked on us. He had put rituals on us.	25	police fire teargas?
	Page 31206		Page 31208
1	Page 31206 COMMISSIONER HEMRAJ: The confrontation	1	Page 31208 MR X: When they, when we started walking
1 2	6	1 2	5
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2	COMMISSIONER HEMRAJ: The confrontation that you talk about, did that come about because of the	2	MR X: When they, when we started walking towards the settlement, that's the first time they shot
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	Page 31209		Page 31211
1	officer, on which part of the body was he hit?	1	MR X: With the pangas and the gun.
2	MR X: He hit the policeman with a gun.	2	MR MATHIBEDI SC: Are you aware that
3	MR MATHIBEDI SC: On which part of the	3	another police officer also sustained injuries?
4	body was he hit? Are you in a position to assist us?	4	MR X: There were three policemen. One
5	MR X: It was in the region of the	5	had already died, the one when we left was still shaking,
6	forehead.	6	he wasn't dead. Later the other one ran towards the
7	MR MATHIBEDI SC: And then what happened	7	vehicles.
8	to - are you in a position to describe the firearm that was	8	MR MATHIBEDI SC: Sir, can we now deal
9	in the possession of the police officer?	9	with the police officer who was killed. Will you proceed
10	MR X: It was the shotgun that he took	10	and describe how he was killed?
11	and threw over to Shezi.	11	MR X: He was chopped on the back of the
12	CHAIRPERSON: You say shotgun or short	12	head with a bush knife, a panga.
13	gun?	13	MR MATHIBEDI SC: Who chopped the police
14	MR X: There were two of the shorter	14	officer on the head?
15	guns, different sizes and then there was the long one.	15	MR X: It was Magubane and Anele.
16	CHAIRPERSON: Are you talking about a	16	MR MATHIBEDI SC: Precisely how did Anele
17	pistol, in other words?	17	attack the police officer that was killed?
18	MR X: Yes, two pistols and a long gun.	18	MR X: He had a panga as well, he was
19	MR MATHIBEDI SC: Will you tell us about	19	chopping him with a panga.
20	the second pistol? Who was in possession of that pistol?	20	COMMISSIONER HEMRAJ: Sorry, was the
21	MR X: Mambush, Chairperson.	21	policeman running away at that stage?
22	MR MATHIBEDI SC: Where did Mambush get	22	MR X: Chairperson, there was a lot of
23	that firearm?	23	commotion, there was fighting going on there.
24	MR X: Guns were found from the police.	24	COMMISSIONER HEMRAJ: Yes, but do you
25	MR MATHIBEDI SC: Which police officer	25	know if the policeman was with his back towards the two
	Dogo 21210		Dogo 21212
1	Page 31210 are you referring to?	1	Page 31212 persons you've mentioned?
1 2	are you referring to?	1 2	persons you've mentioned?
	are you referring to? MR X: From the two who were lying on the		persons you've mentioned? MR X: Yes, he was running.
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1	Page 31213 MR MATHIBEDI SC: Who attacked that	1	Page 31215 mountain. Mambush and Xolani then made a report back.
2	police officer?	2	MR MATHIBEDI SC: Sir, for now let's
3	MR X: Anele and Magubane.	3	concentrate at the scene where there was, the police
4	MR MATHIBEDI SC: With what was the	4	officers were attacked.
5	police officer attacked?	5	MR X: Yes, Sir.
6	MR X: They had pangas as well and a gun,	_	MR MATHIBEDI SC: You testified about the
7		6	
	a [indistinct].		cell phones that were taken. You remember that?
8	COMMISSIONER HEMRAJ: Are you saying the	8	MR X: Yes, Sir.
9	same two persons who attacked the first policeman, attacked	9	MR MATHIBEDI SC: From whom were the cell
10	the second policeman as well?	10	phone taken?
11	MR X: No, no. We were acting	11	MR X: I did not know the names of the
12	differently. Some were chasing this policeman and others	12	police who were lying down, they had cell phones.
13	were attacking the other one. The guns were taken, we took	13	MR MATHIBEDI SC: Yes, Sir, I'm referring
14	the firearms.	14	to the persons that took the cell phones from the police.
15	COMMISSIONER HEMRAJ: Perhaps you want to	15	MR X: Mambush, Chairperson.
16	clarify that, Mr Mathibedi.	16	MR MATHIBEDI SC: How many cell phones
17	MR MATHIBEDI SC: Thanks, Chair. Sir,	17	were there?
18	can we clarify the attack on the police officer who was	18	MR X: What I remember is that there were
19	killed?	19	two.
20	MR X: He was attacked by Baai and	20	MR MATHIBEDI SC: You said Mambush took.
21	Mambush.	21	How many cell phones did Mambush take?
22	MR MATHIBEDI SC: Are they the only two	22	MR X: From the one policeman Mambush
23	people that attacked the police officer?	23	took one cell phone and a radio.
24	MR X: Yes, because Magubane and Anele	24	MR MATHIBEDI SC: Do you know who took
25	were attacking the second policeman. The third one was the	25	the other cell phone from the police officer?
	Page 31214		Page 31216
1	Page 31214 one that was being attacked by me and the others who ran	1	Page 31216 MR X: Yes, it was Anele, Chairperson.
1 2		1 2	-
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2	one that was being attacked by me and the others who ran away to the vehicles.	2	MR X: Yes, it was Anele, Chairperson. MR MATHIBEDI SC: Did the strikers at any
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	1	
Page 31217	1	Page 31219 regarding the red T-shirts?
		MR X: Yes, that it was to be torn,
-		thrown away.
		MR MATHIBEDI SC: What happened after
-		that decision was taken on that day?
		MR X: We were then revived by being
	-	sprayed with intelezi, those of us who had undergone the
		rituals.
		MR MATHIBEDI SC: During that discussion
		were you a member of any union?
,		MR X: Yes, I was then member of NUM. I
-	12	changed from it and joined AMCU, because I was forced to
MR X: Because we had taken a decision	13	join AMCU –
that NUM was to be killed.	14	MR MAHLANGU: If I may just ask him,
MR MATHIBEDI SC: Why was a decision	15	Chairperson.
taken that NUM should be killed?	16	MR X: - otherwise I would have been
MR X: We were killing it with bush	17	injured because this other union was rejected there.
knives, with pangas. That is why we mentioned we were	18	MR MATHIBEDI SC: When did you join AMCU?
going to kill Zokwana.	19	MR X: At the mountain.
MR MATHIBEDI SC: The question is why was	20	MR MATHIBEDI SC: Will you proceed and
that decision taken to kill NUM?	21	tell us how you joined AMCU at the mountain?
MR X: Because they were stopping us from	22	MR X: I just gave them my clock card
our demands. They were stopping the demands that we were	23	number and joined AMCU without reading any of its
making.	24	constitution. I filled in a form, the gentleman said I
MR MATHIBEDI SC: Which demands are you	25	just should fill in that form, AMCU did not have a
		Dogo 21020
	1	Page 31220 constitution but NUM had a constitution which stated that
-		this and this and this should be done and this and this
		should not be done.
		MR MATHIBEDI SC: The form that you
-		completed, where did you get it?
		MR X: There was a person over there who
5	7	·
-		was dishing out these naners there on the mountain. It
MD X: Because it was together with us		was dishing out these papers there on the mountain. It
MR X: Because it was together with us.	8	looked as though he was working for AMCU.
MR MATHIBEDI SC: What do you mean by	8 9	looked as though he was working for AMCU. MR MATHIBEDI SC: Do you know the details
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MR MATHIBEDI SC: What do you mean by that, that it was moving together with the strikers? MR X: Because it was also interested in what we were demanding, that 12 500. MR MATHIBEDI SC: When did you become aware that AMCU was interested in the demand of the strikers? MR X: After the killing of the police at Marikana on the 13th, Mr Chairperson, when it was also mentioned that the red T-shirts should be destroyed, we should not get into a non-moving vehicle but get into a vehicle that has movement. MR MATHIBEDI SC: From whom did you hear that, Sir?	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	looked as though he was working for AMCU. MR MATHIBEDI SC: Do you know the details of the person who dished out the forms? MR X: Yes, by seeing him, yes, I remember him. He was a member of the makarapas on the mountain. MR MATHIBEDI SC: Did you at any stage cease your membership with AMCU? MR X: As I was with AMCU for two months, Chairperson, I then went back to NUM. MR MATHIBEDI SC: He mentioned something was done for two months. MR MAHLANGU: It seems he was a member of AMCU for two months where there were deductions made. MR X: I then went back to the NUM.
	who is wearing a red T-shirt should take it off, it must be torn and be burned because we did not want NUM on the mountain. It was said the vehicle that is not moving is being left and we get into a vehicle that is capable of moving. MR MATHIBEDI SC: To which vehicle were the strikers referring to? MR X: It was said NUM is not moving and the movement, the organisation that is moving is AMCU and we should join AMCU. MR MATHIBEDI SC: Why was NUM referred to as a vehicle that was not moving? MR X: Because we had taken a decision that NUM was to be killed. MR MATHIBEDI SC: Why was a decision taken that NUM should be killed? MR X: We were killing it with bush knives, with pangas. That is why we mentioned we were going to kill Zokwana. MR MATHIBEDI SC: The question is why was that decision taken to kill NUM? MR X: Because they were stopping us from our demands. They were stopping the demands that we were making.	who is wearing a red T-shirt should take it off, it must be1torn and be burned because we did not want NUM on the2mountain. It was said the vehicle that is not moving is3being left and we get into a vehicle that is capable of4moving.5MR MATHIBEDI SC: To which vehicle were6the strikers referring to?7MR X: It was said NUM is not moving and8the movement, the organisation that is moving is AMCU and9we should join AMCU.10MR MATHIBEDI SC: Why was NUM referred to11as a vehicle that was not moving?12MR X: Because we had taken a decision13that NUM was to be killed.14MR X: We were killing it with bush17knives, with pangas. That is why we mentioned we were18going to kill Zokwana.19MR X: Because they were stopping us from22our demands. They were stopping the demands that we were23making.24MR MATHIBEDI SC: Which demands are you24MR X: We wanted 12 500.2MR MATHIBEDI SC: Which vehicle was the3one that was referred to as a moving one?4MR X: It was said it was AMCU.5MR X: It was said it was AMCU.5MR X: It was said it was AMCU.5

	Page 31221		Page 31223
1	MR MATHIBEDI SC: Why did you cease your	1	before sunset?
2	membership with AMCU?	2	MR X: He was driving a van, that's
3	MR X: I realised that it had no future.	3	Mathunjwa. Mathunjwa was driving a van.
4	It will just end up, there is no organisation that kills	4	CHAIRPERSON: Now I understand you're
5	people.	5	going to tell us something about Mr Mathunjwa coming there,
6	MR MATHIBEDI SC: You testified that upon	6	but I understood you to be talking now about something that
7	arrival at the koppie three firearms were presented. Do	7	happened before Mr Mathunjwa came when you were telling us
, 8	you still remember that, Sir?	, 8	about a message that Mambush got on his cell phone.
9	MR X: Yes, Sir.	9	MR MATHIBEDI SC: Sorry Chair, he said
	·	7 10	Xolani.
10	, ,	_	
11	there, you said that there's no organisation that kills	11	
12	people. What does that mean?	12	Xolani was the cell phone holder. Yes, that's right. So
13	MR X: Chairperson, the constitution of a	13	what I'm interested in is the message that Xolani got over
14	union does not allow people to be killed.	14	the cell phone which he then conveyed to the rest of you,
15	COMMISSIONER HEMRAJ: Yes, and what	15	what time did that happen?
16	organisation was allowing anyone to kill people here?	16	MR X: It was quite late, Chairperson,
17	MR X: AMCU, Chairperson.	17	and on the same day Mathunjwa came and he said to us he'll
18	COMMISSIONER HEMRAJ: Why do you say	18	come the following day with Zokwana, we should not allow
19	that?	19	Zokwana to address us.
20	MR X: On the 14th, Chairperson, a message	20	CHAIRPERSON: Yes, I understand that, but
21	was received by Joseph Mathunjwa that people should join	21	Mr Mathunjwa came after Xolani had received this message on
22	AMCU because NUM is the mouthpiece of Zuma. AMCU was the	22	his cell phone. I understand that. What I'm interested in
23	organisation that would help us to achieve our demands. It	23	knowing is –
24	was also mentioned that they would be coming to the	24	MR X: Yes, Sir.
25	mountain on the 15th together with Zokwana to come and	25	CHAIRPERSON: - what time roughly, was it
	Page 31222		Page 31224
1	address the strikers and we were told not to allow Zokwana	1	before sunset, after sunset, when Xolani got this message
2	to address the meeting.	2	on his cell phone which he conveyed to the rest of you?
3	CHAIRPERSON: Was that mentioned on the	3	[13:01] MR X: I didn't have time with me,
4	Tuesday?	4	Chairperson. It was quite late.
5	MR X: It was on the 14th, Chairperson,	5	CHAIRPERSON: Was it already dark?
6	that this was mentioned and Zokwana and Mathunjwa arrived	6	MR X: It was after sunset, Chairperson.
7	on the mountain on the 15th.	7	CHAIRPERSON: Perhaps this is a
8	CHAIRPERSON: Yes, so you say on the 14th,	8	convenient stage, Mr Mathibedi, to take the lunch
9	that's the Tuesday, you were told that Zokwana was coming.	9	adjournment, unless there's some point you want to deal
10	Is that correct? Do I understand you correctly?	10	with before we take the lunch adjournment?
11	MR X: That's correct, Chairperson.	11	MR MATHIBEDI SC: Thanks, Chair, I think
12	CHAIRPERSON: What time on the Tuesday	12	we could take the lunch.
13	were you told Zokwana would be there on the Wednesday?	13	CHAIRPERSON: We'll take the lunch
14	MR X: Chairperson, the message was	14	adjournment and we'll reassemble at quarter to.
15	received through Xolani's phone because they were the only	15	[COMMISSION ADJOURNS COMMISSION RESUMES]
16	two, him and Mambush, who were carrying watches. We wear	16	[14:03] CHAIRPERSON: The Commission resumes. We
17	not allowed to carry watches or any cell phones. They gave	17	had some housekeeping matters relating to this witness and
18	us this information what Mathunjwa was saying.	18	statements which have to be given, which we had to tend to
19	CHAIRPERSON: Was that during the daytime	19	during the adjournment and I'm sorry we're resuming later
20	or the evening?	20	than I thought we would. Mr Mathibedi?
21	MR X: It was quite late, quite late.	21	MR MATHIBEDI SC: Thanks, Chair. Chair,
	init in the quite later quite later		
- 17	~ / 30 m / 20 / / 10	22	at this stage we are bringing an application for a
22	CHAIRPERSON: The sun had gone down?	22 23	at this stage we are bringing an application for a postponement for the hearing of the evidence of Mr X to
22 23	CHAIRPERSON: The sun had gone down? MR X: Yes, it was quite late,		postponement for the hearing of the evidence of Mr X to
22	CHAIRPERSON: The sun had gone down?	23	

Pretoria

1	Page 31225 CHAIRPERSON: You know we all get tired,	1	Page 31227 examination-in-chief because particularly this witness as I
2	but that's not a reason to postpone a case without more.	2	am informed is illiterate, so one can't just give him a
3	Why is his tiredness of such a nature that we can't carry	3	bundle of documents and say read them. The documents have
4	on this afternoon? We lose two hours and we have to make	4	to be read to him and translated in fact, so I have spoken
5	them up at some stage later, so when will we do that?	5	to the attorney representing the injured and arrested
6	MR MATHIBEDI SC: That's correct. Chair,	6	persons and I understand – and perhaps you can repeat here
7	you will bear in mind that as far as we are concerned we	7	in the chamber what you told me in chambers in regard to
8	have been initially allocated two and a half days for the	8	you – in regard to what you told me in chambers, Ms Keetse,
9	hearing of Mr X and the way in which, you know, things are	9	about what you're going to do about the problem that I put
10	going I think taking into account that we did not utilise	10	to you.
11	yesterday, we only have had two days to hear his evidence	11	MS KEETSE: Thank you, Chair and the
12	and also on Thursday probably we started at about 12	12	Commissioners. I'll be communicating with my leader this
13	o'clock, we respectfully submit, Chairperson, that we are	13	afternoon and to ensure that the ruling that has been made
14	within trying to complete the evidence of Mr X, evidence-	14	by the Chair is taken care of.
15	in-chief, within two days, but he's in such a situation	15	CHAIRPERSON: We do want the list by
16	that he's fatigued to an extent that he will not be in a	16	tomorrow morning so that, first thing tomorrow morning.
17	position to can properly concentrate in the proceedings,	17	That will give counsel for the police service two full
18	and Chairperson, taking into account that he's a very, very	18	days, tomorrow and Thursday, to deal with these documents,
19	important witness in as far as the events that transpired.	19	the one that you're going to tell us about and the
20	CHAIRPERSON: You know I understand what	20	documents to which their attention has already been drawn
21	you say. Of course it's sometimes an unwise thing for a	21	by other parties, so that one hopes the evidence-in-chief
22	judicial officer to compel a witness to give evidence when	22	of the witness can be concluded at the end of the evidence
23	he complains he's unable to continue properly, because it	23	on Friday. But at this stage we will adjourn until
24	affects the value of the evidence he gives and those who	24	tomorrow morning 9 o'clock.
25	may wish to rely on statements that he makes while he's in	25	[COMMISSION ADJOURNED]
1	Page 31226 that condition may find that the statements they wish to rely on can be explained away on the basis of tiredness and		
2			
3	fatigue and inability of the witness really to concentrate		
4	properly. I'm very reluctant to grant the postponement, but		
5	on the other hand I have to bear in mind that all witnesses		
6 7	must be dealt with in a humane manner and as I've said it's		
8	actually unwise for a judicial officer to force a witness		
0 9	to give evidence at a time when he appears not to be in a		
9 10	proper position to concentrate properly on the evidence		
10	he's giving. It affects the value of the evidence he		
12	gives, so in the circumstances I grant the application.		
13	MR MATHIBEDI SC: Thanks, Chairperson.		
14	CHAIRPERSON: The witness is to return on		
15	Friday morning at 9 o'clock, return in the electronic		
16	sense. Tomorrow we will have the evidence of Mr White,		
17	tomorrow and on Thursday. That's the expert who's coming		
18	specially from Northern Ireland. I understand that all the		
19	parties who wish to cross-examine Mr X bar one have given		
20	notice of the documents on which they wish to rely and I		
21	take it, I haven't seen the application, the topics on		
22	which they seek leave to cross-examine. However, we		
23	haven't got a list of documents upon which the injured and		
24	arrested persons wish to rely. That makes it extremely		
25	difficult for counsel leading the witness to complete the		

ARCHIVE FOR IUSTICE

				Page
A	31218:5,6,14	aspects 31142:13	basis 31226:2	bush 31195:7,9
AAAA21 31159:19	31219:12,13,18,21,23	assaulted 31141:12	bear 31225:7 31226:6	31211:12 31217:17
31161:18 31162:18	31219:25 31220:8,15	assaults 31143:24	beating 31202:24	busy 31176:1 31203:19
31163:23 31170:16	31220:16,21 31221:2	assess 31143:1	becoming 31185:20	31204:3
AAAA22 31160:13	31221:17,22,22	assist 31209:4	beer 31203:14,19	
31164:15	ANC 31193:9	assistants 31184:23	31204:3	<u> </u>
able 31148:15 31153:2	Anele 31148:9	assume 31142:22	beginning 31164:22	calls 31207:3
31158:19,20 31169:4	31153:15 31155:17	ate 31152:25	31174:23,25	cameras 31180:9
31176:12 31189:8	31156:3 31157:9	attached 31170:15	begins 31164:17	can't 31171:11 31225:3
abrasion 31165:12	31167:22 31210:7,22	attack 31145:9,12	believe 31153:6	31227:2
accept 31143:4	31211:15,16 31213:3	31147:18 31148:2,7	believed 31179:1	capable 31175:19
account 31165:18	31213:24 31216:1	31149:5 31157:6	Bennett 31163:22	31183:6 31217:4
31225:10,18	angry 31187:14	31206:18,24	31174:3 31180:13,15	car 31150:13
achieve 31221:23	annoy 31182:17	31208:22 31210:16	31197:5	card 31219:22 care 31205:21 31208:7
act 31177:2 31181:25	anteriorly 31165:9	31211:17 31213:18 31216:3	better 31171:13	31227:14
31199:3	anybody 31192:8 31216:25	attacked 31144:15	Bhele 31148:8 31151:8 31153:14 31155:16	carry 31146:4
acting 31183:18		31157:13 31202:10	31156:3 31157:8	
31213:11	anyway 31143:25 31161:12	31205:14 31208:14	31167:21 31210:23	31158:18 31161:15 31164:12,20 31187:7
action 31203:1	apologise 31183:18	31203:14 31208:14	bit 31186:12,18	31222:17 31225:3
actual 31146:21	apparent 31146:10	31210:25 31210:7,11	blanket 31147:3,7,9	carrying 31156:8
address 31184:10	apparently 31142:19	31210.23 51212.24 31213:1,5,9,9,20,23	31177:17 31198:3,5	31169:5,5 31193:12
31196:13 31222:1,2	31161:8	31213:1,3,9,9,20,23	block 31149:13,18	31222:16
31223:19	appearance 31165:7	31214.1,20 31213.4	31152:5	cars 31150:13 31151:2
addressing 31218:23	appeared 31149:13	attacking 31213:13,25	blocked 31206:22	31151:7,8,14
adjourn 31227:23	31166:20	attending 31162:25	blood 31176:25	31208:12
ADJOURNED 31227:25	appears 31160:14	attention 31227:20	31177:1,10,13	case 31155:9 31163:21
	31180:1 31186:14	attitude 31201:8	blue 31147:2,6	31168:2 31225:2
adjournment 31163:25	31198:19 31199:15	attorney 31143:6	bluish 31147:1	CAS59/08/2012
31164:3,4,10 31170:1 31170:5 31171:3,6	31199:16 31202:5	31227:5	Bob 31148:9 31153:15	31160:3
31196:21 31224:9,10	31212:23 31226:9	auditorium 31170:14	31154:14,16,18,19,22	caucus 31169:7
31224:14,19	application 31196:20	31170:25	31155:5,15,17	caucusing 31176:2
ADJOURNS 31170:6	31224:22 31226:12	August 31144:10	31157:9 31167:1	cause 31144:22
31196:23 31224:15	31226:21	31154:3 31158:12	bobs 31149:13	31160:19 31163:3
admissibility 31141:25	applies 31172:19	31160:14,17	body 31160:16 31165:1	31206:18,24
31143:2	31173:1,5	available 31164:1	31165:2,8,9 31172:24	caused 31166:1
admissible 31143:5	apprehend 31151:20	aware 31166:9	31173:2,9,13 31209:1	CCS 31207:3
Adv 31143:11	appropriate 31162:15	31183:16 31195:12	31209:4	cease 31220:15 31221:1
31144:25	area 31151:14	31204:13 31211:2	bones 31165:17	cell 31148:21 31149:8
advantage 31143:23	31161:10 31165:16	31218:14	Booi 31153:14	31150:14,17
advisable 31170:1	31171:17 31172:3	A34 31158:25	31155:16	31152:13 31205:6
advised 31162:23	31180:16 31216:3		boss 31196:5	31214:8 31215:7,9,12
affidavit 31164:22	aren't 31162:17	<u> </u>	bottom 31164:25	31215:14,16,21,23,25
afraid 31169:11	31163:2	B 31158:3 31159:4	bought 31152:25	31222:17 31223:8,12
afternoon 31225:4	arm 31199:15,16	Baai 31148:9 31153:15	Boy 31148:8,9	31223:14,22 31224:2
31227:13	armed 31145:5	31155:17 31156:3	boys 31184:23	centimetre 31165:11
ago 31167:14	31155:20,21,23	31157:9 31167:21	break 31196:18,20	31165:11,13,15
ahead 31169:21	arose 31145:2	31210:22 31212:17	bring 31206:12	centimetres 31165:11
31177:25	arranged 31162:6	31213:20	bringing 31196:12	31165:14
alight 31149:21	31216:7	back 31148:25 31149:7	31224:22	certainly 31189:25
31150:21 31151:3,7,8	arrested 31141:11	31149:23 31150:3	broadcast 31178:4,12	Chair 31141:8,8,19
alive 31212:24	31142:10 31143:7,10	31151:25 31156:15	31179:24	31142:7 31144:5,5,7
allegations 31142:23	31226:24 31227:5 arrival 31151:10	31165:10 31166:15	broadcasting 31178:11 brought 31195:24	31145:10 31146:7,12
alleged 31143:24	31168:1 31216:10	31166:24 31167:8 31168:9,11 31172:21	brought 31195:24 brutal 31166:6	31147:8 31153:5,16 31155:18 31156:23
allocated 31225:8	31221:7	31172:22,23	Budlender 31141:17	31155:18 31156:23
allow 31187:25	arrive 31216:22	31172:22,23 31174:23,25	bullet 31206:21	31157:2 31158:2,13
31221:14 31222:1	arrived 31150:2	31174.25,25 31186:12 31189:22	bullets 31145:7	31159:20,24
31223:18	31151:13 31166:17	31196:5 31211:11,25	31205:10 31206:4	31160:11 31161:13
allowed 31222:17	31168:8 31222:6	31214:16 31215:1	31207:19	31161:19 31162:6,10
allowing 31221:16	articles 31200:22	31220:17,22	bundle 31158:3	31162:20,23
alright 31144:17	asked 31156:17,18	backside 31172:20	31159:2,4 31160:7	31163:12,16 31164:6
31159:10 31160:1,12 31162:22 31163:13	31157:15,16 31195:2	backward 31165:21	31164:17 31227:3	31164:11,14,24
				31170:13,24
	asking 31189:3	Dad 311/3:16	Durnea 51217:2	511/0.15.24
31164:20 31174:10	asking 31189:3 31196:17	bad 31175:16 balls 31183:5	burned 31217:2 burning 31177:1	
			burning 31177:1 burnt 31150:14	31173:23 31174:1,22 31178:2,14 31180:6

				Page 2
31180:12,22 31187:5	31153:7 31161:9	conform 31188:22	deal 31160:19	31169:22 31173:19
31188:12 31190:2	31162:2 31166:11	confrontation 31205:3	31169:13 31211:8	31175:7 31202:6
31192:12 31194:1,25	31177:14 31183:5	31205:9 31206:1,13	31224:9 31227:18	31216:18
31195:11 31196:8,10	31187:21 31196:5	confronted 31156:16	dealing 31142:12	directly 31198:4
31196:17 31197:5,14	31206:2,6 31221:25	consistent 31166:1,3	31149:1 31167:15	disarm 31194:24
31198:7 31207:14	31223:18	Constable 31159:16	deals 31145:1	31195:2
31213:17 31223:9	comes 31143:16	31160:5	dealt 31226:7	disarmed 31194:22
31224:11,21,21,25	31163:19 31189:12	constitution 31219:24	debate 31143:6	discussed 31145:14
31225:6 31227:11,14	31189:22	31220:1,1 31221:13	deceased 31144:9	31155:2
chamber 31160:24	comfort 31196:18,20	consultations 31162:11	31157:6,20,23	discussion 31145:20
31163:15 31171:12	coming 31173:18	consumed 31147:24	31161:23 31162:12	31155:8 31157:13
31227:7	31221:24 31222:9	contain 31142:21	decided 31149:12	31167:25 31176:17
chambers 31227:7,8	31223:5 31226:17	contained 31142:13	31154:16 31155:4,11	31178:15 31198:18
chance 31157:18	Commission 31141:2	31143:22	31216:25	31219:9
changed 31159:9	31162:13 31170:6,6,7	CONTD 31141:7	decision 31152:4	dished 31220:10
31219:12	31196:23,23,24	31171:14 31197:4	31154:13,14	dishing 31220:7
chapter 31170:2	31204:12 31205:1	continue 31225:23	31178:17 31217:13	disobeying 31201:11
charges 31142:19	31224:15,15,16	contract 31188:10	31217:15,21	dispersing 31205:18
chase 31208:24	31227:25	convenient 31224:8	31218:25 31219:5	displayed 31162:13
chased 31151:19	Commissioner 31145:3	conveyed 31223:14	decline 31163:20	distress 31144:22
31208:11,11	31145:12,19,23	31224:2	deductions 31220:21	31160:19 31163:4
chasing 31213:12	31151:11,17,21	conveying 31188:16	31220:25	distressed 31160:23
Chaskalson 31141:18	31153:2,18 31158:6	copied 31171:1	deep 31165:13	dockets 31141:16,22,23
31145:24 31146:1	31158:10,19,23	copies 31171:5	definitely 31143:16	31142:13,21 31144:1
check 31168:9,14,17	31177:9 31187:15,18	copy 31164:17	deliberate 31146:1	doctor 31165:25
chest 31165:10,13	31188:18,21	corner 31198:3,4	demand 31196:14	doctor's 31165:22
chief 31144:4 31146:5	31203:15,24 31206:1	correct 31144:13	31218:14	document 31158:24,25
31164:25	31206:6,8,11,16	31146:24 31159:11	demanding 31155:7	documents 31179:22
chopped 31211:11,13	31208:9 31211:20,24	31159:14,17,20	31218:12	31226:20,23 31227:3
chopping 31211:19	31213:8,15 31221:10	31160:8,11 31161:5,8	demands 31145:22	31227:3,18,20
chosen 31152:15	31221:15,18	31171:10 31173:4,16	31155:6 31217:23,23	donations 31153:1
31178:21,24 31179:5	Commissioners	31174:1,9,12	31217:25 31221:23	don't 31158:17
31184:10 31185:21	31227:12	31180:22 31182:14	depict 31171:18	31161:10 31164:8
31193:17 31198:11	committee 31154:25	31180.22 31182.14	31172:3,7,11,16	31189:19
circumstances	31200:19	31188:8,11,12	depicted 31146:17	Dr 31160:13 31164:22
31170:15 31226:12	commotion 31211:23	31189:9 31190:9	31148:12 31150:25	drawn 31227:20
claim 31141:11	communicating	31193:24 31194:1	31171:22 31191:6	driving 31223:2,3
	31162:8 31227:12	31195:11 31196:8	31193:15 31200:11	8
clarification 31158:7 clarify 31151:12	companies 31178:11	31195:11 51196:8	depicting 31160:16,17	due 31164:19,20 31224:24
31213:16,18	companions 31173:18	31202:18 31222:10	depicts 31178:10	duty 31149:14
			deployed 31206:12	31168:15,25
clarity 31206:24	compel 31171:12 31225:22	31222:11 31225:6	1 0	-
clear 31200:4 clearly 31142:20		correctly 31154:20 31222:10	describe 31156:21	dying 31204:9
	complains 31225:23		31183:1 31184:8,12	E
31188:20 alanahad 31184:13 16	complete 31225:14	counsel 31226:25	31199:23 31201:20	earlier 31152:12
clenched 31184:13,16	31226:25	31227:17	31201:24,25	
31191:17,19 31194:8	completed 31220:5	course 31164:19,20	31202:23 31208:22	early 31144:20 31162:1
31194:11 31201:6,12 clover 31200:23	compound 31156:14	31223:11 31225:21	31209:8 31211:10	eastern 31148:18
clever 31200:23	concentrate 31212:9	covered 31180:4	31212:20	31149:18,18 31152:4
clicking 31175:11	31215:3 31225:17	cowards 31176:5	described 31165:25	31161:22 31171:20
31181:20	31226:3,10	31198:10	31186:6 31190:7	easy 31158:16
clip 31178:3,7 31182:20 31101:7 23	concerned 31143:20 31225:7	cross-examine	31193:23 31197:16 destroyed 31218:18	effect 31145:8 31208:4
31182:20 31191:7,23		31226:19,22	destroyed 31218:18	31208:5
31192:2 31194:2	concerns 31162:11	crouching 31202:3,24	details 31148:1	effective 31185:8
31195:17 31198:15	concluded 31227:22	crying 31163:6	31220:9	31205:18,23
31200:11 31201:20	condition 31165:8	D	determined 31163:4	effectively 31143:1
clips 31158:5	31226:1 conduct 31175:14		diagonally 31198:4	eight 31165:9
clock 31219:22		dark 31224:5	didn't 31157:17	either 31170:24
close 31143:23	31181:23 31199:2	darkens 31189:22	31176:14 31203:15	31180:8 alanged 31144:24
clothes 31158:17	31201:9 31208:6	dated 31160:14	31220:24 31224:3	elapsed 31144:24
clothing 31199:23	conducted 31184:20	day 31184:20 31189:25	died 31162:12,13	elbow 31199:16
colour 31171:5 31200:1	confirm 31173:12	31219:5 31223:17,18	31205:16 31211:5	elder 31183:17
31200:3	31190:10	days 31152:24 31225:8	different 31209:15	electronic 31226:15
coloured 31163:24	confirmed 31170:10	31225:11,15	differently 31213:12	embarking 31145:15
31164:1	31186:9,25 31197:2	31227:18	difficult 31142:6	31167:24
colourless 31200:4	confiscated 31149:9	daytime 31222:19	31226:25	emotional 31144:22
come 31145:8 31148:24	31150:15,17	dead 31211:6	direction 31156:14	emotions 31177:10
ARCHIVE EO	RIUSTICE			

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RealTime Transcriptions

Marikana Commission of Inquiry

endeavouring 31141:16families 31144:731196:18gestures 31191:14grenades 3ended 31197:12family 31158:4flighted 31170:2531194:7ground 31engaged 31143:1331160:22 31161:431142:4,7 31185:7,931153:21 31157:5group 311431145:831170:13 31171:1031187:731160:2,21 31168:1331149:17	1164:8 1144:6 50:19 1204:13,17 31206:18 31206:3,12
employment 31155:10 encounter 31155:9 encouraging 31175:15factors 31165:17 fairly 31143:23 familiar 31146:16 31151:1 31171:1531194:9,11 31201:6 31201:1331199:11,20 31201:13graphic 31 great 3116 31202:12endeavouring 31141:16 ended 31197:12families 31144:7 family 31158:4fists 31191:17,18 fighted 31170:25fists 31191:17,18 fighted 31170:25greade 31 31142:4,7 31185:7,9a1145:8 	1144:6 50:19 1204:13,17 31206:18 31206:3,12
encounter 31155:9 encouraging 31175:15 31177:2fairly 31143:23 familiar 31146:16 31151:1 31171:1531201:13 fists 31191:17,18 five 31168:20,23 31196:1831200:11,20 31219:24gread 316 grenade 31 31205:2endeavouring a 31141:16families 31144:7 families 31144:7five 31168:20,23 	50:19 1204:13,17 31206:18 31206:3,12
encouraging 31175:15 31177:2familiar 31146:16 31151:1 31171:15fists 31191:17,18 five 31168:20,2331219:24 gesture 31194:11 31205:2endeavouring 31141:16families 31144:7 families 31144:7fists 31191:17,18 five 31168:20,2331219:24 gesture 31194:11 	1204:13,17 31206:18 31206:3,12
31177:231151:1 31171:15five 31168:20,23gesture 31194:1131205:2endeavouring 31141:16families 31144:7filighted 31170:25gestures 31191:1431205:2ended 31197:12family 31158:4flighted 31170:2531194:7ground 31ended 31197:1231159:25 31160:15follow 31141:20give 31146:8,22,2231210:3,engaged 31143:1331160:22 31161:431142:4,7 31185:7,931153:21 31157:5group 311431145:831170:13 31171:1031187:731160:2,21 31168:1331149:17engaging 31141:1931178:6,6,6followed 31185:331177:15 31187:2131166:18English 31183:4Fanagalo 31189:6,1131223:1831200:13 31225:2231177:4,a1196:3 31197:1131189:12 31191:1731223:1831200:13 31225:2231177:4,ensued 31206:15,1531192:10follows 31160:731226:9 31227:2,17guarded 3ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 3	31206:18 31206:3,12
endeavouring 31141:16families 31144:7 family 31158:431196:18 flighted 31170:25 follow 31141:20gestures 31191:14 31194:7grenades 33 ground 31 	31206:3,12
31141:16 ended 31197:12 engaged 31143:13family 31158:4 31159:25 31160:15 31160:22 31161:4flighted 31170:25 follow 31141:20 31142:4,7 31185:7,931194:7 give 31146:8,22,22 31153:21 31157:5ground 31 3120:3, 31160:2,21 31168:13angaging 31141:19 engaging 31141:1931178:6,6,6 S1198:6,6followed 31185:3 following 31165:231194:7 give 31142:4,7 31185:7,931153:21 31157:5 31160:2,21 31168:13group 3114 31177:15 31187:21angaging 31141:19 engaging 31141:1931178:6,6,6 S1198:6,11followed 31185:3 following 31165:231196:6,13,19 311223:1831160:2,22 31166:18 31196:6,13,19angue 31206:15,15 ensure 31227:1331192:10 far 31161:8 31180:19follows 31160:7 food 31152:2531226:9 31227:2,17 given 31143:9,13guarding 31163:2 given 31143:9,13	<i>'</i>
ended 31197:1231159:25 31160:15follow 31141:20give 31146:8,22,2231210:3,engaged 31143:1331160:22 31161:431142:4,7 31185:7,931153:21 31157:5group 311431145:831170:13 31171:1031187:731160:2,21 31168:1331149:17engaging 31141:1931178:6,6,6followed 31185:331177:15 31187:2131166:18English 31183:4Fanagalo 31189:6,1131189:12 31191:1731223:1831200:13 31225:2231177:4,ensued 31206:15,1531192:10follows 31160:731226:9 31227:2,17guarded 3ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 3	
engaged 31143:13 31145:831160:22 31161:4 31170:13 31171:1031142:4,7 31185:7,9 31187:731153:21 31157:5 31160:2,21 31168:13group 3114 31149:17engaging 31141:19 English 31183:4 31196:3 31197:1131178:6,6,6 Fanagalo 31189:6,11 31189:12 31191:17followed 31185:3 31223:1831160:2,21 31168:13 31165:231149:17 31166:18index state index stateFanagalo 31189:6,11 31189:12 31191:17following 31165:2 31223:1831196:6,13,19 31220:13 31225:2231177:4, 31226:9 31227:2,17ensued 31206:15,15 ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 31143:9,13	
31145:831170:13 31171:1031187:731160:2,21 31168:1331149:17engaging 31141:1931178:6,6,6followed 31185:331177:15 31187:2131166:18English 31183:4Fanagalo 31189:6,11following 31165:231196:6,13,1931167:3,31196:3 31197:1131189:12 31191:1731223:1831200:13 31225:2231177:4,ensued 31206:15,1531192:10follows 31160:731226:9 31227:2,17guarded 3ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 3	,6 31214:21
engaging 31141:1931178:6,6,6followed 31185:331177:15 31187:2131166:18English 31183:4Fanagalo 31189:6,11following 31165:231196:6,13,1931167:3,31196:3 31197:1131189:12 31191:1731223:1831200:13 31225:2231177:4,ensued 31206:15,1531192:10follows 31160:731226:9 31227:2,17guarded 3ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 3	
English 31183:4 31196:3 31197:11Fanagalo 31189:6,11 31189:12 31191:17following 31165:2 31223:1831196:6,13,19 31223:1831167:3, 31200:13 31225:22 31226:9 31227:2,1731167:3, 31107:4, guarded 3 guarding 3ensure 31227:13far 31161:8 31180:19following 31165:2 follows 31160:731196:6,13,19 31223:1831167:3, 31220:13 31225:22 31226:9 31227:2,1731167:3, 31226:9 31227:2,17	
31196:3 31197:1131189:12 31191:1731223:1831200:13 31225:2231177:4,ensued 31206:15,1531192:10follows 31160:731226:9 31227:2,17guarded 3ensure 31227:13far 31161:8 31180:19food 31152:25given 31143:9,13guarding 3	8,19 31167:1
ensued 31206:15,15 ensure 31227:1331192:10 far 31161:8 31180:19follows 31160:7 food 31152:2531226:9 31227:2,17 given 31143:9,13guarded 3 guarding 3	
ensure 31227:13 far 31161:8 31180:19 food 31152:25 given 31143:9,13 guarding 3	
estimate 31148:19,22 fashion 31175:14 31194:20 31152:14 31158:3 guards 311	-
5	,9,10,13,20
	;9,10,13,20 :6 31206:22
0 0	,2 31208:24
events 31149:19 31182:17 31199:3 force 31226:8 31185:2,10 31194:13 31209:2,	
	31212:5,5
	31214:7,14
31208:8 31226:3 forehead 31209:6 gives 31225:24 31214:15	
everybody 31163:8 fatigued 31225:16 forgot 31178:2 31226:12 guns 31175	
	0 31185:8
	31209:15,24
	3 31214:16
31146:5 31161:7 felt 31166:21 31167:3 forth 31142:24 31154:14,16,18	
	H
31224:23 31225:11 31208:8 31180:16 31162:2 31165:21 hacked 312	
31225:14,14,22,24 fighting 31186:9,21 found 31160:17 31168:13,17 31170:2 half 31164	
31226:9,10,11,16 31187:9,17 31192:3,7 31204:23 31209:24 31172:2 31174:23,25 hand 3114	
	1 31184:12
evidence-in-chief 31194:16 31206:20 fourth 31193:24 31203:12,17 31194:7	
31227:21 31211:23 fracture 31165:4,16 31204:19 31207:17 handed 31	
exactly 31146:11 fill 31219:25 fresh 31143:20 31212:22 31216:12 hands 3119	
31162:9 filled 31219:24 Friday 31224:24 31216:17 31221:10 happen 31	
	31168:1,1
	4 31185:3
	4 31204:5
examination-in-chief fire 31207:20,25 31178:1 31184:5 31149:14 31150:22 31223:15	
	31150:6,16
	3 31156:11
	,20 31166:14
	4 31169:1
â	,4 31171:8,21 31189:23
31169:24 31174:4 31155:24 31156:2,5,8 gang 31147:20,21 31168:1 31169:8,23 31190:21	
	2 31195:3
	1 31205:1,13
0	31212:12
	3 31212.12
expedite 31142:5 31221:7 31178:21 31179:20 31179:20,20 31223:7	f
S11221.7 S11221.7 S1170.21 S1177.0 S1177.20,20 S1225.7 31144:1 firearm's 31158:17 31180:25 31183:12 31190:25 31195:4 happening	31175:5
expert 31226:17 fired 31205:10 31206:3 31183:17,22 31187:9 31197:15 31203:8,11 31184:8	,
expire 31160:20 31206:21 31207:18 31187:12 31188:15 31203:12,17,21 harm 3117	76:20
explain 31161:1 31207:22 31189:4 31194:15 31204:4,6,8,18,19,24 hasn't 311	
explained 31226:2 firing 31205:12,17,22 31198:18,24 31207:5,9,15 hasten 311	
explanation 31185:1 31206:17 31208:5 generally 31189:13 31211:23 31217:19 31202:21	
extent 31225:16 first 31142:15 31160:2 gentleman 31149:20 31223:5 31225:10 hastening	31182:16
external 31165:7 31163:2 31164:21 31156:16,24 31157:3 31227:9,19 haven't 31	
extremely 31226:24 31201:22,23 31161:21 31177:17 government 31192:7 31226:21	
31202:12 31205:10 31177:21 31181:6 31192:11,18,21 head 31210	
F 31206:14 31208:2 31184:5 31191:6 31193:3,4,9 31211:12	2,14
ARCHIVE FOR LUSTICE	

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RealTime Transcriptions

				Page
heading 31164:25	31163:9	intelezi 31152:1,3,7,10	Ja 31188:13	31185:23,24,25,25
31177:24 31203:7	T	31177:12 31219:7	jacket 31199:24	31188:18 31192:20
healer 31184:25	idea 31147:2	interested 31218:11,14	31200:2 join 31166:11 31217:10	31193:5 31207:11
31185:2 31205:24 hear 31157:17	identified 31148:2	31223:13,22 internal 31141:21	31219:13,18	31210:10 31211:25
			31219:13,18	31215:11,24 31220:9 31225:1,9,20
31181:15,18,21 31182:12 31189:5	identify 31147:12 31148:16 31177:21	interpret 31186:12 interpreted 31144:25	joined 31153:7 31216:8	knowing 31223:23
31190:13,17 31192:3	31181:6,10 31184:4	31160:21	31219:12,21,23	known 31193:4
31195:25 31197:15	31185:23 31191:6	interpreter 31141:5	Joseph 31221:21	knows 31156:19
31195.25 31197.15	31193:15 31198:8	31170:9 31186:5	judicial 31225:22	koppie 31149:22,23,25
31218:21 31225:11	31199:11 31200:11	31197:1 31203:21	31226:8	31150:2,4,6,19
heard 31143:11	identity 31178:13	interrupt 31192:5	JUNE 31141:1	31151:10 31152:1
31163:5 31175:12	31179:23	interrupts 31192:5		31153:4,11,22
31176:22 31182:23	ignored 31169:6	investigated 31143:4	K	31154:9,10 31190:16
31188:20 31190:18	illegal 31188:1	involvement 31157:1	Kaizer 31148:9	31196:12 31221:7
31192:9,19 31195:21	illiterate 31227:2	inyanga 31152:8	31153:15 31155:17	K3 31166:19 31167:2,4
31196:7 31197:10	images 31144:6,9	31154:7,10 31182:7	31157:9 31167:21	31167:16,25
hearing 31224:23	imagine 31163:6	31184:23 31185:2,6	keep 31152:16	31169:19 31173:19
31225:9	impatience 31142:2	31194:13 31201:11	Keetse 31143:9	31175:7
heart 31165:3	important 31225:19	31202:2	31227:8,11	K4 31144:13,18,19
held 31145:15	impression 31157:25	inyangas 31154:4,9	key 31159:2,10,15,21	31147:16 31149:2,19
31154:23,24	inability 31226:3	inyanga's 31152:23	31159:23 31160:2,3	31150:6,8,21 31151:3
help 31159:18 31192:9	inaudible 31165:19	31191:20	kill 31145:21 31151:24	31151:7,13 31154:15
31210:16 31221:23	31189:18 31190:5	in-chief 31225:15	31154:16 31155:5,12	
helpful 31174:20	31191:4 31192:14	IPID 31141:16,20	31168:5 31195:4,5	L
helps 31187:6	incident 31148:25	31142:3,19 31143:14	31204:6,24 31217:19	L 31146:13 31150:22
Hemraj 31144:25	31149:1	31143:19,22 31144:1	31217:21 31221:16	Langa 31144:7,15
31145:3,12,19,23	incised 31165:9,14	Ireland 31226:18	killed 31144:10,15,18	31158:4 31159:24
31151:11,17,21	including 31152:19	issue 31142:15 31145:4	31147:13,14,16,19	31160:15,22 31161:4
31153:2,18 31158:6	31166:2	issues 31142:15	31148:17,19	31161:8 31162:11,24
31158:10,19,23	incorrectly 31164:18	31143:3	31151:15 31154:20	31164:8 31166:7,14
31177:9 31187:15,18	indicate 31141:9	item 31158:3 31159:1	31154:21 31156:15	31167:8 31170:13
31188:18 31203:15	31146:9 31166:5	it's 31144:12,14	31156:20,22	31171:10 31172:3,7
31206:1,6,11,16	31174:7 31180:18	31146:21 31158:15	31161:21,24,25	31172:11,16,24
31208:9 31211:20,24	31197:25	31158:16 31159:1,2	31162:2 31163:10,21	31173:2,9,13 31178:5
31213:8,15 31221:10	indicated 31154:13	31159:10,21,23	31166:10 31167:1,9	31178:6
31221:15,18	31164:20 31165:22	31160:5,13 31161:8	31167:10 31171:23	language 31157:22
he'll 31223:17	indicates 31210:9	31161:19,20	31172:4,7,11,16	31161:1,1,11
he's 31141:3 31157:25	indicating 31165:22	31163:16,19	31173:3,9,13	31179:17 31189:6,11
31170:8 31191:14,16	31180:19 31199:13 indistinct 31213:7	31164:18 31173:23	31175:17 31196:15	31189:12,13
31196:25 31197:12		31178:9 31180:23,24	31203:22 31204:8	31191:16
31197:16 31224:24 31225:15,16,18,23,25	informal 31207:6,9,16 information 31142:2	31183:20 31184:3 31186:13 31189:19	31205:4,14 31208:8	late 31154:19 31161:8
31226:11			31208:19 31211:9,10 31211:17 31212:9,19	31222:21,21,23
HHH61 31169:24	31143:15 31222:18 informed 31170:19	31189:21 31190:11 31193:9 31196:3	31211:17 31212:9,19 31213:19 31217:14	31223:16 31224:4 lay 31142:19
31174:4	31171:7 31193:21	31200:3,4 31207:1	31217:16 31221:14	lead 31207:12
hiding 31203:13	31227:2	31224:24 31225:21	killing 31149:20	leader 31227:12
high 31177:11	initially 31153:7	31224:24 51225:21 31226:7	31157:1,10 31166:6	leaders 31141:15
hired 31196:5	31225:8	I'll 31227:12	31166:11,13	31143:14
hit 31208:23 31209:1,2	injured 31141:11	I'm 31150:22 31158:2	31217:17 31218:16	leading 31207:12
31209:4 31210:8,13	31142:10 31143:7	31160:5,18 31161:3,5	kills 31221:4,11	31226:25
hold 31164:9	31210:14 31216:6	31161:14 31162:4,5	kind 31155:22	leave 31149:5 31154:6
holder 31223:12	31210:14 31210:0	31162:23 31164:14	31214:10,13	31160:24 31162:2
holding 31184:12	31227:5	31171:7 31172:13	knew 31175:16,18	31171:12 31216:3
hopes 31227:21	injuries 31160:18	31177:7 31187:2	31176:19 31183:6	31226:22
hot 31176:25 31177:10	31210:11 31211:3	31188:8 31189:3	31187:24 31206:22	leaving 31169:19
hours 31144:20	inspect 31167:5	31192:5 31193:21	knife 31195:10	led 31205:8
31162:1 31225:4	inspecting 31168:25	31196:17 31197:25	31211:12	left 31146:25 31149:6
house 31154:7	instruction 31184:18	31203:15 31215:13	knives 31195:7	31149:20 31154:15
housekeeping 31224:17	31184:22	31216:13 31223:13	31217:18	31163:5 31165:12,15
houses 31162:2	instructions 31152:24	31223:22 31224:19	knock 31155:11	31165:16 31166:22
31178:12 31180:1	31182:6 31183:19	31226:5	know 31141:12,17,21	31167:2,4,23
humane 31226:7	31184:14,19,24	I've 31147:2 31156:9	31148:3,4 31161:9,10	31168:16 31181:7
hurry 31187:13	31185:3,7,9 31191:21	31160:21 31226:7	31165:5 31166:5	31185:17 31205:15
hurrying 31175:17	31194:12 31201:11		31169:6 31179:16	31208:13 31211:5
husband 31162:14	31202:2	J	31182:13 31185:18	31216:4 31217:4
ARCHIVE EO	8 LUSTICE			

Marikana Commission of Inquiry

				Page !
leg 31208:13	makarapas 31153:25	medical 31142:24	31191:9	Nido 31148:9 31153:15
legal 31188:22	31154:1,25 31186:1	31143:10,12	motor 31149:22	31155:17 31157:9
let's 31161:12,15	31200:17 31220:12	medicine 31202:25	31150:21	night 31144:13,19
31174:24,25 31212:8	Makhubane 31148:9	meet 31155:10 31168:2	mountain 31145:18,20	Noki 31190:8,10,20
31215:2	31167:22	31168:4 31169:9,17	31147:24 31148:21	31196:3 31199:15,17
lie 31210:6	making 31175:10	31173:20	31149:7 31152:16,20	
				non-moving 31218:19
light 31143:7 31145:25	31181:19 31191:14	meeting 31145:15	31152:22 31155:1	normal 31174:20,24
31146:4 31163:20	31194:7 31217:24	31154:23,24 31155:3	31162:3 31166:15,17	31175:1
limbs 31165:8,10	Makubane 31153:15	31169:14 31178:15	31166:21 31186:1	normally 31148:20
line 31148:18 31154:21	31155:17 31157:9	31222:2	31200:19,24	31158:16
31156:16 31161:22	31199:21 31214:21	member 31219:10,11	31203:25 31204:1,3,5	Northern 31226:18
31171:19 31172:17	Mambush 31148:9	31220:12,20	31204:10,20 31205:7	nostril 31165:12
31173:10,14,19	31149:7 31150:10	members 31153:25	31215:1 31216:5,6,20	note 31176:14 31180:2
31180:17,25	31153:15 31155:17	31154:25 31160:22	31216:22 31217:3	noted 31207:12
31186:15 31190:7	31156:3 31157:8,21	31204:12	31219:19,21 31220:7	notice 31151:13
31193:24 31196:5	31166:16 31167:22	membership 31220:15	31220:13 31221:25	31226:20
		31221:2	31220.13 31221.23	
31197:12 31198:24	31169:8 31176:11			noting 31207:8
31198:25	31178:22,24	men 31178:19	mouthpiece 31221:22	no-one 31169:3
linked 31142:17	31181:11 31184:6	mention 31153:10,17	move 31148:18	NUM 31145:4,6,11,16
list 31226:23 31227:15	31185:16 31186:6,23	31159:6 31220:24	movement 31217:9	31192:25 31193:7,8
listen 31168:5	31186:24 31187:8	mentioned 31156:9	31218:20	31217:2,8,11,14,16
31177:13	31195:24 31201:12	31158:15 31176:2	moving 31169:22	31217:21 31219:11
listening 31198:19	31209:21,22	31192:25 31193:6	31201:2 31205:16	31220:1,17,22
liver 31165:3	31210:22 31212:16	31195:9 31212:1	31217:3,5,8,9,12	31221:22
location 31171:18	31213:21 31215:1,15	31217:18 31218:18	31218:4,7,10	number 31146:13,23
long 31165:15	31215:20,21,22	31220:18 31221:24	Mpembe 31169:20	31149:21 31150:22
31167:14 31196:2	31216:7,23 31218:23	31222:3,6	31170:4 31173:20	31153:21 31158:3
31205:6 31209:15,18	31222:16 31223:8	message 31155:5	31175:8 31177:25	31165:4 31168:23
31214:19	man 31147:13	31166:8 31221:20	31178:15,21 31179:6	31171:15 31172:3,10
longer 31214:7,15	31154:20 31166:10	31222:14 31223:8,13	31180:25 31183:12	31172:15,20 31173:2
Lonmin 31155:10	31166:22 31183:5	31223:21 31224:1	31183:17,22 31187:9	31173:6,8,13
31168:2 31174:11	31196:16	met 31145:22 31155:6	31187:12 31188:15	31219:23
31176:8 31190:8	manner 31202:3,23	31167:4 31169:3,18	31189:4 31194:15	numbers 31146:8
31193:23 31196:12	31226:7	31169:19,20 31170:3	31198:18,25 31199:3	N-G 31160:5
31197:16	march 31145:15	31175:8 31176:10	Mpofu 31141:25	
look 31177:16	31155:15 31167:16	Microphone 31165:18	31142:16	0
31189:20 31203:13	31167:17,25 31168:7	31189:18 31190:5	multiple 31165:2,8	oath 31141:4 31170:8
	-		-	
31203:18	marching 31175:7	31192:14	muti 31147:24 31150:1	31196:25
looked 31220:8	Marikana 31218:17	midday 31166:18	31150:4 31151:10	obey 31201:21
looking 31185:17	mark 31160:2,9,10	middle 31190:6	31153:6 31175:16	observations 31198:20
looks 31147:6 31188:6	marked 31158:25	mind 31159:9 31161:15	31176:19 31177:2	observe 31175:22
31190:6	31166:19	31225:7 31226:6	31181:24 31182:17	obtain 31142:18
lose 31164:4 31225:4	Mashilo 31160:13	mine 31149:18	31202:21	obtained 31171:6
lot 31153:16 31155:18	31164:23	31154:14,16,18,19,23		obtaining 31144:1
31162:12 31163:5	Masinga 31148:10	31155:5,15 31167:1	<u> </u>	obviously 31144:2
31211:22	31153:15 31155:17	miners 31153:3	name 31167:16,19	31171:11
loved 31144:23	31157:9	mines 31189:14	31168:20 31179:14	occipital 31165:15,17
lunch 31224:8,10,12,13	material 31143:21	minute 31170:5	31179:16 31183:3	occurred 31149:1,5
lungs 31165:4	31144:21,21,25	minutes 31196:18	31185:23,25 31193:7	officer 31169:21
			· · · · · · · · · · · · · · · · · · ·	
lying 31210:2 31214:21	Matetjisa 31153:16	missed 31203:21	31200:14	31202:5,10 31208:16
31215:12	31155:18 Mathiba dia 21142 2	mixture 31189:2	names 31148:1,4,6	31209:1,9,25
	Mathibedi's 31142:2	moment 31145:14	31153:10,24	31210:11,17,25
M	Mathunjwa 31221:21	31168:13 31174:19	31155:14 31157:5	31211:3,9,14,17
Mabebe 31144:6,14	31222:6,18 31223:3,3	31186:4 31193:21	31215:11	31212:3,9,19,23,24
Magubane 31210:7	31223:5,7,17,21	money 31152:25	narrative 31173:18,22	31213:2,5,18,23
31211:15 31213:3,24	matter 31142:5	31155:7 31167:12	nation 31179:9	31214:4,10,13,18
Mahlangu 31170:10	31144:2 31145:1	months 31220:16,19,21	nature 31225:3	31215:25 31225:22
31186:7,11,17,20	matters 31224:17	mood 31182:13	near 31161:21,22	31226:8
31189:1 31195:11	mean 31143:12	morning 31144:20	necessarily 31142:13	officers 31176:9,11
31197:2 31207:3	31177:10,10	31160:17 31162:1	necessary 31141:10,21	31208:22 31210:6
31210:9 31216:13	31194:23 31218:9	31163:15 31171:24	31143:19 31146:22	31215:4 31216:11,16
31219:14 31220:20	31221:12	31172:1 31226:15	31183:2	offices 31145:5,11,16
31220:23,24	meant 31183:1,9	31227:16,16,24	negative 31196:13	oh 31144:11 31159:3
	moot 21156.12	mortem 31160:7	never 31161:15	31162:21 31164:18
makarapa 31147:20,21	meat 31156:13			
	media 31178:12	31164:15 31165:1,20	new 31170:2	31171:2 31178:8
makarapa 31147:20,21				

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RealTime Transcriptions

Marikana Commission of Inquiry

once 3114210 31172:20.31998 31172:20.15.20 311998.19.31005.48 311571.1171.44 ones 3114213 31163:21 31163:21 31163:21 31163:21 31123:21.21 3122:12 31162:13:12:12 31162:13:12:12 31162:13:13:12 31162:13:13:13 31162:13:13:13:12 31162:13:13:12 31162:13:13:12 31162:13:13:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12 31162:13:12:12					Page 6
311431:631202:17 31200:8 31132:26,8,13 31200:10,25 prohoga 3148:16 3114423:31163:24 31185:15 31180:3 3120:12 3120:12 3120:12 operation 31182:16 31143:14:14 31189:15 31160:13 3120:12 31160:13 problem 3114:14 311612:16:18 31141:14 31160:13 31160:13 problem 3116:25 31162:15:20 31162:15:20 31162:15:20 3120:12 31160:13 3116:25:20 31163:71:33118:01 3116:35:16 3116:25 3116:35:16:3116:25 3116:35:16:3116:25 3116:32:3117:25 3116:42:3116:51 3116:42:3116:51	once 31141:20	31197:20 31199:8	31172:10,15,20	31199:8,19 31200:6,8	31158:11 31178:14
3114423 31183:15 31180:3 3120:21 3120:21 31180:3 31163:23 31143:14 31143:14 31143:14 31143:14 31143:14 31180:18 31180:1					
3114423 31183:15 31180:3 3120:21 3120:21 31180:3 31163:23 31143:14 31143:14 31143:14 31143:14 31143:14 31180:18 31180:1		pausing 31181:16,16			
operation 31182:16 31143:10.314723 31159:22.22.3 PM 31160:13 3122:12 order 31178:12 31164:13.1150:15 31160:1166:312249 probems 31166:20 order 3120:12 31151:18.31152:17 31151:18.31152:17 31151:18.31152:17 31151:18.31152:17 3122:12 31155:18.31152:17 31152:17.9 31154:25.31150:18 31162:15.20 31161:13 3122:12 31155:18.31152:17 31155:18.31152:17 31163:20 31163:23 31163:23 31129 31154:25.31150:18 31162:30 31163:23 31163:23 31163:23 31163:31162:12 31165:23 31165:23 31162:12.10 31163:23 31169:11 outside 31165:7 31166:16.93 31142:33 31142:33 31199:11 31199:11 3122:12 31169:10 31162:12.12 31199:11 31199:12 31199:11 31199:12 31199:11 3122:12 31164:23 31164:23 31164:23 31164:23 31164:23 31199:11 3122:12 31164:13 31164:13 31164:13 31199:11 31199:11<	31144:23 31163:24			31202:13 31203:2	problem 31141:14
opportanity 31160:24 31148:0.22 31160:3,16,18 point 31162:15,22 proceed 3118:25 31201:12 31150:14 31151:16 31170:15 3117:11 31186:7,13 31108:8 proceed 3118:7,18 31166:12.15,22 31162.15,21 31162.25,117,22 31182.25,13,1183:24 31182.25,13,1183:24 31182.25,13,1183:24 31182.25,13,1183:24 31182.25,13,1183:24 31166:20,31167:23,5 31177:20,3170:20 31199:23,31198:14 31199:23,31198:14 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:14,112,25 31199:23,31198:	31163:24 31164:1	people 31142:22	photographs 31159:2	31207:12 31210:4,20	31189:18,20,24,24
order 31178:12 31149:132 31162:18,193.1163.8 51162:18,133.1180:18 51162:18,133.1180:18 51162:18,133.1180:18 51166:27,133.1180:18 51166:27,133.1180:18 51166:27,133.1180:18 51166:27,133.1180:18 51166:23,131.133.1180:33 51166:23,131.133.1180:43 51166:23,131.133.1180:43 51166:13,212.142,141.133.1190:13 51161:12,131.1190:13.11111111111111111111111111111111111	operation 31182:16	31143:10 31147:23	31159:22,22,23	PM 31160:13	31227:9
31201:12 3115:0:4 31151:16 31170:15 31171:1 31180:6 31224:9 31144:3 3133:13 ordered 31201:13 31151:18 3152:17 31170:15 31172:10 31180:6 31100:17 3172:12 31151:18 3152:17 ordignality 31141:25 31157:8,10,11 picture 31149:20 31162:3 1136:24 31182:12 31180:25 31182:12 31180:25 31182:12 31180:25 31182:12 31180:25 31182:12 31180:25 31182:12 31180:25 31182:12 31182:31180:16 31162:23 1172:24 31180:25 3119:11 31180:25 31180:15 3119:12 31180:25 3119:12 3		31148:10,22	31160:3,16,18		
ordered 31201:13 31151:18 31152:17 31171:13 31180.8 pointer 31197:25 31156:10 31161:12 31221:14,11,6.23 31156:4.7,81.0,11 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31163:23 31162:21,21 31188:23 31188:23 31188:23 31188:23 31189:16 31188:23 31189:16 31188:23 31189:16 31189:16 31189:16 31189:16 31189:16 31189:16 31189:16 31199:12 31189:18 31199:13 31199:12 31199:13 31199:12 31199:13 31199:13 31199:13 31199:13 31199:14 31199:13 31199:14 31199:13 31199:14 31199:13					^
organisation 31217-9 31154.2, 631155.5, photos 31162.6 51199.14 31188.7, 31181.13 312214,11,10.23 31157,8,10,11 picture 311492.0 31163.2 31182.12 31182.21 31192.21 31182.21 31192.21 31192.23 31192.61 31192.23 31192.61 31192.23 31192.61 31192.23 31192.61 31192.23 31192.61 31192.23 31192.61 31192.23 31192.61 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
$\begin{array}{c c c c c c c c c c c c c c c c c c c $				-	
originally 31141:25 31157:8.10.11 picture 31149:20 points 51141:24 31184:12 31185:11 0utumbered 311457: 31161:23 1166:9,18 31162:23 3119:12 31162:23 3119:12 31162:23 3119:12 overflow 31180:71:0 31166:23 13166:9,18 31162:21 316:21 31162:23 3119:12 31191:22 31193:11 overflow 31180:71:0 31166:20 31167:23.55 31106:20 31167:21 31109:20 31209:41:21.25 31191:22 31193:11 31227:24 31166:40.10 31175:17 31154:80.20 31162:7 3121:49:10:12.25 31196:3120:12.25 31196:3120:12.25 31196:3120:12.33 2110:52.17 page 31164:25 31165:7 31190:10 31184:9 31171:47 31171:47 31171:47 31171:23 3121:23 3121:02.13 31169:10 3121:22 3121:23 121:23 121:52 31169:10 3114:12 pips 3119:22.13 31164:29 proceeding 3114:11 31196:41 09:006 3121:22 13:12:41:11 31169:20 3114:22 31169:20 3114:22 31169:20 3114:22 31169:20 3114:21 31164:29 3116:27 31164:29 31151:53 31169:20 3114:21 31169:20 3114:21 31169:20 3114:21 31169:21 3112:22:12:22:12:22:12:22:12:12:24:12:24:12:22:12:22:12:22:12:12:24:12:24:12:22:12:22:12:12:24:12:24:12:24:12:22:12:22:12:24:12:24:12:24:12:24:12:24:12:	0	· · · · · · · · · · · · · · · · · · ·	-		
31180:5 31158:7,15.20 31172:6 31172:6 31172:6 31163:2 31173:22 31180:10:21 31180:2 31180:10:21 31180:2 31180:10:21 31180:10:21 31180:10:21 31180:10:21 31180:10:21 31180:10:21 31180:10:21 31180:10:21:10:21 31180:10:21:10:21 31180:10:21:10:21 31180:10:21:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:23:3119:11:10:21 31190:20:3119:11:10:3119:3118:10:10:12:25 31192:3119:21:13:3110:12:11:31170:11 31191:23:3119:10:11:31170:11 31191:22:3119:3119:10:31 31191:21:3119					
outnumbered 311457. 31161:931162:1 policeman 31201:21 31188:13118:16 overflow 31180:71.0 311662:1311662:1 31162:12,16 311020:41.51.5 31191:12 31191:12 overflow 31180:71.0 311662:031167:23.5 31168:16,18,25 31191:12 3110:13 3110:13 31111:13 3110:13 3110:13 31111:13 3110:13 3110:13 3110:13 3111:14 3110:13 3110:14:13 3110:14:13 3110:14:13 <td< td=""><td></td><td></td><td></td><td>-</td><td></td></td<>				-	
outside 31163:6 31163:21 31166:9.18 31162:22 131166:9.18 31162:22 131166:9.18 31102:31205:4.15.15 31100:23 31191:11 o'tendox 31171:24 31166:20 31167:23.55 31170:20 31208:14.19.23 31191:21 31191:23 31193:11 31225:13 2126:15 31168:10,83.24 31167:23 31123:20 31191:23 31193:11 31191:23 31193:11 page 31164:25 31126:17 31167:20 31162:7 31123:91.01.22 3123:23 31106:11 31170:11 31203:24:23 31204:23 31203:23 2120:02.13 page 31164:25 31165:7 31183:19:31 31204:7.23 31163:13 1174:17 31203:24:24 31178:3 31203:24:21:32 32120:02.13 31185:19 31186:15 31203:23 2120:64 31203:24:21:32 32120:19 31203:24:21:32 32120:10 31197:23 31196:20 31204:7.23 pipk 31198:22 31167:20 3118:22 31167:20 3118:22 31197:23 31196:19 31165:21 31209:17.20.20 31143:13 1147:11.20 31163:23 31167:10 31163:22 3120:12.12 31196:3 3120:11:2 31166:20 31142:2 31166:20 31142:2 31166:20 31142:2 31167:20 3118:6 31120:21:3116:10 31197:23 31196:11 31165:20 31122:21 3121:41:11 311157:20 3118:10 31163:22 3110:10 </td <td></td> <td></td> <td></td> <td></td> <td></td>					
overflow 31180:7.10 31166:20 31167:2.3,5 31176:20 31167:2.3,5 31176:20 31167:2.3,5 3119:22 311208:1 3119:22 311208:1 31225:13 31226:15 31166:4.10 31175:17 31161:2.10 31175:17 31161:2.10 3117:2.3 3119:2.2 3119:5.3 3119:2.2 3119:5.3 3119:2.3 3119:2.2 3119:5.3 3119:2.3 3119:2.2 3119:5.1 3119:2.3 3119:2.2 3119:5.1 3119:2.3 3119:2.2 3119:5.1 3119:2.3 3119:2.2 3119:5.1 3119:2.3 3119:2.2 3119:2.3 3119:2.2 3119:2.3 3119:2.2 3119:2.3 3			-	-	
o'elock 31171:24 31167:6 31168:16,182 311912 31209:2 31210:8 31194:2 31195:16 31225:12 31226:15 31168:16,182 31147:6,7 31143:25 31121:22 31197:5 31198.8,12 p 31176:2,4,0.21 31167:6,34,4,0.21 31197:2,0 31197:2,0 31215:22 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3120:2,0.5,21 3121:1,120:5,21 3120:2,0.5,21 3120:4,1.5,5 3120:2,0.5,21 3121:1,120:5,3120:2,0.0 31132:2,2.2,3120:6,1.5 3115:2,2.3,212:6,1.6 3115:2,2.3,212:6,1.6 3115:2,2.3,212:6,1.0 3115:2,2.3,212:6,1.0 3115:2,2.3,212:6,1.0 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,3116:1,0 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,3116:1,0 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2.4,1.6,2.1 3115:2,2.3,2.2,2					
31225:13 31168:16.18.25 311427: 31143:25 31211:21.23 31197:5 31197:5 jpace 31169:41.03 31175:17 31197:18.20 31121:22.53 3121:23 31197:53 31198:61 jpace 31168:15 31168:10 31178:20 31167:33 31198:10 31172:23 31197:53 31198:10 31172:23 31173:23 31197:53 31198:10 31172:23 31174:53 31198:25 31171:20 31107:53 31198:25 31171:20 31107:53 31197:53 31197:53 31197:53 31197:53 31197:53 31197:53 31197:53 31197:53 31197:12 31197:12 31169:13 31107:41 31197:23 31197:41 31197:23 31197:41 31197:23 31197:41 31197:23 31197:41					
31227:24 31169:4,10,31175:17 31159:18,20,31162:7 3123:9,10,12.25 31199:6,31200:6,25 pace 31182:12 31176:3,6,12 31163:11,31170:11 31163:11,31170:11 3120:14.3120:5,21 3120:14.3120:5,21 pace 31182:12 31188:7.9 31123:33120:47,23 31188:5.9 3121:32,3121:6:19 3121:32,3121:6:19 31189:20,31190:6 31221:32,3121:6:2,14,16.21 pink 31198:7.9 3121:23,24,31178:3 31164:9 3120:14.3120:2:13 31199:20,31190:6 31221:32,3141:13 31162:3 pise 31169:2 31161:2 31169:2.2,24,31178:3 31164:9 31225:17 31164:9 31225:17 31164:9 31225:17 31164:9 31225:17 31164:9 31226:17.20 31164:9 31226:17.20 31164:9 31226:17.23 31164:9 31226:17.23 31164:9 31226:17.23 31164:19 31164:19 31226:17.23 31164:19 31226:17.23 31164:19 31226:17.23 31164:12 31226:17.23 31164:12 31226:17.23 31164:12 31226:17.23 31165:15 31226:17.23 31165:15 31226:17.23 31165:16 31226:17.23		· · · · · · · · · · · · · · · · · · ·			
$ \begin{array}{ c c c c c c c c c c c c c c c c c c c$					
P 31178:20 31179:8 31163:11 31170:11 policemen 31173:21 31203:23120:5,21 page 31164:25 31165:7 31193:17.18 31193:17.18 31219:3129:20 31163:19 31186:15 31203:13 3120:47,23 pink 31198:12.1 31219:322,24 31205:3165:7 3121:9:3129:20 31189:20 31190:6 3121:23 3121:66.8 pink 31198:10:717 31172:32,24 31178:3 31204:322.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43 31204:323.43	51227.24			· · · ·	
pace 31182:12 31180:10 31184:9 31170:13,18,24 31201:3 3120:21 jage 31164:25 31165:7 31193:17,18 31170:13,18,24 3121:4 31214:3 1212:20 jage 31164:25 31165:7 31193:17,18 31170:13,18,24 3121:4 31214:3 1212:20 jage 31164:25 31165:7 31193:2047,22 jinkish 31177:17 31172:23,24 3114:19 3105:73 31185:17 jallog 43 1192:6,1197:10,11 jallog 43 1192:02 jpericardium 3116:53 jpies 31169:20 jpistish 31209:17,20,20 31164:93 13225:17 31164:93 13225:17 jallog 43 1197:10,11 jallog 43 1144:22 jallog 43 1146:25 jallog 43 11209:17,20,20 31164:93 13209:17,20,20 31164:93 13225:17 31164:93 13226:17 jallog 43 1148:19 31165:15 31164:12 311322:5 31164:93 1225:17,23 jallog 43 1148:19 31165:15 31164:12 31132:25 31164:93 1225:17,23 jallog 43 1149:18 jallog 43 1149:18 jallog 43 1172:23 jallog 43 1172:23 jallog 43 1172:23 jallog 43 1179:14 jallog 43 1179:12	P				
page 31164:25 31165:7 31193171.718 31171.47 31211.4 31214:6. proceeded 31145:5 3116519 31186.15 31203:13 31204:7.23 pinkish 31197:171 31172.23,24 31178:3 31202:73 21216:19 311892.0 31190:16 31221:73 2126:19 pinkish 31177:17 31172:23,24 31178:3 31164:9 31225:17 31192.6 31197:10 pericardium 31165:3 pipe 31169:20 pistol 31200:17.20,20 31143:13 1171:47 31164:9 31225:17 31197:12 31164:2 31147:91,12 31164:25 pistols 31209:18 31157:43 31164:19 proceed 31149:8 31211:12,12,12,13,16,17 place 31143:24 31166:19 31175:0 31169:19 31172.02 31169:19 31172.02 31225:17,23 31211:12,13,19 31148:22 31147:10:18 31122:13 31224:12 31124:11 31226:10 propert 31226:10 31211:12,13,19 31148:19 31151:15 31149:18 31190:22 3120:15 31169:12 31224:21 312:23 122:17 protester 3119:21.73 31226:10 31184:13 18:19 3120:12 31184:13 18:19 3120:15 3120:12 3122:23 120:15 31169:22 3119:23 31184:118 31199:23 3119:15 31192:12:33 1217:1					
31165:19 31186:15 31203:13 312047,23 pink 31198:35 portion 31146:9 31205:7 31216:19 31187:3 31188:7.9 31213:23 31216.6.8 pink 31197:17 31197:23 31203:21 31164:19 31192:6 31193:22,24 pericad 31141:13 pipe 3116920 31197:23 31203:21 pipe 3116920 postion 31142:6 proceedings 31141:13 31196:4 31197:12 pericad 31141:13 si166:5 31167:16 si166:5 31167:16 proceed 31172:20 31196:4 31210:13 31147:9,12,18 31145:13 31152:5 31163:173:31184:19 31168:19 31175:4,21 3122:6:10 31195:73 31185:24 31171:23 31185:16 31163:12 31161:22 31182:23 31197:4,21 3122:6:10 31195:73 31185:14 31162:23 31197:24 31171:23 31185:16 31185:23 31197:24 31172:23 3118:74 31147:5:13 31195:73 31191:14 31171:23 31185:16 31161:22 31182:23 31187:54 3120:15 31163:22 3117:24 3120:15 31195:73 31192:43 31167:7 31198:42 31192:43 31182:23 31171:20 3122:26:10 3120:12:23:1318:13 3120:12:23:1318:13 3120:12:23:1318:13 3120:12:23:1312:25:23:17 3120:12:23:1312:23:122:23:122:12					
31187:3 31188:7.9 31213:23 31216:6.8 pinkish 31177:17 31172:23 24178:3 proceedings 31141:1 31192:6 31192:6 31192:6,11 pericardium 31165:3 pipe 31174:13 31197:23 31203:21 proceedings 31141:1 31196:6 31197:10,11 pericardium 31165:3 pipe 31169:20 position 31142:6 31147:91:22:17 proceedings 31141:1 31197:12 paito 31144:22 31167:20 31147:91:22:17 proceedings 31147:23 pangs 31196:6 perico 31146:25 siltole 31160:20 31147:91:22:17 proceedings 31167:16 pangs 31157:3 31147:91:12,18 31147:91:31:25:3 31166:19 31177:20 31181:6 propert 31226:10 31195:10 31210:13 31148:12 311815:2 31148:12 31184:19 31197:20 31181:6 31195:10 31210:13 31148:123 31182:16 31149:13 31149:12 31122:12:12 3120:12:13 31195:10 31210:13 31145:12 31149:13 31149:13 3112:2:312:12:13 3122:12:13 3122:12:13:12:32 3120:12:13:12:32 3120:12:13:12:31:12:13 3120:12:13:12:31:12:13 3120:12:13:12:31:12:13:12:13:13:12:13 3120:12:13:12:13:12:13:13:13:14:13:13:19:12:13:13:13:13:13:13:13:13:13:13:13:13:13:			· · · · · · · · · · · · · · · · · · ·		· ·
31189:20 31129:25 31129:22 31164:9 312225:17 31197:12 pericardium 31165:3 pistol 31209:17,0,0,0 31143:1 31157:4 31163:3 910eced 31149:12 31197:12 31166:20 3122:21 31214:11 31157:4 31157:4 31167:4 910eced 31149:8 pages 31196:4 person 31146:25 pistols 31209:18 31157:4 31167:4 31167:4 910eced 31149:19 jangas 31157:3 31144:22 31144:19 31145:13 31162:19 property 31225:17,23 jangas 31157:3 31148:19 31145:14 31165:24 31168:19 9177:24 jangas 31155:24 31161:15 31149:13 31120:16,3 31185:22 3119:217 jangas 31157:4 31185:18 31185:12,3 31164:13 31202:1,22 31201:25 31226:10 protesters 31195:23 jangas 3116:27 31198:42,22,3 31161:22 31120:15,3117:20 3122:26:10 s1192:22 31195:3 jangas 3116:74 31199:14,210:20 3118:25,3117:20 3122:61:0 3118:22 310:27 jararedice 31162:24					
31192:6 31193:22,24 pericardium 31165:3 pipes 31169:20 position 31142:6 proceeds 31171:20 31196:4 31197:10,11 period 31141:13 31160:20 31121:21 31214:11 31153:9,20 31155:13 produced 31149:8 jama 31144:22 31147:91,218 31121:21 31214:11 31165:531167:16 proper 31226:10 proper 31226:10 jama 31144:22 31148:19 31151:5 31166:531167:16 proper 31226:10 jance 31146:19 jance 31146:19 jance 31146:19 jance 31146:19 jance 31146:19 jance 31160:20 jance 31160:10 jance 31149:13 jance 31160:10 jance 31148:10 jance 31160:10 jance 31148:10 jance 31160:10 jance 31149:13 jance 31160:10 jance 31149:13 jance 31140:12 jance 311414:12 jance 311414:12 jance 31142:12 jance 31142:12 jance 311412:12 jance 31142:12 jance 31142:					
31197:12 31160:20 31212:21 31214:11 31153:29.20 31155:13 pronunciation 31160:5 pages 31196:4 person 31146:25 jistols 3120:18 31157:4 31164:19 jpropert 31226:10 pang 31144:22 31144:21,21,31,61.7 place 3143;24 31165:19 31175:4,21 31226:4,10 j1195:10 31210:13 31148:19 31151:15 31169:19 31216:3 31182:2 31181:6 propert 31225:17,23 j226:4,10 31152:5 31169:10 31162:3 31182:2 31181:6 protected 31178:13 jatagraph 31165:7 31185:16 j1141:13 31148:19 31185:22 3119:12.7 jprotesters 31155:14 j3123:6 31217:18 31186:25 31190:7,8 jatas 31152:5 31171:20 3120:4,8 3120:15 31199:22 3120:125 paragraph 31165:7 31199:14 3120:0:6,10 31180:63 31182:9,20 31142:15 31142:16 part 31147:6,17 31199:14 3120:0:6,10 31186:3 31188:3 31181:13 1175:10 31122:0:6,10 jatks:13 31157:10 31169:6,14 31190:24 31191:23 31181:19 3109:22 31142:16 jatks:13 31157:10 31169:6,14 31190:24 31191:23 31181:19 3100:14:15 31142:10					
pages 31196.4 person 31146:25 pistols 31209:18 31157:3 31157:3 31148:22,13,16,17 3124:22 proper 31226:10 ang 31157:3 31148:21,21,31,6,17 31148:22,13,16,17 31168:19 31157:4,21 31168:19 31157:4,21 31126:3,31157:2,21 31126:3,31157:2,21 31168:19 31157:2,421 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31126:3,31157:2,21 31127:13 protester 31192:17 s1194:2,3 2116:5,31171:20 31202:12,20 21225:17 s1194:2,3 31157:5 s1194:2,3 31124:25 31202:1,2 20 1225:17 protester 31192:17 paramedics 31162:24 31198:1,4 31200:23 31144:1,3 3135 31124:2,3 20:22:17 31124:2,3 20:22:17 s1124:23					
pain 31144:22 31147:9,12,18 31214:7,15 31165:15 31165:15 property 31225:17,23 janga 31157:3 31148:2,12,13,16,17 jace 31143:24 31168:19 31175:4,21 3126:4,10 jalips:10 31210:13 31148:12,3 31152:5 31148:19 31185:16 31148:19 3118:22 31184:7 jarpopos 31179:24 janga 31155:24 31171:23 31185:16 jant 31149:13 31202:1,22 3120:125 jarpotester 31155:14 jarpars 3120:7 31193:14,5,6,25 plats 31149:13 31202:1,22 3120:4,25 31207:5 jarragraph 31165:7 31199:14,31220:6,10 j1172:03 31182:2,31171:20 31202:1,22 3120:4,25 31207:5 jart 31147:6,17 jaros 31162:24 31199:14,31200:6,10 31179:20 31182:9,20 31202:16 31162:27 jart 31147:6,17 jaros 3116:12 31192:04,31191:23 31181:19 31209:9,20 31148:53 31153:25 jart 31147:6,17 jaros 31141:11 31192:04 31109:2 31181:414:53 3153:14 jprovide 31142:16 jart 3143:15:15 31161:14 31155:15 jaros 31141:13 31195:17 31198:13 jaros 31166:6 31177:8 31186:12 jart 3120:16 31153:11 31166:6 31177:8 31182	31197:12	31160:20		31153:9,20 31155:13	pronunciation 31160:5
pang31157:331148:2,12,13,16,17place31143:2431168:1931175:4,213126:4,1031195:1031148:1931151:1531145:1331152:531177:2031184:731197:24pangas31155:2431151:1531145:1331145:1331182:231191:5131182:2331197:12031182:2331192:1431195:731211:131185:1831185:6231149:1831199:2231201:2531192:1531192:1231142:1531142:16part31147:61731169:12,1831199:1231181:1231181:1331181:1331181:14:1331192:1431142:1631142:1631142:1631142:1631142:1631142:1631142:1531142:1631142:1531142:1631142:1631142:1631142:1631142:1631142:1531142:1631		person 31146:25	pistols 31209:18	31157:4 31164:19	
3195:10 31210:13 31148:19 31151:15 3115:14 31148:19 31151:15 31160:15.22 31147:123 31185:16 31160:19 31216:3 31160:19 31216:3 31160:19 31216:3 31160:19 31216:3 31192:12 31185:23 31177:20 31181:6 31182:2 31181:7 31182:2 31191:51 31182:2 31191:51 31192:2 31201:25 propose 3179:24 protected 31173:13 31182:2 31182:2 31181:7 31182:2 31191:51 31192:2 31201:25 pargas 3155:14 31195:17 31198:12,20;7 paragraph 31165:7 partagraph 31165:7 31198:15,16 31198:15,26,25 31199:14 31200:23 31199:12 3120:1,22 31204:25 31192:20 31225:17 31192:12 31195:13 31192:20 31122:20 31225:17 part 31148:1,7 31155:15 31163:23 31169:6,14 31199:20 31182:9,20 31192:20 31182:9,20 31152:10 31186:3 31188:3 31158:11 31169:6,14 31199:23 31169:19 31192:20 31182:9,20 31155:15 31168:20 31156:12 31155:15 31168:3,5 31169:6,14 31199:23 31188:3 31199:6 31201:1,15 31158:11 31169:6,14 31177:5 31179:10 31177:5 31179:10 31177:5 31179:10 31142:10,18 31143:7 31166:12 31165:12,0 31162:12 31165:12,0 31162:12 participated 31166:6 31212:1 31213:9 31222:13 3122:16 31223:8,12 31160:14,17 31182:19,22 31180:13,1618 31160:4,4,13 31180:12,22 31177:2 31184:2,3 3119:7:3 3120:16 31122:14 31225:0 3122:15 31223:8,12 31183:13 3167:19 31183:24 31185:14 31160:4,4,13 31160:4,4,13 31160:4,4,13 31177:3 1188:2,0 3119:7:3 31120:16 31124:25 31223:12 31183:19 31182:19,31 <td< td=""><td></td><td></td><td></td><td></td><td></td></td<>					
31211:12,18,19 31156:15,22 31169:19 31216:3 31182:2 31184:7 protected 31178:13 31193:31211:1 311155:16 31185:16 31185:2 31191:5,19 protester 31155:14 31213:6 31217:18 31186:25 31190:7,8 31186:25 31190:7,8 31193:4,22,23 31161:22 31192:42 3120:5 31192:42 31195:3 paragraph 3165:7 31199:14 31200:23 31161:22 31121:20 3125:17 protester 31203:7 paragraph 3165:7 31199:14 31200:11 31120:11 31220:6,10 31179:20 31182:9,20 3122:20 3125:17 protocol 31141:21 parting 31155:15 31169:17,18 31190:24 31191:23 31181:19 31209:9,20 31148:5 31155:14 31155:16 31169:17,18 31193:11 31194:2 31161:120 provide 31142:16 31155:17 31169:17,18 31190:24 31191:23 31181:19 31209:9,20 31148:5 31155:14 31165:17.17 31148:17 31190:24 31191:23 31181:19 31209:9,20 31148:5 31155:14 31165:17.17 31148:16 31153:10 3120:14 31203:3 postpone 31165:10 publicing 31158:17 31165:17 31168:16 31158:11 3116			-		
pangas 31155:2431171:23 31185:16plant 31148:1931185:22 31191:5,19protester 31192:1731195:7 31211:131186:52 31190'7.831149:1831192:12 31201:2531194:22 31155:14312316 31207:1531193:4,22,2331161:223120:4,253120:123120:4,25paragraph 31165:731198:1,5,6,25plats 31152:5 31171:203122:20 31225:17protestors 31203:7parting 31151:1431201:11 31220:6,1031179:20 31182:9,2031185:13 31165:2protectors 31142:16part 31147:6,17personnel 31155:1031166:3 31188:331188:13 31155:14protocols 31142:331155:14 31165:24 31157:5,831169:6,1431193:11 31194:2313181:19 31209:9,02031148:5 31155:1431167:17 31173:1731148:1,6 31153:1031202:14 31203:3posta1160:6 31164:15publicked 31179:2431167:17 31173:1731148:1,6 31153:1031202:14 31203:3posteriorly 31165:10publicked 31179:2431167:17 31173:1731148:1,6 31153:1031202:14 31203:3posteriorly 31165:10publicked 31179:2431167:17 31173:1731148:1,6 31153:1031166:2431177:8 31186:12posteriorly 31165:10publich 31179:2431167:17 31162:1531212:1 31213:931166:2431177:8 31186:1231160:4,4,1331174:24 31205:25particular 3162:1531227:631148:3 231167:1931124:25 3124:25 31227:931174:24 31205:2531142:25 31124:25 31227:9particular 3162:1531227:631142:13 31187:331180:4,4,1331179:231188:73 31189:20parteis 3126:1931142:					
31195:7 31211:1 31185:18 31186:5,23 31149:18 31199:22 31201:25 protesters 31155:14 31221:20:7 31193:4,22,23 31192:23 3120:25 31202:1,22 31204:25 31202:5 paragraph 31165:7 31198:1,5,6,25 3119:22 31174:4,25 31202:0,4,8 31210:15 31207:5 parking 31151:14 31201:11 31220:6,10 31179:20 31182:9,20 3122:20 31225:17 protestors 31203:7 part 3147:6,17 personal 31155:10 31166:3,5 31169:6,14 31190:24 31191:23 31181:19 31209:9,20 31185:11 31175:10 31165:24 31157:5,8 31169:7,1,8 31199:6 31201:1,15 31202:14 31203:3 provide 31142:16 31167:17 31173:17 31148:1,6 31153:10 31199:6 31201:1,15 31165:1,20 31185:17 31167:17 31173:17 31166:6 31177:8 31186:12 31165:1,20 31180:4 31177:8 31186:12 31163:23 31167:19 31162:23 31167:19 31168:23 31167:19 31178:23 31227:6 31172:2 31174:4,4,7 31168:24 31187:16 31142:5 31143:1,21 31186:14 31166:6 31122:16 31223:16 31183:24 31184:1,3 31169:1,2 31165:1,9 31178:23 31157:14 31226:24 31168:13 311818:3,9 31182:9,1 3		-			
31213:631186:2531190:7,8plants31149:1331202:1,2231194:2231195:3paragraph31165:731193:4,22,2331161:2231202:4,831202:4,103122:4,103124:4,103124:4,1031142:331148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,114:1,231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:5,1231148:1,1331142:1,2131141:4,1231142:1,21<					^
papers 31220:7 31193:4,22,23 31161:22 31209:4,8 31210:15 31207:5 paragraph 31165:7 31198:1,5,6,25 Plats 31152:5 31171:20 3122:0 31225:17 protestors 31203:7 parking 31151:14 31201:11 31220:6,10 31179:20 31182:9,20 31186:3 31188:3 31158:11 31175:10 protocol 31141:21 att 48:1,7 31155:15 31169:17,18 31193:11 31194:2 31158:11 31175:10 31148:5 31155:14 31157:10 31158:1,1 persons 31141:11 31199:17 31198:13 31161:20 31148:5 31155:14 31167:15 31169:17,18 31199:13 3109:14 31200:9,20 31180:4 31181:19 31209:9,20 31181:15 3120:41312:44 31167:15 31142:10,18 31143:7 31199:13 31198:13 31165:12,00 31180:4 31180:4 31177:5 31179:10 31153:21 31157:5 played 31169:24 31163:23 31167:19 post 5000:01141:010 published 31179:24 31102:13 31161:22 31163:23 31167:19 pstepone 31225:2 published 31165:12,13 31193:13 31215:14 31226:24 31168:6 31170:8 31124:25 31227:9 putlist2:31143:1215 31179:21 31152:14 31226:24					-
paragraph 31165:7 paramedics 31162:2431198:1,5,6,25 alige 1431200:23Plats 31152:5 31171:20 play 31174:4,2531212:0 31225:17 31226:10protestors 31203:7 protocol 31141:21parking 31151:14 parking 31151:1431201:11 31220:6,1031179:20 31182:9,2031226:10protocol 31141:2131147:6,17 31148:1,7 31155:1531168:3,5 31169:6,1431190:24 31191:2331158:11 31175:1031158:11 31175:1031156:24 31157:5,8 31155:2031169:17,1831199:6 31201:1,1531160:6 31164:15ypoticed 31155:1431156:2031142:10,18 31143:731199:6 31201:1,1531165:1,20ypoticed 31158:1731167:17 31173:1731148:1,6 31153:1031202:14 31203:3ypostponementypublicked 31179:2431177:5 31179:1031153:11 31166:631167:7 31168:20plazed 31169:24ypustpone 31225:2ypublished 31179:2431177:5 31179:1031162:12 131213:931163:23 31167:19ypustpone 31225:2ypustpone 3125:25yput 31142:5 3124:1531177:8 31178:2331227:631172:2 31174:4,47yremises 31149:531160:4,41331160:431125:14 31215:1031182:19,2531171:10 31177:331188:2231186:1531222:15 31223:8,1231183:24 31184:2431171:10 31177:331188:7331196:7 31197:9plaze31148:2131190:23 31191:2,10yresentd 31221:731188:7331186:313126:63 31142:1331182:4231171:10 31177:331188:7331186:431222:15 31223:8,1231183:14 31185:1431179:9 31183:13yresentd 31221:731186:43		,			
paramedics 31162:2431199:14 31200:23play 31174:4,2531226:10protocol 31141:21park 31147:6,1731201:11 31220:6,1031179:20 31182:9,20possession 31156:2protocol 31141:21park 31147:6,17personnel 31155:1031186:3,3 31188:331158:11 31175:1031148:5 31155:1431148:1,7 31155:1531169:6,1431190:24 31191:23311212:4,10 31214:4provide 31142:331155:14s1155:1531169:7,1831193:11 31194:2311212:4,10 31214:4provide 31153:2531157:10 31158:1,1persons 31141:1131192:12 121:1,31s1165:1,20publick 31179:2431167:17 31173:1731148:1,6 31157:5played 31169:24postpone 31225:2publick 31179:2431177:5 31179:1031153:21 31157:5played 31169:24postpone 31225:2publick 31165:12,1331109:1,3 31200:1631167:17 31168:20plaxes 31141:3 31158:731242:23 31226:531174:24 31205:25articular 31162:1531212:1 3123:931163:23 31167:19prepared 31159:1531174:24 31205:25articular 31162:1531227:631172:2 31174:4,4,7prepared 31159:1531174:24 31205:25articular 31169:431222:15 31223:8,1231180:13,16,1831160:4,4,1331179:231196:7 31197:931182:14,1731182:19,25present 31170:1431188:73 31189:2031196:7 31197:931223:14,22 31224:231184:11 31185:1431179:9 31183:1331196:7 31197:931223:14,22 31224:231184:11 31185:1431179:9 31183:1331196:7 31197:931223:14,22 31224:231182:12,1					
parking 31151:14 part 31147:6,1731201:11 31220:6,10 personnel 31155:1031179:20 31182:9,20 31186:3 31188:3possession 31156:2 31188:11 31175:10protocols 31142:3 provide 31142:1631148:1,7 31155:1531168:3,5 31169:6,1431190:24 31191:2331181:19 31209:9,2031148:5 31155:1431157:10 31158:1,131169:17,1831195:17 31198:13311212:4,10 31214:4provide 31152:2531157:10 31158:1,131142:10,18 31143:1731199:6 31201:1,1531160:6 31164:15published 31179:2431162:18 31165:2031148:1,6 31157:5played 31169:24postporeinly 31165:1.0posteriorly 31165:1.031177:5 31179:1031158:11 31166:631177:8 31186:12postporementpublished 31179:2431170:13 3120:1631167:17 31168:20played 31169:24postporement31174:25 3124:25particular 31166:631212:1 31213:931166:13 1170:831224:23 3126:5put 31142:5 31143:1,21particular 31166:631212:1 3123:931160:13,16,1831160:4,4,1331178:2331227:631180:13,16,1831160:4,4,1331156:14 31226:1931152:14 31226:2431180:13,16,1831160:4,4,1331196:7 31197:931125:14,31215:1031182:4 31184:2,431171:10 31177:331196:7 31197:931222:15 31223:8,1231184:11 31185:1431179:9 31183:1331196:7 31197:931223:14,22 3124:231187:3 31192:031196:7 31197:931223:14,22 3124:231184:13 31185:1431196:7 31197:931222:15 31223:8,1231184:13 31185:1431196:243125:6 31214:8 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
part 31147:6,17 31148:1,7 31155:15personnel 31155:10 31168:3,5 31169:6,1431186:3 31188:3 31190:24 31191:23 31190:24 31191:2331158:11 31175:10 31181:19 31209:9,20 31212:4,10 31214:4 provide 31142:15provide 31142:16 31148:5 31155:1431156:24 31157:58 31167:17 31178:17 31162:18 31165:20 31148:1,6 31153:1031190:24 31191:23 31192:1 31192:6 31201:1,15 31202:14 31203:3 played 31169:2431190:24 31191:23 31202:14 31203:3 played 31169:2431158:11 31175:10 31105:1,031148:5 31155:14 31105:1031177:5 31179:10 31153:21 31157:531148:1,6 31153:10 31167:17 31168:20 31167:17 31168:20 played 31169:2431160:24 31202:14 31203:3 played 31169:24post 31160:6 31164:15 yublished 31179:24 31222:1531167:17 31168:20 31163:23 31167:19participated 31166:6 31121:1 31215:14 31226:24 31178:2331168:6 31170:8 31180:13,16,18 31180:13,16,18 31180:14,1731180:13,16,18 31180:13,16,18 31182:19,2531180:13,16,18 31182:19,2531160:4,4,13 31188:22participated 31169:4 31227:21 passed 31169:431125:13 31223:8,12 31125:14 31215:10 31122:15 31223:8,1231182:14,31182:14 31182:19,2531170:14 31181:39 31182:9,11 31182:14 31195:15QGIRANA 31160:25 31177:2passed 31165:12 passed 31165:1231227:6 31223:14,22 31224:231187:73 31182:14 31182:14 31185:1431170:14 31177:3QQ2 31186:13 31187:3 31179:2gassed 31165:12 passed 31165:1231222:15 31223:8,12 31197:231182:14 31182:13 31196:431190:23 31191:2,10 31192:231186:13 31187:3 31196:431182:11 31184:2 31182:11 31184:2 31184:13<					-
31148:1,7 31155:1531168:3,5 31169:6,1431190:24 31191:2331181:19 31209:9,2031148:5 31155:1431156:24 31157:5,831169:17,1831193:11 31194:231212:4,10 31214:4provided 31153:2531157:10 31158:1,131142:10,18 31143:731190:24 31191:2331212:4,10 31214:4provided 31153:2531167:17 31173:1731148:1,6 31153:1031195:17 31196:3 1201:1,1531165:1,20postpone 31225:2published 31165:1,2031177:5 31179:1031153:21 31157:531167:17 31168:20played 31169:24postpone 31225:2pulls 31214:15participated 31166:631212:1 31213:931168:6 31170:83122:3 31157:19presises 31149:5guad 31162:4 31205:25particular 31162:1531227:631150:14,1731180:13,6,1831180:13,9 31182:9,1131188:22guad 31160:4,4,1331196:7 31197:931223:14,22 31224:231183:24 31184:2,431171:10 31177:331188:20gassed 31165:1231223:14,22 31223:8,1231183:24 31182:431171:10 31177:331186:13 31187:331196:7 31197:931223:14,22 31224:231183:24 31182:431171:10 31177:331186:13 31187:331196:7 31197:931223:14,22 31224:231187:7 31188:25gresent 31170:1431188:7 31189:2031182:11 31184:1231205:6 31214:831191:13,22 31192:1gresent 31170:1931188:7 31189:2031182:11 31184:431205:6 31214:831191:13,22 31192:1gresent 31170:1931192:2 31196:431193:11,14,1531222:1731192:2,1731192:2,1731192:231192:631193:14 31184:4<				-	
31156:24 31157:5,8 31157:10 31158:1,1 31162:18 31165:2031169:17,18 31142:10,18 31143:731193:11 31194:2 31199:6 3120:11,15 31199:6 3120:11,15 31165:12,031212:4,10 31214:4 post 31160:6 31164:15 31165:10,0provided 31153:25 publicly 31158:17 publicly 31158:17 publicly 31158:17 publicly 31157:531167:17 31173:17 31148:1,6 31157:5 31193:8 31200:16 31152:13 3120:1631157:5 31158:11 31166:6 31157:17 31168:2031202:14 31203:3 played 31169:24 31165:23 31157:5postpone 31225:2 postpone 31225:2published 31179:24 31122:13participated 31166:6 31212:1 31213:931163:23 31167:19 31163:23 31167:19postpone 31225:2 postponement 31163:23 31167:19published 31179:24 31122:23 3126:5particular 31162:15 31178:2331227:6 31172:2 31174:4,47 31182:14 31225:1031182:19,25 31182:431184:24 31182:19,2531160:4,4,13 31182:19,25 31183:24 31184:24 31171:10 31177:3 31182:13 31196:7 31197:931223:14,22 31224:2 31124:22 31224:231183:43 31184:2,4 31190:23 31191:2,10 31182:14 31185:14 31190:23 31191:2,103119:13,22 31192:1 31192:23 31191:2,10passed 31165:21 passed 31165:21 passed 31165:21 passed 31165:21 passed 31165:21 passed 31165:21 passed 31182:43 31184:24 31192:43 31192:7331223:14,22 31224:2 31190:23 31191:2,10 31192:23 31191:2,103119:13,22 31192:1 31192:23 31192:10 31192:23 31192:10 31192:22 31196:431191:22 31192:1 31192:22 31196:4 31197:1231192:23 31197:17 31192:21 31192:2431182:14 31186:42 31192:21731223:14,22 31122:7 31192:2031197:5,20 31198:8 31197:52,00 31198:831197:52 31192:1231197:52 					
31157:10 31158:1,1 31162:18 31165:20persons 31141:1131195:17 31198:13 31192:6 31201:1,15post 31160:6 31164:15 31165:1,20 postponemtpublicly 31158:17 published 31179:24 31180:431177:5 31179:1031153:1 31166:631202:14 31203:3 1153:1 31166:6postponemet 31177:8 31186:12 postponemetpostponemet 31224:23 31226:5julk 31214:15 pulk 31214:1531177:5 31179:1031158:11 31166:631167:17 31168:20 31167:17 31168:20played 31169:24 played 31169:24postponemet 31224:23 31226:5julk 3124:15 putk 31142:5 31143:1,21participated 31166:631212:1 31213:9 31227:631168:6 31170:8 31172:2 31174:4,4,7merises 31149:5 prepared 31159:15julk 31142:5 3124:25 31227:9 putk 31142:5 31227:9julk 31125:14 31226:1931150:14,17 31182:19,2531180:13,16,18 31180:13,16,1831180:4 putk 31160:4,4,13 31188:22julk 31159:1531222:15 31223:8,12 31125:14 31215:1031182:19,25 31182:14 31184:2431179:9 31183:13 present 31170:14 31182:19,25julk 31169:25 31177:13julk 31197:931223:14,22 31224:2 31182:14 31184:2431179:9 31183:13 31190:23 31191:2,10julk 31135:14 31190:23 31191:2,10julk 3118:31 31196:7 31197:931223:14,22 31224:2 31182:11 31184:231190:23 31191:2,10 31192:2,17julk 31143:15 presume 31197:17 previously 31170:19julk 3118:41 31190:4 31191:2,13 31190:4 31192:2131194:2,4 31196:25 31199:2,1331194:2,4 31196:25 31199:2,1331194:2,4 31196:25 31192:2,15julk 3118:42 31190:4 31194:431171:15,22 31172:331194:2,4 31196:25 3	,				
31162:18 31165:20 31142:10,18 31143:731199:6 31201:1,15 31202:14 31203:331165:1,20 posteriorly 31165:10 postponementpublished 31179:24 31180:1231177:5 31179:1031153:21 31157:5 31193:8 31200:1631153:21 31157:5 31153:21 31157:5played 31169:24 played 31169:24postpone 31225:2 postponementpublished 31179:24 31122:1331199:6 3120:1631153:21 31157:5 31193:8 31200:1631153:21 31166:6 31167:17 31168:20 31166:631177:8 31186:12 played 31169:24postponement 3122:23 31226:5putlis 31214:15 put 31142:5 31142:5 31142:5particular 31162:1531215:14 31226:24 31227:631168:6 31170:8 31172:2 31174:4,4,7memises 31149:5 prepared 31159:15 31227:2131150:14,17 31180:14,1731180:13,16,18 31180:13,16,1831160:4,4,13 31188:29,11 31188:2231196:7 31197:931122:15 31223:8,12 31223:14,22 31224:231183:24 31184:2,4 31183:24 31184:2,431179:9 31183:13 present 31170:14 31179:9 31183:13 present 31170:14QC31196:7 31197:931223:14,22 31224:2 3123:14,22 31224:231187:7 31188:2,5 31190:23 31191:2,10mesently 31143:15 31179:9 31183:13 presumed 31167:1731182:11 31184:2 31182:11 31184:231205:6 31214:8 31205:6 31214:831191:13,22 31192:17 31193:11,41,1531192:20 31179:1231182:11 31186:4 31190:4 31191:2,1331191:1,16,21 31192:231192:20 31192:1231192:26 31192:26 31192:2631190:4 31191:2,13 31193:14 31186:4 31193:14 31194:431171:15,22 31172:331198:12,15 31199:631179:21 31179:12Q21 31192:6 quarter 31224:14 q				· · · · · · · · · · · · · · · · · · ·	
31167:17 31173:17 31173:1731148:1,6 31153:10 31153:21 31157:5 31153:21 31157:5 31193:8 31200:16 31209:1,3 31210:16 participated 31166:6 31212:1 31213:9 31163:23 31167:19 31125:14 31226:24 31163:23 31167:19 articularly 31227:1 particularly 31227:1 parties 31226:19 31150:14,1731120:14 31226:24 31152:14 31226:24 31163:23 31167:19 31172:2 31174:44,7 31181:3,9 31182:9,11 31182:19,25posteriorly 31165:10 postpone 31129:15 presised 31160:4,4,13 31188:2231180:4 pulls 31214:15 punctured 31165:12,13 put 31142:5 31143:1,21 31174:24 31205:25 31214:25 31227:9 put 31142:5 31227:931120:121 particularly 31227:1 parties 31226:19 31150:14,1731180:13,16,18 31182:19,25 31182:19,2531160:4,4,13 31188:2231160:4,4,13 31188:2231196:7 31197:9 pause 31186:1531222:15 31223:8,12 31223:14,22 31224:231183:24 31184:2,4 31191:3,22 31191:2,1031177:3 31182:10 31182:11 31188:14 31191:13,22 31191:2,1031177:3 31187:3 31193:12,13 31187:3 31192:1231196:7 31197:9 assage 31186:1531222:15 31223:8,12 31122:15 31223:8,12 31182:11 31184:21 31191:13,22 31191:2,1031182:11 31183:13 31191:2,10 31192:11 31184:21 31191:13,22 31191:2,1031171:10 31177:3 31193:12,131184:231190:4 31191:2,13 31182:11 31184:431191:13,22 31191:2,10 31193:11,41.1531191:13,22 31192:1 31193:11,41.1531193:22 31196:4 31197:1231190:4 31191:2,13 31193:14 31194:431171:15,22 31172:331191:12,10 31193:11,41.1531192:10 31193:11,415.1531190:4 31191:2,13 31193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:1231190:		-			
31177:5 31179:1031153:21 31157:5played 31169:24postpone 31225:2pulls 31214:1531193:8 31200:1631158:11 31166:631167:17 31168:2031177:8 31186:12postponement31224:23 31226:5put 31142:5 31143:1,21participated 31166:631212:1 31213:931163:23 31167:1931224:23 31226:5precisely 31211:1631177:24 31205:25particular 31162:1531215:14 31226:2431166:6 31170:8premises 31149:531214:25 31227:9particularly 31227:1phone 31149:831180:13,16,1831160:4,4,13parties 31226:1931152:14 31215:1031182:19,2531180:4,17311927:2131152:14 31215:1031182:19,25present 31170:14passage 31166:531222:15 31223:8,1231183:24 31184:2,431171:10 31177:331196:7 31197:931223:14,22 31224:231187:7 31188:2,5presented 31221.7pause 31181:331205:6 31214:831190:23 31191:2,10present 31197:17pause 31181:331205:6 31214:831191:3,22 31191:2,10presume 31197:1731182:11 31184:231215:7,12,14,16,2131190:23 31191:2,10gresent 31197:1731182:11 31184:23125:7,12,14,16,2131191:2,2031177:2231190:4 31191:2,13photo 31159:231197:5,20 31198:8prior 31145:1531193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12guarter 31224:1431193:12,15 31199:631154:22 31157:12question 31142:17,22		-		<i>,</i>	-
31193:8 31200:16 31209:1,3 31210:1631158:11 31166:6 31167:17 31168:20 31167:17 31168:20 31167:19postponement 31224:23 31226:5 Precisely 31211:16 premises 31149:5 prepared 31159:15 31160:4,4,13 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:4,4,13 31182:19,25 present 31170:14 31182:19,25 present 31170:14 31182:19,25 present 31170:14 31191:2,32,25 present 31170:14 31191:2,10 31182:11 31185:14 31191:2,10 31182:11 31184:2 31192:1 31182:11 31184:2 31191:2,10punctured 31165:12,13 put 31142:5 31143:12,0 31182:12,15 31129:1 31182:12,15 31191:2,103119:7:12 pause 31181:3 31190:4 31191:2,13 31190:4 31191:2,13 31190:4 31191:2,13 31193:14 31194:431171:15,22 31172:3 31197:2231198:12,15 31199:6 31197:5,20 31198:8 31198:12,15 31199:6put31165:12,13 31154:22 31157:123119:4:4 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12quarter 31224:14 question 31142:17,22		·			
31209:1,3 31210:1631167:17 31168:20please 31141:3 31158:731224:23 31226:5put 31142:5 31143:1,21participated 31166:631212:1 31213:931163:23 31167:19Precisely 31211:1631174:24 31205:25particular 31162:1531215:14 31226:2431168:6 31170:8premises 31149:531214:25 31227:9put 31227:131150:14,1731180:13,16,1831160:4,4,13parties 31226:1931150:14,1731181:3,9 31182:9,1131188:22present 31170:1431227:2131152:14 31215:1031182:19,2531188:22present 31170:14passage 31166:1531222:15 31223:8,1231183:24 31184:2,431171:10 31177:331196:7 31197:931223:14,22 31224:231187:7 31188:2,5present 31221:7passed 31165:21phones 31148:2131190:23 31191:2,1031192:17passed 31165:2131205:6 31214:831190:23 31191:2,10gresentd 31221:7passed 31183:331205:6 31244:831191:13,22 31192:131189:12,31192:1gause 31181:331205:6 3124:831190:23 31191:2,1031197:1731182:11 31186:431222:1731192:1gresontd 31170:1931190:4 31191:2,1331222:1731197:5,20 31198:831179:21guarter 31224:1431177:15,22 31172:331198:12,15 31199:631154:22 31157:1231193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12					
participated 31166:6 particular 31162:1531212:1 31213:9 31215:14 31226:2431163:23 31167:19 31163:23 31167:19Precisely 31211:16 premises 31149:5 prepared 31159:1531174:24 31205:25 31214:25 31227:931178:23 particularly 31227:1 parties 31226:19 31227:2131120:14,17 31150:14,1731180:13,16,18 31180:13,16,1831160:4,4,13 31180:29,1131160:4,4,13 31188:2231227:21 pass 31169:4 passage 31186:1531222:15 31223:8,12 31222:15 31223:8,1231182:19,25 31183:24 31184:2,431171:10 31177:3 31171:10 31177:3QGIRANA 31160:25 31179:231196:7 31197:9 passed 31165:21 pause 31181:3 31196:7 31197:931223:14,22 31224:2 31223:14,22 31224:231187:7 31188:2,5 31190:23 31191:2,10 31190:23 31191:2,10presented 31221:7 presented 31221:7 presume 31197:17 31188:7 31189:2031190:23 31191:2,10 31193:12,11 31184:2 31205:6 31214:8 31222:1731193:11,14,15 31193:11,14,15previously 31170:19 31192:1 previously 31170:19QQ21 31192:6 quarrel 31187:16 quarrel 31187:16 quarter 31224:14 question 31142:17,22					-
particular 31162:15 31178:2331215:14 31226:24 31227:631168:6 31170:8 31172:2 31174:4,4,7 31172:2 31174:4,4,7premises 31149:5 prepared 31159:15 31160:4,4,13 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:13,16,18 31180:22premises 31149:5 prepared 31159:15 31160:4,4,13 31188:2231214:25 31227:9 puts 31165:19parties 31226:19 31227:2131150:14,17 31152:14 31215:1031181:3,9 31182:9,11 31182:19,2531160:4,4,13 31182:9,2531160:4,4,13 31188:22pass 31169:4 passage 31186:1531222:15 31223:8,12 31223:14,22 31224:231183:24 31184:2,4 31190:23 31191:2,1031171:10 31177:3 31192:131179:2 9231183:13 9183:1331196:7 31197:9 passed 31165:21 pause 31181:3 31182:11 31184:231205:6 31214:8 31205:6 31214:831191:13,22 31192:1 31193:11,14,15presentd 31221:7 presume 31197:17 31193:12,11 31184:231191:2,00 31192:231185:14 31186:4 31190:4 31191:2,13 31190:4 31191:2,1331222:17 31192:231193:11,14,15 31193:12,15 31199:631179:21 grior 31145:15 31194:22 31157:12QQ21 31192:6 quarrel 31187:16 quarter 31224:14 question 31142:17,22					
31178:2331227:631172:2 31174:4,4,7prepared 31159:15puts 31165:19particularly 31227:1phone 31149:831180:13,16,1831160:4,4,1331188:22puts 31160:4,4,13jarties 31226:1931150:14,1731181:3,9 31182:9,1131188:29,1131188:22QGIRANA 31160:25jass 31169:431215:23,2531183:24 31184:2,431171:10 31177:331179:2jassage 31186:1531222:15 31223:8,1231184:11 31185:1431179:9 31183:13QQ2 31186:13 31187:3jassed 31165:21phones 31148:2131190:23 31191:2,10presented 31221:731188:7 31189:20jause 31181:331205:6 31214:831191:13,22 31192:1jresume 31197:1731193:22 31196:4jause 31181:331205:6 31214:831191:13,22 31192:1jresume 31197:17QQ21 31192:6jause 31181:331205:6 31214:831191:2,1331193:11,14,15jreviously 31170:19QQ21 31192:6jause 3118:1331205:6 31214:831191:15,22 31192:1jrior 31145:15juter 31224:14jause 3118:14 31186:431222:1731193:11,14,15jause 31197:2jause 31187:16jause 31191:2,13jipoto 31159:231197:5,20 31198:8jause 31197:21jause 31187:16jause 31193:14 31194:431171:15,22 31172:331198:12,15 31199:6jause 31145:15jause 31145:15					
parties 31226:19 31227:2131150:14,17 31152:14 31215:1031181:3,9 31182:9,11 31182:19,2531188:22 present 31170:14 31171:10 31177:3 31179:9 31183:13 31196:7 31197:9Qpassage 31186:15 31222:15 31223:8,1231223:8,12 31223:14,22 31224:231183:24 31184:2,4 31182:11 31185:1431179:9 31183:13 31179:9 31183:13Qpassed 31165:21 pause 31181:3 31182:11 31184:231205:6 31214:8 31205:6 31214:831191:13,22 31192:1 31191:13,22 31192:1presented 31221:7 presume 31197:17 previously 31170:1931188:7 31189:20 31193:22 31196:431182:11 31184:2 31190:4 31191:2,13 31190:4 31191:2,13 31193:14 31194:431222:17 31192:231191:13,22 31192:1 31197:5,20 31198:8 31198:12,15 31199:6grew and an	31178:23	31227:6	31172:2 31174:4,4,7		puts 31165:19
31227:2131152:14 31215:1031182:19,25present 31170:14QGIRANA 31160:25pass 31169:431215:23,2531183:24 31184:2,431171:10 31177:331179:9passage 31186:1531222:15 31223:8,1231184:11 31185:1431179:9 31183:13QQ2 31186:13 31187:331196:7 31197:931223:14,22 31224:231187:7 31188:2,5presented 31221:7QQ2 31186:13 31187:3passed 31165:21phones 31148:2131190:23 31191:2,10presently 31143:1531193:22 31196:4pause 31181:331205:6 31214:831191:13,22 31192:1presume 31197:1731193:22 31196:431182:11 31184:231215;7,12,14,16,2131193:11,14,15previously 31170:1931197:1231185:14 31186:431222:1731194:2,4 31196:2531179:21QQ21 31192:631190:4 31191:2,13ghoto 31159:231197:5,20 31198:831154:22 31157:12quarter 31224:1431193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12question 31142:17,22					
pass 31169:431215:23,2531183:24 31184:2,431171:10 31177:331179:2passage 31186:1531222:15 31223:8,1231184:11 31185:1431179:9 31183:13QQ2 31186:13 31187:331196:7 31197:931223:14,22 31224:231187:7 31188:2,5presented 31221:731188:7 31189:20passed 31165:21phones 31148:2131190:23 31191:2,10presently 31143:1531193:22 31196:4pause 31181:331205:6 31214:831191:13,22 31192:1presume 31197:1731197:1231182:11 31184:231215;7,12,14,16,2131193:11,14,15previously 31170:1931197:1231185:14 31186:431222:1731194:2,4 31196:2531179:21quarrel 31187:1631190:4 31191:2,1331171:15,22 31172:331198:12,15 31199:631154:22 31157:12question 31142:17,22	-				
passage 31186:1531222:15 31223:8,1231184:11 31185:1431179:9 31183:13QQ2 31186:13 31187:331196:7 31197:931223:14,22 31224:231187:7 31188:2,5presented 31221:731188:7 31189:20passed 31165:21phones 31148:2131190:23 31191:2,10presently 31143:1531193:22 31196:4pause 31181:331205:6 31214:831191:13,22 31192:1presume 31197:1731193:22 31196:431182:11 31184:231215:7,12,14,16,2131193:11,14,15previously 31170:1931197:1231185:14 31186:431222:1731194:2,4 31196:2531179:21quarrel 31187:1631190:4 31191:2,13photo 31159:231197:5,20 31198:831154:22 31157:12quarter 31224:1431193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12question 31142:17,22				-	-
31196:7 31197:9 passed 31165:21 pause 31181:331223:14,22 31224:2 phones 31148:2131187:7 31188:2,5 31190:23 31191:2,10presented 31221:7 presently 31143:15 presume 31197:1731188:7 31189:20 31193:22 31196:431182:11 31184:2 31185:14 31186:4 31190:4 31191:2,13 31193:14 31194:431221:7, 12,14,16,21 31222:1731193:11,14,15 31193:11,14,15presume 31197:17 previously 31170:19 31179:2131192:6 quarrel 31187:16 quarter 31224:14 question 31142:17,22		-			
passed 31165:21phones 31148:2131190:23 31191:2,10presently 31143:1531193:22 31196:4pause 31181:331205:6 31214:831191:13,22 31192:1presume 31197:1731193:22 31196:431182:11 31184:231215:7,12,14,16,2131193:11,14,15previously 31170:1931197:1231185:14 31186:431222:1731194:2,4 31196:2531179:21quarrel 31187:1631190:4 31191:2,13photo 31159:231197:5,20 31198:8prior 31145:15quarter 31224:1431193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12question 31142:17,22					
pause 31181:331205:6 31214:831191:13,22 31192:1presume 31197:1731197:1231182:11 31184:231215:7,12,14,16,2131193:11,14,15previously 31170:19QQ21 31192:631185:14 31186:431222:1731194:2,4 31196:2531179:21quarrel 31187:1631190:4 31191:2,13photo 31159:231197:5,20 31198:8prior 31145:15quarter 31224:1431193:14 31194:431171:15,22 31172:331198:12,15 31199:631154:22 31157:12question 31142:17,22	/ 21 1 122				
31182:11 31184:2 31185:14 31186:4 31190:4 31191:2,13 31193:14 31194:431215:7,12,14,16,21 31222:1731193:11,14,15 31194:2,4 31196:25 31194:2,4 31196:25previously 31170:19 31179:21 prior 31145:15 31194:2,4 31199:6QQ21 31192:6 quarrel 31187:16 quarrel 31187:16 quarter 31224:14 question 31142:17,22					
31185:14 31186:4 31190:4 31191:2,13 31193:14 31194:431222:17 photo 31159:2 31197:5,20 31198:8 31197:5,20 31198:831179:21 prior 31145:15 31154:22 31157:12quarrel 31187:16 quarter 31224:14 question 31142:17,22		X M L X M L X		-	
31190:4 31191:2,13 31193:14 31194:4photo 31159:2 31171:15,22 31172:331197:5,20 31198:8 31198:12,15 31199:6prior 31145:15 31154:22 31157:12quarter 31224:14 question 31142:17,22					
31193:14 31194:4 31171:15,22 31172:3 31198:12,15 31199:6 31154:22 31157:12 question 31142:17,22					
	The many of a second second the			-	
			51170.12,15 51177.0	J11J 7 .22 J11J1.12	Yucsuon 31142.17,22

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RealTime Transcriptions

Pretoria

				Page
31145:1,6 31158:7	refused 31196:20	resumes 31141:2	31213:10,25 31214:3	31216:19
31195:1 31207:12	regard 31141:25	31170:6,7 31196:23	31214:9	seven 31152:24
31216:14 31217:20	31143:14 31227:7,8	31196:24 31224:15	seconds 31144:24	shaft 31149:2,6
questions 31143:5	regarding 31143:11	31224:16	31160:20 31177:8	31150:21 31151:7,13
quite 31178:8 31196:2	31219:1	resuming 31224:19	31189:21,23	31167:6,16,25
31222:21,21,23	region 31209:5	return 31149:22	secret 31158:17	31168:9,10,14,17,21
31223:16 31224:4	rejected 31219:17	31226:14,15	section 31164:21	31169:3 31173:19
Q-A-K-O-S-H-E	relates 31142:15	returning 31168:24	security 31144:9,12	shaking 31211:5
31160:6	relating 31144:21	revealed 31158:13	31145:6,9,10,13,20	Shangaan 31158:1
	31224:17	31179:23	31149:9 31152:17	31161:9,9
R	relation 31141:24	revive 31152:11	31155:10 31168:2,4	Shezi 31209:11
race 31179:9	relatives 31144:22	revived 31219:6	31168:17,20 31169:3	she's 31162:24 31163:5
radio 31149:8	release 31141:22	right 31148:12	31169:6,14,17,18	Shirley 31160:13
31150:14,17	relevance 31193:7	31160:14 31165:13	31176:8,10	31164:23
31152:14 31215:23	relevant 31141:16,23	31171:4 31178:9	see 31142:15 31143:6	shoot 31182:18
radios 31205:6	reluctant 31226:5	31183:5 31184:12	31144:17,20,25	31201:22,23
railway 31148:18	rely 31142:1 31225:25	31185:17 31187:2,4	31145:24 31146:5,18	31202:12 31206:9
31154:21 31156:16	31226:2,20,24	31198:5,23 31199:15	31146:25 31147:1,5,9	shooting 31187:14
31161:22 31171:19	remained 31150:5	31199:16 31223:12	31147:10 31148:12	31199:4 31201:23
31172:17 31173:10	31166:21	right-hand 31198:3	31149:20 31153:7	31202:11 31206:9,10
31173:14,19	remember 31146:18	rim 31165:12	31158:16,21	shop 31156:12
31180:16,25	31148:6,10 31149:10	rituals 31152:12	31160:16,18 31162:5	short 31164:3,10
raise 31143:5	31153:17 31154:20	31154:2 31184:20	31164:18,18 31165:7	31170:1 31171:6
raised 31141:24	31156:1,4,8 31157:8	31205:25 31216:9	31170:17,19,21,23	31209:12
ran 31150:14 31151:16	31157:10 31167:13	31219:8	31171:16 31174:8,10	shorter 31205:5
31151:18 31156:13	31167:13,18	room 31180:10	31174:15,17,18	31209:14
31156:14 31205:5	31168:22,23 31207:6	roughly 31223:25	31177:18,19	shot 31175:19 31183:6
31208:12,12,20	31215:7,18 31220:12	round 31186:15	31180:24,25 31182:1	31206:14,21,21
31211:6 31214:1	31221:8	31190:6	31182:3 31188:9	31208:2
Rasta 31199:21,21	remind 31170:8	rubber 31205:10	31189:7,21 31191:3	shotgun 31209:10,12
31210:22	31196:25	31206:4,21 31207:18	31191:14 31194:7	shoulder 31198:5
reaction 31207:16	repeat 31203:23	ruling 31178:3	31197:24 31198:1	show 31144:6 31158:5
read 31227:3,4	31216:13 31227:6	31179:19 31180:5	31199:11,18,25	31163:23 31173:25
reading 31219:23	repeated 31179:19	31227:13	31200:1 31202:6,8	31174:4,6 31178:9
ready 31144:3	repeating 31179:25	run 31151:22	31203:18 31212:24	31179:20 31180:9,13
real 31145:4 31207:2,2	replayed 31186:18	running 31177:11	seeing 31160:23	31180:16 31183:22
realised 31221:3	report 31150:5,7,9,11	31211:21 31212:2	31164:17 31174:7	31183:25 31185:12
really 31159:23	31150:13 31160:7,13		31176:3 31185:24	31189:16 31197:6
31205:20 31226:3	31164:15 31166:23	<u>S</u>	31189:25 31201:20	showed 31169:8
rear 31172:21,23,23,24	31166:25 31167:7,10	safekeeping 31200:21	31220:11	showing 31146:10,21
reason 31152:9,11	31167:13 31168:9	sang 31183:14	seek 31226:22	31174:13 31178:7
31178:24 31225:2	31169:2 31215:1	SAPS 31142:1 31143:9	seen 31158:14,15	shown 31144:9,23
reasonable 31163:17	31216:24	saved 31208:12	31163:8 31175:4,21	31146:11 31160:20
reasons 31167:8	reported 31144:12	saw 31174:20 31194:6	31178:10 31187:23	31162:14,16 31163:3
reassemble 31224:14	31168:15,25	31194:8	31191:13 31226:21	31165:24 31170:22
received 31141:10	reporting 31149:14	saying 31157:25	Segwaelane 31148:18	31171:11 31175:2
31221:21 31222:15	reports 31142:24	31180:2 31183:20	31171:20 31172:17	31178:3 31179:22,22
31223:21	31143:10	31186:6,7 31188:21	31173:10,15	31179:25 31180:2,3,8
record 31146:11	representative	31201:22 31213:8	select 31178:19	31180:14,19 31181:2
recorded 31189:21	31163:14 31196:12	31222:18	selected 31178:25	31181:14 31182:10
records 31143:12 red 31217:1 31218:18	represented 31179:8 representing 31227:5	says 31186:23 31190:8 31190:22 31192:9	sell 31156:13 Semenya 31143:11	31182:21 31183:23 31184:1 31185:13
			send 31155:5 31166:8	
31219:1 refer 31146:13	request 31163:14,17,19 31164:7 31178:11	31196:5 scarcely 31163:20	sense 31226:16	31186:19 31188:4 31189:17 31190:3
31150:22 31158:25	31188:23 31195:23	scared 31169:12	service 31227:17	31191:1,12,25
31150:22 31138:23	requested 31194:15	31176:5 31185:20	Sesotho 31179:15,17	31193:13 31194:3
31164:15	respect 31183:22,23	scene 31215:3	session 31149:11	31195:19 31194.5
referred 31174:14	respectfully 31225:13	31216:11,15	31166:24 31167:8	31193:19 31197:8,19
31191:8 31217:11	respond 31143:16	screams 31201:10	set 31151:3,8	31200:7 31201:3,16
31218:4,6	31157:18,23	screen 31162:22	setting 31149:21	31200.7 51201.5,10
			31150:21 31151:7	shows 31172:20
/ 31 1 195-	response 31196.6.13	1 104.77 21102.19		540 115 5117 4.40
referring 31142:9,9	response 31196:6,13 responsibility 31200:21	31164:22 31165:19 31185:17 31189:22		31173.2 9 13 31175.0
referring 31142:9,9 31147:22,23	responsibility 31200:21	31185:17 31189:22	settlement 31203:9,11	31173:2,9,13 31175:9 31180:3
referring 31142:9,9 31147:22,23 31149:16 31179:15	responsibility 31200:21 responsible 31151:6	31185:17 31189:22 31197:17	settlement 31203:9,11 31203:13,18 31204:3	31180:3
referring 31142:9,9 31147:22,23 31149:16 31179:15 31192:21 31193:2	responsibility 31200:21 responsible 31151:6 31152:6	31185:17 31189:22 31197:17 seated 31204:10	settlement 31203:9,11 31203:13,18 31204:3 31204:10,20,21	31180:3 side 31149:21 31172:23
referring 31142:9,9 31147:22,23 31149:16 31179:15	responsibility 31200:21 responsible 31151:6	31185:17 31189:22 31197:17	settlement 31203:9,11 31203:13,18 31204:3	31180:3

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RealTime Transcriptions

Pretoria

				Page 8
singing 31182:23	31175:1	31188:9 31195:22	31147:17 31152:16	31181:18 31182:8
sissies 31169:7	spleen 31165:3	31201:4	31163:25 31164:2	31189:15 31190:2
siSwati 31161:11	spoke 31157:19	stopping 31145:11	31170:1,4 31171:13	31192:12 31193:10
siSwati-speaking	31176:11 31188:15	31187:20,23 31188:6	31173:22 31174:11	31194:25 31196:10
31161:4	31190:12 31201:6	31193:20 31217:22	31176:14 31180:1	31196:22 31197:5
situation 31225:15	spoken 31227:4	31217:23	31196:7,20 31215:21	31198:7 31199:5
size 31165:14	spot 31171:22 31172:7	strike 31155:6	31217:1 31224:8,10	31200:5 31207:14
sizes 31165:10	31172:11	31156:19 31157:17	31224:12,13	31213:17 31220:23
31209:15	sprayed 31219:7	31166:9,10,11	31226:21	31224:11,21
sketch 31164:19	sprinkled 31150:1,4	31167:11	taken 31141:13	31226:13
31165:20,22,25	31152:2,3	strikers 31149:4	31152:4 31154:13,14	that's 31145:4 31146:1
skull 31165:4,17	sprinkling 31152:7,10	31152:2,7,10,19,21	31160:4,4 31162:24	31147:13 31151:15
sleep 31152:19,22	spur 31145:13	31154:13,17,23	31165:18 31200:22	31159:11,14,17,20
31154:4	squatting 31175:21,25	31155:9,19,23	31212:6,14,16,19	31160:8,11 31161:5
sleeping 31153:3	31176:8 31180:24	31166:2,6 31168:2,13	31213:13 31214:16	31163:4,11,13
slept 31152:20	31182:2,5	31169:16 31173:3,14	31214:25 31215:7,10	31164:21 31165:21
31153:10,22	stab 31165:2,2	31175:10,13,21,24	31216:6,24 31217:13	31167:12 31171:4
slide 31146:13,14,17,23	stabbed 31156:23	31176:8,17,21	31217:16,21	31172:14,18 31173:4
31148:11 31149:21	stage 31141:10 31144:2	31177:4,24 31178:16	31218:25 31219:5	31173:16 31174:1,9
31150:22,23 31151:1	31146:12 31148:25	31180:24 31181:1,19	31227:14	31174:12 31176:1,11
31198:3 31199:15	31149:5 31164:9	31181:22 31182:2,4	talk 31169:9 31178:18	31177:22 31182:14
slides 31160:19,23	31169:21 31175:20	31182:22 31183:2,14	31178:21 31179:5	31188:12 31189:7,9
solve 31142:25,25	31177:1,23 31183:13	31183:21 31184:5	31206:2	31189:23 31190:9
somebody 31183:19	31183:22 31184:8	31187:23 31188:15	talked 31145:17	31193:4 31194:1
song 31182:23 31183:3	31187:16 31194:22	31188:15 31189:10	31185:20	31195:11 31196:8
31183:13	31195:2,13 31201:6	31192:17 31196:13	talking 31178:19	31197:14 31198:1,23
soon 31150:2	31202:5,10 31203:6	31196:14 31201:9,25	31189:22 31191:14	31207:12,18 31208:2
sorry 31147:4	31204:16 31207:5,15	31202:6,18,23	31192:22,23	31222:9,11 31223:2
31149:25 31151:11	31207:21,24	31203:10,18	31209:16 31223:6	31223:12 31225:2,6
31159:8 31161:3	31208:17 31211:21	31204:18 31205:9,19	tall 31169:20	31226:17
31168:12 31172:13	31216:3 31220:14	31206:19,25 31207:9	tea 31196:20	thereof 31193:7
31172:22 31173:23	31224:8,22 31225:5	31207:15 31208:6	team 31143:10	there's 31146:25
31181:16 31184:24	31227:23	31216:2,12,16,21	teargas 31204:13,17	31147:9 31159:22
31192:5 31197:9	stand 31193:19	31217:7 31218:10,15	31205:2 31206:3,11	31164:25 31177:17
31203:15,20	standing 31151:14	31222:1	31206:14,18	31185:17 31197:24
31207:14 31208:10	31181:6 31184:5	strikes 31157:14	31207:21,23,25	31198:4 31221:11
31211:20 31216:13	31185:18 31191:6	striking 31167:12	31208:3,5,9	31224:9
31220:24 31223:9	31193:22 31197:17	strong 31166:21	technical 31189:23,24	they're 31163:3
31224:19	31198:9 31200:11	31167:3	tell 31141:3,18 31143:8	31204:10
sorted 31164:4,9	stapled 31164:18	struck 31157:2	31153:3 31156:11	thing 31158:17 31186:8
31171:3	start 31180:20	stuff 31156:13	31162:8 31163:7	31225:21 31227:16
Sotho 31157:25	31187:14 31199:4	stun 31204:13,17	31168:7 31175:4	things 31149:9
31158:1 31179:4,10	31203:1 31206:10	31205:2 31206:3,12	31187:9 31199:19	31152:16 31167:14
31179:14	started 31206:9,20	31206:18	31205:1 31209:19	31169:5 31175:16,17
sound 31174:19,21,24	31208:1,8 31225:12	submit 31225:13	31210:5,21 31219:21	31176:13 31187:25
31175:1,1,11	starting 31162:1	substance 31142:23	31223:5 31227:19	31188:21 31216:24
31180:11 31182:12	31193:24	succeeded 31196:11	telling 31223:7	31225:9
sounds 31181:20	starts 31170:2	successful 31141:17	temporal 31165:15	think 31162:14
31186:10	state 31148:1	sun 31222:22	temporo 31165:16	31163:4,5,16,19,24
speak 31161:11	stated 31220:1	sunset 31222:25	tend 31224:18	31163:25 31165:17
31169:10,11 31176:4	statement 31143:21,22	31223:1 31224:1,1,6	testified 31150:20	31173:22 31174:19
31176:5,6 31184:15	statements 31141:10	support 31166:11,19	31151:10 31152:1	31180:23 31186:16
31193:3 31198:11	31141:13 31142:1,9	31167:3	31207:4 31210:17	31188:8 31189:19
speaker 31179:15	31142:10,16,19,21	suppose 31160:4	31215:6 31221:6	31190:7 31194:23
31190:10 31192:2	31143:2,4,12,14,19	sure 31160:5,18	thank 31143:16	31203:20 31224:11
31194:6,15 31198:19	31143:20 31224:18	31161:6,14	31145:23 31151:21	31225:10 third 31205:4 31208:14
31198:19 31199:1 speaking 31157:24 25	31225:25 31226:1 stay 31152:24 31154:0	sustained 31210:11 31211:3	31158:23 31159:21	third 31205:4 31208:14
speaking 31157:24,25	stay 31152:24 31154:9	Swazi 31161:1,14	31187:2 31206:16 31227:11	31213:25 31214:12 thought 31150:3
	staying 31154:5	Swazi 31161:1,14 Swaziland 31161:10	31227:11 Thanks 31141:8	thought 31159:3
31188:24 31189:1,4	stomach 21165.2	Swaznanu 51101:10		31170:22 31224:20
31191:16 31193:23	stomach 31165:3		211/1.5 211/6.7	
31191:16 31193:23 speaks 31179:17	stood 31185:20	switched 31180:9	31144:5 31146:7 31147:8 31148:24	three 31169:10 31176:4 31176:6 31178:19 20
31191:16 31193:23 speaks 31179:17 spears 31155:24	stood 31185:20 31193:19 31201:12	switched 31180:9 s.u.o 31141:5 31170:9	31147:8 31148:24	31176:6 31178:19,20
31191:16 31193:23 speaks 31179:17 spears 31155:24 31202:25	stood 31185:20 31193:19 31201:12 stop 31188:5 31192:1	switched 31180:9	31147:8 31148:24 31161:13 31164:6,11	31176:6 31178:19,20 31184:9 31185:21
31191:16 31193:23 speaks 31179:17 spears 31155:24 31202:25 specially 31226:18	stood 31185:20 31193:19 31201:12 stop 31188:5 31192:1 31197:9 31198:15	switched 31180:9 s.u.o 31141:5 31170:9 31197:1	31147:8 31148:24 31161:13 31164:6,11 31164:24 31174:22	31176:6 31178:19,20 31184:9 31185:21 31193:17 31211:4
31191:16 31193:23 speaks 31179:17 spears 31155:24 31202:25 specially 31226:18 speech 31196:3	stood 31185:20 31193:19 31201:12 stop 31188:5 31192:1	switched 31180:9 s.u.o 31141:5 31170:9	31147:8 31148:24 31161:13 31164:6,11	31176:6 31178:19,20 31184:9 31185:21

Pretoria

				Page
threw 31209:11	Tuesday 31222:4,9,12	vehicle 31217:3,4,6,12	wants 31162:9,9,21	31178:11 31180:1,3,4
thrown 31219:3	turn 31146:4 31174:25	31218:3,7,19,20	warn 31160:15	31180:9 31186:23
Thursday 31225:12	turned 31143:7	vehicles 31149:22	warned 31144:7	31189:3 31190:8
31226:17 31227:18	31156:12,15	31150:21 31205:5	31158:4	31196:25 31198:6
tight 31179:2	31168:10	31208:20 31211:7	warning 31159:25	31201:5 31207:13
tighten 31183:4	turning 31183:20	31214:2	31160:2 31161:12,15	31224:17 31225:19
tightened 31183:9	Twalas 31161:2	vernacular 31183:4	wasn't 31170:25	31225:22 31226:3,8
tightening 31183:8	two 31142:15 31144:9	vicinity 31144:18	31202:11	31226:14,25 31227:1
Till 31154:8	31144:18 31156:14	31153:23 31161:10	wasn't 31211:6	31227:22
time 31143:24	31163:2 31205:4,5	victim 31157:12,13	watches 31222:16,17	witnesses 31143:20
31146:22 31148:20	31208:8,14,19	video 31144:21,25	water 31169:20	31226:6
31148:20,22	31209:14,18 31210:2	31146:21 31158:4	31174:13	witness's 31178:13
31160:21 31164:4	31211:25 31213:9,22	31169:24 31173:25	way 31155:12,12	31179:23
31166:12 31176:7	31214:6,15 31215:19	31174:4,8,11,16,20	31168:2 31170:24	women 31152:24
31177:8 31179:25	31220:16,19,21	31175:2,4,6,9	31176:11 31177:13	wondering 31169:25
31188:14 31208:2	31222:16 31225:4,8	31177:8,17 31178:10	31179:24 31216:8	won't 31160:3 31164:4
31222:12 31223:15	31225:11,15	31179:19,25 31180:2	31225:9	31196:19
31223:25 31224:3	31227:17	31180:14,19,20	weapons 31155:23	word 31142:25 31179:3
31226:9	T-shirt 31147:1	31181:2,14 31182:9	31175:10 31176:18	31195:9
times 31146:9 31185:9	31217:1	31182:10,21	31181:19 31182:13	words 31183:4
tired 31224:24 31225:1	T-shirts 31218:18	31183:25 31184:1	31190:13,16 31195:8	31192:10 31209:17
tiredness 31225:3	31219:1	31185:13 31186:3,11	31200:22	work 31144:13
31226:2	U	31186:17,19 31188:3	wear 31222:16	31148:20,23
today 31162:25		31188:4 31189:16,17	wearing 31146:25	31156:17,18,19
Tokota 31192:9,9	ultimately 31216:22	31189:21,25 31190:3	31199:24 31217:1	31157:16 31162:2
31193:21 31203:24	ululating 31176:22	31190:24 31191:1,7	Wednesday 31222:13	31167:11 31175:16
told 31141:20 31144:8	31202:18	31191:12,25	went 31149:6,23	31175:18 31182:17
31162:5 31166:18	unable 31225:23	31193:11,13,16	31154:19 31166:15 31167:4 31168:8,20	31185:8 31205:20
31167:1 31169:4 31183:19 31185:6	undergone 31154:2 31216:9 31219:7	31194:3 31195:17,19 31197:6,8,18,19,24	31216:19 31220:17	worked 31205:25 worker 31144:12
31198:6 31222:1,9,13	underneath 31158:16	31197.0,8,18,19,24	31220:22	31190:8 31193:23
31227:7,8	understand 31141:14	31199:7 31200:7	Wesley 31141:18	31197:16
tomorrow 31226:16,17	31141:15 31142:2,3	31201:1,3,15,16	we'd 31166:10	workers 31144:18
31227:16,16,18,24	31142:11,14,17	31202:4,14,15	we'll 31160:12	31151:13,22
tooth 31155:21	31144:11 31162:22	31203:3,4	31164:20 31169:11	31195:24
top 31147:3 31172:23	31163:1,9,18 31171:9	videos 31146:5,9	31169:12 31170:4	working 31153:8
31172:24 31188:7	31188:16 31189:8,11	31179:22 31180:8	31196:20 31224:13	31177:13 31206:22
31192:6	31197:10 31203:16	view 31170:15	31224:14	31220:8
topics 31226:21	31222:10 31223:4,20	31190:19 31192:16	we're 31144:20	worried 31176:17
torn 31217:2 31219:2	31223:22 31225:20	31194:18	31146:11 31158:5	worry 31169:7
torture 31142:23	31226:18 31227:6		31160:15 31164:2,16	31176:14
31143:24	understanding	W	31187:3 31190:6	wouldn't 31175:18
tortured 31142:20	31163:11	wailing 31163:6	31193:20,21 31197:7	31190:21,22
traditional 31184:25	understood 31223:6	waiting 31143:15	31197:15 31204:9	wouldn't 31170:1
31185:2	undertaken 31143:25	31167:5 31202:12	31216:18 31224:19	wound 31165:12,13,14
transcribed 31196:4	undertook 31142:16	wake 31148:22	we've 31141:20	wounds 31164:19
transcript 31186:14	underwent 31163:9	walk 31202:3	31150:8 31165:21	31165:2,3,9,23,24
31187:2 31188:7	unelected 31193:19	walking 31202:23	31178:10 31195:22	31166:1
31189:20 31193:22	union 31219:10,17	31208:1	31197:10	wrong 31142:25
31197:11,16	31221:14	want 31142:1 31143:8	what's 31163:20	31144:11 31160:5
31198:22	unwise 31225:21	31159:12 31160:9,10	31187:3 31189:25	v
translated 31183:4	31226:8	31160:15,20	whilst 31167:11	<u>X</u>
31196:3 31197:11	upper 31165:10	31167:12 31170:17	31204:10	Xhosa 31157:24
31227:4	31173:2	31170:19,21 31179:7	white 31147:1	31158:1 31189:2
translation 31186:14	upset 31160:3	31180:20 31182:18	31196:15 31226:16	31195:10
transpired 31225:19	use 31160:6	31186:8 31196:6	whitish 31200:3	Xhosa-speaking
transport 31216:7 tribal 31205:24	utilisation 31205:1 utilise 31225:10	31206:23 31207:17 31213:15 31217:2	who's 31177:17 31226:17	31179:8 Xolani 31149:7
tried 31194:23,24	utilised 31225:10 utilised 31204:13,17	31213:15 31217:2 31224:9 31227:15	31226:17 widow 31162:5,9	31150:10,18
	umscu 31204.13,17	wanted 31166:8	wish 31158:25	31150:10,18 31152:14 31155:18
	PT / A	31170:22 31177:14	wish 31158:25 31171:10 31225:25	31152:14 31155:18 31166:16 31167:22
31195:2 true 31183:20	U Louis		JII/I.IU JI44J.4J	51100.10 51107.22
true 31183:20	V		31226.1 19 20 24	31178.22 24
true 31183:20 trust 31180:1	value 31225:24	31177:15 31179:8	31226:1,19,20,24 wishes 31145:1	31178:22,24 31193:18 31200:15
true 31183:20 trust 31180:1 trusted 31179:1	value 31225:24 31226:11	31177:15 31179:8 31182:17 31187:13	wishes 31145:1	31193:18 31200:15
true 31183:20 trust 31180:1 trusted 31179:1 try 31142:4	value 31225:24 31226:11 van 31223:2,3	31177:15 31179:8 31182:17 31187:13 31187:19,20,20,21	wishes 31145:1 witch 31184:24	31193:18 31200:15 31215:1 31216:7,23
true 31183:20 trust 31180:1 trusted 31179:1	value 31225:24 31226:11	31177:15 31179:8 31182:17 31187:13	wishes 31145:1	31193:18 31200:15

				Page
31224:1	13th 31144:16,20	6 31172:20		1 490
Xolani's 31222:15	31148:19,25	600 31153:23		
	31160:17 31161:25			
Y	31172:1,1,8,12,13,16	7	_	
yesterday 31143:11	31173:3,9,14	7 31173:2 31192:6		
31145:2 31225:11	31218:17	31193:22,24		
young 31183:5	13:01 31224:3	31198:24		
you'd 31171:12	14th 31160:14	7.58 31165:14		
you're 31146:21	31221:20 31222:5,8		-	
31178:8,9 31192:8	14:03 31224:16	8	-	
31195:1 31223:4	15 31159:1 31170:4	8 31173:6 31196:4		
31227:9,19	15th 31221:25 31222:7	31198:24		
you've 31148:2	15:05 31190:6	9	-	
31150:20 31154:12	15:06 31190:25		-	
31175:3 31195:21	15:21 31191:24	9 31173:8 31196:4,4		
31212:1	15:45 31192:15 15:46 31193:12	31197:10,11,12		
Z	15:55 31193:21	31198:25 31226:15 31227:24		
Zokwana 31217:19	16th 31154:11	9th 31158:11		
31221:25 31222:1,6,9	16:18 31194:5	9.5 31165:15		
31222:13 31223:18	31195:18	9:17 31180:23		
31223:19	18 31165:8,8	9:22 31180:24		
Zulu 31188:24 31189:1	18:18 31195:22	9:57 31181:4		
31189:2,4	31197:7			
Zuma 31192:22,24,25	19:02 31197:18			
31193:1 31221:22	19:06 31197:22			
Z1 31180:13	19:46 31198:16			
0	2			
09:06 31141:2	2 31165:2,14 31172:3			
09:26 31150:13	31197:16			
09:46 31157:24	20:38 31199:9			
1	2012 31144:10			
1	31160:14			
1 31162:18 31163:23	2014 31141:1			
31165:2,11,11,11	21:41 31200:9 21:43 31201:2			
31171:15 31190:8 1.5 31165:14	21.43 31201.2 22 31197:12			
10 31162:18 31163:23	22:32 31201:4			
31164:3 31173:13	23:30 31201:18			
31186:15 31198:21	23:38 31202:16			
10:06 31166:17	23:50 31203:5			
10:14 31181:17	24 31141:1			
10:41 31170:7	28 31177:8			
11 31165:11 31166:17				
31190:7	3			
11th 31184:20	3 31165:4 31193:23			
11:01 31178:25	30 31144:23 31160:20			
11:13 31184:3	35 31177:8			
11:20 31185:15	38 31150:22			
11:21 31188:11	39 31146:13			
11:26 31186:5	4			
12 31166:17 31218:2,12				
31225:12 12min:26 31189:21	4 31165:7,12 31171:24 31172:10 31186:15			
12min:26 31189:21 12th 31144:10,13,15,19	31172:10 31186:15 31187:3 31188:9			
31145:4 31147:16	4AM 31154:21			
31149:1,16,17	TINT J11JT,21			
31151:5 31152:1,18	5			
31152:22 31153:11	5 31172:15 31188:7			
31154:3 31172:11	31189:20 31190:6			
12:02 31196:24	31196:5			
12:20 31188:6	50 31153:18,19			
12:22 31205:14	500 31218:2,12			
12:42 31214:14	10 - 11			
13min:01 31189:23	6			
ARCHIVE EO	RIUSTICE			