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COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

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

HELD ON

DAY 282

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1 [PROCEEDINGS ON 1 SEPTEMBER 2014]
 2 [09:13] CHAIRPERSON: The Commission resumes. Mr
 3 Blou, you're still under oath.
 4 MNTUNAYE HENRY BLOU: [s.u.o.]
 5 CHAIRPERSON: Mr Tip.
 6 CROSS-EXAMINATION BY MR TIP SC (CONTD.):
 7 Thank you, Chair. Mr Blou, when we adjourned on Friday we
 8 had just begun to discuss the precise instructions that
 9 were given to security personnel in respect of what they
 10 should do in unrest situations. You recall that?
 11 MR BLOU: Yes, Mr Chair.
 12 MR TIP SC: We need to get a little more
 13 clarification on that, but before we do that I just want to
 14 take stock and bring into account another important
 15 contextual factor and I'd like you just to have a look at
 16 some paragraphs in your statement RRRR1.4. It's your
 17 supplementary statement, paragraph 26. Thank you, that's
 18 up. Now those paragraphs deal with the subject of, as is
 19 given in the subheading there, "The demilitarisation of
 20 Lonmin Security."
 21 MR BLOU: Yes, Mr Chair.
 22 MR TIP SC: And you've devoted a number
 23 of paragraphs to that. It's obviously a matter of
 24 importance. I'm going to summarise some of it, but
 25 essentially you refer there to a policy that was adopted

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1 that you wanted, Lonmin wanted to remove any
 2 confrontational aspect in its dealings with its workforce
 3 and so a decision was taken to "demilitarise."
 4 MR BLOU: Correct, Mr Chair.
 5 MR TIP SC: Now in paragraph 27 there is
 6 some detail given and what I want to ask you first of all
 7 is when was that policy adopted and at what level within
 8 the Lonmin management structures?
 9 MR BLOU: Mr Chair, that decision came
 10 into effect in and around 2005, 2006. This was led by the
 11 most senior structures within Lonmin Platinum.
 12 MR TIP SC: What do you mean by that, the
 13 most senior structures?
 14 MR BLOU: Alright, Mr Chair, the, at the
 15 time the then chief executive officer, Mr Brad Mills, led a
 16 conversation at the EXCO level that the security for Lonmin
 17 Platinum needed to be demilitarised because it was felt
 18 that security needed to be more of a service oriented
 19 department which would be more user friendly, thereby
 20 enable employees to willingly interact and share
 21 information across the property.
 22 MR TIP SC: Alright, now when this
 23 conversation, as you describe it, began and developed, were
 24 you already in your present position as the manager of
 25 mining security?

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1 MR BLOU: At the time I was specifically
 2 the operations manager, which is the same level as my
 3 current position, Mr Chair.
 4 MR TIP SC: Alright, so you were in
 5 effect already at the head of mining security at Lonmin.
 6 MR BLOU: No, Mr Chair, at the time there
 7 was one security department at Lonmin Platinum which was
 8 then led by Mr Johan Rabie. We didn't, as we have today,
 9 we did not have two legs of security, one processing, one
 10 mining.
 11 MR TIP SC: I see.
 12 MR BLOU: So about five of us or so
 13 report in to the then senior manager, Mr Johan Rabie.
 14 MR TIP SC: Alright, thank you, that's
 15 clear. Now what I'd like to ask you directly, Mr Blou, is
 16 whether you and/or other senior people in Lonmin Security
 17 gave input to the EXCO in respect of the formulation and
 18 adoption of this policy.
 19 MR BLOU: Mr Chair, correct. We gave
 20 input through our line of reporting because we debated this
 21 among our ranks, that is the senior manager with us as
 22 managers reporting in to him, and we were given the
 23 opportunity to comment. However, the ultimate decision was
 24 taken that we needed to demilitarise.
 25 MR TIP SC: Correct, that we know. Was

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1 your input – and let me put it broadly – did the security
 2 section of Lonmin give a unanimous input, as it were, into
 3 this process, into this discussion? Were you all of the
 4 same view?
 5 MR BLOU: Mr Chair, at the time, if my
 6 recollection is correct, I think it was a split decision in
 7 that some of the managers felt that we needed to keep, for
 8 example as you will see the hard-skins to enable our
 9 people, our employees and ourselves to work in those,
 10 whereas others were of the view that it was a directive
 11 that was coming from the chief executive that needed to be
 12 respected.
 13 MR TIP SC: So are you saying that really
 14 EXCO was of a mind to follow the views of Mr Mills?
 15 MR BLOU: Indeed, Mr Chairman.
 16 MR TIP SC: I see, and your personal
 17 attitude in respect of this, were you one of those who was
 18 in favour of retaining hard-skin capacity?
 19 MR BLOU: Correct. I wanted us to retain
 20 them, though I was of the view that in my previous
 21 operation, or in a previous organisation they had had at
 22 least a few of those hard skins as opposed to dispose of
 23 them altogether.
 24 MR TIP SC: Yes, alright. Let us look at
 25 paragraph 28.

<p style="text-align: right;">Page 36237</p> <p>1 CHAIRPERSON: Mr Tip, are you moving away 2 from this now? 3 MR TIP SC: No, I'm not, Chair. I'm 4 coming back to it. But Chair, please – 5 CHAIRPERSON: No, what I want to ask is 6 related to what you said. You say Mr Mills was responsible 7 for the initiative to as it were demilitarise the Lonmin 8 Security. Is that a summary of what you said? 9 MR BLOU: That is correct, Mr Chair. 10 CHAIRPERSON: Didn't Mr Mills have a 11 number of other initiatives that he introduced at the same 12 time that he wanted the security to be demilitarised? 13 MR BLOU: Yes, Mr Chair, he had a lot of 14 them. 15 CHAIRPERSON: Yes, a lot of them, and the 16 greater Lonmin community was one of the concepts that he 17 proposed at that stage, wasn't it? 18 MR BLOU: 100%. 19 CHAIRPERSON: Yes, and a number of the 20 initiatives that he proposed in that regard were not 21 persisted in after he lost his position as CEO. Is that 22 correct? 23 MR BLOU: Some of them - yes, some were 24 not persisted after he lost his role, yes. 25 CHAIRPERSON: And this particular</p>	<p style="text-align: right;">Page 36239</p> <p>1 SAPS," and in paragraph 29, the first couple of lines, "It 2 was also decided that Lonmin Security would dispose of 3 equipment such as armoured vehicles." Did Lonmin at that 4 time in fact have some armoured vehicles that it got rid 5 of? 6 MR BLOU: Correct, Mr Chair. Lonmin got 7 rid of four armoured vehicles. 8 MR TIP SC: Yes, and then if we can just 9 take note of paragraph 30.1 and 30.2, and I'm going to 10 summarise again, if I may, Mr Blou. You'll be familiar of 11 course with your own statement. Essentially what is set 12 out there is that part of this demilitarisation programme 13 entailed the installation of high technology surveillance 14 equipment, in time high technology recording CCTV 15 equipment, and also the development of reliable 16 communication systems. 17 MR BLOU: Correct, Mr Chair. 18 MR TIP SC: And then in paragraph 34 you 19 inform us that "The installation of the video surveillance 20 system and the adoption of a low-key and high tech approach 21 to security therefore resulted in a reduction of Lonmin 22 Security personnel," and in paragraph 35 you say this, and 23 it's an important statement, "This reduction in security 24 manpower, coupled with Lonmin disposing of its armoured 25 vehicles, limited Lonmin Security's ability to contain and</p>
<p style="text-align: right;">Page 36238</p> <p>1 initiative remained? 2 MR BLOU: The, this that we're talking 3 about? 4 CHAIRPERSON: The demilitarisation one 5 remained. 6 MR BLOU: It remained, Mr Chair. 7 CHAIRPERSON: But all the other – no, not 8 so, you didn't say all. Some of the other initiatives – 9 MR BLOU: Some, yes. 10 CHAIRPERSON: - which were involved in 11 this concept of the greater Lonmin community, those had not 12 been persisted in. 13 MR BLOU: Yes, Mr Chair. 14 CHAIRPERSON: That's right. 15 MR TIP SC: Thank you, Chair. Mr Blou, 16 paragraph 28, I'm going to read it quickly onto the record 17 and then ask you one or two questions about it. "It was 18 therefore decided that Lonmin would dispense with its 19 previous style of security and instead adopt a more 20 serviced approach to security. Such an approach would be 21 directed towards the creation of a better relationship 22 between workers and security, and recognise that the 23 responsibility of dealing with larger matters, such as 24 crowd control and events that occurred between 9 and 16 25 August 2012, fell within the constitutional mandate of</p>	<p style="text-align: right;">Page 36240</p> <p>1 control labour unrest and public violence." What you're 2 saying there, if I may pause for a moment, the effect of 3 all these paragraphs, Mr Blou, is that Lonmin had so 4 reduced its security capacity, had in fact drastically 5 altered it and that it actually could itself no longer 6 meaningfully deal with any serious unrest or violent 7 conduct. Is that fair? 8 MR BLOU: That is fair, Mr Chair. 9 MR TIP SC: Then you go on in the rest of 10 paragraph 35 with further important statements. "It 11 therefore became imperative that Lonmin Security establish 12 sufficient lines of communication with SAPS and focus on 13 being able to detect possible violence and damage to 14 property as early as possible so as to be able to summon 15 SAPS so as to where possible pre-empt such violence and 16 damage to property." And that too I think is a logical 17 consequence of what you said. 18 MR BLOU: Correct, Mr Chair. 19 MR TIP SC: Now there are two words of 20 particular significance in respect of the questions I'm 21 going to put to you; your use of the word "imperative" and 22 your use of the word "pre-empt." 23 MR BLOU: Yes. 24 MR TIP SC: And what those, those are 25 self-explanatory and very clearly put. Mr Blou, certain</p>

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1 questions arise from that and I just want to put a few
 2 propositions to you for your comment and develop those
 3 considerations. First of all that really what had happened
 4 here was that there had been a fundamental divesting by
 5 Lonmin of a major security function that it had previously
 6 performed and its placement in the hands of SAPS. Would
 7 that be correct?

8 MR BLOU: Mr Chair, if I listen to the
 9 word "divestment," as I understand it, it would be to, in
 10 other words to use less capital, to de-invest. Is that
 11 what I'm –

12 MR TIP SC: No –

13 MR BLOU: Or in what context is that word
 14 used, Mr Chair?

15 MR TIP SC: No, let me put it, let me use
 16 a different word. This is divesting simply in the sense
 17 that you are ceasing to perform a particular function.
 18 It's not a matter of finance or investment or
 19 disinvestment.

20 MR BLOU: Alright.

21 MR TIP SC: It's just that Lonmin
 22 previously had the capacity to deal with unrest and
 23 violence components in its environment, that it ceased to
 24 have that capacity –

25 MR BLOU: Yes.

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1 MR TIP SC: - and that it then relied on
 2 SAPS to come in and to perform that capacity –

3 MR BLOU: Yes.

4 MR TIP SC: - when necessary. That's
 5 really all that it means.

6 MR BLOU: That is fair, Mr Chair, yes.

7 MR TIP SC: You'd agree with that?

8 MR BLOU: Yes.

9 MR TIP SC: Thank you. And then some
 10 important questions arise that I'd like you to assist us
 11 with, Mr Blou. Once one takes the approach as a matter of
 12 policy that SAPS is now going to perform these functions,
 13 then of course it becomes critical, imperative, if I may
 14 echo your word –

15 MR BLOU: Yes.

16 MR TIP SC: - that there should be a very
 17 well developed interaction between Lonmin and SAPS –

18 MR BLOU: Yes.

19 MR TIP SC: - so that that facility that
 20 you depend upon from SAPS –

21 MR BLOU: Yes.

22 MR TIP SC: - will in fact materialise,
 23 as necessary.

24 MR BLOU: Correct, Mr Chair.

25 MR TIP SC: And now I'd like you to go

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1 back to 2005 and 2006 at the time that this policy was
 2 being formulated and then adopted, and if you can
 3 recollect, give us some insight into what kind of
 4 interaction there was between Lonmin and SAPS at that time,
 5 and let me just embroider it a little so that it's a full
 6 question for you, you can deal with it equally fully. What
 7 I'm really interested in, Mr Blou, is that when you divest
 8 – if I may use my word again –

9 MR BLOU: Yes.

10 MR TIP SC: - yourself of a capacity,
 11 then the entity that is going to perform this must know
 12 what you're doing and must actually be in a position to
 13 work with you in the development jointly of a system where
 14 that can take place. To put it colloquially, it's
 15 difficult to blame SAPS for not doing its job if you leave
 16 your own front door open without ensuring beforehand that
 17 SAPS is going to guard it.

18 MR BLOU: Right.

19 MR TIP SC: So at that level what kind of
 20 interaction was there between SAPS and Lonmin?

21 MR BLOU: Mr Chair, there was great
 22 rapport between the SAPS and Lonmin for as long as I can
 23 remember at Lonmin. We, the security management team sat
 24 in various committees of the SAPS. I can mention the
 25 NWCCF, if I'm calling it correctly. There was a North West

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1 Crime Combating Forum. There were Precious Metals Forum
 2 that Lonmin was interaction with the SAPS on at a
 3 provincial level. At a local level we were also assisting
 4 and leading and providing some of our team members to lead
 5 in the crime prevention forums around our area of
 6 operation. I can mention Mooiwooi, Marikana. I can
 7 mention Bethanie and so on. We had lots of interaction
 8 which in our view was helping to build trust and grow that
 9 relationship.

10 Then also as a security department for Lonmin we
 11 were also aware that other security departments around the
 12 country were adopting the same approach, largely so,
 13 particularly post 1994, because lots of organisation within
 14 the mining industry felt they needed to get rid of the
 15 stigmas of the past. So we were consistent in what was
 16 happening around the mining industry.

17 MR TIP SC: Thank you, Mr Blou. You've
 18 given us a full picture, and a helpful one. What I want to
 19 do now is to zero in on the particular aspect of the
 20 management of serious unrest and potentially violent, or
 21 actually violent circumstances.

22 MR BLOU: Yes, Mr Chair.

23 MR TIP SC: Now there the word "pre-empt"
 24 comes very much into the picture again –

25 MR BLOU: Yes.

<p style="text-align: right;">Page 36245</p> <p>1 MR TIP SC: - because as was touched upon 2 in the course of the debate on Friday morning, is if it's a 3 situation of that sort at Lonmin and action needs to be 4 taken then that needs to be taken swiftly and before SAPS 5 can mobilise its resources time passes. 6 MR BLOU: Yes. 7 MR TIP SC: And that time is generally of 8 a critical nature, is it not? 9 [09:33] MR BLOU: It is correct. 10 MR TIP SC: So if I may ask you a few 11 questions and ask for your assistance on this, what, if 12 anything, had particularly been discussed between Lonmin 13 and the SAPS leadership in respect of that kind of 14 situation? And what I'm going to ask you to give attention 15 to is the specific question of how Lonmin ensure that SAPS 16 is timeously informed of a development that Lonmin 17 anticipates may happen so that SAPS can put its planning in 18 place and get to Lonmin in good time? Is that question 19 clear enough? 20 MR BLOU: Clear, Mr Chair. Lonmin, as a 21 member of various SAPS committees, has got direct 22 communication to the cluster commander of the North West 23 which is General Mpembe. We are also communicating 24 directly with the North West Provincial Commissioner, Mrs 25 Mbombo, as well as various members of the SAPS leadership</p>	<p style="text-align: right;">Page 36247</p> <p>1 MR TIP SC: It may not happen. 2 MR BLOU: Yes. 3 MR TIP SC: But again it is for SAPS to 4 determine in terms of its resources and availability what 5 it must do, it must know precisely what Lonmin's 6 expectations and needs are. 7 MR BLOU: Yes. 8 MR TIP SC: SAPS itself, of course, can't 9 divine what the position is at Lonmin generally. 10 MR BLOU: Indeed. 11 MR TIP SC: At that specific level can 12 you assist us on how that worked in practise? 13 MR BLOU: Mr Chair, in practise I can 14 mention that we, upon knowing of threats that were directed 15 towards Lonmin we would not hesitate to contact the South 16 African Police Services and I must add that we are still 17 doing. We had, for example, earlier in 2012 and I think 18 maybe late in 2011 as well hosted four provincial 19 commissioners of the SAPS at Lonmin. That is the Gauteng, 20 North West, Mpumalanga and Limpopo where we were building 21 on relationships and discussing crime issues. So when we 22 became aware of any kind of threat we would always 23 communicate with the SAPS. We are having, even as I'm 24 speaking, weekly meetings with our local stations and there 25 are monthly mine crime combating forum meetings MCCFs where</p>
<p style="text-align: right;">Page 36246</p> <p>1 in Rustenburg area as well as Bethany. Mr Chair, we've got 2 two clusters within we fall, that is the Brits on the one 3 hand as well as the Rustenburg cluster. We interact with 4 them, we sit in meetings where we would alert them what we 5 know is to happen as well as we are also telephoning them 6 directly including the station commanders as well as their 7 various people that report in to them, Mr Chair. So we 8 have an open line of alerting South African Police 9 Services. 10 MR TIP SC: Thank you, Mr Blou. Now the 11 open line is, of course, absolutely bedrock necessary and 12 Mr Sinclair has given us some idea of that as well, but the 13 particular question, of course, still remains of the 14 content that is to be conveyed by Lonmin to SAPS with the 15 facility of open line communications of that kind. And 16 again in order perhaps to assist you, let me add a little 17 further element on that which is to echo the notion of 18 scenario planning. 19 MR BLOU: Right. 20 MR TIP SC: And that for you, Lonmin, to 21 convey sufficiently accurately, meaningfully to SAPS what 22 SAPS may be called upon to do and when Lonmin must have 23 predicted accurately what those possibilities are. Of 24 course prediction is never 100%, it may happen. 25 MR BLOU: Yes I understand, Mr Chair.</p>	<p style="text-align: right;">Page 36248</p> <p>1 we sit in these and participate fully, Mr Chair. 2 MR TIP SC: Thank you, Mr Blou, I'm 3 going to – I'm going to come back to that topic - 4 MR BLOU: Okay. 5 MR TIP SC: - a little later, but it may 6 be useful for me to have a look with you at the planning in 7 relation to the events of the 12th of August. Before I do 8 that – 9 CHAIRPERSON: Before we do that can I ask 10 a question? These special arrangements that you've got 11 with the police, as far as you're aware, did Amplats and 12 Impala have similar arrangements with the police? 13 MR BLOU: Correct, Mr Chair. 14 CHAIRPERSON: I see. 15 COMMISSIONER HEMRAJ: Mr Blou, those 16 meetings and discussions that you had with SAPS did they 17 lead to any certainty as to the response time that involved 18 in any eventuality so that you could plan accordingly? Was 19 Lonmin informed of that, did you have any idea of if there 20 was unrest how long it would take for 20 SAPS personnel to 21 get there or 200 for example? 22 MR BLOU: Commissioner, no I was not 23 aware of specific response time emanating from the 24 discussions. 25 COMMISSIONER HEMRAJ: And then your</p>

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1 security personnel carry side arms with live ammunition.
 2 MR BLOU: Correct, Commissioner.
 3 COMMISSIONER HEMRAJ: Then can, in an
 4 incident have access to 100 rubber bullets as happened in
 5 one instance, so to what extent do you rely on Lonmin
 6 security personnel to first try to deal with the situation
 7 before you call upon SAPS?
 8 MR BLOU: Commissioner, as soon as we
 9 become aware of a situation we will call SAPS immediately
 10 while we try our best to contain that situation. That is
 11 standard practise, so our role would be to try and contain
 12 even by talking to the strikers, to engage with them to
 13 prevent a full blown action or a gathering. We're not
 14 always successful.
 15 COMMISSIONER HEMRAJ: So you would send
 16 your security personnel in to try and contain an incident
 17 even before you know long it will take SAPS to get there.
 18 MR BLOU: Commissioner, in all instances
 19 including to the Commission that we are sitting at there.
 20 COMMISSIONER HEMRAJ: And that is
 21 regardless of what the risk might be of sending them in.
 22 MR BLOU: Yes, Commissioner and for
 23 example and we have seen that we have sent them on the 10th
 24 and other dates, the risk is – it is unfortunate for a
 25 security official it is an invidious position that on the

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1 one hand you are mandated to protect the people and the
 2 property whereas on the other hand your life could be in
 3 danger. And on that second statement that I've made one
 4 relies then on our rules, not just the security rules, but
 5 the mine health and safety rules where it is mentioned that
 6 you have a right to withdraw if the situation is overly
 7 dangerous.
 8 COMMISSIONER HEMRAJ: Thank you, Mr Blou.
 9 I'm sorry to have interrupted you, Mr Tip.
 10 MR TIP SC: Thank you, Commissioner.
 11 CHAIRPERSON: So that means that if you
 12 have a situation where some of the workers, say those who
 13 don't want to participate in an unprotected strike, where
 14 they are being attacked and the security people aren't able
 15 to protect them because of this rule you mentioned they're
 16 not able to protect them without danger to themselves.
 17 MR BLOU: Yes.
 18 CHAIRPERSON: So they must just be
 19 exposed to whatever violence may be coming to them without
 20 the benefit of security backup from the security people at
 21 Lonmin, where the security people are of a view that
 22 there's a danger to their lives. So never mind the danger
 23 to the lives of the workers who are being attacked.
 24 MR BLOU: Yes.
 25 CHAIRPERSON: If there's a danger to the

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1 life of the security people they're entitled to go back to
 2 barracks as it were and stay out of harm's way. Is that
 3 the policy until the police come? Am I understanding
 4 correctly? I'm putting it, you know, rather crisply and
 5 maybe I'm over simplifying that's why I'm asking you for
 6 your comment.
 7 MR BLOU: Yes, Mr Chair, I have mentioned
 8 that we are in a position where we've got to protect people
 9 at all costs and we've done that, we've demonstrated that.
 10 I mentioned the other day we went to Karee hostel to go and
 11 extricate families that were nervous that there was a large
 12 group of strikers and that their lives in danger. In that
 13 situation we acted and were able to rescue them. However,
 14 we are still informed by the company that in an unsafe
 15 situation, if you believe that it is an unsafe situation
 16 you have a right to withdraw.
 17 CHAIRPERSON: But what that means is that
 18 your expression "at all costs" is not an accurate one.
 19 Your instructions weren't to protect people at all costs,
 20 your instructions were to protect them at all costs save
 21 where the security of the - or personal safety of the
 22 security officers is concerned in which case the protection
 23 would not be afforded. That's what you're saying isn't it?
 24 MR BLOU: That is demonstrated, Mr Chair,
 25 also on the Saturday, that is why the security officers and

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1 told NUM to evacuate. That is the view.
 2 CHAIRPERSON: Yes thank you. Sorry, Mr
 3 Tip.
 4 COMMISSIONER HEMRAJ: Does the right to
 5 withdraw take into account that the risk of maybe not
 6 having the time to withdraw.
 7 MR BLOU: I believe it does take into
 8 consideration, yes, Commissioner. Sorry, Commissioner, it
 9 could be at the time that you withdraw that it is too late.
 10 Let me go back to the Karee example again. Had those
 11 workers attacked the security team and if they were
 12 successful in attacking them then they would have been in
 13 an unfortunate situation of having been attacked. But it
 14 is the nature of our job, we want to go and protect people
 15 and that is what we did on the day as well.
 16 CHAIRPERSON: The criticisms don't relate
 17 so much to you and your colleagues, no criticism of you is
 18 intended by the questions I asked, what I'm asking you
 19 about is the policy of the company.
 20 MR BLOU: Yes.
 21 MR TIP SC: Mr Blou, I want to just
 22 pursue this issue a little further with you in order to get
 23 some clarity, if it's possible, in respect of just what the
 24 training is and what the instructions are that are given to
 25 your security personnel in a situation of the kind that may

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1 be a very difficult one.

2 MR BLOU: Yes.

3 MR TIP SC: And where there are issues of

4 the need to protect property and protect lives, but danger

5 to the safety of the personnel themselves.

6 MR BLOU: Yes.

7 MR TIP SC: So I mean that's a problem

8 situation and of course we're dealing with a phase where

9 SAPS is not on the scene for whatever reason, haven't

10 arrived yet. Hasn't perhaps been called yet, one doesn't

11 know. So specifically the training and the instructions

12 that are given to your security personnel when they are

13 deployed in a situation where there may be a mass action -

14 MR BLOU: Yes.

15 MR TIP SC: - what is it that they are

16 told concisely?

17 MR BLOU: Mr Chair, they are told as per

18 their training in crowd management, that they should always

19 remember that their lives are also important and they are

20 briefed as such. That, for example, if a building were to

21 burn let that building burn as long as we can save their

22 lives. That is very clearly put to them. They are also

23 told never to forget, as they were trained, to utilise

24 their equipment and by this I mean, for example, rubber

25 bullets, I mean also what we call tonfas, are you familiar

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1 with that?

2 MR TIP SC: We're familiar with that,

3 thank you.

4 MR BLOU: Yes. So they are reminded to

5 utilise their protective means, but if those protective

6 means if they are still being overwhelmed by the situation

7 they have a right to withdraw, Mr Chairperson.

8 MR TIP SC: In the situation of mass

9 action such as the ones that were experienced on the

10 morning of the - well at the march on the 10th, but that was

11 a defined purpose and I suggest to you different from the

12 situation on the 11th and certainly on the 12th where there

13 were large gatherings that were in fact intent on attacking

14 a place. That was the information that security had. That

15 situation where they are not wanting to discuss matters

16 with security personnel, they had a mission and they're

17 intent on it, how are your security personnel instructed to

18 try to contain that situation? What's expected of them?

19 MR BLOU: Mr Chair, what is expected of

20 the security officials is to try and establish what the

21 cause of an action is such as the 10th, 11th and 12th and so

22 on. It is to try and establish what that situation is

23 about, but if they see that the situation is beyond their

24 means they are instructed, Mr Chairman to withdraw that

25 their lives and their safety is paramount more than the

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1 Lonmin property. That is a clear instruction, Mr Chair.

2 MR TIP SC: Lonmin property involves two

3 notions, of course. There are buildings that are empty and

4 there is Lonmin property buildings that are not empty.

5 They have people in them such as the NUM office on the

6 morning of the Saturday the 11th. Correct?

7 MR BLOU: Correct, Mr Chair.

8 MR TIP SC: And your security personnel

9 were aware, they had in fact had it relayed to them through

10 JOC that the strikers who were on the move were intending

11 to burn down the NUM office and the Lonmin Kombi that NUM

12 used.

13 MR BLOU: Correct, Mr Chair.

14 MR TIP SC: They knew that.

15 MR BLOU: Yes.

16 MR TIP SC: So in that circumstance their

17 instructions would be?

18 MR BLOU: Would be consistent with, as I

19 mentioned and that is why the security officials went to

20 the NUM offices not just once, but twice because they were

21 concerned that if anything were to happen, if this building

22 were to be burnt down that the people within that building

23 would be in serious danger. They wanted to diffuse the

24 situation by removing the people out of the building.

25 MR TIP SC: So there would be no prospect

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1 of those security personnel trying to contain the situation

2 in the sense of halting the march.

3 MR BLOU: As I've mentioned, Mr Chair,

4 they would engage with the people that are in the march to

5 try and contain it up front, but if they see that they are

6 outnumbered, overwhelmed they have a right, if they deem

7 that their lives at that point in time are threatened, to

8 withdraw, Mr Chairperson.

9 MR TIP SC: Yes, all right. Mr Blou, I

10 want to move on. Unfortunately there are time pressures.

11 I'd like to take you to brief number 1 that was prepared

12 by Mr Sinclair, I think you're familiar with them and that

13 was on the evening of the 10th of August. And I want to ask

14 you just to assist us with one or two aspects of that.

15 That is exhibit FFFF6 and if we can go to page number 425

16 on the pages at the top, thank you, yes. That is brief

17 number 1 as it is called which was issued, it would appear,

18 by Mr Sinclair at 23h00 on the 10th of August, the Friday.

19 You're familiar with this sort of brief or let me ask you

20 specifically about this one. Were you aware that Mr

21 Sinclair had compiled this brief?

22 [09:52] MR BLOU: I am not 100% about the brief

23 that I am seeing on the screen, Mr Chairperson?

24 MR TIP SC: Alright, that's fair enough.

25 I just want to ask you about a few factual matters that are

<p style="text-align: right;">Page 36257</p> <p>1 set out there, because those would probably be within your 2 knowledge. First of all, just clarify for us, paragraph 4, 3 you will see there that it is said that an armed vehicle 4 deployed to Marikana by Protea Coin caught fire while in 5 transit at Mooinooi.</p> <p>6 MR BLOU: Yes, Mr Chair. 7 MR TIP SC: Somewhat unfortunately, but 8 the armed response vehicle, is that the kind of rapid 9 reaction vehicle that one sees around cities like 10 Johannesburg, or is that an armoured vehicle? 11 MR BLOU: That is an armoured vehicle, Mr 12 Chair. 13 MR TIP SC: Alright, so that was one 14 Protea armoured vehicle that burnt out – 15 MR BLOU: That is correct. 16 MR TIP SC: Alright. Then paragraph 17 number 5, Mr Sinclair sets out there that there is a full 18 security plan, activated to cover all affected areas across 19 the Lonmin, taking into consideration employee safety and 20 intimidation, transport disruption, access to shaft 21 facilities and the like, while still maintaining criminal 22 preventative measures across the operation. Incidentally, 23 do you understand where this sort of brief would go? Our 24 understanding is that it would be sent to senior 25 management. Would that be correct?</p>	<p style="text-align: right;">Page 36259</p> <p>1 MR BLOU: And other private security – 2 CHAIRPERSON: How many? 3 MR BLOU: I know of Katlego Security, 4 Protea. I beg your pardon, is this the Friday, Mr 5 Chairperson? 6 MR TIP SC: This is on the Friday 7 evening, yes. 8 MR BLOU: On the Friday. 9 MR TIP SC: These are the arrangements in 10 place according to Mr Sinclair then. 11 MR BLOU: Yes, it would have been the 12 processing team, as well as Katlego Security, and Protea 13 Coin Security. 14 MR TIP SC: Would those additional 15 security personnel have been deployed to basically perform 16 access control functions at operations, such as shafts and 17 the like? Or were they part and parcel of the security 18 establishment of Lonmin that could be deployed to manage 19 unrest situations? 20 MR BLOU: Mr Chair, they were deployed to 21 manage entrances to shafts and then some of them were also, 22 like Protea Coin Security, as well as the processing team, 23 were also then brought in to beef up the mining security 24 team. 25 MR TIP SC: Is there anywhere in the</p>
<p style="text-align: right;">Page 36258</p> <p>1 MR BLOU: I would think so, and that is 2 why I said I am not really au fait with this one, it may 3 have gone from St Sinclair upwards. 4 MR TIP SC: Alright, yes, I think it may 5 have, but bearing in mind that it didn't come to you at the 6 time, Mr Blou, are you able to tell us this notion of a 7 full security plan that has been activated, that covers the 8 whole of Lonmin, was that really in place at the time? 9 MR BLOU: Mr Chair, what I knew at the 10 time, and that is talking to additional resources that we 11 got in from security, from private security partners, and 12 it was also referring to while there is a strike, the 13 normal operations, the normal crime prevention activities 14 were still going on, as well as the posting of security 15 personnel at the various shafts and access control. That 16 is what that paragraph talks to. 17 MR TIP SC: Alright. Now, the additional 18 personnel, we understand that those, in effect, were extra 19 Protea Coin people, is that correct? 20 MR BLOU: That is correct, as well as 21 other security service partners, yes. 22 CHAIRPERSON: You mean Protea Security? 23 Were Protea Security involved? 24 MR BLOU: Them involved, Mr Chair. 25 CHAIRPERSON: And another firm as well?</p>	<p style="text-align: right;">Page 36260</p> <p>1 records, Mr Blou, that we have and that you've seen, any 2 mention of those security personnel playing a role in 3 respect of the events of 10, 11, and 12 August? 4 MR BLOU: There is, Mr Chairperson. 5 MR TIP SC: Where? 6 MR BLOU: There is mention made of people 7 from the processing team, like Mr Callie Miles, Mr Dewald 8 Louw, Mr Martin Vorster, and various others, they come from 9 the processing team. There's mention made, Mr Chairperson, 10 of the Protea Coin hard skin vehicle, that was also within 11 the area of Western Platinum Limited or Wonderkop. So 12 those resources are mentioned, for example, Mr Dirk Botes 13 is mentioned. He was not from my security. Other security 14 managers that were also posted would be other managers like 15 Mr Klaas Mogeare, Mr Teddy Rifles, as well as other 16 personnel from the emergency and disaster management team 17 with their proto-team members, they are also part of that 18 plan, Mr Chairperson. 19 MR TIP SC: Yes. No, that I understand, 20 Mr Blou. Those are people who are Lonmin employees, 21 correct? 22 MR BLOU: Correct. 23 MR TIP SC: They are trained within 24 Lonmin to perform security functions, like Mr Botes, Mr 25 Botha, and so on.</p>

<p style="text-align: right;">Page 36261</p> <p>1 MR BLOU: Correct.</p> <p>2 MR TIP SC: Mr Dewald Louw, and we know</p> <p>3 that they play a role. My question is really directed to</p> <p>4 this notion of external service providers, such as Protea,</p> <p>5 and other security companies. We'll deal with the hard</p> <p>6 skin vehicle of Protea Coin shortly, but other than that,</p> <p>7 there is no mention of any personnel from external service</p> <p>8 providers playing a role in respect of the events that</p> <p>9 we're examining?</p> <p>10 MR BLOU: Mr Chairperson, there was a lot</p> <p>11 of support from private security services such as the</p> <p>12 chopper, the helicopter that was used was from Protea Coin</p> <p>13 Security. We also engaged services of G4S, although I'm</p> <p>14 not particularly – I am not 100% sure at what stage they</p> <p>15 came to the operation, but we had those, and earlier I</p> <p>16 mentioned Katlego Security, they were managing and manning</p> <p>17 our, some of the access control areas as well as some of</p> <p>18 our remote installations.</p> <p>19 MR TIP SC: Yes. Alright, let me try and</p> <p>20 put it shortly. When it came to the need to deploy</p> <p>21 security personnel to manage a march of a thousand people</p> <p>22 who were very aggressive and who had the intent to cause</p> <p>23 harm, then there were no external security personnel who</p> <p>24 were at any time deployed to contain them. Correct?</p> <p>25 MR BLOU: Correct, Mr Chair.</p>	<p style="text-align: right;">Page 36263</p> <p>1 there on the Friday evening. I can't comment on that.</p> <p>2 CHAIRPERSON: The evidence we have seems</p> <p>3 to indicate that they weren't. Captain Govender came and</p> <p>4 gave evidence. He had difficulty in dealing with the</p> <p>5 situation, public-wise, because that's not his job. He</p> <p>6 didn't train for it. The POP people were required for</p> <p>7 that.</p> <p>8 MR BLOU: Yes.</p> <p>9 CHAIRPERSON: And as far as I note or</p> <p>10 remember from the evidence, there was no suggestion that</p> <p>11 they were there, but if I'm wrong, I'll be corrected.</p> <p>12 MR TIP SC: In any event, Mr Blou, when</p> <p>13 the march to the NUM office started gathering and moving on</p> <p>14 Saturday, the 11th of August, there were no SAPS personnel</p> <p>15 or vehicles in the vicinity at all. Is that correct?</p> <p>16 MR BLOU: Yes, you were informed that</p> <p>17 they were not there, Mr Chairperson.</p> <p>18 MR TIP SC: Alright. I want to turn now</p> <p>19 to the 11th of August, and deal with it quite briefly, and</p> <p>20 it will be useful if you don't mind turning to your</p> <p>21 statement, quadruple R, 1.3. I just need to clarify with</p> <p>22 you, Mr Blou, what your movements were, because there seem</p> <p>23 to be some anomalies. If you could look at paragraph 23?</p> <p>24 In fact, I'm going to look at paragraphs 23, 23, and 25,</p> <p>25 but I'm going to just highlight one or two aspects rather</p>
<p style="text-align: right;">Page 36262</p> <p>1 MR TIP SC: So the essential equation</p> <p>2 that involved the necessity to bring SAPS in to contain</p> <p>3 those situations remained unchanged by the fact that</p> <p>4 external security personnel came in, correct?</p> <p>5 MR BLOU: Correct, Mr Chair.</p> <p>6 MR TIP SC: Alright.</p> <p>7 MR BLOU: Let me ask you about paragraph</p> <p>8 11 in this brief from Mr Sinclair. He says there that</p> <p>9 local facts, deployment at both Wonderkop and Karee</p> <p>10 occurred with POPS indicating that they were in the</p> <p>11 affected areas. Now that is as at the night of 10 August.</p> <p>12 Are you aware of those deployments?</p> <p>13 MR BLOU: Mr Chairperson, I am aware of</p> <p>14 the Marikana SAPS that were at Wonderkop area on the night</p> <p>15 of the 10th, yes.</p> <p>16 MR TIP SC: Was that just one vehicle?</p> <p>17 MR BLOU: Unfortunately, I'm not 100%</p> <p>18 sure, but I know that the Vispol at the time was led by</p> <p>19 Captain Govender, yes.</p> <p>20 MR TIP SC: Yes, we know about Captain</p> <p>21 Govender, but he wasn't there with a view to being</p> <p>22 available to contain any public disorder situations.</p> <p>23 MR BLOU: I am not sure, Mr Chairperson.</p> <p>24 MR TIP SC: Alright. And POPS?</p> <p>25 MR BLOU: I do not know if POPS were</p>	<p style="text-align: right;">Page 36264</p> <p>1 than to read it all into the record, and if we need to look</p> <p>2 at anything in more detail, simply say so and we will pause</p> <p>3 to give you that opportunity.</p> <p>4 MR BLOU: That is fine, Mr Chair.</p> <p>5 MR TIP SC: But what you say in essence</p> <p>6 in respect of your movements is that in paragraph 23, you</p> <p>7 say that you reported for duty at 7:30, correct?</p> <p>8 MR BLOU: Correct, Mr Chair.</p> <p>9 MR TIP SC: In paragraph 24, you say at</p> <p>10 approximately 09h00, 9 o'clock in the morning, I drove</p> <p>11 home.</p> <p>12 MR BLOU: Indeed, Mr Chair.</p> <p>13 MR TIP SC: And in paragraph 25, you say</p> <p>14 upon hearing of the gathering of the group in the area at</p> <p>15 the Wonderkop stadium, I communicated with SAPS, and at</p> <p>16 approximately 15h00 I returned to work, and apparently you</p> <p>17 then received reports of the march of a large crowd to the</p> <p>18 NUM office, and that the march was apparently repelled with</p> <p>19 two members of crowd having been injured.</p> <p>20 MR BLOU: Yes.</p> <p>21 MR TIP SC: So those are the times, 7h30,</p> <p>22 you arrive, 9 o'clock, you leave, 3 o'clock in the</p> <p>23 afternoon you're back?</p> <p>24 MR BLOU: Yes.</p> <p>25 MR TIP SC: Now, are you clear about</p>

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1 that? And let me put quite plainly what I'm going to ask
 2 you about, which is that the log sheet that we have places
 3 you at certain of the meetings at times other than that are
 4 not consistent with what you've set out in your statement.
 5 Shall we have a look at the log?
 6 MR BLOU: Please, let's have a look, Mr
 7 Chair.
 8 MR TIP SC: Okay, so quadruple E19. You
 9 are at the briefing at 8 o'clock on the morning of the 11th,
 10 if we could go to that?
 11 CHAIRPERSON: 11th on the screen yet?
 12 MR TIP SC: Correct. That's a briefing
 13 at 8 o'clock and you are there, and that's consistent with
 14 your statement, but then there's another briefing at 9h43,
 15 and you are there also, correct?
 16 MR BLOU: I can see that, Mr Chair, yes.
 17 MR TIP SC: But by the time of that
 18 meeting, the incident at the NUM office had already taken
 19 place and there was already the information that people had
 20 been injured there.
 21 MR BLOU: Yes.
 22 MR TIP SC: So it is not that you only
 23 learnt of this at 3 o'clock in the afternoon, you must have
 24 learnt of it by the latest in that meeting at 9h43?
 25 MR BLOU: I must say now that I see it,

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1 Mr Chair, the statement is not consistent with what was
 2 happening on the day, yes.
 3 MR TIP SC: Alright. And we see you
 4 again at the briefing at 14h00 and at 15h30. Now, I'm not
 5 on a mission here to spend time on this, Mr Blou, I just
 6 needed to clarify that it is your statement that records
 7 inaccurate times, and that we should rely in respect of
 8 your movements on what is set out in the log. Would that
 9 be in order?
 10 CHAIRPERSON: May I ask a question?
 11 Sorry, Mr Tip, to interrupt. I see that this entry here at
 12 9h43, the last line reads as follows, "HB to contact SAPS,
 13 PC Mbombo or General Naidoo to report no support from SAPS
 14 and the two shootings already reported." So did you –
 15 which of those two persons did you contact? I assume you
 16 must have contacted one of them, because you were
 17 instructed to do that. Which of the two did you contact?
 18 MR BLOU: I remember contacting Mrs
 19 Mbombo many times that weekend. I do not remember
 20 contacting General Naidoo on that weekend. I may have, but
 21 I don't remember.
 22 CHAIRPERSON: Well, I'm particularly
 23 interested in what happened when you contacted, I take it,
 24 it must have been provincial commissioner Mbombo, pursuant
 25 to the agreement at the 9h43 meeting when you were to

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1 contact SAPS to report no support from SAPS, and the two
 2 shootings already reported. Did you in fact do that? Did
 3 you report that there had been no support from SAPS, and
 4 did that the two shootings had taken place? Did you report
 5 it, and what was their response? Or his or her response?
 6 MR BLOU: Mr Chairperson, when I spoke
 7 with provincial commissioner Mbombo on various times
 8 between Friday, the 10th and 12th of Sunday, she was
 9 sometimes livid as that she had instructed that resources
 10 must be sent. So I think I would have, as per the log
 11 sheet, then informed her of the two shootings as well, but
 12 I do not remember 100% what I would have told her exactly,
 13 as I'm sitting here today.
 14 CHAIRPERSON: You've got no – you can't
 15 remember any response from her, of course, from what she
 16 said when, well, it's all very [inaudible], isn't it – if
 17 you spoke to her then, you think you must have spoken to
 18 her, but you can't remember what you said, and you
 19 obviously can't remember what her response was?
 20 MR BLOU: Correct, Mr Chair.
 21 CHAIRPERSON: I think the evidence was
 22 that she was on leave at the time, actually, but were you
 23 aware of that when you spoke to her?
 24 MR BLOU: I was aware when I phoned her
 25 on Friday, Mr Chairperson, I remember she had said she

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1 was on leave, but she would instruct her leadership team to
 2 come to place the deployments.
 3 CHAIRPERSON: To contact her when she was
 4 on leave, you must have had her cell number?
 5 MR BLOU: I did have her cell number,
 6 that's correct.
 7 CHAIRPERSON: Sorry, Mr Tip.
 8 COMMISSIONER HEMRAJ: And as a result of
 9 telephoning her, did SAPS actually attend?
 10 MR BLOU: Commissioner, on the weekend,
 11 or the 11th?
 12 COMMISSIONER HEMRAJ: Yes.
 13 MR BLOU: On the 11th specifically?
 14 COMMISSIONER HEMRAJ: After the phone
 15 call to try and get some support?
 16 MR BLOU: The Marikana SAPS did attend,
 17 yes.
 18 MR TIP SC: Mr Blou, just to clarify
 19 that, the Marikana attended with one vehicle and two police
 20 officers, who came to do a preliminary investigation at the
 21 scene of the shooting at NUM office.
 22 MR BLOU: Yes, Mr Chair.
 23 MR TIP SC: That's all?
 24 MR BLOU: That's why I'm saying the
 25 Marikana SAPS attended, yes.

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1 MR TIP SC: Yes, but that was their only
 2 purpose, there was no deployment of any policemen, police
 3 units or hard skin vehicles on the 11th?
 4 MR BLOU: There was none.
 5 MR TIP SC: So at that level, in terms of
 6 the fact that you were dealing with a large and aggressive
 7 crowd, and a situation such as the one at NUM office, that
 8 attracted no additional presence from SAPS?
 9 MR BLOU: I'm afraid not, Mr Chair.
 10 MR TIP SC: Sorry, I interrupted you.
 11 Apart from the calls that you made to SAPS, once you had
 12 received this information and the report about the incident
 13 at the NUM office, what did you personally do in respect of
 14 that? In your capacity as the manager of mining security?
 15 MR BLOU: Yes, I informed the other
 16 security managers in the area. We held briefings, I held
 17 briefings with the other security managers of Lonmin
 18 Platinum.
 19 [10:12] And if I remember correctly, I had conversations
 20 with members of NUM and that we tried as best we can within
 21 the resources available at our disposal to use our plan and
 22 to make sure that we are not finding ourselves where our
 23 property and the people that wanted to report to work are
 24 attacked, Mr Chairperson.
 25 MR TIP SC: You'll forgive me if I say

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1 that that sounds just a little vague. It is of course a
 2 very desirable objective –
 3 MR BLOU: That's right.
 4 MR TIP SC: - that you don't find
 5 yourself in a situation where property or people are being
 6 attacked, but specifically did you arrange any concrete
 7 plans with your other security managers in respect of how
 8 to deal with the situation, (a), on the 11th of August; and
 9 (b), in the days to come? And here again if I may just add
 10 so that you can deal with this as a collective omnibus
 11 question –
 12 MR BLOU: Yes.
 13 MR TIP SC: - did you at that stage
 14 conduct what I am calling scenario planning?
 15 MR BLOU: Mr Chairperson, what our
 16 approach was to the whole strike at that point in time was
 17 that we were of the view that this was a normal strike,
 18 although we had seen pockets of intimidation and the
 19 utterances that were made on the Friday, and this was
 20 perhaps the fact that we were interacting as security more
 21 with the strikers and at that point in time strikers would
 22 leave security, for lack of a better term to this.
 23 Whenever they saw security they would not bother them and
 24 they would actually engage with security in most instances.
 25 So our approach was that there's now an incident that had

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1 happened at NUM; we made sure and we emphasised the safety
 2 of the personnel, and we ensured that because at that point
 3 in time every time there was community unrest of, and every
 4 time there was a strike we perceived that strike to be
 5 targeted against Lonmin. We'd had buses burned. We'd had
 6 substations being targeted, the smelters, and so on, and
 7 really our focus at that point in time was to say let's
 8 ensure that those were protected to the best of our
 9 ability.
 10 MR TIP SC: Let me advance this
 11 discussion by looking at your statement –
 12 CHAIRPERSON: Sorry, before you do that,
 13 can I just ask you a question about an entry that appears
 14 on the page which we're looking at, at the moment, but just
 15 slightly higher up from where it is on the screen. So
 16 could we have it – no, a bit further. Thank you. The 8
 17 o'clock entry, the third line, now you were at that meeting
 18 we see –
 19 MR BLOU: Yes.
 20 CHAIRPERSON: - because you reported
 21 rumours of one or two people being killed. Just three
 22 lines below that is a reference to you and you made the
 23 reports I've just summarised, the following entry appears.
 24 This is Mr Kwadi talking, "Jomo Kwadi; Fear of NUM trying
 25 to assist and protect its members will lead to NUM taking

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1 law into own hands and faction fights between rival
 2 unions." So that was also a concern then, not just that
 3 the strikers would attack others but that there would be a
 4 faction fight possibly. Now what scenario planning took
 5 place, if any, to deal with that situation, or possible
 6 situation?
 7 MR BLOU: Mr Chairperson, those were
 8 always on the minds of the security people and the HR.
 9 However, we relied on the fact that if that situation would
 10 play itself out we thought we could rely on the security
 11 resources we had at the time and I cannot see why we would
 12 not have informed even the SAPS at that point in time,
 13 although I do not see evidence of it, I must say. So
 14 everything that was discussed in the briefings would be
 15 looked at and say let us monitor the situation and detect
 16 it if it happens.
 17 CHAIRPERSON: That's not an answer to my
 18 question. My question was what scenario planning, if any,
 19 was there to deal with that possibility?
 20 MR BLOU: Mr Chair, I do remember
 21 specific scenario planning around that entry.
 22 CHAIRPERSON: Was it perceived as a
 23 serious, potentially serious situation if that were to
 24 happen? If NUM were to take the law into its own hands –
 25 or sorry, that's an unfair phrasing of the question. If

<p style="text-align: right;">Page 36273</p> <p>1 certain members of NUM were to take the law into their own 2 hands and a faction fight were to develop between NUM 3 members and strikers, that's quite a serious situation, 4 wasn't it?</p> <p>5 MR BLOU: Yes –</p> <p>6 CHAIRPERSON: If that were to happen.</p> <p>7 MR BLOU: That's correct, it is a serious 8 situation –</p> <p>9 CHAIRPERSON: Wasn't it something that 10 required a scenario plan to be worked out to deal with that 11 possibility, serious possibility?</p> <p>12 MR BLOU: That's why I'm saying I do not 13 know if it did take place, but I can only raise an opinion 14 that we would not have just left it at that. I 15 unfortunately cannot now substantiate what was done to 16 that.</p> <p>17 CHAIRPERSON: You were there. Surely if 18 there was scenario planning you'd know about it. Or is 19 there something I'm overlooking?</p> <p>20 MR BLOU: No, you're not overlooking, Mr 21 Chairperson.</p> <p>22 COMMISSIONER HEMRAJ: And Mr Blou, 23 against that background you phone SAPS and they send two 24 people from Visible Policing, do you or anyone else phone 25 SAPS again and say to them this is completely inadequate,</p>	<p style="text-align: right;">Page 36275</p> <p>1 MR VAN AS: Mr Chairperson, morning. You 2 were given a bundle of documents on Thursday in a blue 3 file. I remember bringing them to you and the two 4 Commissioners. Perhaps if I could assist, my learned 5 friend Mr Tip tells me they're unreadable. If you go to 6 page 60 in that bundle, and perhaps I can just give Mr Tip 7 a copy of the page as well –</p> <p>8 CHAIRPERSON: Well, undecipherable, I 9 think what – I shouldn't speak on behalf of Mr Tip because, 10 but I think I know what he's saying because it's the same 11 problem I had. I can see there are details here of 12 telephone calls, itemised calls as they're called, but we 13 don't know, do we, to whom the calls were made.</p> <p>14 MR VAN AS: Well, Mr Chairperson, if you 15 look at –</p> <p>16 CHAIRPERSON: There are a number of 17 things written in –</p> <p>18 MR VAN AS: If you look at the second –</p> <p>19 CHAIRPERSON: Mbombo, Mbombo, Mbombo, for 20 example the extreme right-hand column –</p> <p>21 MR VAN AS: Correct.</p> <p>22 CHAIRPERSON: - there's reference to 23 three calls Mbombo, Mbombo, Mbombo.</p> <p>24 MR VAN AS: Correct, Mr Chairperson, 25 those are the ones at approximately quarter to 10 on the</p>
<p style="text-align: right;">Page 36274</p> <p>1 we need more people or crowd control or a possible faction 2 fight? Did anyone do that?</p> <p>3 MR BLOU: Commissioner, yes, I phoned - 4 and the phone records can be made available; I phoned SAPS 5 a number of times during that day, that weekend, the day 6 before that.</p> <p>7 CHAIRPERSON: And the phone records 8 obviously will tell us to whom you spoke.</p> <p>9 MR BLOU: Correct, Mr Chairperson.</p> <p>10 CHAIRPERSON: Yes, well maybe those 11 records must be made available because it seems – Mr Tip, 12 would you agree, it seems to be an important part of the 13 events of that day, and particularly to be fair, the 14 response from Lonmin endeavours to deal with the situation.</p> <p>15 MR TIP SC: Yes, Chair, the phone records 16 were in fact included in an email despatched to us just a 17 few days ago. They're not decipherable by us 18 unfortunately –</p> <p>19 CHAIRPERSON: The phone records will only 20 help us if they show that Mr Blou or one of his colleagues 21 made a phone call to particular persons, members of SAPS. 22 Just to give us just the numbers without identification of 23 the person contacted –</p> <p>24 MR TIP SC: Yes.</p> <p>25 CHAIRPERSON: - will be unhelpful.</p>	<p style="text-align: right;">Page 36276</p> <p>1 Saturday morning that the witness referred to –</p> <p>2 CHAIRPERSON: Yes.</p> <p>3 MR VAN AS: - a short while ago.</p> <p>4 CHAIRPERSON: But I understood him to say 5 that there were a number during the course of the day. If 6 I misunderstood him I must be corrected. This illustrates 7 three phone calls to the Provincial Commissioner and there 8 appear to be some calls in the other column, I'm not quite 9 sure how these things work. Oh yes, these were all on the 10 11th. The calls on the 10th in the left-hand column, those 11 include calls to Captain Govender.</p> <p>12 MR VAN AS: Correct, Mr Chairperson.</p> <p>13 CHAIRPERSON: But this witness tells us 14 there were calls all the time. Only three to Lieutenant- 15 General Mbombo at 9:44 for a minute and a half, 9:48 for 16 two minutes and 9:50 for 20 seconds. That's not all the 17 calls that he's been talking about.</p> <p>18 MR VAN AS: No, but these are the phone 19 records that we made available of Mr Blou's cell phone.</p> <p>20 CHAIRPERSON: Yes, yes, yes, I 21 understand.</p> <p>22 MR VAN AS: Thank you, Mr Chair.</p> <p>23 CHAIRPERSON: But are these just calls 24 from one phone or presumably if this witness made a number 25 of other calls they must be from another phone? You see,</p>

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1 what we've got here, dialled numbers that are blanks. Now
 2 I take it, I'm not being critical because I understand that
 3 calls that weren't relevant would obviously not be
 4 reflected here, but if he's correct that a number of phone
 5 calls were made either by him or a colleague to the police
 6 to say look here, we phoned you, we told you there's a
 7 problem, you've sent two Visible Policemen who've come and
 8 gone, no help at all, please do something, then one, I take
 9 it these calls should be recorded somewhere. Anyway, all
 10 I'm saying is we'd like that information if it's available,
 11 and in a particularised way so we know that indeed senior
 12 members of the SAPS were contacted and who they were.

13 MR TIP SC: Thank you, Chair, I'm
 14 indebted to my learned friend, Mr Van As. By saying
 15 "undecipherable" I just hadn't been able to make a proper
 16 picture of to whom the calls were made, but I understand –

17 CHAIRPERSON: You and I were in the same
 18 boat. We still are really, but we're going to be rescued
 19 in due course, it would appear.

20 MR TIP SC: I understand that Ms Baloyi
 21 for SAPS will deal with those records, and more
 22 appropriately so. Mr Blou, before I go back into your
 23 statement in any detail I just want to ask you a question
 24 about your understanding of that incident on the morning of
 25 the 11th of August at the NUM office. You gave a

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1 description of it in the course of your evidence on Friday
 2 and as I understood it you described an incident where the
 3 point of conflict was in fact somewhere in the Wonderkop
 4 Hostel area. Is that right?

5 MR BLOU: That's right.

6 MR TIP SC: And that one sees also in Mr
 7 Sinclair's brief - I don't want to take time by going there
 8 - and that notion was that strikers had moved into the
 9 hostel area, NUM had come from its office into the hostel
 10 area and there had been a confrontation there, correct?

11 MR BLOU: Mr Chair, can I clarify?

12 MR TIP SC: Yes, well I'm just asking was
 13 that the picture that you were giving in your evidence?

14 MR BLOU: No, Mr Chair.

15 MR TIP SC: Alright, well let me
 16 abbreviate it, because I don't want to dwell on it.

17 MR BLOU: Okay.

18 MR TIP SC: There are indications in some
 19 of the documentation that this incident was understood as
 20 having occurred in that way, but you are clear that it had
 21 occurred in the immediate vicinity of the NUM office?

22 MR BLOU: Yes, Mr Chair.

23 MR TIP SC: Alright, and what we don't
 24 see in the log or in your statement or that of Mr Sinclair
 25 is any indication that the two security officers who were

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1 involved in that were in fact debriefed. Can you assist us
 2 on that? That's Mr Dibakoane and Motlogeloa.

3 MR BLOU: Yes.

4 MR TIP SC: Did you see them that
 5 morning?

6 MR BLOU: Mr Chairperson, I saw security
 7 team when we did a briefing in the morning, but I'm now not
 8 hundred percent sure who I saw in that briefing.

9 MR TIP SC: Alright, that was in the
 10 morning before the incident?

11 MR BLOU: Yes, when we, when I was doing
 12 a briefing on security the morning.

13 MR TIP SC: Yes, before the incident.

14 What I'm really talking about is after the incident;
 15 there's no indication anywhere that I'm aware of in the
 16 records that those two security personnel were debriefed –

17 MR BLOU: Okay.

18 MR TIP SC: - in the sense that persons
 19 of your level actually sat with them to get their firsthand
 20 account of what had happened and what the mood was of the
 21 marchers –

22 MR BLOU: Yes.

23 MR TIP SC: - and what they'd thought
 24 might happen. That didn't take place?

25 MR BLOU: Yes, I never did a debrief with

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1 them as a person. Personally I didn't do that.

2 MR TIP SC: Yes, and you're unaware of
 3 anyone else having done that?

4 MR BLOU: I'm unaware of, save that the
 5 investigations team would have spoken with them and tried
 6 to ascertain the incident in its entirety at Wonderkop,
 7 yes.

8 MR TIP SC: Yes, that was for a different
 9 purpose of course from the one that you were seized with,
 10 which was to gather in relevant information in order that –

11 MR BLOU: Ja.

12 MR TIP SC: - appropriate plans could be
 13 put in place. From that point of view you didn't see them,
 14 nor did anyone else deal with them in a debrief situation,
 15 correct?

16 MR BLOU: Myself, yes, I do not remember
 17 seeing them, but I cannot, I do not know if anybody else
 18 saw them, Mr Chair, because there were many of us in the
 19 security management team.

20 MR TIP SC: Yes. Chair, I'm about to
 21 move on to the 12th of August, and before that –

22 CHAIRPERSON: So this is a suitable
 23 stage –

24 MR TIP SC: - with the meeting on the 11th
 25 of August, but that will all be one consecutive –

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1 CHAIRPERSON: So it seems a suitable time
2 for us to take the first comfort break.

3 MR TIP SC: Indeed, Mr Chairperson.

4 CHAIRPERSON: We'll adjourn for quarter
5 of an hour.

6 [COMMISSION ADJOURNS COMMISSION RESUMES]

7 [10:58] CHAIRPERSON: The Commission resumes. We
8 took a bit longer in coming back than we thought we would,
9 because we had some housekeeping to attend to which I can
10 report to you all. We're having an inspection in loco, as
11 you may know, on Monday, starting – the idea is that we
12 should assemble at the first holding area at 10 o'clock.

13 The reason I'm mentioning it now is that we
14 understand the parties have already been sent emails
15 requesting them to indicate what particular spots they
16 would like to be visited by the Commission so that
17 particular spots can be pointed out.

18 We're only going to have the inspection at the
19 scene of the events on the 16th. We already had an
20 inspection earlier after our initial one at the spot near
21 the railway line. So we're confining our attention to the
22 events of the 16th, but that we anticipate will probably
23 take a full day, particularly if we start at 10 o'clock.

24 So the parties are requested to communicate
25 electronically to the evidence leaders before close of

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1 business on Wednesday what spots they wish us to visit
2 because the evidence leaders are going to have to do a fair
3 amount of preparation for the inspection before Monday, and
4 so it is very important therefore that they receive timeous
5 notification of the spots that the various parties wish us
6 to visit at the – so it's essentially scene 1 and scene 2,
7 but there are certain other things like forward holding
8 area 1 and so on.

9 So please, close of business on Wednesday the
10 notification to be sent to the evidence leaders. Mr Blou,
11 you're still under oath.

12 MNTUNAYE HENRY BLOU: Correct,
13 Chairperson.

14 CHAIRPERSON: Mr Tip.

15 CROSS-EXAMINATION BY MR TIP SC (CONTD.):

16 Thank you, Chair. Mr Blou, I just want to move now to the
17 events of 12 August and as a preliminary to that to have a
18 look at your meeting on the 11th of August, which you deal
19 with in your supplementary statement, RRRR1.4 at paragraph
20 7. I'm just going to take a moment to read it onto the
21 record, Mr Blou, and you can follow as I do so. You say
22 there, "Lonmin Security management discussed this attack" –
23 that's the one of the morning on the NUM offices –

24 MR BLOU: Yes, Chair.

25 MR TIP SC: - "during the security

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1 meeting on the afternoon of 11 August 2012. Having regard
2 to the events of 11 August 2012 and the information we
3 received that the strikers were repelled by NUM members and
4 the fact that there had been no previous experience of a
5 sustained attack by workers on the NUM office, we did not
6 anticipate that a group of some 1 000 heavily armed
7 strikers would attempt to march to the NUM office during
8 the morning of 12 August 2012."

9 MR BLOU: Yes, Chairperson.

10 MR TIP SC: "In any event though, at that
11 time any such march would have entailed security
12 requirements beyond Lonmin's capacity and we have already
13 been in ongoing discussions with SAPS to increase their
14 presence to deal with ongoing events."

15 MR BLOU: Yes, Chair.

16 MR TIP SC: That's your description of
17 that meeting. Now I just want to clarify some aspects of
18 that. First of all would I be correct to think that that
19 would be the meeting of 14h00, 2PM on the 11th of August?

20 MR BLOU: On the 11th, yes, Chair.

21 MR TIP SC: Alright, and the items that
22 you set out in this paragraph, were all of those in fact
23 discussed by you and your fellow managers in the course of
24 that meeting?

25 MR BLOU: We would have discussed those,

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1 yes, Mr Chair.

2 MR TIP SC: Alright, and I ask that
3 question just to be certain that these are not
4 afterthoughts that you've had about it, but they were
5 actually discussed by you at that meeting on that day?

6 MR BLOU: Yes, Mr Chair.

7 MR TIP SC: Yes, alright. Now there are
8 a few points that I want to take up with you, and then
9 we'll look at some other documentation that relates to
10 this.

11 MR BLOU: Yes.

12 MR TIP SC: The events, when you refer to
13 the word "events" as you do in this paragraph you are
14 talking about your understanding of what took place on that
15 morning, namely that there had been an attack on the NUM
16 office by a large group of strikers who wanted to burn it –

17 MR BLOU: Yes, Mr Chair.

18 MR TIP SC: - and burn the Lonmin Combi.

19 MR BLOU: Yes.

20 MR TIP SC: And those were the events,
21 and the fact that they were repelled, you use that word,
22 that is in consequence of some NUM members having been
23 present and they took the decision not to leave their
24 office. Some shots were fired, it's common cause –

25 MR BLOU: Yes.

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1 MR TIP SC: - by a couple of the NUM
2 people present and two of the strikers were injured.
3 MR BLOU: Yes, Mr Chair.
4 MR TIP SC: At which point they turned,
5 they started moving away, running away.
6 MR BLOU: Yes.
7 MR TIP SC: NUM members in fact, some of
8 them at least chased after them and the Commissioners heard
9 evidence that the purpose of that was to keep them on the
10 move –
11 MR BLOU: Okay.
12 MR TIP SC: - so that they wouldn't stop
13 and regroup. Would that all be consistent with your
14 understanding of what happened?
15 MR BLOU: That is what I understand, that
16 is correct, Mr Chair.
17 MR TIP SC: And then you also refer to
18 the fact that there hadn't previously been a sustained
19 attack on NUM office, as you put it.
20 MR BLOU: Correct, Mr Chair, at Lonmin.
21 MR TIP SC: Yes, alright. Now the notion
22 that the strikers were repelled by NUM, was that
23 interpreted by you as suggesting that the strikers would
24 because of that, among other factors, would not return to
25 the NUM office.

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1 MR BLOU: Mr Chair, correct, yes, that's
2 how I interpreted it.
3 MR TIP SC: You didn't – or did you? -
4 did you consider that perhaps the strikers would, their
5 anti-NUM feelings would in fact have risen because of the
6 fact that two of their colleagues had been injured by NUM
7 members? Did you consider that?
8 MR BLOU: Mr Chair, no. I did not
9 anticipate that they would retaliate, no.
10 MR TIP SC: In the course of that
11 discussion, are you saying that none of you identified the
12 possibility, the possible scenario that those strikers
13 would in fact be inflamed by what had happened and that
14 they would be wanting to carry out a retaliatory attack?
15 MR BLOU: Mr Chairperson, no, none of us
16 expected that those strikers would engage in paramilitary
17 tactics and retaliate in their sustained attack on NUM, no.
18 CHAIRPERSON: Can I ask you a question?
19 We know, I think, from evidence we've had that there were
20 no NUM members of the office on the Sunday morning. That's
21 your information also, isn't it?
22 MR BLOU: That is correct, Mr Chair.
23 CHAIRPERSON: Alright, we also heard that
24 the NUM members –
25 MR BLOU: Yes.

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1 CHAIRPERSON: - you know, the senior
2 members of NUM at Lonmin had actually gone into hiding.
3 They were concerned for their safety and they went into
4 hiding. Did you know that too?
5 MR BLOU: I heard that too.
6 CHAIRPERSON: Alright.
7 MR BLOU: Yes, Mr Chair.
8 CHAIRPERSON: Now I'm not exactly sure
9 when they went into hiding but my impression is they did so
10 after the attack on the office on the Saturday which they
11 repelled. But in any event, the fact is there were no NUM
12 people at the office on the Sunday morning.
13 MR BLOU: That's how I have it, Mr Chair.
14 CHAIRPERSON: I think I'm correct in
15 saying – and if I'm wrong I'll be corrected by Mr Tip –
16 that the senior NUM members who feared their lives were in
17 danger had gone into hiding. So the factor that you took
18 into account according to your statement for believing, or
19 one of the factors for believing that they wouldn't come
20 back and have another attempt, make another attempt to burn
21 the office, that, the information that they'd been repelled
22 by NUM members on the Saturday –
23 MR BLOU: Yes.
24 CHAIRPERSON: - wasn't at all a valid
25 reason for believing that the strikers wouldn't make

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1 another attempt to attack the office. Isn't that correct?
2 MR BLOU: Mr Chair, what I believed at
3 the time, the fact that they were repelled, that would have
4 made them not to return and I was also, the complacency on
5 our part came in the fact that there had been never such
6 incident at Lonmin.
7 CHAIRPERSON: Alright, so let's take
8 those two points separate.
9 MR BLOU: Right.
10 CHAIRPERSON: The first point is, who
11 repelled them?
12 MR BLOU: We understand it was NUM, yes.
13 CHAIRPERSON: Yes, alright. So that, the
14 repelling force was now absent.
15 MR BLOU: Yes.
16 CHAIRPERSON: Alright, so they didn't
17 have to fear – and presumably it would have been, they
18 could have seen that there was no one at the office.
19 MR BLOU: Yes.
20 CHAIRPERSON: The NUM people weren't
21 there.
22 MR BLOU: Right.
23 CHAIRPERSON: So we take your second
24 point, that there had never been a sustained attack at the
25 office before. There'd never been an attempt before to

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1 burn down the office, had there?
 2 MR BLOU: Exactly, yes.
 3 CHAIRPERSON: So, but this is a new
 4 phenomenon.
 5 MR BLOU: Yes.
 6 CHAIRPERSON: Clearly there was hostility
 7 between the strikers and NUM, I imagine based upon the fact
 8 that NUM were positively endeavouring to frustrate the
 9 unprotected strike.
 10 MR BLOU: Yes.
 11 CHAIRPERSON: Would that be fair?
 12 MR BLOU: Yes, Mr Chair.
 13 CHAIRPERSON: NUM according to the
 14 evidence actually escorted workers who wanted to work to
 15 the shafts on the Friday night.
 16 MR BLOU: Yes, Chair.
 17 CHAIRPERSON: Right, and that's your
 18 information too?
 19 MR BLOU: Yes, Chair.
 20 CHAIRPERSON: Right. Obviously the
 21 strikers didn't approve of that.
 22 MR BLOU: Yes, Mr Chairperson.
 23 CHAIRPERSON: NUM had a meeting where
 24 they told the strikers – sorry, they didn't tell the
 25 strikers, they told the workers –

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1 MR BLOU: Yes.
 2 CHAIRPERSON: - that they shouldn't go on
 3 an unprotected strike.
 4 MR BLOU: Yes.
 5 CHAIRPERSON: They were positively
 6 opposed to the unprotected strike.
 7 MR BLOU: Correct, Mr Chair.
 8 CHAIRPERSON: Which again is something
 9 which would have irritated the strikers beyond measure. Is
 10 that right?
 11 MR BLOU: Yes.
 12 CHAIRPERSON: Alright. They endeavoured
 13 to burn down the office presumably to drive NUM off the
 14 premises completely.
 15 MR BLOU: Yes.
 16 CHAIRPERSON: Is that right?
 17 MR BLOU: Yes, Mr Chair.
 18 CHAIRPERSON: Now was there any possible
 19 reason for you to think that they wouldn't try to do it
 20 again; they wouldn't try to achieve what they had failed to
 21 achieve on the Saturday?
 22 MR BLOU: Mr Chair, no, we thought at the
 23 time that perhaps because they were unsuccessful on
 24 Saturday that then they would not return on Sunday for a
 25 second attempt.

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1 CHAIRPERSON: But shouldn't you have
 2 thought exactly the opposite?
 3 MR BLOU: In hindsight –
 4 CHAIRPERSON: Shouldn't you have thought
 5 precisely the opposite, that because they had failed on the
 6 Saturday they would have endeavoured on the Sunday,
 7 particularly if they knew that the NUM members were no
 8 longer there to defend the office?
 9 MR BLOU: That could have been a
 10 possibility, yes. We should have thought so, Mr Chair.
 11 CHAIRPERSON: Using the benefit of
 12 hindsight you I take it would agree, would you –
 13 MR BLOU: Yes.
 14 CHAIRPERSON: - that that was a rather
 15 short-sighted assumption that you made that they wouldn't
 16 make another effort to burn down the office?
 17 MR BLOU: That is correct, yes.
 18 CHAIRPERSON: What would you have done if
 19 you had foreseen that they might endeavour on the Sunday
 20 morning to repeat what they'd not been able to achieve, or
 21 not to repeat but to achieve on the Sunday morning what
 22 they'd failed to achieve on the Saturday? What would you
 23 have done?
 24 MR BLOU: Mr Chair, I would have
 25 attempted to evacuate the NUM people. We now presume that

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1 they had already been evacuated.
 2 CHAIRPERSON: They'd gone into hiding.
 3 MR BLOU: Yes, hiding. Now the second
 4 step would have then been to try and protect this building,
 5 perhaps the Protea Coin hard-skin that was there, put it
 6 there as a deterrent, without necessarily putting members
 7 on the ground from this hard-skin, from this armoured
 8 vehicle. That is what I would have done. I also know that
 9 the resources at the time may have not been able in any
 10 event to prevent the action of the strikers to ultimately
 11 burn down this office. It would have been impossible to
 12 stop 2 000 people who were adamant in coming and burn down
 13 an office at the time.
 14 CHAIRPERSON: You've told us about the
 15 various communications you had with SAPS. Did you during
 16 this period tell SAPS in terms that – I take it the answer
 17 must be no because you didn't foresee the possibility, but
 18 you obviously didn't tell the SAPS that look here, there's
 19 a serious problem that could well arise, namely an attack
 20 on the NUM office, or a renewed attack on the NUM office on
 21 the Sunday morning?
 22 MR BLOU: Mr Chairperson, the SAPS knew
 23 already on the Saturday. That's why they came out to do an
 24 FIC, first information of crime, and the SAPS, I also must
 25 mention the NUM office is adjoined to a satellite SAPS

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1 station, so I would have presumed that the SAPS would have
 2 been very aware of this, in fact to also protect their
 3 property, I would have thought. So I know that there is no
 4 way that the SAPS would not have been informed of what was
 5 happening.

6 CHAIRPERSON: How regularly was that SAPS
 7 substation, is it? Satellite?

8 MR BLOU: Satellite station.

9 CHAIRPERSON: Satellite station.

10 MR BLOU: Yes.

11 CHAIRPERSON: How frequently was that
 12 manned? Or staffed, I suppose I must use a gender neutral
 13 expression. How frequently was that staffed?

14 MR BLOU: Mr Chairperson, I would not
 15 know 100% for sure, but I know that it was a SAPS station
 16 that was manned by them.

17 CHAIRPERSON: But on a 24/7 basis?

18 MR BLOU: I know they had brought it
 19 there for complaints. I'm not now so 100% whether it was
 20 24 or not, no.

21 CHAIRPERSON: And when it was staffed,
 22 how many people were there?

23 MR BLOU: I do not know for 100%.

24 CHAIRPERSON: Was it two or three? It
 25 wasn't a full station –

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1 MR BLOU: Ja.

2 CHAIRPERSON: So you didn't have a
 3 station commander.

4 MR BLOU: Ja, definitely.

5 CHAIRPERSON: - CID branch and a Visible
 6 Policing branch and a Public Order branch or anything like
 7 that, did you? It was just a satellite station.

8 MR BLOU: Satellite station manned by
 9 people to attend to complaints within the community. It
 10 was a satellite station of Marikana SAPS.

11 CHAIRPERSON: Yes, I see, thank you. I'm
 12 sorry, Mr Tip, I took over some of your time. Forgive me.

13 MR TIP SC: Thank you. Thank you very
 14 much, Chair. Just on the point of the satellite station,
 15 Mr Blou, my instructions are that during that period at
 16 least it hadn't been attended by any members of SAPS
 17 whatsoever. It was just empty over those periods. You've
 18 got no reason to disagree with that, I think.

19 MR BLOU: I do not know, Mr Chair, if it
 20 was closed and not manned at the time. I'm not 100% sure.
 21 I just know that there's a SAPS office adjoined to the NUM
 22 office.

23 CHAIRPERSON: Well, if you didn't know if
 24 it was operational at the time you couldn't make any
 25 assumption that the police would do anything about it

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1 because of their presence there, would you? Because you
 2 didn't know whether they were there.

3 MR BLOU: Correct, Mr Chair –

4 CHAIRPERSON: For all you know they might
 5 have visited every Wednesday afternoon for a couple of
 6 hours just to deal with any complaints.

7 MR BLOU: I would have thought that if it
 8 is their office they probably would have ensured that the
 9 threat that had come on Saturday, they needed then to make
 10 sure that their office is protected as well.

11 MR TIP SC: Mr Blou, I just want to deal
 12 with the latter part of the paragraph number 7, and I think
 13 that you've already given an indication in respect of this
 14 in answers to questions from the Chair, but at that stage,
 15 that Saturday afternoon it was clearly discussed by you and
 16 your fellow managers that whatever the prospect might be of
 17 an attack, another attack, you had no resources, you Lonmin
 18 had no resources to deal with it. It was as you put it
 19 there, beyond Lonmin's capacity.

20 MR BLOU: Yes.

21 MR TIP SC: Now you've told us, and I'm
 22 going to examine that a bit further with you in a moment,
 23 but you've told us that there was no anticipation that
 24 there could be a repeat attack on the 12th.

25 MR BLOU: Yes, Mr Chair.

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1 MR TIP SC: As far as you were concerned,
 2 did you remain of that view right through into the morning
 3 of the 12th until after the events of that morning, the
 4 attack and the death of Mr Fundi and Mr Mabelane?

5 MR BLOU: Correct, Mr Chair.

6 MR TIP SC: So you never anticipated that
 7 that event might take place?

8 MR BLOU: Mr Chair, I never anticipated
 9 it –

10 MR TIP SC: Alright.

11 MR BLOU: - no.

12 MR TIP SC: Well, can we just look at a
 13 few documents in that regard. First of all if we could get
 14 EEEE19 back on screen and go to the 14h00 meeting on the
 15 11th. Now you will see there that is the discussion meeting
 16 that you're talking about at which you were present and Mr
 17 Botes and others. Approximately one, two, three, four,
 18 five, six – five lines from the bottom of that part of the
 19 entry there's, it reads the following.
 20 [11:18] From observation there might be a fight between
 21 NUM and AMCU. Do you see that?

22 MR BLOU: I see that, yes, Mr Chair.

23 MR TIP SC: Now whether one talks about
 24 AMCU or talks about strikers there was quite clearly
 25 identified the possibility that there might be a fight

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1 between NUM and let us say strikers.
 2 MR BLOU: At that meeting, yes.
 3 MR TIP SC: Yes now why do you say to us
 4 that it was not anticipated that that might happen?
 5 MR BLOU: Mr Chair, I think we went, we
 6 under estimated the militancy of the strike. That is why –
 7 of the strikers, I beg your pardon. That is why we never
 8 thought that their actions would be of a scale as happened
 9 during that weekend. We thought that it would be something
 10 that would show them that perhaps they need to contain
 11 themselves. I note in the meeting, as you've correctly
 12 alluded to, we did discuss this, but I never anticipated
 13 that the strikers would go and attack for a second time or
 14 attempt an attack for a second time at the NUM offices, no.
 15 MR TIP SC: Immediately below that entry
 16 we see from Lonmin's side the following are in place. 24
 17 hours manpower plan plus external services. Now on the
 18 face of it when one looks at those two entries the 24 hour
 19 manpower plan follows directly on this observation that
 20 there could be a fight. Is that a misreading of it?
 21 MR BLOU: Mr Chairperson, that 24 hour
 22 plan was activated throughout and its mission was to patrol
 23 and see whether there are any incidents that are happening.
 24 MR TIP SC: So this again is nothing more
 25 than the patrol, monitor function, not in any way geared

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1 are you saying to taking any steps to contain a further
 2 march?
 3 MR BLOU: That is a Lonmin mandate, Mr
 4 Chairperson.
 5 MR TIP SC: All right. Now just on the
 6 foreseeability aspect can we look at the evidence of Mr
 7 Louw, day 262, page 33076 at line 33076, yes at line 19? I
 8 was cross-examining Mr Louw at that stage and we were
 9 dealing with the question of briefing and planning etcetera
 10 and Mr Louw says the following. "Yes we had a briefing
 11 session in front of the Wonderkop offices just out the
 12 Wonderkop hostel area, just on the outside of the general
 13 offices by Mr Miles that evening."
 14 MR BLOU: Yes.
 15 MR TIP SC: "And he explained to us what
 16 had" – he says "expired" I supposed he meant transpired,
 17 "in the morning. Also what had happened during the day and
 18 also what might happen the next morning." I say "The next
 19 morning being 12 August." Mr Louw says "That's correct."
 20 MR BLOU: Yes.
 21 MR TIP SC: I say "Yes and was there any
 22 discussion about the possibility that there might be
 23 another move by strikers on the NUM on the 12th of August?"
 24 Mr Louw says "That's correct. The possibility of
 25 retaliation by the members on the koppie to the NUM offices

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1 were discussed." I say "So that was discussed if I'm
 2 following you correctly at a session on the 11th of August."
 3 "That's correct" he says. And then I go on to say "Was any
 4 planning put in place in respect of what should be done if
 5 indeed there was what you call a retaliation?" He says
 6 "There was no formal planning put into place as to what
 7 role and function each member would play the next day. It
 8 was merely a discussion form of meeting that took place on
 9 the Saturday evening." I asked whether Mr Sinclair or you
 10 were present. He says not that he can recall. Now, Mr
 11 Blou, what one sees there very, very clearly is that Mr
 12 Louw in fact is part of a discussion conducted by Mr Miles
 13 at which other persons presumably are present where there
 14 is a most explicit identification of the prospect that
 15 there could be a retaliation the next day, being 12 August.
 16 MR BLOU: Yes, Mr Chair.
 17 MR TIP SC: Does it surprise you to see
 18 that there was such a discussion?
 19 MR BLOU: Mr Chairperson, it doesn't
 20 surprise me, however, I am not sure where I would have been
 21 at the time that this discussion took place. I know that
 22 on the evening of the 11th I was at one stage in the chopper
 23 doing a fly over and at another I was at the Emergency and
 24 Disaster, or let me call it the Security Operations room.
 25 But I was not privy to this discussion when it took place.

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1 MR TIP SC: That's fine, Mr Blou, but at
 2 that stage, as you've reconfirmed this morning, there was
 3 already this integration of the security personnel from
 4 mining security and from the process plant side.
 5 MR BLOU: Yes.
 6 MR TIP SC: Which is where Mr Louw and Mr
 7 Miles were.
 8 MR BLOU: Correct.
 9 MR TIP SC: So part of this integrated
 10 force certainly had identified the possibility of a
 11 retaliation attack the next day.
 12 MR BLOU: Correct, Mr Chair.
 13 MR TIP SC: Now can we also look at a
 14 further brief that was prepared by Mr Sinclair, FFFF6?
 15 CHAIRPERSON: Which paragraph in
 16 particularly do you want to look at, Mr Tip? But firstly
 17 what's the time of this brief? Perhaps we should look at
 18 the beginning first to see the date and time.
 19 MR TIP SC: I'm going to do that as soon
 20 as I –
 21 CHAIRPERSON: It's 11 o'clock at night on
 22 the Friday evening.
 23 MR TIP SC: Brief number 4.
 24 CHAIRPERSON: Because we're looking at
 25 brief number 1 at the moment.

<p style="text-align: right;">Page 36301</p> <p>1 MR TIP SC: Sorry I had neglected to say 2 brief number 4. That is – we have it now. That is dated 3 12 August 2012 and the time is 7:30. 4 CHAIRPERSON: Am? 5 MR TIP SC: 7:30am, yes. 07h30. Do you 6 see that, Mr Blou. 7 MR BLOU: Correct, Chairperson. 8 MR TIP SC: Right, can I just read with 9 you paragraph 1? "Saturday afternoon and evening saw no 10 escalation in violence, however, reliable information 11 indicated that the group reported in the last communication 12 who were responsible for the confrontation flare up on 13 Saturday morning at Wonderkop hostel had gathered some 1.5 14 kilometres away from the hostel in the veld area. And were 15 undergoing traditional rituals in preparation to attack the 16 NUM representatives who confronted them in the Wonderkop 17 hostel on Saturday morning." 18 MR BLOU: I see that, Mr Chair. 19 MR TIP SC: Now were you aware that the 20 group had by then decided to move from the Wonderkop 21 stadium area to the koppie? 22 MR BLOU: I was aware, Mr Chairperson. 23 MR TIP SC: And were you aware of the 24 information that had flowed into the Lonmin security 25 communication channels of the administration of rituals,</p>	<p style="text-align: right;">Page 36303</p> <p>1 He says nothing about at attack on Lonmin facilities there 2 does he? 3 MR BLOU: I don't see him mentioning it, 4 Mr Chair. 5 MR TIP SC: Well the terms of that, with 6 respect, Mr Blou, very clear and that is 7:30 before the 7 events of 12 August. 8 MR BLOU: Yes. 9 MR TIP SC: Are you saying that Mr 10 Sinclair could have received this information and reached 11 that conclusion without you being privy or party to it? 12 MR BLOU: It's difficult to clearly 13 state, Mr Chairperson, however, again I do not recall 14 seeing such communiqué by Mr Sinclair at the time. 15 COMMISSIONER HEMRAJ: Was the situation 16 of the double red communicated to you? 17 MR BLOU: Correct, Commissioner. 18 COMMISSIONER HEMRAJ: But the reasons 19 weren't communicated to you. 20 MR BLOU: The reasons that I thought of 21 at the time were that we needed to ensure that Lonmin 22 property close to the Wonderkop vicinity are protected. 23 COMMISSIONER HEMRAJ: And these briefs, 24 are they are not sent out immediately to all the security 25 personnel who were involved in the operations?</p>
<p style="text-align: right;">Page 36302</p> <p>1 traditional rituals? 2 MR BLOU: Correct, Mr Chairperson. 3 MR TIP SC: And that those were said to 4 be in order to turn bullets to water and as it's put here 5 by Mr Sinclair, "In preparation to attack." You were aware 6 of that? 7 MR BLOU: I was aware of that, yes, Mr 8 Chairperson. 9 MR TIP SC: Well let me just read on a 10 little, paragraph 2, sub-paragraph A. Mr Sinclair says 11 there "The security operation was stepped up on Saturday 12 afternoon to a double red status because of the potential 13 mass revenge conflict indicated in point 1." And Mr 14 Sinclair saw fit to underline the words mass revenge. And 15 he is talking about the prospect of this further attack on 16 NUM. Correct? 17 MR BLOU: Mr Chairperson, my 18 understanding of it at the time was that such retribution 19 would be directed towards Lonmin. 20 MR TIP SC: But Mr Sinclair who is the 21 overall manager of security and emergency disaster 22 management says very clearly here that the understanding is 23 that they are preparing themselves to attack the NUM 24 representatives who confronted them on the Saturday morning 25 and he says this is mass revenge, potential mass revenge.</p>	<p style="text-align: right;">Page 36304</p> <p>1 MR BLOU: Commissioner, I have not seen 2 such briefs. I can think by that by that I may be 3 incorrect. I can think that they would have been sent to 4 the executives, in other words upwards. 5 COMMISSIONER HEMRAJ: I see, thank you. 6 MR TIP SC: Now – 7 CHAIRPERSON: Does it say – we can't see 8 the top of document, does it say further up on the document 9 to whom it was sent? No it doesn't, it says to, but the to 10 part is blank. Yes I see. But it says Department SHEC- 11 ENDM, now what are those again? 12 MR BLOU: That is the department that Mr 13 Sinclair works at, he's referring to that department. 14 CHAIRPERSON: Yes, ENDM is Emergency and 15 Disaster Management. 16 MR BLOU: Yes. 17 CHAIRPERSON: And SHEC? 18 MR BLOU: Safety, Health, Environment and 19 Community. 20 CHAIRPERSON: Which department are you 21 in? 22 MR BLOU: In the Mining Security and ENDM 23 Department, Mr Chair. 24 CHAIRPERSON: So this document related to 25 the department you were in, you were a senior member of.</p>

<p style="text-align: right;">Page 36305</p> <p>1 MR BLOU: But the SHEC I'm not so 100%</p> <p>2 sure under what context was it put in, in this briefing.</p> <p>3 CHAIRPERSON: Never mind the SHEC, the</p> <p>4 ENDM does involve you.</p> <p>5 MR BLOU: ENDM is one portion of my</p> <p>6 department, yes.</p> <p>7 CHAIRPERSON: Did Mr Sinclair not discuss</p> <p>8 this matter? This is sent out at 7:30 in the morning, on</p> <p>9 the Sunday morning, the 12th.</p> <p>10 MR BLOU: Yes.</p> <p>11 CHAIRPERSON: Did he discuss it with you,</p> <p>12 did you see him at all round about that time?</p> <p>13 MR BLOU: We did briefings that morning,</p> <p>14 Mr Chairperson. We normally were all of us there at those</p> <p>15 briefings, myself, Mr Sinclair and other security managers.</p> <p>16 CHAIRPERSON: You see in your statement</p> <p>17 at paragraph 27 dealing with the events of the 12th of</p> <p>18 August you say, it's at page 8 of your statement. "On 12</p> <p>19 August 2012 I arrived at my office at 6am. I attended a</p> <p>20 security briefing and a briefing with members of the Human</p> <p>21 Capital department at approximately 7:30. I left the</p> <p>22 office at approximately 9:00. So this security briefing</p> <p>23 that you talk about, would Mr Sinclair have been there as</p> <p>24 well?</p> <p>25 MR BLOU: He may have been there or also</p>	<p style="text-align: right;">Page 36307</p> <p>1 room 24/7 and so on. If it is then going on red that we</p> <p>2 should man it 24/7 with management, etcetera.</p> <p>3 COMMISSIONER HEMRAJ: So it's</p> <p>4 communicated in a meeting.</p> <p>5 MR BLOU: Yes.</p> <p>6 COMMISSIONER HEMRAJ: And if you're not</p> <p>7 at the meeting what then?</p> <p>8 MR BLOU: If you're not at the meeting</p> <p>9 upon getting to the operation you're going to be briefed</p> <p>10 that the status is now double red or red or orange.</p> <p>11 COMMISSIONER HEMRAJ: Thank you.</p> <p>12 MR BLOU: Yes.</p> <p>13 MR TIP SC: Thank you, Chair. Just to</p> <p>14 clarify, my understanding of these briefs or my</p> <p>15 recollection rather was that Mr Sinclair had said in the</p> <p>16 course of his evidence that they were intended for senior</p> <p>17 management, so Mr Louw may well be correct that they didn't</p> <p>18 percolate downwards. And Mr Blou, sorry I said Mr Louw I</p> <p>19 think. Mr Blou, my apologies and just also in fairness to</p> <p>20 you that one looks at EEEE19 in the log there was the</p> <p>21 security meeting, the debrief at 7:40. It was conducted by</p> <p>22 you, there isn't any mention of Mr Sinclair having been</p> <p>23 present. So I think that it's fair to point that out to</p> <p>24 you. However, you were, as the Chair has pointed out,</p> <p>25 you've said in your statement that you were there at the</p>
<p style="text-align: right;">Page 36306</p> <p>1 we were not – we were having security briefings, I'm just</p> <p>2 now not 100% on that Sunday if Mr Sinclair was there. I</p> <p>3 remember during the day he was there.</p> <p>4 CHAIRPERSON: You were communicating with</p> <p>5 each other at the time I take it.</p> <p>6 MR BLOU: Correct, Yes.</p> <p>7 CHAIRPERSON: So one would have expected</p> <p>8 him to have told you what his thinking was, why he'd</p> <p>9 stepped up this status of the operation to double red.</p> <p>10 MR BLOU: Correct.</p> <p>11 CHAIRPERSON: And the fact too that he</p> <p>12 mentioned this paragraph 2A of this document surely it's</p> <p>13 something he should have communicated to you, even if he</p> <p>14 didn't.</p> <p>15 MR BLOU: Correct, Mr Chair.</p> <p>16 COMMISSIONER HEMRAJ: How is the status</p> <p>17 communicated to you and the other managers if they're a</p> <p>18 double red status or a red status? How is this</p> <p>19 communicated and in what detail?</p> <p>20 MR BLOU: Commissioner, we have a</p> <p>21 discussion among ourselves, we talk about that we have now</p> <p>22 moved the status from A to B to put it in light terms.</p> <p>23 Then what we need to do, upfront we know what are the</p> <p>24 things that should happen, if it is now moving from green</p> <p>25 to orange we know we've got to man the security control</p>	<p style="text-align: right;">Page 36308</p> <p>1 office until about 9 o'clock.</p> <p>2 MR BLOU: Yes, Mr Chair.</p> <p>3 MR TIP SC: Is that correct?</p> <p>4 MR BLOU: Correct, Mr Chair.</p> <p>5 MR TIP SC: And on Friday you had said to</p> <p>6 us that in the event that a gathering was to begin in the</p> <p>7 sense, I put that clumsily, forgive me. But if strikers</p> <p>8 began to gather then that would be something of real</p> <p>9 consequence, could pose a serious threat and that you</p> <p>10 should be informed of it immediately so that you could take</p> <p>11 the appropriate steps and make the appropriate decisions.</p> <p>12 MR BLOU: Correct, Mr Chair.</p> <p>13 MR TIP SC: All right. Now can we go</p> <p>14 then back to the log at EEEE19 to that debriefing at 7:40</p> <p>15 on 12 August? I'm going to come to a few subsequent</p> <p>16 entries now, but I just want your comment as we go. You'll</p> <p>17 see just next to the time of 7:40, just one line down it</p> <p>18 says "SAPS posted an Nyala and a Kombi, this was very good</p> <p>19 as Lonmin could go into Nkaneng."</p> <p>20 MR BLOU: Yes, Mr Chair.</p> <p>21 MR TIP SC: So that's the position at</p> <p>22 that time on Sunday morning.</p> <p>23 MR BLOU: Yes.</p> <p>24 MR TIP SC: And if I follow documentation</p> <p>25 accurately that Nyala had in fact been posted right next to</p>

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1 Nkaneng, is that right? Was that your understanding?
 2 MR BLOU: It's my understanding, Mr
 3 Chairperson.
 4 MR TIP SC: Let me just ask you whilst we
 5 deal with it and get it out the way, that was a very
 6 significant vehicle to have in the vicinity was it not?
 7 MR BLOU: It is, Mr Chairperson.
 8 MR TIP SC: But what we see as we go
 9 through the events thereafter that Nyala makes absolutely
 10 no appearance.
 11 [11:37] MR BLOU: That is what I noted, Mr Chair.
 12 MR TIP SC: And from your knowledge, were
 13 any steps taken in the course of that morning, before the
 14 events or during them, to mobilise that Nyala, and to get
 15 it into action to assist with the containment of the crowd
 16 and to afford protection to your security personnel?
 17 MR BLOU: Mr Chairperson, I can only think that
 18 security would have known if that Nyala was deployed there,
 19 however if it had moved away from there, I would think that
 20 we would have also become aware of it, and we probably
 21 would have telephoned the SAPS, but –
 22 MR TIP SC: Mr Blou?
 23 MR BLOU: Chairperson –
 24 MR TIP SC: Forgive me.
 25 MR BLOU: But what I'm saying is I do not

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1 have good recollection what, where that Nyala disappeared
 2 to immediately leading to the attacks.
 3 MR TIP SC: Alright, well, your answer is
 4 based on an entirely speculative notion that that Nyala
 5 actually did disappear. There's no reason at all for you
 6 to believe that it did, is there?
 7 MR BLOU: It is based on speculating, Mr
 8 Chairperson.
 9 MR TIP SC: But at 7h40, at your briefing
 10 session, security notes that it is there and you can now go
 11 into Nkaneng. So that identifies the place where it is.
 12 MR BLOU: Correct, Mr Chairperson.
 13 MR TIP SC: But to repeat, in terms of
 14 any steps having been taken to mobilise it and to bring it
 15 into action and to afford protection, you know of no such
 16 steps and you, personally, took no such steps, is that
 17 right?
 18 MR BLOU: Mr Chairperson, I know of no
 19 such steps being taken, I can only speculate once more that
 20 we were faced with a situation where we needed SAPS
 21 presence at Lonmin.
 22 MR TIP SC: Alright. Let me move on to –
 23 in the same meeting, just a little further down, to the
 24 next page.
 25 COMMISSIONER HEMRAJ: Just before that,

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1 was it ever communicated to SAPS that Nyala might be
 2 necessary on any point along that route that they would
 3 march towards NUM offices? Or anywhere in that area, at
 4 all, as opposed to Nkaneng?
 5 MR BLOU: Commissioner, that area where
 6 NUM offices are situated, normally the marchers, or the
 7 strikers would march from the Nkaneng area through
 8 Wonderkop on to that area. So if it was there, and if a
 9 procession took place, that Nyala would have seen the
 10 strikers marching towards the offices, yes.
 11 MR TIP SC: We're still on the early
 12 morning of the 12th of August, just after the entry for that
 13 briefing session that you conducted, I presume, when it
 14 says 7h40, that's when the briefing session begins, is that
 15 the way it works?
 16 MR BLOU: That's right.
 17 MR TIP SC: Alright. Then immediately
 18 after that you'll see that there is an entry at 8 o'clock,
 19 Andrew reports something. Then at 8:07, Martin Vorster
 20 reports a group of at least 30 people already gathered at
 21 the koppie behind the Wonderkop substation. Do you see
 22 that?
 23 MR BLOU: I see that, Mr Chairperson.
 24 MR TIP SC: And at 8:10, just a few
 25 minutes later, Daluvuyo of NUM reports that people are

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1 boarding taxis in masses. No information of where they are
 2 heading to. At the same time, still 8:10, a mob at
 3 Wonderkop, at the koppie increasing D4P2X1 monitoring the
 4 situation.
 5 MR BLOU: I see that, Mr Chair.
 6 MR TIP SC: That is triumvirate of very
 7 significant entries, is it not?
 8 MR BLOU: It is, Mr Chair.
 9 MR TIP SC: Vorster says people are
 10 gathering. Daluvuyo of NUM sees people moving in such
 11 numbers that he thinks it's appropriate to phone JOC and to
 12 report it.
 13 MR BLOU: Yes, Mr Chairperson.
 14 MR TIP SC: And at the same time that he
 15 does so, the mob as reported into JOC, is increasing?
 16 MR BLOU: Yes.
 17 MR TIP SC: Now, what one here then is a
 18 situation where a gathering mass of people is coming
 19 together.
 20 MR BLOU: Correct, Mr Chairperson.
 21 MR TIP SC: And that's precisely the kind
 22 of thing that we've discussed previously that poses the
 23 potential of a serious incident.
 24 MR BLOU: Yes.
 25 MR TIP SC: Particularly, having regard

<p style="text-align: right;">Page 36313</p> <p>1 to what happened already on the previous morning?</p> <p>2 MR BLOU: Correct.</p> <p>3 MR TIP SC: Were you aware of those</p> <p>4 reports?</p> <p>5 MR BLOU: I was in the JOC, Mr</p> <p>6 Chairperson, so I should have been aware, even if I had</p> <p>7 come out of briefings, because I had done three briefings</p> <p>8 that morning, if I remember, there would have been</p> <p>9 discussions to that effect, correct.</p> <p>10 MR TIP SC: Well, let us assume that you</p> <p>11 became aware of them then.</p> <p>12 MR BLOU: Yes.</p> <p>13 MR TIP SC: Now, that called for some</p> <p>14 reaction on your part, did it not?</p> <p>15 MR BLOU: It did, Mr Chairperson.</p> <p>16 MR TIP SC: And what reaction was there?</p> <p>17 MR BLOU: Mr Chairperson, the reaction</p> <p>18 would have been to alert the SAPS, and it would have been</p> <p>19 also to ensure that the people on the ground were aware of</p> <p>20 the gathering and that they were also able to exercise and</p> <p>21 protection of themselves, and areas within the proximity of</p> <p>22 where this gathering was taking place.</p> <p>23 MR TIP SC: Did you take any steps, Mr</p> <p>24 Blou? Did you get hold of your security personnel?</p> <p>25 MR BLOU: Mr Chairperson, through the</p>	<p style="text-align: right;">Page 36315</p> <p>1 day, but that they should nevertheless be careful while</p> <p>2 performing their duties."</p> <p>3 MR BLOU: Yes.</p> <p>4 MR TIP SC: Now, the effect of that is</p> <p>5 what? What was their understanding? Did they go away</p> <p>6 believing that they should anticipate that they might have</p> <p>7 to deal with another march? Or that they would not have to</p> <p>8 deal with another march?</p> <p>9 MR BLOU: I think they went away, Mr</p> <p>10 Chairperson. We had never had Sundays being days of</p> <p>11 persistent or sustained strike action for a previous day,</p> <p>12 if anything, Sundays, the strikers would rest and then</p> <p>13 their action would again start on a Monday. So in my mind,</p> <p>14 they went away believing that they should patrol the areas,</p> <p>15 and to detect any incidence that may occur.</p> <p>16 MR TIP SC: Right. That's fine, Mr Blou,</p> <p>17 but now you are in the JOC and register that these reports</p> <p>18 are coming in, that contrary to your belief that Sundays</p> <p>19 are treated as a day of rest by strikers, they are in fact</p> <p>20 gathering?</p> <p>21 MR BLOU: Yes.</p> <p>22 MR TIP SC: And that they appear to be</p> <p>23 gathering rapidly and on all the information available, it</p> <p>24 would appear that one must anticipate that this will be a</p> <p>25 large gathering, correct?</p>
<p style="text-align: right;">Page 36314</p> <p>1 security operations room, remember I had done a briefing</p> <p>2 already that morning with that team that was working there</p> <p>3 on the ground. So the persons that were manning the JOC,</p> <p>4 the persons that were talking on radio communications with</p> <p>5 the JOC, did communicate with the people on the ground.</p> <p>6 MR TIP SC: Let us go to your</p> <p>7 supplementary statement, which is quadruple R1.4, paragraph</p> <p>8 13. Yes, you deal there, Mr Blou, with the security</p> <p>9 briefing on 12 August that you've just mentioned, and just</p> <p>10 look at that together.</p> <p>11 MR BLOU: Yes.</p> <p>12 MR TIP SC: And you say that that's about</p> <p>13 6 o'clock and amongst the security officers who attended</p> <p>14 were late Hassan Fundi and the late Frans Mabelane.</p> <p>15 MR BLOU: Yes.</p> <p>16 MR TIP SC: And then you say in paragraph</p> <p>17 15, "During this briefing, I emphasised that the personal</p> <p>18 safety of security officers was paramount and that they</p> <p>19 should not endanger their lives in order to protect Lonmin</p> <p>20 property. I also advised them that the strikers were</p> <p>21 dangerous and they'd attacked the NUM office on 11 August</p> <p>22 2012."</p> <p>23 MR BLOU: Yes, I note that.</p> <p>24 MR TIP SC: "I explained to them that</p> <p>25 since it was a Sunday, we did not expect any incidence that</p>	<p style="text-align: right;">Page 36316</p> <p>1 MR BLOU: Correct.</p> <p>2 MR TIP SC: Now, on that basis alone, did</p> <p>3 you not, as the manager of security, urgently have to</p> <p>4 revise your view that there was not the potential of a</p> <p>5 retaliatory attack on the NUM offices?</p> <p>6 MR BLOU: Mr Chairperson, up to that</p> <p>7 point, my thinking was that the strikers, as they were</p> <p>8 gathering, would probably just have a dance of show of</p> <p>9 force, and that they would disperse again. Never had it</p> <p>10 happened that strikers on a Sunday would have gathered, and</p> <p>11 have a second go, if I may, at the property. Never has it</p> <p>12 happened.</p> <p>13 MR TIP SC: Well, Mr Blou, the chairman</p> <p>14 has already put to you that it had also never happened</p> <p>15 before that strikers attack, certainly at Lonmin, that</p> <p>16 strikers attack a NUM office, correct?</p> <p>17 MR BLOU: Correct, Mr Chairperson.</p> <p>18 MR TIP SC: We already have, we've</p> <p>19 developed this on Friday, we already know that by 10 August</p> <p>20 you and Mr Sinclair had registered that this was an</p> <p>21 unusually large number of strikers on the march to LPD.</p> <p>22 MR BLOU: Correct.</p> <p>23 MR TIP SC: And that their mood was</p> <p>24 unusually threatening, and in Mr Sinclair's words, very</p> <p>25 disturbing, correct?</p>

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1 MR BLOU: Correct.

2 MR TIP SC: So didn't you have to

3 displace your views about what had happened in the past,

4 and to say, well, this is in fact a new situation and we

5 have to anticipate the worst? Isn't that what scenario

6 planning is about? Isn't it your duty to undertake that

7 kind of examination of what might happen?

8 MR BLOU: Mr Chairperson, we were caught

9 by surprise. We were caught unawares. We never

10 anticipated that Lonmin employees would be armed on a

11 Sunday –

12 CHAIRPERSON: You are not answering the

13 question, Mr Blou. The question was about your duty, not

14 what you did or didn't do.

15 MR BLOU: Yes.

16 CHAIRPERSON: You were asked about your

17 duty. Repeat the question, please, Mr Tip, so the witness

18 can answer it.

19 MR TIP SC: Yes. In those circumstances,

20 Mr Blou, where you have already registered some alarming

21 indices in respect of the numbers and conduct and mood of

22 the crowd on 10 August, you have already registered that in

23 the course of the evening of 10 August into the morning of

24 11 August there have been several acts of intimidation.

25 MR BLOU: Yes.

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1 MR TIP SC: - violent ones. You have

2 already registered that NUM has spoken against the strike

3 and is moving around providing escorts for people who want

4 to go work.

5 MR BLOU: Yes, Mr Chair.

6 MR TIP SC: And as you agreed with the

7 chairperson earlier this morning, that would have inflamed

8 the feelings of the strikers in respect of NUM.

9 MR BLOU: I agree.

10 MR TIP SC: You know that on the Saturday

11 morning previously something unprecedented had taken place,

12 namely that a large group of your workers had in fact moved

13 on the NUM office with the intention of burning it, and the

14 Lonmin vehicle.

15 MR BLOU: Yes.

16 MR TIP SC: Unprecedented?

17 MR BLOU: Yes.

18 MR TIP SC: So you're in uncharted

19 territory?

20 MR BLOU: Yes.

21 MR TIP SC: So when, on Sunday morning,

22 you see that gathering, were you not – the gathering

23 beginning at the koppie, were you not under a duty to take

24 stock of that on the basis that you were indeed in

25 uncharted territory and to identify, the very topic that

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1 you had discussed the day before, is this perhaps not after

2 all another attack on NUM? On the NUM office?

3 MR BLOU: Mr Chairperson, we should have

4 done that, but even on Friday when the strike was

5 dispersing, the march was dispersing, we, the security

6 people, were walking in and among the strikers. On

7 Saturday after the event, after the attack in Wonderkop,

8 our team members were walking in and among the strikers.

9 On Sunday morning, we were still of the view that we have

10 good rapport and that the strikers would, in all

11 likelihood, listen and perhaps again interact with us, as

12 has been history at Lonmin, but –

13 MR TIP SC: Mr Blou – sorry.

14 MR BLOU: But I believe we should have

15 taken a different view at the time and we did not.

16 MR TIP SC: My questions, Sir, are not

17 based on hindsight. My questions are geared around what

18 you were required to have done at the time.

19 MR BLOU: Yes.

20 MR TIP SC: And let me just correct you

21 on something, I don't have the chance to look at it, so to

22 dig up the reference, but we have heard, and it's on the

23 logs, that far from the Lonmin security personnel just

24 walking around amongst the crowd on the 11th, that some of

25 your personnel had to fire eight rubber rounds in the

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1 immediate vicinity of the NUM office. That was after the

2 event, presumably at the time that people were trying to

3 get the wounded out. Are you aware of that?

4 MR BLOU: I wish to correct that, Mr

5 Chairperson.

6 MR TIP SC: Yes?

7 MR BLOU: That was in the vicinity of the

8 Roland shaft four way crossing. I am aware of the rubber

9 bullets that were shot, yes.

10 CHAIRPERSON: Now, you don't like to

11 shoot rubber bullets, do you? You got to have good reason

12 for it.

13 MR BLOU: Yes.

14 CHAIRPERSON: What was the reason? Were

15 you ever informed what the reason was for the firing of

16 those rubber bullets on that day?

17 MR BLOU: Yes.

18 CHAIRPERSON: What was the reason given?

19 MR BLOU: It was employees intimidating

20 others who wanted to go to work, and the security members

21 were repelling these workers that were intimidating others

22 to be able to afford them the opportunity to go to work.

23 CHAIRPERSON: The people at whom the

24 rubber bullets were fired, do you know whether they were

25 armed?

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1 MR BLOU: I beg your pardon, Mr
2 Chairperson.
3 CHAIRPERSON: The people at whom the
4 rubber bullets were fired, do you know whether they were
5 armed?
6 MR BLOU: Were armed. It was mentioned
7 that they were armed with pangas, yes.
8 MR TIP SC: Mr Blou, I'm afraid that it's
9 my turn to correct you. Can we go back to quadruple E19?
10 11 August, 9:03, you'll see the entry in red.
11 MR BLOU: Yes.
12 MR TIP SC: Eight rubber rounds shot to
13 disperse a mob opposite the NUM offices. Two SAPS
14 constables available to assist. That is what I put it to
15 you.
16 MR BLOU: Yes, Mr Chairperson.
17 MR TIP SC: Yes. Do you accept that, in
18 fact, as I said to you, far from people just walking
19 around, there was incident in which eight rubber rounds had
20 to be fired?
21 MR BLOU: Mr Chairperson, when I saw that
22 entry, the only entry I know of eight rubber bullets being
23 fired was on a Friday evening.
24 MR TIP SC: This is in the log for
25 Saturday morning, 9:03. An entry which it was, at one

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1 stage, thought it was inappropriate for us to see, but we
2 won't go there now. When did you see it, this entry?
3 MR BLOU: Long after the Marikana events
4 in 2012.
5 MR TIP SC: So the real I'm asking you
6 is, or I should be asking you is, and now I will ask you is
7 when did you become aware of the fact that eight rubber
8 rounds had been shot on the Saturday morning by Lonmin
9 security?
10 MR BLOU: Mr Chairperson, I became aware
11 during the evening of Friday.
12 MR TIP SC: It couldn't have been,
13 because this happened on Saturday morning, 9:03?
14 MR BLOU: Yes. As I explained earlier,
15 Mr Chairperson, I do not know of eight rubber bullets that
16 were fired on a Saturday, I know of eight rubber bullets
17 that were fired on a Friday evening.
18 CHAIRPERSON: They weren't fired outside
19 the NUM offices, were they?
20 MR BLOU: No.
21 CHAIRPERSON: They were fired somewhere
22 near the taxi rank, weren't they?
23 MR BLOU: The ones I'm referring to
24 Friday evening, were close to the Roland shaft operations.
25 CHAIRPERSON: Ja, okay. Alright, that's

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1 what you're talking about. Now, we're talking about
2 something else. The eight rubber rounds that were shot on
3 the Saturday morning at about 9:03, to disperse a mob
4 outside the NUM when did you become aware of that?
5 [11:57] MR BLOU: When I saw this spreadsheet in
6 late 2012, Mr Chairperson.
7 CHAIRPERSON: I see. I think you'll find
8 if you look at the spreadsheet in respect of the entries
9 that were deleted relating to the Friday night that more
10 than eight rubber rounds were fired, not just eight.
11 Perhaps we can look at that quickly. You know there were
12 discharge forms fill in. Did you see them? Mr Kellerman
13 filled in a discharge form about the rounds that he fired.
14 MR BLOU: Correct.
15 CHAIRPERSON: He spoke about more than
16 that, didn't he? And Botha, PW Botha as well, also
17 discharged rubber rounds on the Friday night.
18 MR BLOU: Those are those that I'm aware
19 of, Mr Chairperson, that are included in the firearms
20 register and they clearly indicate Friday evening –
21 CHAIRPERSON: [Microphone off,
22 inaudible] –
23 MR BLOU: - than actually on the
24 Saturday –
25 CHAIRPERSON: No, no, I understand. No,

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1 I understand.
2 MR BLOU: Yes.
3 CHAIRPERSON: Let's not be at cross
4 purposes. No, you're quite right.
5 MR BLOU: Yes.
6 CHAIRPERSON: There were discharge forms
7 filled in, recorded in the firearms register –
8 MR BLOU: Yes.
9 CHAIRPERSON: - in respect of the firing
10 of rubber bullets, or rubber rounds I suppose is a better
11 word –
12 MR BLOU: Yes.
13 CHAIRPERSON: - on the Friday night, but
14 what I'm putting to you, it was more than eight. Rounds
15 were fired by Mr Kellerman and rounds were fired by Mr
16 Botha, substantially more than eight. Is that correct?
17 MR BLOU: Okay.
18 CHAIRPERSON: Am I right?
19 MR BLOU: Chairperson, I'm not sure about
20 the number –
21 CHAIRPERSON: Not eight; more than eight.
22 MR BLOU: Yes.
23 CHAIRPERSON: More than eight, right.
24 Now Mr Tip is asking you about the eight.
25 MR BLOU: Yes.

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1 CHAIRPERSON: Now you say you only heard
 2 about that substantially later.
 3 MR BLOU: Mr Chairperson, I do not know
 4 of rounds fired on a Saturday.
 5 CHAIRPERSON: And you only discovered
 6 that, heard about it, learned about it, later that year.
 7 Is that correct?
 8 MR BLOU: That's correct.
 9 CHAIRPERSON: Alright.
 10 MR TIP SC: Thank you, Chair. Mr Blou,
 11 I'm trying to understand precisely what your position was
 12 on the Sunday morning at just after 8 o'clock.
 13 CHAIRPERSON: Is this a new topic, Mr
 14 Tip? Because if it is we'll take the tea adjournment now,
 15 but if you –
 16 MR TIP SC: It moves on to a separate
 17 phase –
 18 CHAIRPERSON: If you want to round it
 19 off, I'm in your hands.
 20 MR TIP SC: No, no, it would be –
 21 CHAIRPERSON: Alright, 15 minutes.
 22 Hopefully we won't have housekeeping, so it will be 15
 23 minutes. We adjourn for 15 minutes.
 24 [COMMISSION ADJOURNS COMMISSION RESUMES]
 25 [12:20] CHAIRPERSON: The Commission resumes. Mr

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1 Blou, you're still under oath.
 2 MNTUNAYE HENRY BLOU: [s.u.o.]
 3 CHAIRPERSON: Mr Tip.
 4 MR TIP SC: Thank you, Chair.
 5 CHAIRPERSON: I understand that you're
 6 likely to be finished by lunchtime. Is that correct? More
 7 or less.
 8 MR TIP SC: More or less, Chair, yes.
 9 CHAIRPERSON: Alright.
 10 CROSS-EXAMINATION BY MR TIP SC (CONTD.):
 11 Well Mr Blou, we'll need to accelerate a bit, as you've
 12 just heard, and I'll do my best to do that, but we were
 13 just on the topic of what steps were taken or not taken, as
 14 the case may be, in this important period just after 8
 15 o'clock on the 12th of August.
 16 MR BLOU: Yes, Mr Chair.
 17 MR TIP SC: When you were still at the
 18 office.
 19 MR BLOU: Yes, Mr Chair.
 20 MR TIP SC: Now in paragraph 7, we've
 21 touched on it already – I beg your pardon, 27 of your first
 22 statement you – perhaps we should call it up. Let me just
 23 call it up then you can be certain. Let me just give you –
 24 RRRR1.3, yes, there it is. 27, paragraph 27, "On 12 August
 25 2012 I arrived in my office at approximately 6h00. I

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1 attended a security briefing and a briefing with members of
 2 the Human Capital department at approximately 7:30. I left
 3 the office at approximately 9h00, 9AM."
 4 MR BLOU: Yes.
 5 MR TIP SC: And that's correct, is it?
 6 MR BLOU: Yes, Mr Chair.
 7 MR TIP SC: Alright, now what I need to
 8 ask you immediately, Mr Blou, is that by 10 past 8 you have
 9 these very clear indications that there is this gathering
 10 beginning at the koppie.
 11 MR BLOU: Yes.
 12 MR TIP SC: You've told us that you
 13 thought well perhaps they'll just toi-toi a bit and then
 14 leave.
 15 MR BLOU: Correct.
 16 MR TIP SC: I've put to you that you had
 17 at the very least to consider whether this was not perhaps
 18 the beginnings of a retaliatory march.
 19 MR BLOU: Yes.
 20 MR TIP SC: Correct?
 21 MR BLOU: Yes.
 22 MR TIP SC: Did you not at the very least
 23 need to remain at the office whilst the position became
 24 clear? And let me again assist you otherwise my question
 25 might be in the air. WE know that at approximately 9:29 –

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1 it's also logged –
 2 MR BLOU: Yes.
 3 MR TIP SC: - 9:29 this gathering begins
 4 to move away from the koppie.
 5 MR BLOU: Yes.
 6 MR TIP SC: As a group.
 7 MR BLOU: Yes.
 8 MR TIP SC: And it then has the tragic
 9 consequences that we know –
 10 MR BLOU: Yes.
 11 MR TIP SC: - at approximately 10
 12 o'clock.
 13 MR BLOU: That is correct.
 14 MR TIP SC: At 9 o'clock we can infer
 15 that infer that people are still gathering, that the
 16 numbers at the koppie are increasing.
 17 MR BLOU: Yes.
 18 MR TIP SC: Correct?
 19 MR BLOU: That is right.
 20 MR TIP SC: Did you not need to remain at
 21 the office in order to give leadership and to wait until it
 22 became apparent whether these people were in fact going to
 23 disperse or whether they were going to move out as a group,
 24 as an armed group? Wasn't that necessary for you to do?
 25 MR BLOU: Mr Chairperson, it was not

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1 necessary because there's many of us within the security
2 management team and we are giving each other turns to
3 operate.

4 MR TIP SC: These were exceptional
5 circumstances, Mr Blou, I put it to you. This is not your
6 routine weekend visit to the office. This is a situation
7 where there is a prospect of another very, very serious
8 incident in an already volatile situation, correct?

9 MR BLOU: Correct, Mr Chairperson.

10 MR TIP SC: And you are the manager. You
11 are the person who has to make decisions about how
12 individual situations are to be managed.

13 MR BLOU: Yes. Mr Chairperson, we are
14 many managers within Lonmin Security, as such also on that
15 morning we have had, we had somebody who was running the
16 operations and this was no different from previous
17 situations that had unfolded.

18 MR TIP SC: Who was managing it?

19 MR BLOU: I know that we would have had
20 either Mr Peter Drysdale or Mr Chris Phillips or Mr Klaas
21 Mogoera. They are all managers themselves, Mr Chairperson.

22 MR TIP SC: Did you discuss the situation
23 with them?

24 MR BLOU: Yes, Mr Chairperson.

25 MR TIP SC: And what sort of discussion

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1 did you have?

2 MR BLOU: That the gathering was taking
3 place, Mr Chair, but we were comfortable that it was soon
4 going to disperse judging from previous incidents.

5 MR TIP SC: Alright. Well, I've made it
6 clear that I don't think that that portion of your evidence
7 is acceptable, that there were exceptional circumstances
8 and you were required to remain there. But let us move on,
9 otherwise we're not going to get to the end, Mr Blou. I'm
10 going to try to abbreviate, Chair, otherwise I won't finish
11 by lunch. Mr Blou, what I'm going to do is to tell you
12 that –

13 CHAIRPERSON: You mustn't leave anything
14 important out. If you don't finish by lunchtime well then
15 so be it, but obviously if you can finish by lunchtime it
16 would help because Ms Baloyi has got to cross-examine –

17 MR TIP SC: Yes.

18 CHAIRPERSON: - and then Mr Sinclair I
19 gather is waiting to come and continue his evidence. So
20 anyway, you understand my attitude. Don't leave anything
21 important out, but try to be as expeditious as you can.

22 MR TIP SC: Yes, alright –

23 MR WESLEY: Sorry, Chair, just to be
24 clear, on the allotted time there's 20 minutes left for NUM
25 at this stage.

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1 CHAIRPERSON: Yes, well I'd indicated he
2 can carry on till 1 o'clock, which is lunchtime. Thank you
3 for telling us.

4 MR TIP SC: Thank you. Thank you, Chair.
5 Let me try wherever possible to find an abbreviated way of
6 dealing with it. I'm going to put a general proposition to
7 you, Mr Blou, and what I'll do, instead of calling up
8 portions of the evidence on the screen, I'll just put the
9 cross-references on record.

10 MR BLOU: Yes, Mr Chair.

11 MR TIP SC: But the gist of it I will put
12 to you, that Mr Louw has given evidence here, Mr Masibi has
13 given evidence here, Mr Motlogeloa has given evidence here,
14 and each of them has said essentially that prior to them
15 going on shift on the morning of the 12th of August –

16 MR BLOU: Yes.

17 MR TIP SC: - there was no briefing given
18 to them in the sense that this is what you can expect today
19 and that the events that arose and their participation in
20 it was without that sort of assistance. Let me carry out
21 my promise, Chair – well, let me first of all ask you
22 whether you're in a position to disagree with any of their
23 evidence in that regard?

24 MR BLOU: Yes, I disagree, Mr
25 Chairperson.

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1 MR TIP SC: Yes?

2 MR BLOU: Some of them were relieving
3 each other at their posts. However, there was a briefing
4 that morning. Those that were at that briefing would have
5 attended the briefing.

6 MR TIP SC: You've mentioned Mr Fundi and
7 Mr Mabelane. Are there any other security officers who
8 were there –

9 MR BLOU: I know –

10 MR TIP SC: - that you recall?

11 MR BLOU: Mrs Lebo Runto I know was there
12 and as well as the other team members that would have been
13 there on that day, Mr Chairperson.

14 MR TIP SC: Ms Lebo Runto was in fact in
15 charge of the JOC. She did the communication. She didn't
16 go out into the field on patrol.

17 MR BLOU: That is correct, Mr
18 Chairperson.

19 MR TIP SC: Yes, alright. But in respect
20 of what Mr Louw says and Mr Masibi says, what Mr Motlogeloa
21 says, you're not in a position to contradict their evidence
22 directly?

23 MR BLOU: Yes. No, I would not agree
24 with the fact that there was no briefing that morning.

25 MR TIP SC: Alright, well that's noted.

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1 MR BLOU: Yes.

2 MR TIP SC: We'll look at that. Just for

3 the purpose of the record, the cross-references, Chair, in

4 respect of Mr Louw, day 262, 33071 line 18 to 33072 line

5 12, 33077 line 13 to 23, 33078 line 9 to 33079 line 9.

6 Masibi, days 263, 33170 line 22 to 33171 line 13, and 33174

7 line 2 to 12. Motlogeloa, day 264, 33288 line 19 to 33289

8 line 5, and 33289 line 22 to 33290 line 3.

9 Mr Blou, I'm also going to try and deal with

10 another aspect very swiftly. You know that there has been

11 evidence here from Mr Louw that after the life threatening

12 encounter that he and Mr Vorster had at about 9:30, that he

13 reported the fact of the attack and then broadcast another

14 message to say do not engage, these people are dangerous.

15 You're aware of that?

16 MR BLOU: I'm aware of that, Mr

17 Chairperson.

18 MR TIP SC: Yes, now one of the topics

19 that has been discussed with him and with Mr Botes is why

20 there is no record in the log of what would on the face of

21 it appear to have been a very, very important communication

22 by a man who has very nearly lost his life at the hands of

23 the strikers to say do not engage. This is a firsthand

24 account from an experienced officer to say do not engage.

25 Now shouldn't that have been logged and processed? And by

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1 processed – forgive me if I'm extending my question –

2 MR BLOU: Yes.

3 MR TIP SC: By processed I mean that it

4 is effectively communicated to the officers on the ground –

5 MR BLOU: Yes.

6 MR TIP SC: Should that not have

7 happened?

8 MR BLOU: Mr Chairperson, it should have

9 happened. I also want to state that when I spoke with some

10 of the security officials that were there, notably Mr

11 Motlogeloa and others, they said to me they heard Mr Louw

12 calling for backup. They do not remember hearing him

13 saying do not engage, Mr Chairperson.

14 MR TIP SC: Right, well once the

15 information comes through that two of your senior security

16 officers have in fact been attacked and they have – Mr Louw

17 has given graphic evidence here; they were very, very lucky

18 to escape with their lives. You know that?

19 MR BLOU: Yes.

20 MR TIP SC: Now once an event of that

21 kind has taken place, does that not also dramatically alter

22 the prospect of what may happen? Correct?

23 MR BLOU: It does, Mr Chair.

24 MR TIP SC: What has happened now is that

25 this group is on the move.

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1 MR BLOU: Yes.

2 MR TIP SC: They are heavily armed.

3 MR BLOU: Yes.

4 MR TIP SC: They are dangerous. They are

5 quite prepared to attack Lonmin Security –

6 MR BLOU: Yes.

7 MR TIP SC: - and kill them.

8 MR BLOU: Yes.

9 MR TIP SC: Now that's 9:30. How was

10 that picked up and transmitted to security personnel such

11 as your superintendents Fundi and Mabelane?

12 MR BLOU: Mr Chairperson, such incident

13 should be communicated, as it was by Mr Louw, as well as

14 simultaneously the security control room is hearing it and

15 those manning the security control room will write this in

16 the occurrence books, the OBs, and whoever is at work, in

17 other words with radio communication is listening real time

18 to this communication via radio.

19 MR TIP SC: My question goes a little

20 further. Now we already know, Mr Blou, that these

21 broadcasts were not logged. At 9:29 there's a log that the

22 crowd is on the move. There's no report in the log, as I

23 recall it, of there having been a near fatal attack on two

24 of your officers.

25 MR BLOU: Yes.

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1 MR TIP SC: And there are no records

2 logged of anything until round about 20 past 11 that

3 morning, long after the whole thing has happened.

4 MR BLOU: Yes –

5 MR TIP SC: But that should not have

6 happened. Correct?

7 MR BLOU: Yes, Mr Chairperson –

8 MR TIP SC: This absence of log keeping.

9 MR BLOU: Yes.

10 MR TIP SC: But I don't want to spend

11 time on that aspect –

12 MR BLOU: Yes.

13 MR TIP SC: - because that is utterly

14 clear.

15 MR BLOU: Yes.

16 MR TIP SC: I'm looking at another

17 practical situation, I'm talking about hands-on security

18 management here.

19 MR BLOU: Yes.

20 MR TIP SC: Where ordinary notions of

21 well, you know, there's a broadcast and whoever hears it

22 reacts and so on.

23 MR BLOU: Yes.

24 MR TIP SC: I'm talking about

25 information, evaluation, decision making at a senior level

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1 and the ensuring that those decisions reach the people on
2 the ground.

3 MR BLOU: Yes.

4 MR TIP SC: And it's in that contact that
5 I'm asking you this question.

6 MR BLOU: Yes, Mr Chair.

7 MR TIP SC: Mr Louw and Mr Vorster nearly
8 die.

9 MR BLOU: Yes.

10 MR TIP SC: That gets broadcast. That
11 gets communicated.

12 MR BLOU: Yes.

13 MR TIP SC: Was it not required for the
14 leadership in the JOC in consultation with managers such as
15 yourself or independently to make sure that that reaches
16 the ears of all people on the ground and that they are told
17 do not engage, because now it is known that they will
18 attack Lonmin Security and kill them if they can?

19 MR BLOU: It is absolutely critical, Mr
20 Chairperson, that the security operations room communicates
21 with all those on the ground not to engage. If they cannot
22 reach them by two-way radio, members are equipped,
23 certainly the security superintendents are equipped with
24 cell phones. If you cannot reach them on the radio you
25 then have got to contact them on the cell phone, including

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1 the management team, yes.

2 MR TIP SC: Yes, well I think that you
3 and I are on the same page in that regard.

4 MR BLOU: Yes.

5 MR TIP SC: And what is clear on all the
6 information that we see is that that didn't take place.

7 MR BLOU: Yes.

8 MR TIP SC: Can you confirm that?

9 MR BLOU: Mr Chairperson, I can speculate
10 based on what was logged on the log sheet that it probably
11 didn't take place. However, if it was a case of zooming in
12 and check on the occurrence book for example on the
13 numbers, telephone numbers, cell phone numbers of the
14 people that were on the ground on the day, were they
15 contacted or not, then we would have a clearer picture, but
16 based on the log sheet away from occurrence books it does
17 not appear to have been done.

18 MR TIP SC: I see. Alright, well we
19 needn't spend time on what sort of investigation should
20 have happened or what ICAM should have attended to, but the
21 principle of the situation is clear; it should have
22 happened, it was critically important that it should have
23 happened. If it didn't happen then that would be a grave
24 defect in the process that day –

25 MR BLOU: Correct, Mr Chair.

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1 MR TIP SC: - that morning. Alright, now
2 I want to turn to a very much related aspect and that is
3 what the communications in fact were that we have sight of
4 here.

5 MR BLOU: Yes.

6 MR TIP SC: With this preliminary
7 question, all persons connected with security would
8 understand, would they, that when a JOC is established it
9 is intended inter alia to serve as a centralised
10 communication location?

11 MR BLOU: Indeed, Mr Chair.

12 MR TIP SC: That everything relevant goes
13 in.

14 MR BLOU: Yes.

15 MR TIP SC: Processed, and everything
16 relevant comes out.

17 MR BLOU: Mr Chair, yes.

18 MR TIP SC: Would somebody in Crime
19 Intelligence be aware – and I'm thinking particularly of Mr
20 Obed Maku, would he also have been aware of that?

21 MR BLOU: Of the JOC?

22 MR TIP SC: Of the functioning of JOCs.

23 MR BLOU: Yes, he –

24 MR TIP SC: That that's how it happens.
25 He would be?

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1 MR BLOU: He would have, Mr Chair, yes.

2 MR TIP SC: Alright, well can we have a
3 look at ICAM File 3 – or just a moment. It has an exhibit
4 number I think by now. Yes, RRRR2.4, I hope. Can we just
5 get that up? [Microphone off, inaudible]. Well, let me
6 just – 2.5, what have we got up there?

7 [12:40] My apologies. If you'd go to page 5 of that
8 bundle of documents. This is a statement made by a Mr Abud
9 Meco who was as you see there in Crime Intelligence and he
10 was engaged with the investigation of these events. And he
11 gives in paragraph 4 an account. He says now "At about
12 10am I telephoned security superintendant Fundi as well as
13 Central Operations and informed them about the huge number
14 of people, employees coming from the direction of Nkaneng
15 informal settlement towards WPL hostel. Then Fundi
16 informed me that he is going to monitor them at Wonderkop
17 and he is accompanied by security superintendant Frans
18 Mabelane."

19 MR BLOU: Yes.

20 MR TIP SC: Now there's one thing that
21 troubles me about that and if you can clarify it and that
22 is that you have here somebody from Crime Intelligence
23 albeit it a senior person who himself is telephoning people
24 on patrol, out in the field as it were.

25 MR BLOU: Yes.

<p style="text-align: right;">Page 36341</p> <p>1 MR TIP SC: And getting reaction and Mr 2 Fundi says well we'll go and monitor them and what troubles 3 me about that is one has, on the face of it at least, some 4 less than centralised communication on a very, very 5 important aspect of what took place. Would that be a 6 regular thing to have happened? 7 MR BLOU: Mr Chairperson, he says there 8 that he telephoned Mr, did he say Mr – 9 MR TIP SC: Fundi. 10 MR BLOU: - Mr Fundi and that he also 11 telephoned Central Operations, so that would be not outside 12 of the rules because the Central Operations is also a 13 security centre that you can call and it is standard that 14 if you do not reach, for whatever reasons, the security JOC 15 you can call the Security Operations call centre. 16 MR TIP SC: Yes, but that's all very 17 well. You've got centralised communication centres, really 18 what I'm just wanting to get your sense of is a person in 19 that position phoning a superintendant who is out on patrol 20 directly with some very important information and he gets a 21 response directly that Fundi and Mabelane will go and 22 monitor. 23 MR BLOU: Yes. 24 MR TIP SC: Now my difficulty with that 25 is that that takes it out of the centralised communication</p>	<p style="text-align: right;">Page 36343</p> <p>1 Mr F Mabelane, Mr Fundi, Mr PW Botha, HC Manager, Mr Pekave 2 and myself. So we know who was there. 3 MR BLOU: Yes. 4 MR TIP SC: That was all. "It was agreed 5 in the briefing that Mr PW Botha and his team who were 6 working NS" which I think stands for nightshift. 7 MR BLOU: Nightshift, yes. 8 MR TIP SC: "At the time should go and 9 rest and come back for nightshift. Mr F Mabelane was 10 appointed the overall in charge for dayshift and Mr PW 11 Botha was appointed to be overall in charge for nightshift. 12 We received information that a SAPS Nyala and Combi will be 13 deployed for use at Nkaneng village. We were also informed 14 that there will be a meeting at 8 o'clock at the EPL 15 hostel. This meeting at EPL hostel did in fact take place 16 as communicated. Mr F Mabelane and most of our security 17 team went to monitor the meeting at EPL hostel." 18 MR BLOU: Yes. 19 MR TIP SC: Then she says "Whilst the 20 meeting was in progress at the EPL hostel the crowd started 21 to gather in the area north of the road linking Rowland and 22 Mafikeng, I beg your pardon, Marikana south of Nkaneng 23 village, east of the Big Horn sub-station and west of the 24 Wonderkop hostel. I called over the trunking radio, 25 requesting for some of the security team deployed at EPL</p>
<p style="text-align: right;">Page 36342</p> <p>1 network that the JOC has intended to establish and 2 preserve, correct? 3 MR BLOU: Yes that's right. 4 MR TIP SC: And you then run the risk 5 that somebody out in the field is going to get partial 6 information which may not include the critically important 7 fact that Louw and Vorster have nearly died. 8 MR BLOU: Yes. 9 MR TIP SC: Is that a difficulty or not? 10 MR BLOU: Mr Chairperson, that is 11 standard practise where officers on the ground, security 12 officials on the ground would communicate among themselves 13 and outside of the JOC and I see, Mr Chairperson, that 14 there was a risk of such information not being centralised 15 and communicated and recorded, yes. 16 MR TIP SC: Yes. Can we next have a look 17 at what Ms Ranti says about her communication which is 18 RRRR2.8. She gives a statement here, this is on 10 October 19 2012 evidently made to the ICAM investigators and let us 20 read the second paragraph because it contains quite a bit 21 of useful information. "At approximately 07h00 we had a 22 briefing and it was led by Mr H Blou. You've already 23 referred to that, correct? 24 MR BLOU: Correct, Sir. 25 MR TIP SC: Present at the briefing were</p>	<p style="text-align: right;">Page 36344</p> <p>1 hostel to monitor this new gathering. After a short period 2 of time Mr D Louw communicated over the radio that he and 3 Mr Vorster were on site. Mr D Louw called for backup 4 because they were being attacked by the crowd. Most of the 5 team from EPL responded to the scene at Wonderkop to 6 assist." Then she goes on to record that Mr D Louw 7 reported over the radio that one of his guys was injured 8 and needed an ambulance and that is after the dreadful 9 incident – 10 MR BLOU: Yes. 11 MR TIP SC: So that is what she has to 12 say about what happened. Now on the face of the statement 13 there's no role played there by anyone senior to Ms Rantu 14 in respect of instructions to people in the position of Mr 15 Fundi and Mr Mabelane. 16 MR BLOU: Yes. 17 MR TIP SC: So Mr Louw called for backup 18 because they're being attacked and then people respond. 19 That's all she has to say about it. 20 MR BLOU: Yes. 21 MR TIP SC: Now again my question to you 22 is this whether in circumstances of that kind is there not 23 a need for the fact that there has been an attack on 24 security officers to be taken up, to be taken up to a 25 managerial level for a managerial decision ideally from</p>

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1 someone in your position, with your seniority says well
 2 people have attacked our men, they have nearly died.
 3 Everybody back off, get out, do not respond to the backup.
 4 MR BLOU: Yes.
 5 MR TIP SC: You see let me just explain,
 6 I'm trying to put myself, Mr Blou, in the position of Mr
 7 Fundi and Mr Mabelane and his team at the time. If all
 8 that they hear on the radio is Mr Louw who is a colleague
 9 saying the people are on the move, I am on the site, he
 10 wants backup because they are being attacked.
 11 MR BLOU: Yes.
 12 MR TIP SC: Well what do his colleagues
 13 do? They go towards that scene and we know from their
 14 movements that they eventually encounter the strikers in
 15 the Wonderkop area, some distance away from where Mr
 16 Vorster and Mr Louw were attacked.
 17 MR BLOU: Correct.
 18 MR TIP SC: That's why I say isn't there
 19 a need for a proper managerial intervention with a decision
 20 taken in JOC on the basis of everything that has been heard
 21 there to say dangerous, do not engage, back off, wait for
 22 SAPS. Something to that effect.
 23 MR BLOU: It is critical that that call
 24 was made at the JOC, Mr Chairperson. I have no doubt that
 25 even though I note she didn't record it as such, that the

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1 people at the JOC at the time would have escalated such
 2 incident to all the management team, to everyone in the
 3 management team, myself, other managers. And I've no doubt
 4 that they would have telephoned all managers who were to
 5 respond as well.
 6 MR TIP SC: All right. Well let us just
 7 test what happened with yourself because you happily are
 8 here to assist us, Mr Blou. My reading of the statements
 9 that you've made and that we've given attention to here is
 10 that there is nowhere any mention of you being called by Ms
 11 Rantu or anybody else to say Louw and Vorster have nearly
 12 been killed. Is that correct?
 13 MR BLOU: I don't understand –
 14 MR TIP SC: At the time.
 15 MR BLOU: I don't understand clearly, Mr
 16 Chairperson.
 17 MR TIP SC: Let me take just a moment to
 18 put it a bit more clearly.
 19 MR BLOU: Ja.
 20 MR TIP SC: I don't see in your
 21 statements anything to the effect that I, Mr Blou, received
 22 a call at approximately 9:35 from Ms Rantu to say that Mr
 23 Louw and Mr Vorster tried to contain this crowd, they were
 24 attacked and nearly died.
 25 MR BLOU: Yes.

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1 MR TIP SC: You didn't receive a call of
 2 that sort.
 3 MR BLOU: I did not receive it, Mr
 4 Chairperson, yes.
 5 MR TIP SC: Should you have?
 6 MR BLOU: Mr Chairperson, I should have.
 7 I know that while I was home I noticed – that is why I went
 8 to the mine, lots of missed calls from the JOC, from other
 9 security managers.
 10 MR TIP SC: All right, well missed calls
 11 can be a problem, but let us just suppose for a moment that
 12 you had received that information what would you have done,
 13 immediately?
 14 MR BLOU: If we are to have that
 15 speculative analysis, if I had received it, Mr Chairperson,
 16 I would have and I was home presumable, I would have
 17 ensured that I issue an instruction making it clear what
 18 those security officials should do. And that is to
 19 withdraw as is consistent with previous briefings that you
 20 need not engage in a dangerous situation. The second thing
 21 I would have wanted to know have the police been informed.
 22 Has the necessary backup of other managers been sought.
 23 MR TIP SC: Thank you, Mr Blou. And just
 24 to make sure that we have a common definition of the
 25 questions that I've put and the answers that you've given,

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1 they're not put on the basis of speculation. I know that
 2 you didn't get the call.
 3 MR BLOU: Okay.
 4 MR TIP SC: But what I'm really saying to
 5 you is that if you, in your capacity as the manager of
 6 mining security, had received that call at that time you
 7 would have ensured that people back off and do not engage.
 8 MR BLOU: I understand, Mr Chairperson.
 9 MR TIP SC: And you would have.
 10 MR BLOU: I would have, yes.
 11 MR TIP SC: And you would, at the same
 12 time, have confirmed to Ms Rantu that you had received the
 13 call.
 14 MR BLOU: Yes, Mr Chairperson.
 15 MR TIP SC: You would probably have
 16 ensured that your instruction went out through her.
 17 MR BLOU: Yes.
 18 MR TIP SC: And that it was confirmed
 19 that it had been received by the people who needed to know.
 20 MR BLOU: That is correct, Mr
 21 Chairperson.
 22 MR TIP SC: And if Ms Rantu didn't
 23 receive from you a confirmation that you had actually
 24 received that information then it was up to her presumably
 25 to ensure that the next available manager would receive it

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1 and would react and would give an instruction.
 2 MR BLOU: Yes, Mr Chairperson.
 3 MR TIP SC: Thank you. Now all of that
 4 didn't happen, as we know and we also know that tragically
 5 Mr Mabelane and Mr Fundi did not get away that their team
 6 did try to contain, they did engage and had your
 7 instruction - had you received that information and given
 8 that instruction and had they heeded your instruction that
 9 incident would not have unfolded as it did.
 10 MR BLOU: Correct, Chairperson.
 11 MR TIP SC: Can we look next at the issue
 12 of armoured vehicles and I'm calling it an issue, Mr Blou,
 13 because you yourself have made clear that you were not
 14 happy about the disposal of the security vehicles, the
 15 armoured vehicles that Lonmin had at the time.
 16 MR BLOU: Yes.
 17 MR TIP SC: Now again I'm going to
 18 perhaps try and just summarise some aspects, Chair. Before
 19 I look at some of the documentation relating to it, which I
 20 do need to do, I just want to put this to you. That if
 21 indeed there had been a properly functioning armoured
 22 vehicle available to your security team on the morning of
 23 the 12th of August at Wonderkop, right there, then once it
 24 became apparent that this crowd of strikers was not going
 25 to heed the attempts of the security personnel to stop

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1 them, they could have found refuge in the armoured vehicle.
 2 Correct?
 3 MR BLOU: Correct.
 4 MR TIP SC: That's the very purpose or
 5 one of the central purposes of having it.
 6 MR BLOU: Correct, correct, Chairperson.
 7 MR TIP SC: And they would then have been
 8 safely able to get out of that situation. Correct?
 9 MR BLOU: Most probably, yes.
 10 MR TIP SC: Most probably.
 11 MR BLOU: Yes.
 12 MR TIP SC: Most probably and we also
 13 know that because they were all in soft skin vehicles they
 14 had that kind of vulnerability and exposure.
 15 MR BLOU: Yes.
 16 MR TIP SC: And although we know also
 17 from the technical records that Mr Fundi and Mabelane tried
 18 to engage the ignition and to get away. They were just
 19 that awful few seconds too late.
 20 MR BLOU: Yes, Mr Chair.
 21 MR TIP SC: And they lost their lives.
 22 MR BLOU: Yes.
 23 MR TIP SC: So an armoured vehicle would
 24 have been critical. We've already touched on the issue of
 25 the SAPS Nyala now I want to deal with the Mamba that we

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1 hear being referred to.
 2 MR BLOU: Yes.
 3 MR TIP SC: And if I can just – before I
 4 get there you're aware, Mr Blou, because you signed one of
 5 the memoranda that in 2011, on the 25th of August to be
 6 precise, you submitted a very clear plea through Mr
 7 Sinclair, to the Lonmin management that armoured vehicles
 8 should be obtained.
 9 MR BLOU: Correct, Mr Chairperson.
 10 MR TIP SC: And I take it that you felt
 11 strongly about that.
 12 MR BLOU: Indeed, Mr Chair.
 13 MR TIP SC: And that you would have felt
 14 disappointed when the reply came that it wasn't going to
 15 happen.
 16 MR BLOU: Yes.
 17 MR TIP SC: And we also know that in
 18 December of the same year, 2011, Albert Kent who was then,
 19 I think, acting in your position sent, if anything, an even
 20 more strongly worded recommendation that armoured were
 21 necessary.
 22 MR BLOU: 100%.
 23 MR TIP SC: And there are quotes in the
 24 documents and one in fact sees pictures of remanufactured
 25 Nyala and it's an impressive machine. You forwarded those

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1 quotes.
 2 MR BLOU: Yes.
 3 MR TIP SC: And that is why one says well
 4 had there been one then in all likelihood people would have
 5 found refuge, safety and escaped.
 6 MR BLOU: Yes.
 7 MR TIP SC: Now we're not going to go
 8 through those documents, but what Mr Sinclair has said in
 9 his evidence is that when he took those proposals through
 10 to Mr Russo-Bello the answer came back that there would not
 11 be the acquisition of those vehicles. And that if the
 12 security at any time in any crisis required an armoured
 13 vehicle then they should arrange with the service providers
 14 to produce an armoured vehicle or whatever was required.
 15 MR BLOU: Yes.
 16 MR TIP SC: And I must tell you just for
 17 your information that in fact the Chair raised with Mr
 18 Sinclair the problem of delays when you were doing that and
 19 waiting for SAPS to arrive. Now to get an armoured vehicle
 20 from say Protea Coin on site at the place in time required
 21 planning.
 22 MR BLOU: Correct.
 23 MR TIP SC: It required interaction with
 24 Protea and a common and secured arrangement that the
 25 vehicle would be there.

<p style="text-align: right;">Page 36353</p> <p>1 MR BLOU: 100%, Chair. 2 MR TIP SC: Now whose responsibility 3 would it be for that to be done and for that to be done 4 effectively and with confidence that there would indeed be 5 a proper vehicle there? 6 MR BLOU: From Protea Coin, Chairperson? 7 MR TIP SC: From Lonmin. 8 MR BLOU: Chairperson, I just want to 9 understand that if we wanted to acquire a vehicle, an 10 armoured vehicle from Protea Coin? 11 MR TIP SC: Correct. 12 MR BLOU: That would be the 13 responsibility of Mr Sinclair supported by myself, Mr 14 Chairperson. 15 [13:00] MR TIP SC: Alright, so you would be 16 involved. Mr Sinclair I must tell you thought that it was 17 your responsibility to ensure that all of that took place. 18 You disagree partially with that? 19 MR BLOU: I know that, Mr Chair, that 20 that level of engagement for resources was done by Mr 21 Sinclair. If he couldn't do it he would delegate that 22 responsibility to me. 23 MR TIP SC: Well, did you in fact over 24 those days secure the presence of a Protea Coin armoured 25 vehicle?</p>	<p style="text-align: right;">Page 36355</p> <p>1 CHAIRPERSON: Mr Tip. 2 CROSS-EXAMINATION BY MR TIP SC (CONTD.): 3 Thank you, Chair. Mr Blou, we were just looking at the 4 position of armoured vehicles before the lunch break. 5 MR BLOU: Yes, Chair. 6 MR TIP SC: And I just want to put to you 7 that what is to be seen in one of the ICAM reports – 8 MR BLOU: Yes. 9 MR TIP SC: - that is volume 2, tab 5, 10 exhibit RRRR2.4, is that there were mechanical problems 11 with the Protea Coin Mamba. 12 MR BLOU: Yes. 13 MR TIP SC: Were you aware of that? 14 MR BLOU: I'm aware of that, Chair. 15 MR TIP SC: And it also appears that 16 there were problems with communication because it didn't 17 have a suitable two-way radio installed. 18 MR BLOU: Correct, Chair. 19 MR TIP SC: Then I do want you to just 20 turn to Mr Vorster's ICAM statement, which is RRRR2.13, to 21 page 4, the last page, and what happened towards the foot 22 of that page. Thank you, yes, that's it. As you know 23 doubtless, Mr Blou, was that ICAM statements were taken and 24 that the investigators then posed questions to the person 25 giving the statement.</p>
<p style="text-align: right;">Page 36354</p> <p>1 MR BLOU: That is correct, Mr 2 Chairperson. We had two, one at Karee and one at 3 Wonderkop. 4 MR TIP SC: The ICAM report, and Chair, 5 again I'm not going to call them up – 6 CHAIRPERSON: Mr Tip, it's now 1 o'clock. 7 MR TIP SC: Yes. 8 CHAIRPERSON: We did indicate we'll take 9 a short lunch break today. 10 MR TIP SC: Oh, we did. 11 CHAIRPERSON: So what I suggest we do is 12 we adjourn now till half past 1. You can then carry – I 13 don't know how much longer you're going to be, I take it 14 not very long, and then Ms Baloyi is standing by, or 15 sitting by, ready to cross-examine. Is that correct? 16 MR TIP SC: Yes, Chair, I am accelerating 17 and – 18 CHAIRPERSON: Yes, and I see that. 19 MR TIP SC: Yes. 20 CHAIRPERSON: So we'll adjourn now until 21 half past 1. 22 [COMMISSION ADJOURNS COMMISSION RESUMES] 23 [13:36] CHAIRPERSON: The Commission resumes. Mr 24 Blou, you're still under oath. 25 MNTUNAYE HENRY BLOU: [s.u.o.]</p>	<p style="text-align: right;">Page 36356</p> <p>1 MR BLOU: Yes, Chair. 2 MR TIP SC: And you will see there 3 question 7, "Was the armoured vehicle that was mentioned in 4 your statement not utilised during the incidents of 12 5 August 2012?" and Mr Vorster answers, "Protea Coin was 6 working independent from the rest of Lonmin Security." You 7 note that? 8 MR BLOU: I note that, yes, Chair. 9 MR TIP SC: And then question 8, "Does 10 Lonmin Security members have the authority to commandeer 11 the use of the armoured vehicle?" and Mr Vorster's answer 12 is, "I'm not sure because when I did attempt to commandeer 13 it, although it was an extremely volatile situation and I 14 was eventually successful, it was only after the driver 15 phoned to obtain permission from his manager." 16 MR BLOU: I note that, Chair. 17 MR TIP SC: Which of course suggests 18 that, as far as the driver was concerned at any rate, prior 19 authorisation and arrangements weren't in place for that 20 vehicle to be used by Lonmin. 21 MR BLOU: It appears so, Chair, yes. 22 MR TIP SC: Alright – 23 CHAIRPERSON: [Microphone off, inaudible] 24 there might have been prior arrangements, but it was 25 dependent upon permission being obtained from the manager,</p>

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1 I take it.

2 MR TIP SC: Yes, well –

3 CHAIRPERSON: You can't just get it for

4 the asking. You've got to ask for it and then you've got

5 to get the manager to agree and presumably that agreement

6 would only be given if it was convenient, I take it.

7 MR TIP SC: It may be so, Chair. I don't

8 propose to dwell on it, but in any event what Mr Vorster

9 says about his attempts to get this Mamba in action wasn't

10 immediately available. But be that as it may; what is

11 apparent also from the records, as you doubtless have seen

12 too, is that this Mamba had evidently been stationed at the

13 Lonmin Technical Centre just next to the Wonderkop Stadium.

14 MR BLOU: Yes, Chair.

15 MR TIP SC: So it was very close indeed

16 to where the incident involving Mr Fundi and Mabelane,

17 etcetera –

18 MR BLOU: Correct, Chair.

19 MR TIP SC: - happened.

20 MR BLOU: Yes.

21 MR TIP SC: I've seen nothing in the

22 documentation to suggest that anybody made any attempt to

23 in fact get that armoured vehicle into play and to provide

24 safety and security for the personnel. Are you aware of

25 anything to that effect?

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1 MR BLOU: Mr Chair, what I'm aware of is

2 that those armoured vehicles could be used by security, the

3 Lonmin Security, not the, the permanent employees of

4 Lonmin, and I know on previous occasions they were utilised

5 when we had issues on our Eastern Operations with the

6 community unrests. What I have heard, Mr Chairperson, that

7 some of the security officers had indicated that why don't

8 they not use it earlier in that day, but that it, that the

9 commander at the time, Mr Mabelane had said no, the mission

10 was to try and contain this crowd. That is what I enquired

11 from the officers.

12 MR TIP SC: Well, are there any

13 statements from people to that effect, how precisely all

14 that unfolded? Because it's the first I hear of anything

15 of that kind.

16 MR BLOU: I communicated with some

17 members, notably Mr Julius Motlogeloa, that had spoken

18 these words to me. I do not know if this was reduced in a

19 statement. No, it was a verbal communication.

20 MR TIP SC: Alright, well I'm not able to

21 take that further because as I say it's something I haven't

22 heard before. But we need to move on in any event from

23 this to the later events of 12 August, and those are the

24 ones involving the attack on the K4 Shaft.

25 MR BLOU: Yes.

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1 MR TIP SC: And also the death of Mr

2 Mabebe.

3 MR BLOU: Yes.

4 MR TIP SC: And once again I'm going to

5 try to move through this very quickly. In your

6 supplementary statement, which is RRRR1.4, at paragraph 22,

7 Mr Blou, you deal there with a security meeting which was

8 held on the afternoon of 12 August.

9 MR BLOU: Yes.

10 MR TIP SC: After the events of the

11 morning of course.

12 MR BLOU: Yes, Mr Chair.

13 MR TIP SC: And if I may summarise, and

14 you'll correct me if I put anything not –

15 MR BLOU: That's fine, Chair.

16 MR TIP SC: - accurately; there was

17 discussion which really at the heart of the conclusion of

18 your discussions in that meeting was that Lonmin Security

19 was itself not in a position to secure an outlying shaft

20 such as K4 and that the available resources that you had

21 were devoted to essentially the Wonderkop area.

22 MR BLOU: Yes, Chair.

23 MR TIP SC: That's correct?

24 MR BLOU: Correct, Chairperson.

25 MR TIP SC: So it wasn't even a matter of

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1 discussing whether you should send people to K4, you

2 couldn't even if you had wanted to. Is that right?

3 MR BLOU: Not entirely correct, Chair,

4 because we had had standard deployment of security guards,

5 six dayshift and six nightshift for K4, and we also knew

6 that we were having patrol teams that would be patrolling

7 around the area.

8 MR TIP SC: When you talk about six

9 security officers, are you talking about Lonmin security

10 officers or Protea Coin?

11 MR BLOU: Protea Coin security officers,

12 Chairperson. They are contracted into Lonmin.

13 MR TIP SC: Yes, alright.

14 MR BLOU: Yes.

15 MR TIP SC: Well, there is a statement

16 that we've had from one of the security officers, a Ms

17 Bothman, who says that there were three Protea Coin guards

18 there and Mr Janse van Vuuren has given evidence that it

19 was just the normal complement, there was nobody extra.

20 Would you accept that?

21 MR BLOU: It was normal complement of

22 six, yes, Chairperson.

23 MR TIP SC: Well, you say the normal

24 complement of six –

25 MR BLOU: Yes.

<p style="text-align: right;">Page 36361</p> <p>1 MR TIP SC: They weren't all there. But 2 in any event, even if there had been six Protea Coin 3 security personnel there, they were not armed, correct? 4 MR BLOU: Correct. 5 MR TIP SC: They would not have been able 6 to stop an attack by a large group of – 7 MR BLOU: Even 10 wouldn't be able to 8 stop – 9 MR TIP SC: Even 10. 10 MR BLOU: Yes, unarmed. 11 CHAIRPERSON: They presumably work on the 12 same policy that you have, that if their safety would be 13 put at risk they're entitled to withdraw? 14 MR BLOU: Correct, Chairperson. Correct. 15 MR TIP SC: What I would like us to look 16 at is RRRR2.9. It is a timeline that was prepared by ICAM, 17 perhaps if we can just switch to orientation and – yes, is 18 it possible to rotate it by 90 degrees? Yes, okay. Mr 19 Blou, I hope that it's sufficiently clear for you to see, 20 but in column 1 there is a reference to information having 21 been communicated on Saturday the 11th of August that there 22 were discussions amongst the strikers of an attack on K4 23 Shaft on the 12th. Do you see that? The time is given 24 15:40 on the 11th of August. 25 MR BLOU: I can see that, Chairperson,</p>	<p style="text-align: right;">Page 36363</p> <p>1 large group were moving to K4 Shaft area to inform him of 2 an attack that will be carried out on K4 Shaft on Sunday 3 night." Now Mr Blou, on the face of it, and this is the 4 ICAM reports so one assumes that there's some foundation 5 for it; on the face of it there were some very serious 6 indicators immediately before the events at, the attack 7 itself, which was at approximately 5 to 9, thereabouts, of 8 people moving towards K4 Shaft and people who had evidently 9 already committed some acts of intimidation at K3 Shaft. 10 Now I suppose that didn't come to your attention, but on 11 the basis that it was fed into security communication 12 network is that the sort of information that also should 13 have sparked a very deliberate and immediate reaction from 14 those in charge? 15 MR BLOU: Absolutely, Mr Chairperson. 16 MR TIP SC: Now I'm going to take you to 17 a little portion of the transcript in terms of Mr 18 Sinclair's evidence, but what we can summarise from what we 19 know, whether it be Protea Coin or whether it be Lonmin 20 Security, that neither you independently or jointly were in 21 fact in a position to provide effective protection for 22 employees at K4 Shaft that night. Is that fair? 23 MR BLOU: Fair, Mr Chairperson, 24 particularly as we've seen what unfolded, yes. 25 MR TIP SC: Yes, an attack by a large</p>
<p style="text-align: right;">Page 36362</p> <p>1 yes. 2 MR TIP SC: Yes, alright, thank you. And 3 in column 2 it's recorded by ICAM that the mine overseer 4 confirmed with the employer that he had informed security 5 about the planned attack. Did this report ever come to 6 your attention? 7 MR BLOU: I was not aware of it, 8 Chairperson. 9 MR TIP SC: Then if you go across to 10 column 4, this is now Sunday evening the 12th of August, 11 this is at 20:30, half past 8, you will see there, "Roy, 12 control room at K3 Shaft informed central OPS of incident 13 at K3 Shaft. Unknown people hitting employees outside with 14 Sjamboks at K3 Shaft to intimidate the people at K3 Shaft 15 from going to work." Again that's said to have been 16 reported to central OPS. We don't see that I think in the 17 log. Were you at any time aware of this? 18 MR BLOU: Chairperson, no. 19 MR TIP SC: And 10 minutes later at 20 20:41, "K4 Shaft control room operator contacted E&DM but 21 were told to contact 2580." And "Roy from K3 Shaft called 22 to inform that a large group of people are moving towards 23 K4 Shaft," and the next column 20:45 approximately, "K4 24 Shaft control room operator phoned shaft mine overseer, 25 reporting that he had received information from K3 that a</p>	<p style="text-align: right;">Page 36364</p> <p>1 number of people that was brutal in nature – 2 MR BLOU: Yes, Chairperson. 3 MR TIP SC: Yes. Now what I want to do 4 is to ask you to have a look with me at day 268, page 34057 5 – sorry, I'll repeat that. Day 268, page 34057 from line 6 21. Now I'm not going to read the whole portion onto the 7 record, but I can just tell you that Mr Sinclair was there 8 being asked by my learned friend Ms Pillay about Protea 9 Coin assistance and the like and he was busy answering 10 that, and then if we go on to page 34058 at about line 9 he 11 says the following, "If there was a risk to workers we 12 wouldn't, we would stop them arriving at a shaft and have 13 them go somewhere else." Now the way I read that, and 14 you're welcome to spend a moment just looking at the 15 context, Mr Blou – 16 MR BLOU: Yes. 17 MR TIP SC: But as I understood it when I 18 heard it and as I read it in context Mr Sinclair was 19 actually saying that if you had a situation where there was 20 a risk to workers – 21 MR BLOU: Yes. 22 MR TIP SC: - there might be for any 23 reason, it might be an unrest threat, a violence threat, a 24 seismology detection that there was a possible problem with 25 earth stability or electrical problems, but if there's a</p>

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1 risk to workers then you don't allow them to come in to go
 2 to their workplaces, they go somewhere else.
 3 MR BLOU: Correct, Chairperson.
 4 MR TIP SC: Now that's an important
 5 statement and with respect, it's a sensible and proper one,
 6 but what I would like you to do is to relate that to the
 7 situation on the 12th of August in the evening at about in
 8 the period leading up to 9 o'clock –
 9 MR BLOU: Yes.
 10 MR TIP SC: - where you now have not only
 11 the events of the 11th of August, but the attack on security
 12 personnel on the morning of the 12th of August.
 13 MR BLOU: Yes.
 14 MR TIP SC: And at that stage I take it
 15 that you and your managerial colleagues within the security
 16 establishment were no longer saying well nothing happens on
 17 Sunday; you are indeed dealing with a situation where
 18 there's every prospect of other devastating attacks –
 19 MR BLOU: Correct, Chairperson.
 20 MR TIP SC: - on other points.
 21 MR BLOU: Yes, Chairperson.
 22 MR TIP SC: And K4 being one, and K4
 23 being one that you couldn't protect.
 24 MR BLOU: Yes, Chairperson.
 25 MR TIP SC: And the question really is

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1 just this; was that not a situation where the initiative
 2 should have been taken within the security establishment to
 3 say well, all our employees at shafts of that kind, and K4
 4 is not the only outlying one, for their own safety must not
 5 come to work? Even if it involves driving around with
 6 loudhailers in the course of the afternoon, but wasn't that
 7 kind of attempt appropriate and shouldn't it have been
 8 done? It would have prevented people such as Mr Mabebe
 9 from continuing on to report for work. That's all he did.
 10 MR BLOU: Yes.
 11 MR TIP SC: Shouldn't it have been done,
 12 do you think?
 13 MR BLOU: Chairperson, I think there
 14 should have been attempts to find the gravity of the
 15 situation that was to unfold and indeed people should have
 16 been forewarned not to continue to work, yes.
 17 MR TIP SC: Yes, and attempts to find the
 18 gravity of the situation, once again we're talking about
 19 scenario planning.
 20 MR BLOU: Yes.
 21 MR TIP SC: Yes, alright, and I'm then
 22 going to look at Mr Mabebe's unfortunate death.
 23 [13:55] But I want first of all just to take you to
 24 another page in the ICAM report, it's the hard drive
 25 version, which is RRRR2.2. I just want you to scroll down,

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1 but that you'll see this is a version of the ICAM report,
 2 not all of which found its way to us, but there's a set of
 3 photographs, brief description of sequence of events. If
 4 you continue to page 12, yes, that one, thank you.
 5 Immediately after page 12, one gets the detailed analysis
 6 that we have, Chair, in BBBB2. Now this portion we haven't
 7 got. What that deals with, and evidently the compilers of
 8 the report thought it important to single this out for an
 9 early page, absent and failed defences. And one assumes
 10 that what they have in mind there is defences that should
 11 have been available to Lonmin in order to prevent all these
 12 events, and for whatever reason were absent or failed. And
 13 if you'd look at paragraph 2 for me, please? Which reads,
 14 "Comprehensive scenario planning not conducted and imbedded
 15 across the operations, which is risk-based and details
 16 tactical actions."
 17 MR BLOU: I note that, Chairperson, yes.
 18 MR TIP SC: You note that, and I suppose
 19 you've seen it before when you went through the ICAM
 20 report. Have you?
 21 MR BLOU: Yes, Chairperson.
 22 MR TIP SC: Alright. Well, I mean, what
 23 that really says is that kind of scenario planning that was
 24 necessary on a risk-based foundation detailing tactical
 25 actions that of course would have been appropriate to the

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1 scenarios that we thus identified weren't conducted. Would
 2 you say that that was a fair assessment and conclusion in
 3 respect of these events as a whole?
 4 MR BLOU: Chairperson, yes, in relation
 5 to that event, correct.
 6 MR TIP SC: Yes, alright. Well, in
 7 relation to the sequence of events over those days?
 8 MR BLOU: Chairperson, correct. You
 9 know, there are risk assessments that were done, and with
 10 issue based risk assessments and all of those related ones,
 11 but if you talk scenario planning in this context, it was
 12 certainly a shortcoming, yes.
 13 MR TIP SC: Mr Blou, I want lastly to
 14 look with you at some aspects of Mr Mabebe and what
 15 happened to him. I do that on the basis that I have no
 16 particular instructions of course other than what we have
 17 seen and heard in these proceedings, and in that sense it
 18 is exploratory.
 19 MR BLOU: Correct.
 20 MR TIP SC: So, and I appreciate also
 21 that you are not a medical man, and that you're also in the
 22 mining security section, not the emergency and disaster
 23 management section, but insofar as you are able to assist
 24 us, I just want to put to you some aspects of what I
 25 understand to have been the chronology of events. First of

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1 all, we know that Mr Mabebe was a victim of the assaults.
 2 He was very brutally assaulted.
 3 MR BLOU: Correct, Chairperson.
 4 MR TIP SC: So much so that his skull was
 5 fractured so badly that there was brain extrusion. His jaw
 6 was fractured, and there were stab wounds.
 7 MR BLOU: Yes.
 8 MR TIP SC: And he was lying there with
 9 these very severe injuries. Mr Janse Van Vuuren has told
 10 us that he hid for a while from these attackers. When he
 11 came out, he saw Mr Mabebe next to a burning vehicle. He
 12 dragged him away a little for his own safety, and that took
 13 time, and then an ambulance eventually arrived and took him
 14 to the Andrew Saffy Memorial Hospital.
 15 MR BLOU: Yes, Chairperson.
 16 MR TIP SC: What is important is that Mr
 17 Janse Van Vuuren says that at the stage that he was
 18 assisting Mr Mabebe in that way, Mr Mabebe was still
 19 conscious, and was able to say to him that he was suffering
 20 great pain. So he was very much alive, notwithstanding his
 21 injuries.
 22 MR BLOU: Yes.
 23 MR TIP SC: Now what happens is that the
 24 – although there are some indications in the documents here
 25 and there that Mr Mabebe was dead on arrival at the

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1 hospital, I want to take you to a page that very clearly in
 2 my view suggests something different, and that is, ICAM3,
 3 14.2, it is quadruple R2.6 at page 10. You will see there
 4 that those are the records of Mr Mabebe. Yes, do you see
 5 that?
 6 MR BLOU: Yes, Chairperson.
 7 MR TIP SC: And if you go onto the next
 8 page, you will see an entry there made by – just down a
 9 bit, thank you, yes – by a practitioner, perhaps a doctor,
 10 perhaps a nurse, but you will see there that in the first
 11 block it is recorded that there was Ringer's. Ringer's, I
 12 can assure you is a drip that is put up. It's a drip of
 13 electrolytes and that was put in at a particular rate, and
 14 the time is important, 22:29, 29 minutes past 10.
 15 MR BLOU: Yes, Chair.
 16 MR TIP SC: In the left arm and if you go
 17 down, now of course what one immediately infers from that
 18 is that Mr Mabebe was at that stage still alive.
 19 MR BLOU: Yes.
 20 MR TIP SC: And then there are some notes
 21 there which are not easy to read, but if I follow them, it
 22 is that on arrival, the patient was lying in a pool of
 23 blood, semi-restless, I think it says. And then the
 24 details are described.
 25 MR BLOU: Yes.

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1 MR TIP SC: So again, there are two
 2 things that follow, Mr Mabebe is lying in a pool of blood,
 3 evidently his bleeding has not been staunched up to that
 4 point.
 5 MR BLOU: Yes.
 6 MR TIP SC: Semi-restless might indicate
 7 that he's now in a very critical condition.
 8 MR BLOU: Yes.
 9 MR TIP SC: That's 29 minutes past ten.
 10 Now, I'll pause there, just to point out that it had taken
 11 pretty well one and half hours to get this critically
 12 injured employee from number 4 shaft into a medical
 13 facility, correct? I mean, that's what appears there.
 14 MR BLOU: I only saw, Chairperson, 22:29.
 15 MR TIP SC: Yes. Alright, well, do you
 16 want to have a look at the – let me give you the assurance
 17 that it's quite clear from the ICAM timeline that the first
 18 indication of the event beginning at K4 shaft is at 20:55.
 19 five to nine.
 20 MR BLOU: Yes, Chair.
 21 MR TIP SC: And assuming for a moment
 22 that what I've said is correct and if it's not, I'm sure
 23 I'll be corrected, but if it is indeed so that it has taken
 24 one and half hours to get this critically injured person
 25 into a medical facility, is that not an unacceptably long

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1 period of time?
 2 MR BLOU: Chair, what I've seen the
 3 responders to emergency incidents, I've never seen them
 4 take that long, if that is an accurate record of what
 5 transpired on the day. If it is like that, I'm afraid it
 6 will be unacceptable, without knowing what the reasons
 7 would be for them to take that long.
 8 MR TIP SC: Yes. Well, that's correct,
 9 Mr Blou, and of course I did say to you that it was
 10 exploratory in that sense.
 11 MR BLOU: Yes, I understand, Chair.
 12 MR TIP SC: And I can also tell you,
 13 although just take it as part of the narrative, rather than
 14 to look at, but at some stage, approximately at about
 15 twenty, twenty-five past nine, somebody phones in and there
 16 is a telephone call centre report, somebody phones from K4
 17 shaft to say that there's an injured person who has stabbed
 18 buttocks. Now, if you'll just follow me and trust me for a
 19 moment?
 20 MR BLOU: Yes.
 21 MR TIP SC: In fact, one of the other
 22 employees did receive a stab wound in his buttocks. Now
 23 that is the only person that I have seen mentioned in the
 24 call centre report, but not Mr Mabebe, until Mr Miles, at
 25 some unknown stage later says that there is person with

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1 head injuries. In terms of the general procedure that
 2 people are trained to follow, presumably, and if they had
 3 done so, then two very important things would have
 4 happened, there would have been an accurate call in from K4
 5 shaft describing what the position was.
 6 MR BLOU: Correct, Chair.
 7 MR TIP SC: Correct. And there would
 8 have been appropriate urgency on the part of the responding
 9 personnel.
 10 MR BLOU: Correct, Chair.
 11 MR TIP SC: You see, what happens that
 12 unfortunately worked against Mr Mabebe and his prospects,
 13 is that an ordinary basic ambulance assistant went out to
 14 the scene. Someone with fairly basic medical skills and
 15 not an advanced life-support paramedic. Whether or not
 16 that might make a difference, or would have made a
 17 difference, I don't know, but the appropriate, the correct
 18 people had to be sent out and had to be sent out with great
 19 urgency, correct, for him?
 20 MR BLOU: Correct, Chair.
 21 MR TIP SC: Yes. Now, Mr Blou, I just
 22 want to ask you one other aspect, the last note that I've
 23 seen is this one that we have in front of us, up on the
 24 screen at the moment, 22:29. According to Mr Janse Van
 25 Vuuren, he didn't see any particular attention being given

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1 to Mr Mabebe, who was in a bed next to him in an ordinary
 2 treatment room. Certainly, there was nothing like an ICU
 3 facility into which Mr Mabebe went for that kind of trauma
 4 intervention.
 5 MR BLOU: Okay.
 6 MR TIP SC: Do you accept that?
 7 MR BLOU: I accept it, Chair.
 8 MR TIP SC: And really what I want to
 9 know is what you can tell us about the arrangements that
 10 had been put in place over that period, and particularly as
 11 at 12 August 2012, in respect of properly qualified trauma
 12 practitioners who could immediately have seen the gravity
 13 of Mr Mabebe's condition and acted in an appropriate way,
 14 with the treatment and intervention that was then done,
 15 which appeared not to have happened.
 16 MR BLOU: Chairperson, at that time, I
 17 was looking after the security component of Lonmin. I am
 18 not qualified, Chairperson, to pronounce on what the shaft
 19 would have done and should have done, as well as the
 20 readiness of ASM, the Andrew Saffy Hospital, Chairperson.
 21 It would really fall outside of my influence or
 22 jurisdiction, and as to also whether there should have been
 23 ICU-type treatment or not, and at that time I knew ASM to
 24 be a place where the injured are taken to, and then they
 25 are being transported from their various outlying

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1 hospitals for treatment. But I cannot really pronounce
 2 close accuracy or accurately on what should have happened.
 3 MR TIP SC: Yes, thank you that's
 4 perfectly fair, Mr Blou, I appreciate that. Chair, thank
 5 you, those are our questions and I also appreciate the
 6 indulgence that you have accorded me.
 7 CHAIRPERSON: Thank you, Mr Tip. Mr
 8 Baloyi.
 9 MS BALOYI: Thank you, Chair. Good
 10 afternoon, Mr Blou.
 11 MR BLOU: Good afternoon, Ma'am.
 12 CROSS-EXAMINATION BY MS BALOYI: I am
 13 going to be asking you questions on behalf of the SAPS.
 14 MR BALOYI: Now perhaps to start with a
 15 theme that arises from your discussion with Mr Tip. And
 16 this is about the demilitarisation of Lonmin security, a
 17 theme that came from that.
 18 MR BLOU: Now in the in discussion with
 19 you, you referred or he referred to your supplementary
 20 statement and in particular paragraph 30.3 and paragraph
 21 35.
 22 MR BLOU: Yes.
 23 MS BALOYI: Now the common theme in the
 24 two paragraphs is that for the shafting of the function for
 25 crime prevention and crowd control, for its moving from

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1 Lonmin to SAPS, for it to be successful timeous information
 2 or communication is important. It is one of the strong
 3 pillars.
 4 MR BLOU: Absolutely, Ma'am.
 5 MS BALOYI: I am correct?
 6 MR BLOU: Yes, Chairperson, yes.
 7 MS BALOYI: Now, moving from there, let's
 8 then look at what in fact there was by way of intelligence
 9 information and what was communicated when and how.
 10 MR BLOU: Yes.
 11 MS BALOYI: And let's start with the 9th
 12 of August. In your statement and this RRRR1.1 you speak
 13 about getting information on the 9th that there would be a
 14 march on the 10th.
 15 MR BLOU: Correct.
 16 MR BALOYI: You remember that in your
 17 statement?
 18 MR BLOU: Yes, Chairperson.
 19 MS BALOYI: And I will not be asking for
 20 the paragraph to be shown unless it becomes absolutely
 21 necessary. I am going to proceed on the basis that you
 22 remember the contents you remember the contents of your
 23 statement.
 24 MR BLOU: Yes, Chair.
 25 MS BALOYI: And you then, and then we see

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1 from the logbook, EEEE19 that there is in fact an entry on
 2 the 9th which records that SAPS is notified of the planned
 3 march for the 13th, for the 10th rather. I am correct?
 4 MR BLOU: Correct, Chair.
 5 MS BALOYI: Now, this information about
 6 the march on the 10th, who was going to be marching as far
 7 as you knew?
 8 MR BLOU: As far as I knew, Chairperson,
 9 it was going to be largely employees, RDOs, let me put it
 10 clearly like that.
 11 MR BALOYI: And what number were you
 12 expecting? Or did you know to be marching RDOs?
 13 MR BLOU: Chairperson, we – I couldn't
 14 predict the number when I became aware of it.
 15 MS BALOYI: You didn't know what number
 16 it was going to be?
 17 MR BLOU: Yes.
 18 MS BALOYI: So even if Lonmin were to
 19 prepare, were to try and monitor that march on the 10th, you
 20 didn't know, as at the 9th you didn't know how many people
 21 were going to be marching?
 22 MS BLOU: Correct, Chairperson.
 23 MS BALOYI: Did you take any steps to try
 24 and determine how many people to expect?
 25 MR BLOU: Chairperson, at the time we

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1 relied on intelligence that we had at our disposal which
 2 was far less that we have today. And if I recall correctly
 3 we just knew that there was going to be a march of
 4 particularly Karee employees, Chairperson.
 5 MS BALOYI: So, you didn't know how many
 6 people would be marching on the 10th?
 7 MR BLOU: No.
 8 MS BALOYI: No on the – then it is the
 9 10th that dawns
 10 MR BLOU: Yes.
 11 MS BALOYI: And you tell us that you get
 12 reports that the strikers have gathered and that at some
 13 point they are beginning to walk towards Lonmin property?
 14 [14:15] MR BLOU: Correct, Chair.
 15 MS BALOYI: Lonmin offices.
 16 MR BLOU: Yes.
 17 MS BALOYI: At which point do you start
 18 getting, you try to get hold of the SAPS?
 19 MR BLOU: Chairperson, as early as I
 20 became aware of the incident, as, this is now before 6AM,
 21 I'm not sure what time. By 6AM I was at the Wonderkop
 22 Stadium where the gathering had taken place and during that
 23 time I was in communication, so were other members, to the
 24 SAPS, Chairperson.
 25 MS BALOYI: Okay, I'm talking about you

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1 for now because you're testifying –
 2 MR BLOU: Oh, myself.
 3 MS BALOYI: - and I need to know what it
 4 is that you did.
 5 MR BLOU: Alright.
 6 MS BALOYI: Yes.
 7 MR BLOU: Chairperson, I contacted the
 8 local Marikana SAPS station and appraised them of the
 9 march, the gathering.
 10 MS BALOYI: Yes, and when you say you
 11 appraised them of the march, the gathering, what exactly do
 12 you communicate to the SAPS at this point, at 6 in the
 13 morning?
 14 MR BLOU: That we are seeing in the
 15 region of about 15 to 30 people who have gathered, we
 16 understand that they're going to march to LPD.
 17 MS BALOYI: Yes.
 18 MR BLOU: Yes.
 19 MS BALOYI: Now Mr Blou, you have
 20 provided the Commission with records of your telephone
 21 calls. Chairperson, I think this hasn't been made an
 22 exhibit yet and perhaps we need to do that.
 23 CHAIRPERSON: That will be RRRR3, I
 24 think.
 25 MS PILLAY: That's correct, Chair.

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1 CHAIRPERSON: How do I describe it?
 2 MS BALOYI: Telephone records of Mr Blou
 3 dated 21st of August 2012 –
 4 CHAIRPERSON: Sorry, telephone records of
 5 witness dated?
 6 MS BALOYI: 21st August 2012.
 7 CHAIRPERSON: Yes.
 8 MS BALOYI: Thank you, Chair.
 9 CHAIRPERSON: Exhibit RRRR3 will be the
 10 telephone records of the witness dated 21 August 2012.
 11 MS BALOYI: Thank you, Chair. Now Mr
 12 Blou, this record that you have provided, if you look at
 13 the first page – I'm assuming you have it in front of you.
 14 MR BLOU: I do, Chairperson.
 15 MS BALOYI: Yes, now if you look at the
 16 first page –
 17 MR BLOU: Yes, I'm looking there.
 18 MS BALOYI: On the first page, somewhere
 19 towards the end of that page it indicates a call at 07:07,
 20 I can't quite make out the seconds –
 21 MR BLOU: Yes.
 22 MS BALOYI: A number, a telephone number
 23 is showing there and in manuscript writing, which was
 24 inserted by Lonmin representatives, indicates "Gov" and I
 25 think it is Captain Govender. Do you agree with that?

<p style="text-align: right;">Page 36381</p> <p>1 MR BLOU: I agree, yes, Chairperson.</p> <p>2 MS BALOYI: So that would have been the</p> <p>3 first call that you made that morning, according to this</p> <p>4 record?</p> <p>5 MR BLOU: According to this record, yes.</p> <p>6 MS BALOYI: And you look further on, or</p> <p>7 immediately after that there is another call, it is</p> <p>8 07:07:04, again to Gov, Captain Govender.</p> <p>9 MR BLOU: Yes.</p> <p>10 MS BALOYI: You see that?</p> <p>11 MR BLOU: Yes, Chairperson.</p> <p>12 MS BALOYI: And then at half past 7, four</p> <p>13 numbers down at half past 7, or rather at 07:27, let me be</p> <p>14 precise, 31, there is a 1 minute 9 seconds call to Sefike.</p> <p>15 You see that?</p> <p>16 MR BLOU: Captain, that's correct,</p> <p>17 Chairperson.</p> <p>18 MS BALOYI: Who is Captain Sefike?</p> <p>19 MR BLOU: He is a member of the Public</p> <p>20 Order Police for Rustenburg in Bethanie, Chairperson.</p> <p>21 MS BALOYI: In fact let me take the</p> <p>22 opportunity to correct you. My instruction is that he is</p> <p>23 POP Klipgat. Does it accord with what you know?</p> <p>24 MR BLOU: At the time I knew him as I</p> <p>25 have stated, Chairperson.</p>	<p style="text-align: right;">Page 36383</p> <p>1 MS BALOYI: And the next call would be at</p> <p>2 13:12 to Captain Sefike. Now before we talk about the call</p> <p>3 to Captain Sefike, we know from your evidence and others,</p> <p>4 and even from video evidence, that the SAPS Visible</p> <p>5 Policing Unit from Marikana and the POP do arrive at</p> <p>6 Lonmin. They escort the strikers and they assist you and</p> <p>7 Mr Sinclair to engage with the strikers when they</p> <p>8 eventually do get stopped, initially I think at the four-</p> <p>9 way crossing and then at LPD. Am I correct in that</p> <p>10 summary?</p> <p>11 MR BLOU: And then at the Middelkraal</p> <p>12 four-way stop, Chairperson, correct.</p> <p>13 MS BALOYI: Yes.</p> <p>14 MR BLOU: Yes.</p> <p>15 MS BALOYI: And we've had evidence, which</p> <p>16 you do not disagree with I assume, that in fact they</p> <p>17 escorted, they helped escort the members up to where they</p> <p>18 were stopped and they engaged –</p> <p>19 MR BLOU: Hundred percent.</p> <p>20 MS BALOYI: - the strikers together with</p> <p>21 Lonmin representatives. That is correct?</p> <p>22 MR BLOU: Hundred percent, that's</p> <p>23 correct.</p> <p>24 MS BALOYI: Yes, now up to this point, in</p> <p>25 fact before I do that, we also know from evidence that has</p>
<p style="text-align: right;">Page 36382</p> <p>1 MS BALOYI: Yes, and then you have</p> <p>2 further calls of different seconds there, further calls to</p> <p>3 Masiza. Who is Masiza?</p> <p>4 MR BLOU: Colonel Masiza is the station</p> <p>5 commander for Marikana, Chairperson.</p> <p>6 MS BALOYI: And the next call indicated</p> <p>7 is Colonel Merafe, who is the POP commander for Rustenburg.</p> <p>8 MR BLOU: Correct, Chairperson.</p> <p>9 MS BALOYI: Am I correct?</p> <p>10 MR BLOU: Yes.</p> <p>11 MS BALOYI: On the next column, still on</p> <p>12 the same page, you have another call at 08:29:24 to</p> <p>13 Asaneng. Who is Asaneng?</p> <p>14 MR BLOU: Major-General Asaneng at the</p> <p>15 time, Chairperson, was the cluster commander for</p> <p>16 Rustenburg.</p> <p>17 MS BALOYI: And then the rest of that</p> <p>18 document page you have four other calls which repeat</p> <p>19 Colonel Masiza, Captain Govender, and Captain Sefike. You</p> <p>20 see that?</p> <p>21 MR BLOU: Correct, Chairperson.</p> <p>22 MS BALOYI: Now this is still in the – in</p> <p>23 fact let me take a step back. On that second column, the</p> <p>24 third call at 9:31 is to Captain Govender. You see that?</p> <p>25 MR BLOU: Correct, Chairperson.</p>	<p style="text-align: right;">Page 36384</p> <p>1 been presented here and through your statement that after</p> <p>2 Lonmin representatives and the SAPS have engaged with the</p> <p>3 strikers and the strikers have been informed that</p> <p>4 management are not willing to speak to them, the strikers</p> <p>5 do disperse.</p> <p>6 MR BLOU: Correct, Chairperson.</p> <p>7 MS BALOYI: Yes, and this is about 12</p> <p>8 o'clock or half past 12.</p> <p>9 MR BLOU: Thereabouts, yes, Chair.</p> <p>10 MS BALOYI: And then they go back to</p> <p>11 Wonderkop and then according to the SAPS they disperse from</p> <p>12 Wonderkop at 14h00. Does that accord with what you know?</p> <p>13 MR BLOU: That's correct, Chairperson.</p> <p>14 MS BALOYI: And the description of the</p> <p>15 SAPS in fact is that the strikers were peaceful, well</p> <p>16 behaved up to the point where they dispersed and they</p> <p>17 dispersed peacefully without any incident. Does that</p> <p>18 accord with your recollection?</p> <p>19 MR BLOU: Yes, Chair, but also as they</p> <p>20 were dispersing, and we've seen footage of that, that they</p> <p>21 were making utterances, although they didn't attack or do</p> <p>22 anything. They dispersed, yes, Chair.</p> <p>23 MS BALOYI: Now up to this point that I</p> <p>24 described, which is up to 14h00 when the strikers disperse</p> <p>25 from Wonderkop, is there any complaint about the conduct of</p>

<p style="text-align: right;">Page 36385</p> <p>1 the SAPS in the monitoring and assisting Lonmin with the 2 strikers on that day up to that point? 3 MR BLOU: Chairperson, it is from the 4 morning when the gathering started that we had informed the 5 SAPS and because it is their function to monitor issues of 6 public violence, that is where the complaint is, and 7 although it's not shown in my records here, it will be 8 shown in other records, if so desired. 9 MS BALOYI: Sorry, I don't understand; 10 what will be shown in other records and what records are 11 these? 12 MR BLOU: The fact that I had only 13 started phoning Captain Govender as indicated in my 14 records. The control room, the other security officers on 15 the ground had also attempted to call them early on that 16 day. 17 MS BALOYI: Yes. 18 MR BLOU: Yes. 19 MS BALOYI: I'm not disputing on behalf 20 of the SAPS that you called Captain Govender – 21 MR BLOU: Yes. 22 MS BALOYI: - and that is from 7 o'clock. 23 We've done that exercise – 24 MR BLOU: Alright. 25 MS BALOYI: - together.</p>	<p style="text-align: right;">Page 36387</p> <p>1 MR BLOU: Yes. 2 MS BALOYI: Now in fact Captain Govender 3 did testify that he did receive a call from you around that 4 time and that he attended to Marikana. 5 MR BLOU: Alright, Chairperson. 6 MS BALOYI: And then lastly on that list 7 under the 10th you have at 19:57:20 a call to Captain 8 Govender for four minutes. You see that? 9 MR BLOU: Correct, Chairperson. 10 MS BALOYI: Now where in your statement – 11 and this is the sum of your calls, at least on these 12 records – 13 MR BLOU: Yes. 14 MS BALOYI: - this is the sum of your 15 calls. 16 MR BLOU: Yes, Chair. 17 MS BALOYI: Now where in your statement 18 you state that you called the Provincial Commissioner 19 Mbombo on the 10th, that cannot be correct according to 20 these records. 21 MR BLOU: According to these records, 22 correct, yes. 23 MS BALOYI: Now perhaps if I could just 24 take a step back and before I move on to the 11th, that in 25 fact part of an important pillar of SAPS stepping in to</p>
<p style="text-align: right;">Page 36386</p> <p>1 MR BLOU: Yes. 2 MS BALOYI: I'm not disputing that. I am 3 saying to you when the SAPS responded and monitored the 4 crowd and escorted them, is there any complaint about how 5 they dealt with the crowd? 6 MR BLOU: No, Chairperson. 7 MS BALOYI: Now we see again that in the 8 period after 2 o'clock you are still on that page of your 9 telephone records – 10 MR BLOU: Yes. Yes, Chair. 11 MS BALOYI: - you make a call, a 1 minute 12 6 seconds call to Captain Sefike, and then if you turn to 13 the next page you have further calls in the afternoon, 14 16h50 and 17h05, 17h15 to Captain Sefike. You see that? 15 MR BLOU: Yes, Chair. 16 MS BALOYI: And then you have a further 17 call to Colonel Merafe. 18 MR BLOU: Correct, Chairperson. 19 MS BALOYI: To Captain Sefike, missed 20 call. 21 MR BLOU: Indeed. 22 MS BALOYI: And then you have another 23 call at 18:29 to Captain Govender. 24 MR BLOU: That's right, Chairperson. 25 MS BALOYI: You see that?</p>	<p style="text-align: right;">Page 36388</p> <p>1 assist Lonmin with labour unrest and crime prevention, that 2 part of that process of communication, we've agreed that 3 communication is a very important aspect of it. 4 MR BLOU: Yes. 5 MS BALOYI: How timeous it is. 6 MR BLOU: Yes. 7 MS BALOYI: Okay, but a third thing that 8 I would like to add is your own assessment of what is 9 happening and what to expect. 10 MR BLOU: Yes. 11 MS BALOYI: You agree with that? 12 MR BLOU: I agree with that, Chair. 13 MS BALOYI: And all of that will feed 14 into your communication with the SAPS. 15 MR BLOU: That is correct. 16 MS BALOYI: And it will necessarily 17 assist the SAPS in the planning and placement of 18 resources – 19 MR BLOU: Absolutely, Chairperson. 20 MS BALOYI: - at your disposal. You 21 agree with that? 22 MR BLOU: Yes. 23 MS BALOYI: Now in response to a question 24 from Commissioner Hemraj on Friday you stated that on the 25 Friday, or rather, I beg your pardon, on the 10th you</p>

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1 informed the SAPS that you expected that there would be
 2 another march on the 10th. You remember that conversation?
 3 MR BLOU: Yes, Chairperson.
 4 MS BALOYI: Yes, and I think you've
 5 attempted to explain it. Now the curious thing about it,
 6 Mr Blou, is that until you said it in response to a
 7 question by Commissioner Hemraj, it is not contained in any
 8 of the Lonmin documents, not in your statement, it's not in
 9 Mr Sinclair's statement. It's not in your logbook. Why is
 10 that so?
 11 MR BLOU: Chairperson, it may be so that
 12 it is not recorded anywhere. However, from previous
 13 engagements with SAPS - and I also wish to just mention
 14 that these telephone records that are here, Chairperson,
 15 are not exhaustive. This is a cell phone record. There
 16 are office telephone numbers and the like that could be
 17 probed if the need arises. Chairperson, my analysis and
 18 expectation as a corporate citizen of this country, if I
 19 have SAPS presence in any public violence I know that it
 20 will be taken care of and that is on the basis that I acted
 21 on throughout that period. I note that it is not in our
 22 records.
 23 MS BALOYI: Well, Mr Blou, I want to
 24 suggest to you that - perhaps before I even make the
 25 suggestion, you do agree that it is a very important fact

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1 to mention, considering your unhappiness - and when I say
 2 "your unhappiness," I mean you, you personally, because you
 3 have quite expressed your unhappiness about the response of
 4 the SAPS in various ways in your statement, but also as you
 5 testified here, your unhappiness about the SAPS response.
 6 MR BLOU: Yes.
 7 MS BALOYI: Now with that it is obviously
 8 a very important fact to mention -
 9 MR BLOU: Yes.
 10 MS BALOYI: - that the SAPS was informed
 11 about a march that was to take place on the 11th and they
 12 still did not respond. You accept that?
 13 MR BLOU: I accept that, Chairperson.
 14 MS BALOYI: Yes, and I want to propose to
 15 you that the reason you don't mention it in your statement,
 16 you don't, it's not contained in Mr Sinclair's statement,
 17 it is not in the logbook, and none of the SAPS witnesses
 18 have been confronted with that allegation, it is because it
 19 didn't happen.
 20 MR BLOU: I do not agree with that,
 21 Chairperson.
 22 MS BALOYI: Well, Mr Blou, I want to
 23 suggest to you that that didn't happen, in the same way
 24 that a call to the Provincial Commissioner on the 10th of
 25 August didn't happen.

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1 MR BLOU: Chairperson, I do not agree
 2 because I know that that telephone call was made to the
 3 Provincial Commissioner.
 4 MS BALOYI: The Provincial Commissioner
 5 testified here and she wasn't confronted with this evidence
 6 that you are giving now, and it is not contained in your
 7 cell phone, it is not in the Lonmin logbook. You're the
 8 only person that mentions it in cross-examination. You
 9 must accept it's unavoidable that it appears that it didn't
 10 happen because there's no record of it.
 11 MR BLOU: Chairperson, based on these
 12 records I concede that there's no record of it, therefore
 13 it appears that it didn't happen. However, when I wrote my
 14 statements and even today, I believe that I had contacted
 15 the Provincial Commissioner.
 16 MS BALOYI: Yes, now just to conclude the
 17 10th -
 18 MR BLOU: Yes.
 19 MS BALOYI: - if you look at EEEE19 and
 20 you look at page 3 of that document, the 10th, 08:12 at
 21 22:07, at 22:07, you see there it says "GS, HB," which is
 22 you, "and DB went across Karee area past N3 and inside the
 23 hostel. It was quiet. Wonderkop is also quiet." You see
 24 that?
 25 MR BLOU: Yes, Chairperson.

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1 MS BALOYI: And that was your observation
 2 that night?
 3 MR BLOU: Correct, Chairperson.
 4 MS BALOYI: Yes, and then if you look
 5 again at 22:45, "PW reported all in order at Wonderkop."
 6 You see that?
 7 MR BLOU: That is correct, Chair.
 8 MS BALOYI: So according to Lonmin
 9 Security that was the prevailing position as at about 10
 10 o'clock, quarter to 11, that it was quiet.
 11 MR BLOU: Absolutely, Chair.
 12 MS BALOYI: Thank you. Now if we can
 13 then look at the 11th. Now in this arrangement where Lonmin
 14 has now placed the responsibility for management of crowd
 15 and for crime prevention, it is now a function that you
 16 expect SAPS to perform, you agree with me that Lonmin would
 17 do so alive to the resource ability of the SAPS in the
 18 area?
 19 MR BLOU: I agree, Chair.
 20 MS BALOYI: You agree.
 21 MR BLOU: Yes.
 22 MS BALOYI: So in that case for example
 23 you would be alive to, Lonmin is alive to the fact that
 24 Marikana, in Marikana Police Station you get the Crime
 25 Prevention unit, which is VISPOL. There is no POP function

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1 there.

2 MR BLOU: I agree, Chairperson.

3 MS BALOYI: And you'd also be alive that

4 the POP function, POP Rustenburg, as you said in your

5 evidence I think again in response to a question from

6 Commissioner Hemraj, that POP Rustenburg would take about

7 an hour – it may even be from the Chair – would take about

8 an hour to arrive at Marikana –

9 MR BLOU: Correct.

10 MS BALOYI: - if called upon.

11 MR BLOU: Correct, Chairperson.

12 MS BALOYI: And I think you said Klipgat

13 would take about 10 minutes. Or 30 minutes I think you

14 might have said?

15 MR BLOU: I may have said Bethanie, but

16 I'm not – I know about an hour from Rustenburg,

17 Chairperson.

18 MS BALOYI: Yes. Well, let's do this;

19 Bethanie, how long would it take to get to Marikana?

20 MR BLOU: Presume half an hour,

21 Chairperson.

22 MS BALOYI: And Klipgat, do you know?

23 MR BLOU: Klipgat, no, I wouldn't know,

24 Chair.

25 [14:35] MS BALOYI: Yes, so on the 11th when calls

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1 are made to the SAPS, Marikana the expectation from Lonmin

2 is that the response would be a Vispol response from

3 Marikana police station.

4 MR BLOU: That is our first line of

5 communication, yes, Chair.

6 MS BALOYI: Yes so I'm saying any Lonmin

7 security person when they phone Marikana police station for

8 assistance they know and expect that they would be

9 receiving Vispol members.

10 MR BLOU: Correct.

11 MS BALOYI: And when they all Rustenburg

12 they know that they can ask for POP, they know that the

13 earliest they should expect a response in about an hour.

14 MR BLOU: Correct, Chairperson.

15 MS BALOYI: After the call.

16 MR BLOU: Yes.

17 MS BALOYI: Same with Bethany the

18 earliest you would expect a response is 30 minutes, about

19 30 minutes.

20 MR BLOU: Correct, Chair.

21 MS BALOYI: Now on the 11th, we see from

22 the logbook, again EEEE19 we see an entry, if you would

23 bear with me, we see an entry somewhere in the middle of

24 the page at 8:39. Do you see that?

25 MR BLOU: Yes, Chairperson.

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1 MS BALOYI: It says a mob of at least 300

2 gathered around Wonderkop, threats to burn down the NUM

3 offices. Do you see that?

4 MR BLOU: I see that Chairperson.

5 MS BALOYI: And it is followed in the

6 next entry 8:40 PW reported for the second time to Marikana

7 SAPS, Constable Ramagopa informed to send SAPS. Do you see

8 that?

9 MR BLOU: At 9:00 –

10 MS BALOYI: 8:40.

11 MR BLOU: At 8:40, yes I see that.

12 MS BALOYI: Yes and in line with what

13 we've just discussed that report by PW can only elicit a

14 response from Visible policing.

15 MR BLOU: 100%.

16 MS BALOYI: Do you see that?

17 MR BLOU: Yes.

18 MS BALOYI: And yet the prior entry is

19 about a group of 300 people, do you see that?

20 MR BLOU: I see that, Chairperson, yes.

21 MS BALOYI: And the next SAPS related

22 entry, now this is the first entry on the 11th, it is at

23 8:39 and the next entry that has to do with the SAPS is at

24 9:02, do you see that?

25 MR BLOU: Yes, Chairperson.

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1 MS BALOYI: PW reported that Colonel

2 Merafe and Captain Sefike asked for assistance. Do you see

3 that?

4 MR BLOU: Yes.

5 MS BALOYI: So at 9:02 PW reports a

6 conversation, a request to Colonel Merafe and this must be

7 a request for assistance from POP Rustenburg who are an

8 hour away.

9 MR BLOU: Yes, Chair.

10 MS BALOYI: And to Captain Sefike who you

11 say is in Bethany who was about 30 minutes away at time.

12 MR BLOU: Yes, Chairperson.

13 MS BALOYI: But the next – what we see is

14 the next second, I think it's says eight rubber rounds shot

15 to disperse a mob opposite the NUM offices. Two SAPS

16 constables available to assist. Do you see that?

17 MR BLOU: I see that, Chairperson.

18 MS BALOYI: Do you agree that at this

19 stage there was no way that POP Rustenburg could have been

20 at Lonmin?

21 MR BLOU: 100%, Chair.

22 MS BALOYI: The first call having been

23 made, even if you work on the more favourable timeline the

24 8:40 report by PW which is the first report, even if you

25 work on that favourable timeline you agree that there is no

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1 way -

2 MR BLOU: I agree, Chairperson.

3 MS BALOYI: - that POP Rustenburg would

4 have been there.

5 MR BLOU: I agree.

6 MS BALOYI: Same with POP Bethany. They

7 couldn't have arrived at that point.

8 MR BLOU: I agree, yes.

9 MS BALOYI: And the next SAPS related

10 entry is at 9:43 –

11 MR VAN AS: Sorry, Mr Chair, before my

12 learned friend goes on, the red entry is it the police's

13 case that two SAPS constables were not at Lonmin on that

14 day? Which would give credence to the fact that that's an

15 incorrect entry placed at an incorrect time.

16 CHAIRPERSON: Is it your case that there

17 were no policemen there or were those two Vispol people

18 that had come from Marikana?

19 MS BALOYI: Chairperson, all I'm doing at

20 this stage is to discuss with the witness that there could

21 not have been a POP presence at 9:03 given the time when

22 the first calls are recorded, Chair.

23 CHAIRPERSON: Yes I understand that, but

24 the POP assistance was asked for only a minute before.

25 MS BALOYI: I beg your pardon, Chair.

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1 CHAIRPERSON: The POP assistance had only

2 been asked for a minute before.

3 MS BALOYI: Yes, Chair.

4 CHAIRPERSON: And the POP assistance was

5 either half an hour or an hour away.

6 MS BALOYI: Yes.

7 CHAIRPERSON: Now the question you've

8 been asked by Mr Van As is are you saying that there

9 weren't two SAPS constables available to assist? If, of

10 course, there had been a request to the Marikana police

11 station who were quite close, they could have sent

12 policemen, but they would only have been Vispol policemen.

13 So is it suggested that there no SAPS constables, or there

14 were, but there were only two Vispol policemen.

15 MS BALOYI: Chairperson, I'm not making

16 such a suggestion. I accept Lonmin's entry that there were

17 two SAPS available to assist. I accept that, I don't take

18 any issue with it. Thank you, Chair. Now, Mr Blou, the

19 next entry was the 9:43 one and the very last line which

20 says HB to contact SAPS. PC Mbombo or General Naidoo to

21 report no support from SAPS and the two shootings already

22 reported. Do you see that?

23 MR BLOU: I see that, Chairperson.

24 MS BALOYI: And I think you have

25 testified that you spoke to Commissioner Mbombo and not

Page 36399

1 General Naidoo.

2 MR BLOU: Yes, Chairperson.

3 MS BALOYI: Yes. Now in fact in her

4 evidence the Provincial Commissioner does confirm that he

5 spoke to her on the 11th.

6 MR BLOU: Right, yes.

7 MS BALOYI: Now in fact if we look at

8 RRRR3, Chair, on the second page, in the right-hand column

9 you will see, Mr Blou, that about 09:44:24, 09:44:27 and

10 09:50:53 there are three calls, one after the other to the

11 Provincial Commissioner Mbombo. Do you see that?

12 MR BLOU: I see that, Chairperson.

13 MS BALOYI: And these calls obviously

14 were made after the confrontation near the NUM offices. Is

15 that correct?

16 MR BLOU: Correct, yes.

17 MS BALOYI: So when you called her at

18 that point which is the only call you have on these records

19 to Commissioner Mbombo when you call her at this point you

20 could only be asking for assistance for later in the day,

21 for the rest of the day.

22 MR BLOU: And I appraise her about the

23 situation that is getting out of hand, yes.

24 MS BALOYI: I understand that. Now this

25 march on the 11th, you testified and please correct me if

Page 36400

1 I'm wrong, I understood you at some point in your testimony

2 on Friday to be saying that you became aware of the march

3 only after it happened.

4 MR BLOU: Chairperson, yes.

5 MS BALOYI: You did.

6 MR BLOU: I did, yes.

7 MS BALOYI: So when you say the SAPS were

8 informed on the 10th about a march that was going to happen

9 on the 11th you were not one of the people that would have

10 communicated that to the SAPS.

11 MR BLOU: Chairperson, yes I would have

12 not been the one to have communicated it, yes.

13 MS BALOYI: Now we know - if we continue

14 working with EEEE19 and you go to – we just did the entry

15 at 9:43, if you go to the next page and then you look at

16 the entry at 14h00. This is a briefing by you, HB and D

17 Botes. Do you see that?

18 MR BLOU: I see that, Chairperson.

19 MS BALOYI: And it indicates that the

20 SAPS is also present, am I correct?

21 MR BLOU: Correct, Chair.

22 MS BALOYI: Okay. Now Mr Tip discussed

23 with you the entry which records NUM's unhappiness with

24 both Lonmin and SAPS. I'm interested in the next entry

25 that has to do with the SAPS which says "SAPS informed that

Page 36401

1 problematic areas at the hostel, the bus stop and during
2 shift changes." Do you see that?
3 MR BLOU: Yes, Chairperson.
4 MS BALOYI: Who would have informed that
5 -
6 MR BLOU: Chairperson, sorry at this
7 briefing?
8 MS BALOYI: Yes the problem areas.
9 MR BLOU: Yes it would have been either
10 myself of Mr Botes who was at that meeting or any other of
11 the security team members at that meeting.
12 MS BALOYI: Yes and you agree with me
13 that this entry doesn't speak of the NUM office, as one of
14 the problem areas.
15 MR BLOU: Correct.
16 MS BALOYI: So in this note we accept, we
17 must accept that least at 14h00 the SAPS was not told about
18 the possibility of an attack on the SAPS on the 12th when I
19 look at this entry at 14h00 there is no such notification
20 to the SAPS.
21 MR BLOU: I beg your pardon, Chair. You
22 said of an attack on the SAPS on the 12th.
23 MS BALOYI: Yep, I do apologise, an
24 attack on –
25 CHAIRPERSON: - an attack on the NUM

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1 offices.
2 MS BALOYI: On the NUM offices, I do
3 apologise, yes.
4 MR BLOU: Chair, so the question is then?
5 MS BALOYI: I was asking you do you agree
6 with me that when we look at this entry at 14h00 the SAPS
7 is not informed that the offices of the NUM is one of the
8 problem areas that they must look out for.
9 MR BLOU: That they're going to be
10 attacked again on the 12th, Chair?
11 MS BALOYI: Yes given that –
12 MR BLOU: That is not communicated there,
13 however, it was communicated earlier on telephone calls as
14 you would have seen. I spoke with the Provincial
15 Commissioner, Chair. Immediately – Chair, I beg your
16 pardon. It was said there that HB to contact Provincial
17 Commissioner, in the aftermath immediately of the attack,
18 of the shooting at NUM offices, yes. So SAPS are aware at
19 that stage, Chairperson.
20 MS BALOYI: No, Mr Blou, I'm asking you a
21 different question completely. At 14h00 there's a
22 briefing, in that briefing you or other Lonmin security do
23 not tell the SAPS in that briefing that one of the problem
24 areas to look out for is the NUM offices.
25 MR BLOU: Yes, Chair.

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1 MS BALOYI: You do not do that.
2 MR BLOU: Yes.
3 MS BALOYI: Thank you. And neither in
4 your statement do you mention that the SAPS were informed
5 to look out for the offices of the NUM after the attack of
6 the 11th.
7 MR BLOU: Correct.
8 MS BALOYI: You don't do that.
9 MR BLOU: Yes, Chair.
10 MS BALOYI: And you accept also, okay let
11 me leave it there. So when you say that you knew on the
12 11th and please correct me, I may be confusing your evidence
13 with what Mr Sinclair is going to say, that on the 11th,
14 because of the incident of the 11th you knew that there
15 would be a follow up attack on the 12th on the Lonmin
16 offices. You did say that, am I correct?
17 MR BLOU: That we expected retribution to
18 be directed towards Lonmin property.
19 MS BALOYI: Oh okay not the NUM offices
20 specifically.
21 MR BLOU: No I did not say that, Chair.
22 MS BALOYI: Okay and we must accept that
23 it is because you did not, not you personally, did not
24 expect an attack or a further attack on the NUM offices on
25 the 12th, that you did not brief your members accordingly.

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1 You didn't tell your security members to look out for a
2 further attack on NUM offices on the 12th.
3 MR BLOU: Chairperson, on the 11th is the
4 question that I did not brief them on the 11th?
5 MS BALOYI: Yes.
6 MR BLOU: Yes, Chairperson.
7 MS BALOYI: You didn't tell them that on
8 the 11th?
9 MR BLOU: No, no, Chair.
10 MS BALOYI: On the 12th did you tell them
11 that?
12 MR BLOU: On the 12th I only relayed what
13 had happened the day before, but also stated that the
14 Sunday let them do patrols around the property.
15 MS BALOYI: Yes and that you didn't
16 expect any incidents. In fact you put it as high as we
17 don't expect any incidents because it's a Sunday.
18 MR BLOU: Correct, Chairperson.
19 MS BALOYI: Now this assessment of what
20 to expect you do not expect an attack on the 12th because
21 it's a Sunday you say.
22 MR BLOU: Yes, Chair.
23 MS BALOYI: But in fairness to you I
24 think you also say because there had never been a history
25 of attacks on the NUM. [Inaudible] you said that.

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1 MR BLOU: Yes, yes Chair.
 2 MS BALOYI: Now this assessment that
 3 there will not be any incident, if you spoke to your
 4 manager and that's what you tell them, when you speak to
 5 the SAPS or any of your managers speak to the SAPS after
 6 this briefing it is fair to accept that they would convey
 7 the same sentiment, the same assessment to the SAPS. That
 8 we do not expect any incidents because it's a Sunday, but
 9 also because we don't have a history of attacks on the NUM.
 10 MR BLOU: Yes, Chairperson.
 11 MS BALOYI: Am I correct?
 12 MR BLOU: Yes.
 13 MS BALOYI: And such communication to the
 14 SAPS would indeed influence how they allocate, would
 15 reasonably influence how they allocate their resources.
 16 That must be correct.
 17 MR BLOU: That must be correct, Chair.
 18 MS BALOYI: Now we've looked at your
 19 records on the 11th. Now if we move on to the incident of
 20 the 12th and we know how you have briefed your members, you
 21 become aware, as you did you on the 11th, you become aware
 22 of the march and of the confrontation with the NUM after it
 23 has happened.
 24 MR BLOU: Yes.
 25 MS BALOYI: The same on the 12th. As I

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1 understand your statement and evidence to be that you
 2 become aware of the attack on the security officers after
 3 it has happened.
 4 MR BLOU: Correct, Chair.
 5 MS BALOYI: Did you have any prior
 6 warning that there would be a march to the NUM on the 12th?
 7 MR BLOU: Chairperson, not to my
 8 recollection, no.
 9 MS BALOYI: And so you could not have
 10 conveyed to the SAPS that they should be there and look
 11 after the offices of the NUM because there is the plan to
 12 go and attack them again, you could not have conveyed that.
 13 MR BLOU: Yes, Chair.
 14 MS BALOYI: The same as the attack on the
 15 police, on the security officers you could not have
 16 conveyed to the SAPS to be present to protect them because
 17 you had not information about it.
 18 MR BLOU: Correct.
 19 MS BALOYI: You didn't know anything
 20 about it.
 21 MR BLOU: Correct, Chair.
 22 MS BALOYI: Now if we look at the report
 23 or what is recorded, now we know from your statement that
 24 in fact you speak to the Provincial Commissioner about the
 25 incident, or rather on the 12th after the incident had

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1 happened because you only heard about it afterwards.
 2 MR BLOU: Yes, Chairperson.
 3 MS BALOYI: And indeed that was the
 4 evidence of the Provincial Commissioner that you called her
 5 after the incident had happened and reported to her what
 6 had happened.
 7 MR BLOU: Correct.
 8 MS BALOYI: Now and so – at least from
 9 these records that we have in front of us it doesn't appear
 10 that you and perhaps it follows that you would have called
 11 for POP support anytime before the incident happened
 12 because you didn't know anything about it?
 13 MR BLOU: Yes.
 14 [14:55] MS BALOYI: And when you look at EEEE19
 15 again, and perhaps the relevant place to look is from 07:40
 16 until 09:30, in that period you see there is no report or
 17 entry that any calls were placed with the SAPS to come deal
 18 with the developing situation that resulted in the
 19 confrontation.
 20 MR BLOU: Pardon, Chairperson, I heard
 21 you said 7:40 and I see 08h00.
 22 MS BALOYI: What about 08h00?
 23 MR BLOU: No, I heard, Chairperson, you
 24 saying from 7:40 onwards.
 25 MS BALOYI: Oh, I'm sorry, yes.

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1 MR BLOU: And I see it starts at 08h00.
 2 MS BALOYI: No, I'm looking at the 12th,
 3 Craig. I'm looking at the 12th, Mr Blou.
 4 MR BLOU: There is the 12th now.
 5 MS BALOYI: Yes, and you've got there
 6 7:40 and I'm saying if you look at all of those entries –
 7 MR BLOU: Yes.
 8 MS BALOYI: Okay, if you look at all of
 9 those entries until 9:30 and the significance of 9:30 is
 10 that the entry speaks to the attacks –
 11 MR BLOU: Yes.
 12 MS BALOYI: - on the security officers.
 13 I'm saying in that time period, 7:40 –
 14 MR BLOU: Yes.
 15 MS BALOYI: - to 9:30 –
 16 MR BLOU: Yes.
 17 MS BALOYI: - this log doesn't tell us
 18 what calls were placed with POP –
 19 MR BLOU: That is correct.
 20 MS BALOYI: - by the Rustenburg or
 21 Bethanie or anything.
 22 MR BLOU: That is correct, this log
 23 doesn't talk to that, Chairperson.
 24 MS BALOYI: And your telephone records
 25 either don't speak to that. They don't indicate anything –

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1 MR BLOU: Absolutely.

2 MS BALOYI: - that any calls were made to

3 the SAPS from you.

4 MR BLOU: Yes.

5 MS BALOYI: POP.

6 MR BLOU: Yes.

7 MS BALOYI: Now you called Lieutenant-

8 General Mbombo, Major-General Mbombo I think, after the

9 incident and you reported the incident to her. Now you

10 state in your statement that later in the day the

11 Provincial Commissioner and the National Commissioner

12 arrived. You remember that in your statement?

13 MR BLOU: I remember that, Chairperson,

14 yes.

15 MS BALOYI: And they would have arrived

16 at Lonmin. That's what you're conveying.

17 MR BLOU: That is correct.

18 MS BALOYI: Yes. Now Mr Blou, that is

19 not correct to put in your statement because the Provincial

20 Commissioner only arrived at Lonmin on the 13th in the

21 morning. What do you say to that?

22 MR BLOU: Chairperson, if I had twisted

23 my dates I will apologise, but I know that in an afternoon,

24 which I had always maintained was the 12th, the Sunday, that

25 there was a conversation between the National Commissioner

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1 as well as the North West Provincial Commissioner, but if

2 it was an oversight I will apologise for that entry in my

3 statement.

4 MS BALOYI: You see, the difficulty with

5 that, Mr Blou, is this is not just about a mix up of dates;

6 there's more that you say. You say, you also say – and I'm

7 trying to find the page that I had marked, you also say

8 that – if you would bear with me, Chair. Yes, this you

9 find in RRRR1.4, paragraph 24. You don't just state the

10 wrong date, the 12th, but you go on to say that "I for one,"

11 in the second line, "believed that their arrival would

12 foreshadow the deployment of significant SAPS personnel

13 during the evening of 12 August 2012, which should also

14 have discouraged the strikers from attacking an outlying

15 operation such as K4 Shaft." And then you go on to say,

16 "This unfortunately did not happen and a group of strikers

17 were able to evade Lonmin Security patrol, flatten the

18 fence around the perimeter of K4 Shaft and attack non-

19 striking employees, which resulted in the murder of the

20 late Eric Mabebe. You see that?

21 MR BLOU: I see that, Chairperson.

22 MS BALOYI: That this is not a simple

23 matter of mixing up dates. In fact it is you saying even

24 though the two most senior people of SAPS had arrived, that

25 have to do with this matter had arrived, there was still

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1 not SAPS presence, as a result a further employee of Lonmin

2 was killed. It's much more complicated than you mix up the

3 dates. You actually make up something that didn't happen.

4 MR BLOU: Chairperson, when I compiled my

5 statements I was convinced that the meeting that had taken

6 place took place on the Saturday – on the Sunday afternoon

7 on the 12th of August.

8 MS BALOYI: Yes.

9 MR BLOU: Yes.

10 MS BALOYI: You accept though that on the

11 12th neither the National Commissioner nor the Provincial

12 Commissioner arrived at Lonmin? You accept that?

13 MR BLOU: I accept that now, yes,

14 Chairperson.

15 MS BALOYI: But do you persist that after

16 the incident on the 12th, after you had called the

17 Provincial Commissioner and spoke to her and reported to

18 her about that incident, there was still no significant, or

19 no improvement in the presence of SAPS members?

20 MR BLOU: Correct, Chairperson.

21 MS BALOYI: And you still persist that as

22 a result Mr Mabebe, because there was so poor attendance by

23 SAPS, Mr Mabebe was subsequently killed and damage caused

24 to Lonmin property? You persist in that?

25 MR BLOU: Chairperson, this is not just

Page 36412

1 an isolation, or an isolated statement with regards to the

2 late Mr Mabebe. It is to say that had the SAPS been there

3 they would have prevented all incidents in my mind.

4 MS BALOYI: Can we stick with the 12th for

5 now?

6 MR BLOU: Right.

7 CHAIRPERSON: Do I understand you to

8 withdraw your statement in your statement dated August

9 2014, this year, that the Provincial Commissioner and the

10 National Commissioner were at Lonmin, at Marikana on the

11 Sunday afternoon, the 12th of August? You withdraw that

12 statement?

13 MR BLOU: Yes, Chairperson.

14 CHAIRPERSON: I see you didn't make it in

15 your first statement which you made on the 17th of October

16 2012. So it's very much an afterthought. Nor was it in

17 your statement made in July 2014. So for the first time in

18 your statements which you made this allegation surfaces in

19 August 2014, but you now say that it's, you now accept that

20 it's not correct?

21 MR BLOU: Yes, Chairperson, I will.

22 CHAIRPERSON: Are you going to be much

23 longer, Ms Baloyi? I was proposing to take tea now, but if

24 in fact you would prefer to finish your cross-examination

25 and it won't take very long, we can carry on. You must

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1 tell me what you want to do.

2 MS BALOYI: Chair, if we took tea I'll be

3 much quicker when we come back.

4 CHAIRPERSON: That sounds like an offer

5 that I can't refuse. We will take the tea adjournment now,

6 15 minutes.

7 [COMMISSION ADJOURNS COMMISSION RESUMES]

8 [15:22] CHAIRPERSON: The Commission resumes. Mr

9 Blou, you're still under oath.

10 MNTUNAYE HENRY BLOU: [s.u.o.]

11 CHAIRPERSON: Ms Baloyi.

12 CROSS-EXAMINATION BY MS BALOYI (CONTD.):

13 Thank you, Chair. Mr Blou, we were at a point where we

14 were looking at your paragraph 25, you remember, of exhibit

15 RRRR1.4.

16 MR BLOU: Yes.

17 MS BALOYI: And the question that I had

18 asked you was whether you, looking at paragraph 25, whether

19 you persist that as a result, that there was a low presence

20 of the SAPS that evening and that that resulted in the

21 killing of Mr Mabebe?

22 MR BLOU: I persist that the SAPS was not

23 adequately deployed on that evening, Chairperson.

24 MS BALOYI: Okay, well on that I would

25 like to refer you to the statement of Mr Sinclair, which is

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1 FFFF1 - Chair, if it could be shown on the screen? And

2 then you look at paragraph 34. Paragraph 34, and you read

3 there, it says, "During the course of the day I called, or

4 spoke telephonically and directly to SAPS management and

5 telephonically with the Provincial Commander of SAPS around

6 18h00, whereby she committed to enlarging the SAPS

7 contingent that was already at Lonmin. By 20h00 a visible

8 increased SAPS presence was noted. They established their

9 own JOC at the mine." You see that?

10 MR BLOU: I see that, Chairperson.

11 MS BALOYI: Yes, it would seem that

12 unlike you Mr Sinclair considered the presence of the SAPS

13 at that point to be visible, to be quite visible.

14 MR BLOU: Yes, Chairperson.

15 MS BALOYI: Yes, and doesn't share the

16 same concerns that you have.

17 MR BLOU: Indeed, Chairperson.

18 MS BALOYI: Okay. Now perhaps just to do

19 a quick rundown, what we know from your evidence is that

20 Lonmin becomes aware on the 9th that there's a march on the

21 10th.

22 MR BLOU: Yes.

23 MS BALOYI: And then you then get called

24 and are informed that the people are marching on the 10th.

25 You didn't know how many there were going to be. That's

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1 correct?

2 MR BLOU: Yes.

3 MS BALOYI: The march on the 11th which

4 resulted in the confrontation with the NUM, you didn't know

5 about it until it happened?

6 MR BLOU: Yes.

7 MS BALOYI: The march on the 12th which

8 resulted in the attack on the security officers, you also

9 didn't know about it?

10 MR BLOU: That is correct.

11 MS BALOYI: Yes. You must agree that

12 this is evidence of a failure in intelligence available to

13 Lonmin?

14 MR BLOU: Correct.

15 MS BALOYI: Or to you at least.

16 MR BLOU: Yes, correct.

17 MS BALOYI: And what would you attribute

18 that to?

19 MR BLOU: To the fact that at the time we

20 had just few months prior to that, few years prior to that

21 we had decentralised. Now we needed to form a department

22 of our own at that stage.

23 MS BALOYI: Yes.

24 MR BLOU: Yes.

25 MS BALOYI: And was it a factor or not,

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1 the penetrability of the strikers by your intelligence

2 people, how easy was that?

3 MR BLOU: Chairperson, that we were

4 penetrating them or –

5 MS BALOYI: That you were able to get

6 into their midst and obtain intelligence, how easy was it

7 in your experience at the time?

8 MR BLOU: It was not as advanced as it is

9 today, Chairperson.

10 MS BALOYI: No, I'm asking you

11 specifically in that period –

12 MR BLOU: Yes.

13 MS BALOYI: - for you to gather

14 intelligence you needed your people to be on the ground.

15 MR BLOU: Correct.

16 MS BALOYI: You needed information to be

17 coming through. Was it easy, was it difficult for you to

18 obtain intelligence in that period about the conduct or the

19 plans of the strikers?

20 MR BLOU: It was not easy, Chairperson,

21 owing to the limited resources we had at the time.

22 COMMISSIONER HEMRAJ: Well, is that kind

23 of mining community easy to infiltrate for somebody, for

24 intelligence officers to infiltrate?

25 MR BLOU: Chairperson, to a large extent

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1 it is easy. It really also depends who you are. If you
 2 are known that you work with security it's not going to be
 3 readily shared with you, yes.

4 MS BALOYI: Now a different issue, Mr
 5 Blou; in some of your statements you've spoken about the
 6 CCTV footage –

7 MR BLOU: Yes.

8 MS BALOYI: - that is available to Lonmin
 9 and that was gathered over the period, and I think in your
 10 statement you explain why some of it is not clear, you
 11 cannot see incidents in some but some are not as clear as
 12 they should be.

13 MR BLOU: Yes, Chair.

14 MS BALOYI: Have you determined whether
 15 that footage is, or would have been useful to the SAPS in
 16 their investigations of the incidents at Marikana?

17 MR BLOU: Absolutely yes, Chairperson.

18 MS BALOYI: It would have been?

19 MR BLOU: Yes.

20 MS BALOYI: In what way? And I ask
 21 specifically because of how you describe it in your
 22 statement, that some of it doesn't show incidents and some
 23 that we have seen shows incidents from a very far
 24 distance –

25 MR BLOU: Yes.

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1 MS BALOYI: - that you can't see the
 2 people.

3 MR BLOU: Yes. If they have got evidence
 4 of that sort they can then make their own plans in dealing
 5 with the situation at hand.

6 MS BALOYI: Yes.

7 MR BLOU: Yes, Chairperson.

8 MS BALOYI: Could that be utilised to
 9 identify individuals involved in incidents captured on
 10 those videos?

11 MR BLOU: Yes, Chairperson.

12 MS BALOYI: And you have spoken about the
 13 unprecedented nature of what you experienced in this
 14 period, specifically the nature of the violence.

15 MR BLOU: Chair, correct, yes.

16 MS BALOYI: The fact that the strikers
 17 were armed in the way that they were.

18 MR BLOU: Yes, Chair.

19 MS BALOYI: And I think in your statement
 20 you've also described other conduct that you said was
 21 unprecedented. Now finally, Mr Blou, we have evidence
 22 before the Commission from General Mpembe about the
 23 incident of the 13th.

24 MR BLOU: Yes, Chair.

25 MS BALOYI: That you accompanied him to –

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1 you and others accompanied him to the railway line where
 2 they met up with the strikers who had been walking from, I
 3 think it was from Karee?

4 MR BLOU: Yes, Chair.

5 MS BALOYI: Yes, now perhaps even before
 6 I ask you the question that I want to ask you, before these
 7 strikers were seen on CCTV by your security, was Lonmin
 8 aware that these strikers were going to be marching to
 9 Karee that morning?

10 MR BLOU: Chairperson, I want to say yes,
 11 that is why they were intercepted on the K3 to K4 bridge by
 12 security Lonmin, yes.

13 MS BALOYI: It is not recorded anywhere
 14 that in advance of the march Lonmin was aware that that
 15 march was going to happen that morning. There's no record
 16 of it.

17 MR BLOU: I beg your pardon, Chairperson,
 18 I thought you were saying as they were. I'm, personally I
 19 wasn't aware that they were going to march to K3 Shaft,
 20 yes.

21 MS BALOYI: Yes, so this is yet another
 22 incident or example where Lonmin was blindsided by the
 23 intentions of the strikers.

24 MR BLOU: It's another way of showing
 25 that we were caught unawares, Chairperson.

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1 MS BALOYI: Yes. Now in that exchange
 2 with the strikers, or when you and General Mpembe and
 3 others met up with the strikers, the evidence that we've
 4 had from General Mpembe is that he requested from you that
 5 you arrange for an interpreter, a Fanagalo interpreter.
 6 When he realised that the strikers would converse in
 7 Fanagalo he requested from you that you arrange with Lonmin
 8 that they provide an interpreter. You're aware of that
 9 evidence?

10 MR BLOU: I'm aware of what was said,
 11 yes.

12 MS BALOYI: Yes, and you've actually
 13 submitted a statement where you deny that.

14 MR BLOU: Indeed, Chairperson.

15 MS BALOYI: Well, in fairness to you I
 16 have to put it to you that the evidence of Lieutenant-
 17 Colonel Merafe, who was also present at the scene, backs up
 18 General Mpembe. He also testified that he did hear General
 19 Mpembe requesting that a Fanagalo interpreter be supplied.

20 MR BLOU: I'm aware, Chairperson, yes.

21 MS BALOYI: Yes, and you persist that it
 22 didn't happen?

23 MR BLOU: Absolutely. I can state what
 24 did take place, if you allow me, Chairperson.

25 CHAIRPERSON: What do you want to tell

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1 us?

2 MR BLOU: General Mpembe asked me if I

3 could translate Fanagalo to the strikers and I offered to

4 him that if they spoke Xhosa or Zulu I could translate and

5 he continued on the day. He never asked me for an

6 interpreter. I noted in his statement and his evidence he

7 said so, yes.

8 CHAIRPERSON: If he had asked you to

9 provide a Fanagalo interpreter, would you have been

10 prepared to do so?

11 MR BLOU: I would have prepared, been

12 prepared, Chairperson. It was done later in that week,

13 yes.

14 CHAIRPERSON: Assuming you'd been asked

15 for a Fanagalo interpreter and you'd said yes, you'll

16 provide one, how long would it have taken for a Fanagalo

17 interpreter to be fetched?

18 MR BLOU: Chairperson, from where we were

19 I can say roughly 15 to 20 minutes.

20 MS BALOYI: Thank you, Chair, those are

21 my questions.

22 CHAIRPERSON: Thank you. Is there re-

23 examination of the witness? Or sorry, before re-

24 examination, perhaps I should ask a question.

25 MS MOTLOENYA: Chair, there are other

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1 parties that still need to cross-examine Mr Blou.

2 CHAIRPERSON: Yes, who are they?

3 MR WESLEY: Chair, if I can assist, Ms

4 Masevhe for the Monene group has 10 minutes and Mr Ramphele

5 has 30 minutes.

6 CHAIRPERSON: I see, but I understood

7 that Mr Ramphele had then arranged with Mr Tip that he'd

8 ask him any questions on behalf of his client. So what's

9 the story, Mr Ramphele?

10 MR RAMPHELE: Sure, I have questions,

11 Chair.

12 CHAIRPERSON: How long are they going to

13 be?

14 MR RAMPHELE: It will not be more than 20

15 minutes, Chair, but they're important questions and I think

16 I have to pose them.

17 CHAIRPERSON: I see, alright. Yes, I'm

18 sorry, Ms Masevhe, I had overlooked the fact that you'd

19 applied for and been given time.

20 MS MOTLOENYA: Chair, Ms Masevhe is

21 behind me. I'm Ms Motloenya for the families.

22 MR WESLEY: They have 25, the families

23 have 25 still.

24 CHAIRPERSON: Oh dear, I really am a

25 little bit confused after lunch, sorry. Please proceed

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1 with your cross-examination.

2 MS MASEVHE: Chairperson, I believe that

3 Mr Wesley would like to start and ask a question. Okay,

4 alright, Chairperson, I'm told that he doesn't wish to –

5 CHAIRPERSON: Let's work out this order

6 of cross-examination because I've overlooked certain things

7 and I don't want to cause unnecessary offence. So who is

8 due to cross-examine first?

9 MR WESLEY: Ms Masevhe.

10 MS MASEVHE: Chairperson, I'm informed

11 that –

12 CHAIRPERSON: You're next.

13 MS MASEVHE: Yes.

14 MR WESLEY: Then Mr Ramphele, and then

15 the families, and then if my question is still not asked it

16 will be one question, Chair.

17 CHAIRPERSON: Alright. Well thank you

18 for putting me on the right track. Ms Masevhe.

19 CROSS-EXAMINATION BY MS MASEVHE: Thank

20 you, Chairperson. Mr Blou, good afternoon.

21 MR BLOU: Good afternoon.

22 MS MASEVHE: Mr Blou, I appear here for

23 the family of Warrant Officer Monene. He is the police

24 officer who was killed on the 13th of August near the

25 railway line and I would like to ask you a few questions

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1 about that event. You understand?

2 MR BLOU: I understand, Chairperson.

3 MS MASEVHE: Yes. Mr Blou, I would like

4 to quickly refer you to your statement, that is RRRR1.1,

5 and I would like to quickly refer you to page 10 thereof,

6 from paragraph 37 to paragraph 39. That is where you

7 describe the events of the 13th of August. I would like to

8 quickly refer you to paragraph –

9 CHAIRPERSON: Ms Masevhe, sorry, before

10 you – Mr Burger, it does appear as if calculations of the

11 time have gone awry a little bit and it does look as if Mr

12 Sinclair, who I thought would be able to give evidence this

13 afternoon, it does look as if he's come for nothing and so

14 it may well be fair to let him go. I mean I gather that

15 from the estimates of time we've been given that unless

16 there's an unexpected abbreviation of cross-examination, as

17 if Mr Sinclair will be waiting for nothing. So I think it

18 only fair that I should mention that you at this stage.

19 MR BURGER SC: Chair, may he then be

20 excused till 9 o'clock tomorrow morning?

21 CHAIRPERSON: Yes, I think that's the

22 sensible –

23 MR BURGER SC: I will inform him

24 accordingly.

25 CHAIRPERSON: Please apologise to him

<p style="text-align: right;">Page 36425</p> <p>1 that we got our calculations wrong and he had to come here 2 and sit around for nothing. 3 MR BURGER SC: I will. 4 MS MASEVHE: Thank you, Chairperson – 5 CHAIRPERSON: Yes, Ms Masevhe, sorry, 6 forgive my interrupting you, Ms Masevhe. 7 MS MASEVHE: Thank you, Chairperson. 8 CHAIRPERSON: But I thought it only 9 courteous for me to do what I did. 10 MS MASEVHE: Yes. Mr Blou, if we can 11 quickly go to paragraph 38, the last line there of - maybe 12 I can start in the middle; you said that “I telephonically 13 contacted Callie Miles and asked him to come, to fetch me. 14 I did not feel safe as the situation seemed tense.” What 15 did you mean when you say that “I did not feel safe as the 16 situation seemed tense”? 17 MR BLOU: Mr Chair, I mean by that that 18 as an employee of Lonmin Platinum I have a right to 19 withdraw from any situation where I feel uncomfortable. So 20 I noted that the strikers were crouching and that they were 21 in a paramilitary stance. They were following commands 22 from their leaders. 23 MS MASEVHE: Did you hear any of these 24 commands at the time? 25 MR BLOU: Chairperson, no, I did not.</p>	<p style="text-align: right;">Page 36427</p> <p>1 the perpetrators, the people who were hacking him to death? 2 MR BLOU: Chairperson, what I saw were 3 people that were surrounding, that had been surrounding him 4 and I saw gestures of spears going that way and I saw 5 gestures of pangas going that way around a person whom at 6 the time I didn't know who it was, but as they were 7 walking, Chairperson, the officers that I saw being 8 attacked – and I must emphasise, being attacked – I saw 9 when the mob went onto them. 10 MS MASEVHE: Did you and your colleagues 11 attempt to try and disperse this crowd of people who were 12 attacking since you were not really far away, maybe 100 13 metres, and then you could assist? 14 MR BLOU: Chairperson, at the time I had 15 been the only one from Lonmin Platinum who had gone there 16 first to orientate the SAPS of where this place was and 17 then I also deemed it necessary that it was a police 18 action, that I would be standing back, but in that 19 commotion I was inside an armoured vehicle at the time. So 20 Lonmin was not there as a security team except that I was 21 there as one person among the SAPS members. 22 MS MASEVHE: How far were the other 23 police officers from this scene of the attack? 24 MR BLOU: Chairperson, very close. 25 Remember the SAPS members had started escorting the</p>
<p style="text-align: right;">Page 36426</p> <p>1 All I saw was as the people were looking towards us and the 2 crowd, or the striking contingent was behind them, without 3 looking backwards somebody would just raise a hand and they 4 would assume a different position, like crouching, like 5 clicking spears against pangas and so on. 6 MS MASEVHE: Okay, and then if we go 7 along to paragraph 39, you said that, “I witnessed both 8 attacks from a distance and saw how one of the police 9 officers was hacked to death.” Now before I can ask you 10 any question I would like to reemphasise that Warrant 11 Officer Monene according to the evidence that has been 12 adduced here is the police officer who died on the scene, 13 so we believe that by you witnessing both attacks and 14 seeing one police officer who was hacked to death you 15 actually saw Warrant Officer Monene. Do you understand 16 that? 17 MR BLOU: I understand that, Chairperson. 18 MS MASEVHE: Yes, now can you please tell 19 this Commission the distance from which you witnessed this 20 attack? 21 MR BLOU: Chairperson, as we were in an 22 armoured vehicle, the distance where we were just in front 23 of the informal settlement would probably be around 100 24 metres or so. 25 MS MASEVHE: Okay, did you actually see</p>	<p style="text-align: right;">Page 36428</p> <p>1 strikers and as they were walking behind them some police 2 officers tried to do what I call a bull's horn and in that 3 they isolated themselves. So the police were very close to 4 where this was happening, to the strikers, although the 5 strikers were stretched as they were moving forward towards 6 the settlement. 7 MS MASEVHE: Lieutenant Vermaak told this 8 Commission that as the attack was happening he witnessed 9 this from a helicopter and he could see, as the 10 perpetrators were busy attacking he could see other police 11 officers running away. Did you observe that? 12 MR BLOU: Chairperson, no, I never 13 observed that. I never saw that. 14 MS MASEVHE: Okay. Mr Blou, one of the 15 challenges that the office, actually the family of Warrant 16 Officer Monene face is that they would like people who can 17 come forward and be able to identify the attackers, 18 especially people who actually saw this attack, you know to 19 can help the police or this Commission identify the 20 perpetrators. Will you be in a position to can do that if 21 you are approached to do that? 22 [15:42] MR BLOU: Chairperson, from where I was 23 seated in that armoured vehicle it is impossible to 24 identify a person specifically, save that I saw a group of 25 people surrounding an individual. So it will be very</p>

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1 difficult for me to testify on that.

2 MS MASEVHE: Alright, thank you very

3 much. Thank you, Chairperson, those are our questions.

4 CHAIRPERSON: Thank you, Ms Masevhe. Mr

5 Ramphele, you're next.

6 CROSS-EXAMINATION BY MR RAMPHELE: Thank

7 you, Chair. I'll be very quick, Chair. Mr Blou, I

8 represent the families of Mr Mabebe and Mr Mabelane.

9 MR BLOU: Yes, Chair.

10 MR RAMPHELE: The security guard. But

11 let's first go to the issue of the danger that was facing

12 the non-striking workers. You agree with me that at this

13 stage you had actually, or at least Mr Sinclair had

14 described the situation as a double red alert?

15 MR BLOU: Yes, Chairperson.

16 MR RAMPHELE: And further that what you

17 call normal in that double red alert, and I'm going to try

18 and make a proposition that if you have normal in a green

19 alert, it is a situation you can control, and if you have a

20 normal in a double red alert it means that if the situation

21 changes you would have difficulty controlling it. Would

22 you agree with this proposition?

23 MR BLOU: Correct, Chairperson.

24 MR RAMPHELE: So what we're talking about

25 is a situation where on the 12th, even if you were saying it

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1 was normal, that normal was not the normal where if the

2 situation changed you would as Lonmin Security be able to

3 control?

4 MR BLOU: Chairperson, my saying normal

5 on the 12th, I was asked earlier, maybe on Friday, whether

6 when did we see that things were changing and I did say

7 that they changed on the 12th, Chairperson.

8 MR RAMPHELE: No, answer my question. My

9 question is the difference between normal in a green alert

10 and normal in a red alert – and this is my proposition –

11 MR BLOU: Yes.

12 MR RAMPHELE: - it's a red alert. Once

13 the situation changes, because you have a double red

14 alert –

15 MR BLOU: Yes.

16 MR RAMPHELE: - it is a situation that

17 you would normally be unable to control.

18 MR BLOU: Because it is not normal we

19 will be unable to control, yes, Chair.

20 MR RAMPHELE: Now you have a situation

21 where you have non-striking workers and this majority of

22 the non-striking workers live amongst the striking workers.

23 Is it not correct?

24 MR BLOU: Correct, Chair, yes.

25 MR RAMPHELE: To a point where you

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1 actually in your logbook say "We found it important that

2 the transportation bus should not go into the hostel. It

3 must wait outside of the hostel for people that would like

4 to go to work to then get into the bus."

5 MR BLOU: Yes, Chair.

6 MR RAMPHELE: And the situation was so

7 dangerous for these people that in your own logbook you say

8 that they actually preferred not alighting from the bus

9 next to the hostel. So they did not want to be known to

10 have gone to work, even if they were not on strike.

11 MR BLOU: Indeed, Chair.

12 MR RAMPHELE: And yet in this situation

13 you are enforcing, and as Mr Sinclair has said, a no-work-

14 no-pay situation.

15 MR BLOU: Chairperson, that is an

16 executive decision for Lonmin. I do not take those

17 decisions of no-work-no-pay. Those are HR matters. I

18 can't pronounce on them.

19 MR RAMPHELE: Yes, so it will be correct

20 to suggest to you that in the assessment of the

21 vulnerability of non-striking workers their conditions was

22 actually not really properly assessed?

23 MR VAN AS: Sorry, Mr Chairperson, is it

24 being suggested that Lonmin should have paid non-striking

25 workers during the strike even if they didn't go to work?

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1 CHAIRPERSON: [Microphone off, inaudible]

2 asking me the question. If you are, I can't give you an

3 answer. If you ask Mr Ramphele, what's the point you're –

4 MR RAMPHELE: If Mr Van As wants to go

5 into the witness box I would love to cross-examine him.

6 CHAIRPERSON: No, never mind –

7 MR RAMPHELE: But at the moment I'm

8 cross-examining Mr –

9 CHAIRPERSON: What's the point that

10 you're making? Mr Van As is entitled to enquire what

11 precisely the point is you're making. Are you suggesting

12 that because Lonmin wasn't providing security for those

13 workers who didn't want to take part in the strike and was

14 expecting them to go to work when there was a risk that

15 they'd be assaulted or even murdered while they were on

16 their way to work, that –

17 MR RAMPHELE: That is correct, Chair.

18 That is the question that I –

19 CHAIRPERSON: - that Lonmin was obliged

20 to go on paying them even though they didn't go to work, as

21 a consequence I suppose of its failure to protect them? Is

22 that the point you're making?

23 MR RAMPHELE: Well, the point I'm making

24 is that Lonmin as the employer has got the responsibility

25 to ensure the security, especially the protection of life

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1 of workers, and that irrespective of the situation, if
 2 their lives are in danger then at least it must be Lonmin's
 3 concern.
 4 CHAIRPERSON: Yes, what exactly is the
 5 question you're asking, and is it an appropriate question
 6 to ask this witness? Anyway, but let's see what the
 7 question is first. What exactly is the question?
 8 MR RAMPHELE: Okay, you were the manager
 9 of security and you are aware that –
 10 CHAIRPERSON: Those are two statements.
 11 What's the question?
 12 MR RAMPHELE: The question is whether it
 13 was fair, or it was –
 14 CHAIRPERSON: But is it a matter for this
 15 witness to comment on? Because I –
 16 MR RAMPHELE: He is the security manager,
 17 Chair.
 18 CHAIRPERSON: I know, but I understood
 19 him to say that this was a decision taken by those above
 20 him, the EXCO or the managers or whatever it was. I don't
 21 think it's appropriate to ask this witness his opinion as
 22 to –
 23 MR RAMPHELE: Well, I can –
 24 CHAIRPERSON: - his opinion of the – I
 25 don't think it's fair to ask this witness his opinion as to

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1 the fairness or otherwise of decisions taken by those
 2 superior to him in the organisation.
 3 MR RAMPHELE: Okay, then let me rephrase.
 4 As a manager of security would you say that the non-
 5 striking workers were in a safe space to continue to go to
 6 work and then go back home to live in the midst of the
 7 3 000 striking workers?
 8 MR BLOU: Mr Chairperson, it was a time
 9 of uncertainty, of violence. Now –
 10 CHAIRPERSON: No, we know that.
 11 MR BLOU: Okay –
 12 CHAIRPERSON: But that's not the answer
 13 to the question.
 14 MR BLOU: Ja.
 15 CHAIRPERSON: The question, simple
 16 question, those people, those workers who didn't want to
 17 take part in the strike, who wanted to go to work, if they
 18 went to work and then came home again, was there a risk
 19 that they would suffer or be exposed to serious bodily
 20 harm, if not death, because they'd gone to work? I think
 21 that's the paraphrase of the question. The answer to that
 22 is either yes or no. What's the answer?
 23 MR BLOU: They were at serious risk, Mr
 24 Chairperson.
 25 CHAIRPERSON: Thank you.

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1 MR RAMPHELE: And we now know that they
 2 were even at serious risk at the place of work, as in the
 3 case of Mr Mabebe.
 4 MR BLOU: Yes, Chair.
 5 MR RAMPHELE: Is it not - or maybe, I
 6 know that there were times when you were not there, but
 7 from your assessment how would you reconcile the fact that
 8 there was a large contingent of SAPS members at 6PM, 18:00,
 9 and that at 9PM at K4 Shaft there is this attack, with
 10 phone calls, and this large contingent doesn't find itself
 11 to get to K4? Do you have any explanation for this?
 12 MR BLOU: Mr Chairperson, Lonmin Security
 13 deployed, we deployed the resources at the places that we
 14 thought were at risk and that we relied on patrols in the
 15 form of vehicles that were patrolling the roads, as well as
 16 air surveillance to watch over those for us, and thirdly we
 17 had deployed security, normal security at those places to
 18 cover those areas for us with the limited resources we had,
 19 Mr Chair.
 20 CHAIRPERSON: You haven't answered the
 21 question. The question was there were a lot of policemen
 22 around – was it policemen or security people, or both?
 23 Policemen I think was the question, around at 6 o'clock in
 24 the evening and nobody at K4 at 9 o'clock. How do you
 25 explain that? I think that's the –

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1 MR RAMPHELE: Yes.
 2 CHAIRPERSON: Is there an explanation?
 3 That's the question, and it's no good telling me there were
 4 patrols from the air and on the ground. The question
 5 simply is can you explain – if you can't, say so, but can
 6 you explain the fact that there were a lot of people around
 7 at 6 o'clock and nobody around at, or hardly anybody around
 8 at 9 o'clock at K4? That's the question.
 9 MR RAMPHELE: Yes.
 10 CHAIRPERSON: What's the answer?
 11 MR BLOU: I do not know, Chairperson, why
 12 the police would have not been at K4 Shaft if there were a
 13 lot of police at Lonmin. That is the question.
 14 MR RAMPHELE: Thank you, and you also
 15 would say that it is actually very concerning that this
 16 happens after people that were in K3 forewarned the
 17 authorities that there was a movement towards K4 of a large
 18 group of people that were going to attack?
 19 MR BLOU: Yes, it is concerning, Mr
 20 Chairperson.
 21 MR RAMPHELE: Now I have listened to some
 22 of your answers when Adv Baloyi was asking questions. Just
 23 that I want to have it clear; in your response under cross-
 24 examination by Counsel Tip you said you left for home, but
 25 there were persons, three other managers, one of whom could

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1 take charge in your absence, and you mentioned some name, I
2 think you said the one was Phillips and the other one, and
3 you mentioned the other two. You remember?
4 MR BLOU: Chairperson, yes, I said that
5 there would have been one of them. I didn't say they were
6 at the same time at the JOC.
7 MR RAMPHELE: Yes.
8 MR BLOU: Yes.
9 MR RAMPHELE: So will I be right if I say
10 that many of the questions that you couldn't answer, one of
11 these people that were in charge is supposed to be able to
12 answer?
13 MR BLOU: It's fair to say so, yes,
14 Chair.
15 MR RAMPHELE: And that as you rightly
16 were in your answer saying I could have done this, this is
17 what that person in charge was supposed to have done in
18 your absence?
19 MR BLOU: Yes, Chair.
20 MR RAMPHELE: Now there is a very – and
21 this is an instruction from my client – of a very, again
22 concerning issue and it is the issue of Mr Mabebe. You
23 see, we agree that he was already at risk just going to
24 work and now he is attacked there and there's three of them
25 and he is the one that is seriously injured, and according

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1 to the evidence of Van Vuuren he is the one that is
2 actually attended to last. Would you say that this –
3 CHAIRPERSON: How can the witness answer
4 this question? He wasn't there.
5 MR RAMPHELE: Yes, but –
6 CHAIRPERSON: Clearly –
7 MR RAMPHELE: - if that is the case –
8 CHAIRPERSON: Well, clearly he cannot –
9 MR RAMPHELE: - Chair, he must be able to
10 comment on whether that, whether there's any policy of
11 preference in Lonmin. We need to know that.
12 CHAIRPERSON: Alright –
13 MR RAMPHELE: And the family would like
14 to know that.
15 CHAIRPERSON: Was there a policy – what
16 policy of preference do you want to know about?
17 MR RAMPHELE: Well, Chair, Mabebe – and
18 this is very important – Mabebe is the only black staff and
19 two other white staff that were injured. Mabebe becomes
20 the last one to be attended to and we would like to know
21 whether it is the policy of Lonmin that preference is given
22 to others and that Mabebe would be treated last.
23 CHAIRPERSON: Alright, what do you say
24 about that, Mr Blou?
25 MR BLOU: Chairperson –

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1 CHAIRPERSON: Is there substance in that
2 point?
3 MR BLOU: I've never seen such policy and
4 also I dealt with security. Paramedics didn't report to me
5 at the time.
6 MR RAMPHELE: Okay, but if it were so it
7 would be concerning? If it is true that he was treated
8 last it would be very concerning. You agree with me?
9 MR BLOU: Chairperson, it's very
10 difficult to comment because I've never seen a policy that
11 prefers people at Lonmin on the basis of race when they
12 want to treat them.
13 MR RAMPHELE: Okay, now –
14 CHAIRPERSON: It is true that he was
15 treated last. The only question is why and you can't tell
16 us why.
17 MR BLOU: I can't tell you.
18 CHAIRPERSON: But you say that you're not
19 aware of any policy which would have resulted in him being
20 treated last. Is that –
21 MR BLOU: Correct.
22 CHAIRPERSON: Is that your evidence?
23 MR BLOU: Yes, Chair.
24 MR RAMPHELE: Thank you. There is also
25 another issue that is concerning, and that is the issue

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1 that Officers Botes and Louw were attacked by this 3 000
2 mob about five to seven kilometres away from where Mabelane
3 and Fundi were killed. Are you aware of that?
4 MR BLOU: I was aware of people that were
5 attacked was Mr Vorster and Mr Louw, and not Mr Botha.
6 MR RAMPHELE: Correct, thank you.
7 MR BLOU: Yes.
8 MR RAMPHELE: And that the distance
9 between this first attack and the Fundi and Mabelane attack
10 is about, is more than five kilometres.
11 MR BLOU: Chairperson, no, it is not. It
12 is probably, it is probably not about five kilometres. It
13 would be give or take about three kilometres.
14 MR RAMPHELE: Three kilometres, and in
15 the three kilometres it was clear that this crowd is
16 actually violent and that is why the officers that you've
17 mentioned had to flee. Is that correct?
18 MR BLOU: Correct, Chairperson.
19 MR RAMPHELE: You have in your evidence
20 said that in the briefing in the morning when Mabelane and
21 Fundi left the instruction was we do not expect any
22 incident but be careful, but we don't expect any incident
23 because it's a Sunday.
24 MR BLOU: Correct, Chair.
25 MR RAMPHELE: So you would know from that

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1 briefing that their state of mind was that of officers that
 2 were expecting what your briefing suggested. Is that
 3 correct?
 4 MR BLOU: Yes, Chair, coupled with the
 5 fact that all Lonmin Security persons were aware of their
 6 safety. They were trained in crowd management, yes.
 7 MR RAMPHELE: Well, I think it, I don't
 8 take the issue of training of crowd management too
 9 seriously because Fundi, and I think Mabelane as well, were
 10 trained in about 19 courses in three months and one of them
 11 was crowd management. That's not adequate training. Would
 12 you agree with me?
 13 MR BLOU: Chairperson, I did not see
 14 those 19 courses in three months.
 15 MR RAMPHELE: Well, there's a –
 16 MR BLOU: I must be honest.
 17 MR RAMPHELE: There's a certificate
 18 attached to –
 19 CHAIRPERSON: Attached to the bundle –
 20 MR RAMPHELE: Attached to the bundle –
 21 CHAIRPERSON: - presented by Lonmin is a
 22 whole batch of certificates –
 23 MR RAMPHELE: Yes.
 24 CHAIRPERSON: - some of them Mr Mabelane,
 25 some of them Mr Fundi, and they took various courses.

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1 MR RAMPHELE: Yes.
 2 CHAIRPERSON: Including crowd management,
 3 and what is put to you – I don't know if you can answer it,
 4 but what's put to you is that the courses were over a
 5 relatively short period and that the courses must from
 6 their nature have been very short. That's your point
 7 really.
 8 MR RAMPHELE: Yes.
 9 CHAIRPERSON: And therefore he's asking
 10 you whether you're able to tell us whether you think the
 11 crowd management course was adequate or inadequate.
 12 MR BLOU: It was adequate for all
 13 members, Chairperson, and I have to honestly say I do not
 14 know of our members having gone so many courses in such a
 15 short period of time.
 16 MR RAMPHELE: Okay. In any event, you
 17 yourself have said to this Commission that as Lonmin
 18 Security control of 3 000 strikers was just something that
 19 is out of your capacity.
 20 MR BLOU: Hundred percent, Chairperson.
 21 [16:01] MR RAMPHELE: Yes, and I'm sure you're
 22 trained also and you would know that escaping from a crowd
 23 of 3 000 strikers at a short notice, or at a very short
 24 time, would be something that is difficult? On making the
 25 assessment that you say one should assess whether it's

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1 danger and then leave, if you have 3 000 crowd that you are
 2 facing, leaving that crowd would not be easy. You agree?
 3 MR BLOU: I do not agree, Chairperson.
 4 MR RAMPHELE: Okay, and I want to put it
 5 to you that it was serious recklessness after the attack on
 6 the two officials to permit Officer Mabelane and Fundi to
 7 actually go and face a crowd of 3 000. Do you agree?
 8 MR BLOU: Chairperson, Messrs Frans
 9 Mabelane and Hassan Fundi were not permitted, or neglected
 10 there to just go to a crowd of some 3 000 people. They
 11 were among team members who on the day had assessed the
 12 situation and would have done everything as they knew. If
 13 for example the situation is beyond their capacity, that
 14 they were allowed to withdraw from it. They were allowed
 15 to withdraw from the situation.
 16 MR RAMPHELE: Yes, but I also put it to
 17 you that the reason why you said that crowd management of
 18 3 000 strikers is beyond your capacity, it is precisely
 19 because of that. It is beyond your capacity.
 20 MR BLOU: Yes, Chairperson.
 21 MR RAMPHELE: Yes, and that because of
 22 the briefing and their state of mind when approaching the
 23 crowd, what you were supposed to do was to go and rescue
 24 them out of the danger they were going in that they were
 25 not aware of.

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1 MR VAN AS: Mr Chairperson, I assume
 2 "you" is a reference to Lonmin and not a reference to the
 3 witness. He wasn't even there, so he could hardly have –
 4 CHAIRPERSON: No, I think that's
 5 understood, yes.
 6 MR RAMPHELE: Yes, it is.
 7 CHAIRPERSON: Carry on, Mr Ramphele.
 8 MR RAMPHELE: Thank you. Can you answer
 9 my question –
 10 CHAIRPERSON: Mr Ramphele should perhaps
 11 repeat the question because of the interruption.
 12 MR RAMPHELE: Yes.
 13 CHAIRPERSON: Because clearly the
 14 understanding as far as I as concerned was –
 15 MR RAMPHELE: Thank you. The –
 16 CHAIRPERSON: Please repeat the question.
 17 MR RAMPHELE: The obligation you had in
 18 view of the briefing and knowing that Mr Mabelane and Mr
 19 Fundi were not aware of the mood of the strikers, the
 20 obligation you had was to go and rescue them, not just
 21 called, rescue them, because the 3 000 crowd was well over
 22 your capacity.
 23 MR BLOU: Chairperson, the security team
 24 on that morning was well within their rights to when they
 25 assessed and know that the situation is beyond their

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1 capacity, to withdraw completely, and I didn't know the
2 mood of the strikers, Chairperson, because I was not there
3 on the ground.
4 MR RAMPHELE: Thank you. Well, at least
5 Lonmin knew the mood of the strikers because one of the
6 officers that was attacked first had called for a backup.
7 MR BLOU: Yes.
8 MR RAMPHELE: That gives you an
9 indication of the mood of the strikers.
10 MR BLOU: Yes, Chairperson.
11 MR RAMPHELE: Yes, and therefore the mood
12 of the strikers and the danger they posed to Lonmin
13 Security was well known at the time Mabelane and Fundi were
14 attacked.
15 MR BLOU: Yes, Chairperson.
16 MR RAMPHELE: Yes.
17 MR BLOU: What I know, Chairperson, what
18 I've heard from the other guys that were there, they had
19 indicated that they need to escape. Chairperson, you will
20 also hear that – and I think they've testified to this, Mr
21 Motlogeloa and others – that even how they were supposed to
22 park their vehicles, they deemed it fit to park vehicles in
23 a way that they could escape if the situation overwhelmed
24 them.
25 MR RAMPHELE: At least – and this is my

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1 last proposition – at least what I expect of Lonmin is to
2 accept that they did not have a plan to protect non-
3 strikers, they did not have a plan to protect the security,
4 and they owe it to this family to actually say we were
5 wrong.
6 CHAIRPERSON: Do you agree with that
7 proposition?
8 MR BLOU: Chairperson, I cannot agree
9 that we did not have a plan.
10 CHAIRPERSON: So you don't accept the
11 proposition put to you by counsel?
12 MR BLOU: No, I don't.
13 MR RAMPHELE: Okay, right. I still have
14 five minutes. What was the plan? To take Mabelane and –
15 CHAIRPERSON: You said you –
16 MR RAMPHELE: Give us the plan. What was
17 the plan to take out Fundi and Mabelane out of –
18 CHAIRPERSON: That would be your last
19 question –
20 MR RAMPHELE: - the danger they were in?
21 CHAIRPERSON: Sorry for interrupting.
22 How could it be your last question a couple of minutes ago
23 and now you hear you've got five minutes, you've got a
24 whole barrel full of extra questions? I mean either you've
25 seriously got questions or you haven't. If you've got

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1 questions you want to meaningful ask over the next five
2 minutes, carry on, but if you haven't, don't.
3 MR RAMPHELE: Thank you, Chair. You see,
4 Mr Blou, the purpose of this Commission –
5 MR BLOU: Yes.
6 MR RAMPHELE: - is to ensure that there
7 is no repeat of what happened.
8 MR BLOU: Yes, Chair.
9 MR RAMPHELE: Yes, and therefore it
10 becomes important that if a situation like this –
11 MR BLOU: Yes.
12 MR RAMPHELE: - occurs again, at least as
13 Lonmin you know what to do.
14 MR BLOU: Yes.
15 MR RAMPHELE: But now you say to me that
16 there was a plan. Can you give an indication of what the
17 plan was to protect the non-strikers?
18 MR BLOU: The security plan that we had,
19 Chairperson, as I understood it, Chairperson, you said
20 earlier that the security did not have a plan.
21 MR RAMPHELE: No, no. No, no, not plan
22 generally.
23 MR BLOU: That's what I responded to.
24 MR RAMPHELE: That non-strikers –
25 MR BLOU: Oh, yes. Chairperson, no,

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1 there was no plan to protect the non-strikers.
2 MR RAMPHELE: Yes.
3 MR BLOU: I'd responded –
4 MR RAMPHELE: I thank you.
5 MR BLOU: Ja, sure. Okay.
6 MR RAMPHELE: Thank you. And despite the
7 fact that you were on double red alert you did not have a
8 plan to actually protect Mabelane and Fundi. There was no
9 way you were going to protect them.
10 MR BLOU: As they were attacked,
11 Chairperson –
12 MR RAMPHELE: Yes.
13 MR BLOU: - at the time? Chairperson,
14 the way for me, during the attack we were not capacitated,
15 we did not have the capacity to stop the attack on them as
16 it happened, Chairperson.
17 MR RAMPHELE: Yes.
18 MR BLOU: But if like other security
19 officers, we had a standing policy in place that you can
20 withdraw.
21 MR RAMPHELE: Yes, and to crown it all
22 you were moving to demilitarisation, which meant that you'd
23 be having a control room that could see what was happening
24 in dangerous spots. Am I getting it right?
25 MR BLOU: Yes.

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1 MR RAMPHELE: Am I correct that's so?
 2 MR BLOU: Yes, Chair.
 3 MR RAMPHELE: And therefore probably -
 4 and I don't know because I've not seen it – probably there
 5 was someone sitting in the control room –
 6 MR BLOU: Yes.
 7 MR RAMPHELE: - seeing, or looking at
 8 them going into this dangerous situation, and witnessing
 9 this gory act, incident.
 10 MR BLOU: Sorry, Chairperson, witnessing
 11 the attack?
 12 MR RAMPHELE: Witnessing the attack.
 13 MR BLOU: Chairperson, no. The place
 14 where the attack took place the camera that was in that
 15 proximity could not see because of trees at the spot where
 16 the attack took place. That is a fact.
 17 MR RAMPHELE: Well, my instructions are
 18 that there was a camera 218 –
 19 MR BLOU: We're talking about the same
 20 camera, Chairperson, yes.
 21 MR RAMPHELE: Yes, that actually could
 22 see in that area, just that for some reason that camera
 23 didn't work that day.
 24 MR BLOU: That is incorrect, Chair. The
 25 camera was fully operational to all its limitations and

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1 there is footage as, that was presented to the Commission
 2 to that effect.
 3 MR RAMPHELE: And quite coincidentally
 4 again what was supposed to have been seen properly from the
 5 control room, that attack on Mabebe, we don't have it.
 6 MR BLOU: It was at night, Chairperson.
 7 MR RAMPHELE: I put it to you that I do
 8 not see a situation where the entrance of the clock room,
 9 or the clock place where people report for work can be such
 10 that you have a nightshift and it's dark and no one can see
 11 who's going into the workplace, which is where Mabebe was
 12 killed.
 13 MR VAN AS: No, Mr Chairperson, Mr Mabebe
 14 was killed in the car park by strikers who climbed under
 15 the fence, not at the clocking –
 16 CHAIRPERSON: That is the evidence, Mr
 17 Ramphele.
 18 MR BLOU: Yes.
 19 CHAIRPERSON: We've seen photographs of
 20 the body lying in the parking area, his body lying in the
 21 parking area, covered parking area.
 22 MR RAMPHELE: Oh, so you have footage of
 23 the attack on Mr Mabebe in that park?
 24 MR BLOU: Chairperson, there's no –
 25 MR RAMPHELE: In the car park.

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1 MR BLOU: There's no footage at the car
 2 park. There is footage that, from a distance as the cars
 3 were burning, that is how it was seen. But there were no
 4 cameras in the car parks.
 5 MR RAMPHELE: But we have evidence that
 6 he was pulled to the car park by Janse van Vuuren.
 7 MR BLOU: Chairperson, no, I do not
 8 have –
 9 MR RAMPHELE: Okay. Thanks.
 10 CHAIRPERSON: He gave the evidence he
 11 pulled him from – he was in the parking area, he was near a
 12 burning car and Mr Van Vuuren pulled him away in an
 13 endeavour to save his life.
 14 MR RAMPHELE: As it pleases. As it
 15 pleases, Chair. Thank you, Chair, that will be all from
 16 me. Thanks.
 17 MR WESLEY: Sorry Chair, just for the
 18 record, the camera 218 footage is exhibit Y1.
 19 CHAIRPERSON: Thank you. We did say on
 20 Friday we were going to sit till 4:15 today. It's 4:15.
 21 So the cross-examination on behalf of the families will
 22 take place at 9 o'clock tomorrow. Who's going to conduct
 23 it?
 24 MS MOTLOENYA: I will be cross-examining
 25 on behalf of the families, Chair.

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1 CHAIRPERSON: Alright, we will start your
 2 cross-examination at 9 o'clock tomorrow morning. The
 3 Commission will now adjourn.
 4 [COMMISSION ADJOURNED]
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