

HLENGIWE NHLABATHI

NEW evidence related to the killing of striking miners by the police emerged at the Marikana commission of inquiry yesterday.

The revelation of the evidence pushed an evasive national police commissioner Riah Phiyega into a corner — the inquiry heard that she had failed to act on a serious allegation brought to her attention.

In a statement given to the commission yesterday, Mafikeng police dog unit member Hendrich Myburgh, who had been assigned to search for weapons and make arrests as the striking miners dispersed after the massacre, said an unidentified National Intelli-

New evidence puts Phiyega on the ropes

gence Unit constable had shot an injured miner on the ground.

"I heard gunshots behind me and as I turned I saw an NIU constable unknown to me putting his side firearm in his leg holster while he was standing next to an injured [man] ... I asked him what he was doing. He replied by saying 'They deserve to die'," said Myburgh.

Phiyega confirmed when cross-examined by evidence leader Mbuyiseli Madlanga that Myburgh had told her, provincial commissioner Zikusa Mbombo and a Major-General Naidoo of what he

had seen.

Madlanga fired another salvo at Phiyega, accusing her of failing to institute an investigation immediately after hearing that police officers had tampered with evidence at the koppie on which the strikers had been shot by planting weapons on some miners.

Phiyega said that the difficulty was that Myburgh could not identify the man he saw shooting the wounded striker. She said that she left it to Mbombo and Naidoo to "look into the matter".

Madlanga disputed Phiyega's

explanation, saying that only four National Intelligence Unit officers fired shots from 9mm pistols.

When asked if the firing of such a shot constituted self-defence, as the police claimed, Phiyega said: "Given the sensitivity and gravity of the matter, and what it means, I will be very cautious to answer such a question based on presuppositions. I find it difficult to say I will change my position based on a hypothesis."

Earlier yesterday Phiyega defended Police Minister Nathi Mthethwa.

She said Mthethwa had not briefed her about his promise to National Union of Mineworkers president Senzeni Zokwana that he would increase police deployments at the Marikana mine to avert further killings.

The hearing has not uncovered who gave the order that led to the shooting of the striking miners.

The dead men's families have rejected Phiyega's apology.

Madlanga also accused Phiyega of lacking detailed knowledge of what transpired on the day of the killings. She repeatedly said that her commanders were best able to answer certain questions.

Phiyega will be back in the hot seat on Monday.

'They deserve to die' – cop at Marikana

Hlengiwe Nhlabathi

Political Reporter

NEW evidence of police assassination of miners emerged at the Marikana commission of inquiry yesterday, squeezing police commissioner Riah Phiyega tightly into a corner about why she failed to act on this information even when it was brought to her attention.

Evidence leader Mbuyiseli Madlanga grilled Phiyega for several hours about a statement made by an SA Police Service member who was at the koppie on the day 34 people were gunned down by police in August last year.

Mahikeng dog unit member Hendrich Myburgh, who was among the police officers who had been deployed to search for weapons and make arrests during the dispersion process, claims in a statement to the commission that an identified national intelligence unit constable had fired shots at an injured miner who was lying on the ground.

"I heard gunshots behind me. As I turned, I saw a NIU constable [who is] unknown to me, putting his side firearm in his leg holster while he was standing next to an injured [miner] ... I asked him what he was doing, he replied by saying 'they deserve to die'," Myburgh said.

Phiyega confirmed that Myburgh had informed her, together with provincial commissioner Lieutenant-General Zikusa Mbombo and a Major-General Naidoo.

Phiyega said that the difficulty was that Myburgh could not identify the person he had seen, adding that she left everything to Mbombo and Naidoo to "look into the matter".

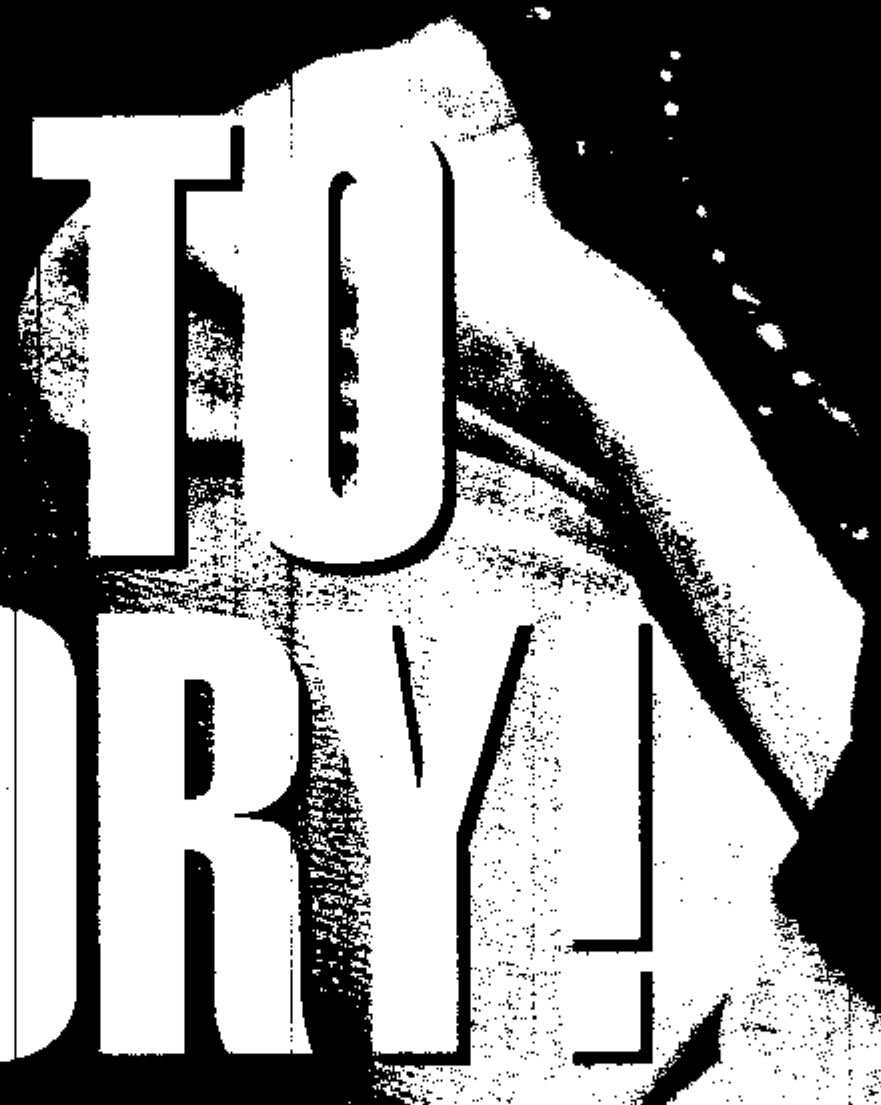
Madlanga charged that four NIU officers had fired shots from 9mm pistols.

Phiyega responded: "I don't know." When asked if the firing of such a shot had been in self-defence or not, Phiyega said: "Given the sensitivity and gravity of the matter and what it means, I would be very cautious to answer such a question, based on presuppositions.

"I find it difficult to say I will change my position based on a hypothesis."

MARIKANA: If facts are not true, then show me!

RIAH STICKS TO HER STORY!



Police Commissioner Riah Phiyega was questioned at the Marikana inquiry yesterday.

By **SIMON NARE**

EVEN with the new allegations, National Police Commissioner Riah Phiyega still stands by her statement of 17 August that cops acted in self-defence.

"If there is evidence that the statement didn't contain the true facts then let it be produced. Our statement was correct as we have observed and all the information was well considered," she said.

This was after advocate Mbuyiseli Madlanga asked her if she still stood by her statements in a press release in which she said police shot the miners in self-defence.

On her first day of cross-examination, Phiyega avoided many of the questions, saying that her commanders were better suited to answering the questions.

During her testimony, a statement by a cop said that injured striking mineworkers were shot and killed.

Hendrich Myburgh's statement said after most of the shooting had stopped, he went to the koppie searching for suspects to arrest. He suddenly heard a gunshot behind him.

He turned and saw a national intervention unit constable putting his firearm in

its holster.

"I asked the constable what was going on. He replied by saying they deserved to die and moved away," read Myburgh's statement.

Phiyega admitted that she heard about Myburgh's statement on 2 October but no investigation was conducted because Myburgh couldn't identify the person.

But then Madlanga submitted a list of cops on duty that day which easily identified the cop who allegedly shot the miner.

She declined to comment on the list of the cops on du-

ty, saying the information had just been presented to her and she needed time to study it, as she didn't want to interpret it.

Madlanga said as national police commissioner she was rushed into issuing a media statement that absolved cops of any wrongdoing before gathering all the facts of what happened on the day.

"I can't dispute your judgment but what I did say was based on information provided by commanders."

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Phiyega grilled on Marikana

POLICE CHIEF LEAVES BIG QUESTION FOR 'MY COMMANDER' TO ANSWER

DUDU DUBE

NATIONAL police commissioner Riah Phiyega faced the big question of whether she believed police acted in self-defence when they shot dead 34 mineworkers at Marikana in August.

This was in light of a statement by WO Hendrich Myburgh, who was at the scene of the shooting, saying he saw another police officer putting away his gun after a miner who had been injured was finished off.

Phiyega was being cross-examined by evidence leader advocate Mbuyiseli Madlanga, in the Marikana Inquiry yesterday.

Myburgh's sworn statement read: "After the shooting stopped I went to

the koppies to look for people to arrest. I saw three injured people lying on the ground. I then heard a gun shot and when I turned around I saw an intervention unit officer putting his gun away. I asked him what was happening and he said they deserved to die."

When Phiyega was asked if she was aware of this, she said yes, but that she was not a lawyer so she would be cautious about answering. She said she did not launch an investigation because Myburgh could not identify the policeman.

She has up to now maintained that police only fired live ammu-

munition because the miners were charging at them with guns and traditional weapons.

However, when Madlanga questioned her about Myburgh's testimony, she would not give a simple answer on whether she still maintained her version.

"If this commission was to ultimately conclude Myburgh is talking about a policeman who had in fact shot one of the injured people, would you still continue to hold the

view that all people who were shot by police were shot in self-defence?" Madlanga asked.

Phiyega said she would be cautious in answering the questions given the sensitivity of the matter.

She eventually said: "I stand by the media statement on

the day after the shooting, which said the miners had been shooting at the police, unless there were new facts presented."

The cross-examination was characterised by Phiyega answering questions with great caution, Madlanga accusing her of contradicting herself, objections by SA Police Service lawyer Ismael Semanya and rumblings from family members of the victims.

Phiyega kept on saying "my commander would best answer that question" when asked about the events of the day.

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General Riah Phiyega

Cop said miners deserved to die, Marikana probe told

POLOKO TAU

EVIDENCE has emerged that a police officer shot a mine striker as he lay injured on the ground during the Marikana massacre.

The officer then allegedly placed his pistol back in his leg holster and said: "They deserve to die."

This came from a statement by Warrant Officer Hendrick Wouter Myburgh, a Mahikeng dog unit officer who claims to have witnessed the killing.

While national police commissioner General Riah Phiyega admit-

ted she had heard this story from Myburgh himself, the emergence of this evidence yesterday seemed to add to the police boss's woes as she tried to pass the more vital questions on to her commanders.

It was a tough day for Phiyega as she faced cross-examination at the Farlam Commission of Inquiry.

Phiyega's voice was low as she answered questions from evidence leader Mbuyiseli Madlanga, SC, yesterday. She agreed with Madlanga that the Marikana killings were "of unusually high scale".

She said she had been briefed fully on the events leading up to August 16, the day on which 34 strik-

ing Lonmin miners died when the police opened fire. Ten people died in the days before August 16.

Phiyega addressed the media a day after the Marikana tragedy on what had happened and how the police had handled the situation.

The statement to the media became the focus of Madlanga's questioning.

Asked about the statement, Phiyega said repeatedly that her commanders were in a better position to respond, and declined to answer.

She said she had addressed the media based on the information she had received from her commanders,

but would not answer questions relating to this information.

Madlanga later asked Phiyega if what she said at the August 17 press briefing would remain the same today. She said: "I do stand by the statement I gave on August 17."

At this point, Madlanga introduced Myburgh's statement alleging that a National Intervention Unit (NIU) member had shot an injured man lying on the ground at what is known as Scene 2, a small koppie where 18 strikers were killed.

Phiyega was later asked whether, after Myburgh's statement, she would hold the same view that the police had acted in self-defence. She

again declined to answer, "given the sensitivity". She also said Madlanga's question was hypothetical, so she could not respond to it.

Myburgh said he had turned his head after hearing a shot and found an NIU constable putting his firearm in his leg holster. He was standing by an injured man he had first seen with a jersey wrapped around his arm.

"I asked the NIU constable what is going on (and) he replied, 'They deserve to die', and moved away. I cannot identify him facially and I could not read his surname on his name tag."

Myburgh said he had given

details of this incident to commanders and then to Phiyega on October 2. Phiyega confirmed this, but said it had been difficult to act because Myburgh could not identify the constable. She said she left the matter in the hands of a Major General Naidoo.

Madlanga then read a statement in which Naidoo told how he had fired at one of the strikers who was shooting at the police. Phiyega was asked whether Naidoo was the right person to handle Myburgh's allegations when he had been at the scene.

The commission chairman, retired Judge Ian Farlam, asked Phiyega if the matter could not have

been investigated by a professional. The police chief said it was possible.

Madlanga later showed, from police documents, a table listing officers - with their units and ranks - who had been at the scene. It also gave their identification details and the number of shots they had fired. It emerged that two NIU constables had fired 9mm shots.

"Do you accept it would have been a matter of relative ease (for the two constables) to be picked up and be part of an identity parade?" Madlanga asked Phiyega. She said this could have been done, if the details given by Madlanga had been presented at the time.

Commissioner sticks to claim police shot in self-defence

SETUMO STONE
Political Correspondent

POLICE commissioner Riah Phiyega told the Marikana commission in Rustenburg yesterday she stands by a statement she made on August 17 last year, in which she said police shot and killed 34 striking mine-workers at the Lonmin platinum mine in Marikana in self-defence.

Ms Phiyega faced tough questions from commission evidence leader Mbuyisela Madlanga.

Ms Phiyega had initially defended the police last year soon after Marikana, but last week she appeared to be more conciliatory towards the victims. In an interview with the Sunday Times last weekend she said she was being treated harshly because she was the first female

national police commissioner.

Yesterday Ms Phiyega told the commission that she stood by her initial statement. The commission's evidence leader presented evidence to the commission that on October 2, a couple of weeks after Ms Phiyega's statement, she was informed by a police commander that a police officer was heard shooting a protester who was lying injured on the ground.

A Mafikeng police K9 unit member, Hendrich Wouter Myburgh, said in parts of a statement read to the commission that he "suddenly heard a gunshot behind" him and as he turned he saw a National Intervention Unit constable putting his side firearm in his leg holster. The constable was standing next to one of the injured protesters, who was lying

on the ground. Mr Myburgh said the constable told him "they (strikers) deserved to die" before moving away.

Ms Phiyega said the allegation could not be fully tested at the time because the culprit could not be identified, and she subsequently left the matter to a police commander, Major-General Naidoo, to investigate further. She declined to offer her opinion on the allegation, saying the commission was dealing with "sensitive and emotional" matters and that it would be inappropriate for her to comment.

Mr Madlanga said Ms Phiyega's statement, in which she relied on the observations of at least two top police officials who were on the scene, was premature because she had not taken time to consider what others,

who also had knowledge of what had taken place, had to say of the incident. Ms Phiyega said the statement was "well-considered" and she did not doubt the "bona fides" of the officers who reported to her.

At least 44 people died and 78 others were injured during the six-week-long strike last August in Marikana. More than 3,000 striking Lonmin platinum mine workers, armed with an array of traditional weapons, had gathered for days on a koppie in Marikana, demanding a minimum salary of R12,500. Two police officers and two mine security guards were among the 10 people killed before August 16.

Ms Phiyega, who appeared focused during the cross-examination, seemed irritated when Mr Madlanga probed, repeatedly, whether Police

Minister Nathi Mthethwa took any specific steps before August 16 in Marikana, after being informed that not less than 10 people had by then already died.

Mr Madlanga told the commission that the killings before August 16 were on an "unusually high scale for the area" and should have prompted Mr Mthethwa to act.

Ms Phiyega said she had kept continuous communication with Mr Mthethwa, but she could not tell the commission what "specific" action the minister took. She said Mr Mthethwa's duty was to provide "political leadership and support" to the police. Mr Madlanga shrugged off the response, saying it was too "general". But Ms Phiyega added nothing more.

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‘Myners verdien dood’

Marikana-woorde onthul

Maryna Lamprecht

Rustenburg. – “Hulle verdien om te sterf,” het ’n polisiekonstabel op 16 Augustus by Marikana gesê ná hy glo geskiet het op ’n beseerde mynwerker wat reeds op die grond gelê het.

’n Beëdigde verklaring waarin verdoevende bewerings gemaak word, is gister aan die Farlam-kommissie van ondersoek voorgehou terwyl genl. Riah Phiyega, nasionale polisiekommissaris, in die getuiebank was.

Hendrick Wouter Myburgh (31), ’n lid van die polisie se K9-eenheid, was aan diens toe 34 mynwerkers verlede jaar by die Lonmin-platinummyndoodgeskiet is.

Hy het agter ’n voertuig langs Kleinkoppie skuiling gesoek terwyl die skote geklap het.

“Toe die meeste van die skietery verby was, is ek die koppie in op soek na verdagtes om in hegtenis te neem,” lui die verklaring.

“Ek het sowat drie beseerdes gesien wat op die grond lê en het omgedraai op soek na nog verdagtes. Skielik het ek ’n skoot agter my gehoor en omgedraai.

“Ek het gesien hoe ’n onbekende konstabel van die polisie se nasionale intervensie-eenheid sy vuurwapen in die holster aan sy been terugsit terwyl hy langs een van die beseerdes, met ’n trui om sy arm gedraai, staan.

“Ek het aan die konstabel gevra wat aangaan. Hy het gesê ‘hulle verdien om te sterf’ en het weg beweeg.”

Myburgh kon nie onthou hoe die konstabel lyk nie en het nie sy naam geken nie. Sy verklaring is na die onafhanklike polisie ondersoek-direktoraat (Opod) verwys omdat hy nie die polisiebeampte

kon identifiseer nie.

Phiyega het getuig dit maak die saak “byna onmoontlik” om te ondersoek.

Adv. Mbuyiseli Madlanga SC, getuie-nisleier, het gesê daar was net vier konstabels van die polisie se K9-eenheid wat dié dag met 9 mm-pistole geskiet het en dat die polisie die saak verder kon ondersoek indien hy regtig wou.

Madlanga het Myburgh se verklaring ook gebruik om te wys nie alle polisie-lede het noodwendig uit selfverdediging opgetree nie.

Phiyega het onder skoot gekom vir ’n verklaring wat sy op ’n mediakonferensie gemaak het die dag ná die skietery.

Daar het sy gesê polisielede het in selfverdediging opgetree toe gewapende mynwerkers op hulle afgestorm het.

Sy het die myners as militant bestempel en gesê die polisie kon nie anders as om uiterste geweld te gebruik nie.

Gister het sy gesê sy staan steeds by die inhoud van daardie verklaring.

Phiyega kon verskeie feitelike vrae wat Madlanga aan haar gestel het, nie beantwoord nie en het erken dat sy nie self die verklaring geskryf het nie, maar dat dit saamgestel is deur die bevelvoerders wat in beheer was van die Marikana-aksieplan.

“Ek stel dit aan jou dat jy geen besonderhede het oor wat werklik gebeur het nie,” het Madlanga gesê.

“Met so ’n belangrike kwessie het jy nie gedink jy moet die moeite doen om uit te vind wat gebeur het nie?”

Madlanga het gesê Phiyega het oorhaastige gevolgtrekkings gemaak sonder om ander moontlike weergawes van die gebeure te oorweeg.

Commissioner goes coy about Marikana shooting evidence

POLOKO TAU

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EVIDENCE has emerged that a police officer shot a striker as he lay injured on the ground during the Marikana massacre.

The officer then allegedly placed his pistol back in his leg holster and said, "They deserve to die."

This came from a statement by Warrant Officer Hendrick Wouter Myburgh, a Mahikeng-based dog unit officer, who claims to have witnessed the killing.

National police commissioner General Riah Phiyega admitted she had heard this from Myburgh himself, but the emergence of this evidence

yesterday seemed to add to the police boss's woes as she tried to pass on to her commanders the more vital questions.

It was a tough day for Phiyega as she faced cross-examination at the Farlam Commission of Inquiry into the Marikana tragedy.

Phiyega's voice was low when she answered questions by Mbuyiseli Madlanga SC, from the evidence leaders. She agreed with Madlanga that the Marikana killings were "of unusually high scale".

She said she had been fully briefed on the events leading to August 16, 2012 during which 34 striking Lonmin miners were killed by the police and 10 died in the following days.

A day after the Marikana tragedy Phiyega addressed the media on what had happened and how the police had handled the situation.

That statement to the media became the focus of Madlanga's questioning. But when asked about it, Phiyega repeatedly said her commanders were

in a better position to respond.

She said she had addressed the media based on the information she had received from her commanders but would not answer any questions related to

that information.

Madlanga asked Phiyega if she would still say what she had said at the August 17, 2012 press briefing, to which she said: "I do stand by the statement I gave on August 17."

Madlanga then introduced Myburgh's statement in which he said a National Intervention Unit

(NIU) member had shot an injured man who was lying on the ground at what is known as Scene 2, a small koppie where 18 strikers were killed.

Phiyega was later asked if

He replied 'they deserve to die' and moved away

she would still hold the view that police acted in self-defence.

She again declined to answer, "given the sensitivity". Phiyega said she did not respond to the question because it was hypothetical.

Myburgh said he had turned his head after hearing a shot and found an NIU constable putting his firearm in his leg holster while standing by the injured man he had first seen with a jersey wrapped around his arm.

"I asked the NIU constable what is going on (and) he replied by saying 'they deserve to die' and he moved away. I cannot identify him facially and I could not read his surname on his name tag," he said.

Myburgh said he had given details of this incident to some commanders and then Phiyega on October 2, 2012. Phiyega confirmed this but said it had been difficult to act because Myburgh could not identify the constable.

She said she had left the matter in the hands of a Major-General Naidoo.

Madlanga then read a statement by Naidoo in which he said he had fired at one of the strikers who was shooting at the police. Phiyega was asked whether Naidoo was the right person to handle Myburgh's allegations when he had been at the scene himself.

The commission was due to visit the scene today.