

Phiyega quizzed on cops' action

PROTESTERS: *Were police reacting to 3 000 or 200-300?*

RUSTENBURG – National Police Commissioner Riah Phiyega was asked yesterday if police intervention at Marikana was aligned to the number of protesters.

“Was that the information you based your support (intervention) plan on; the fact that there were 3 000 protesters who were armed?” advocate George Bizos SC asked her in cross-examination at the Farlam Commission in Rustenburg.

Phiyega agreed, and said there were many other factors.

He asked her to classify the protesters, separating armed from unarmed. “Do you agree with the allegation made by counsel for the police that the problem was, there were 3 000 belligerent protesters who were armed, resisting any effort to disarm?” She agreed.

Bizos continued: “The SA Police and their witnesses couldn’t make up their minds regarding how many people there were. We have been told there were 3 000 people. Elsewhere (lawyer for the police Ismael Semenya put it to a witness there were 200 to 300 protesters who were armed. There were others who were peaceful, unarmed ... Which of the

SNIP

Bizos said police used different tactics to disarm a crowd depending on numbers. Phiyega said she was not the right person to talk about those tactics.

two versions did you, as commissioner, operate ... on?”

Phiyega said: “I would not speculate on those two versions because I have not seen alternative facts. As police, people who are armed are a concern to us. Any number of armed people, be it two or seven, concerns us.”

Bizos was not convinced, saying: “Were your actions (at Marikana) premised on having to deal with 3 000 or only 200-300?”

She said: “It is immaterial whether it is 300 or 3 000. Armed protesters are not allowed by the law.”

Bizos said there were contradictions in the figures given of armed protesters. Police used different tactics to disarm a crowd depending on numbers. Phiyega said she was not the right person to talk about those tactics. – Sapa.

'Marikana like Sharpeville'

FRANNY RABKIN

THE Sharpeville massacre was evoked at the Marikana commission of inquiry on Wednesday during the cross-examination of national police commissioner Riah Phiyega by veteran human rights lawyer George Bizos.

Bizos, representing non-government organisation the Bench Marks Foundation, drew parallels between what happened at Sharpeville on March 21 1960 and what happened at Lonmin's Marikana mine last year on August 16.

In Sharpeville, 69 people were killed and 180 injured

In both massacres police acted 'in self-defence', Bizos reminds Phiyega

— most of them shot in the back while fleeing the apartheid police.

In Marikana, 34 people were killed and more than 70 injured.

"Those who cannot remember the past are condemned to repeat it," he told Phiyega.

Bizos put it to the police commissioner that, as at Sharpeville, most of the people injured at Marikana were injured on the top half of the body.

Though the police claimed they were acting in self-defence, there was "not a

single scratch on any police officer", he said. "Is it a miracle, or an act of God, that there was not a single mark on any police officer?" he asked.

Phiyega said the police were trained and worked professionally.

"Do you know what the police's defence was after Sharpeville?" asked Bizos.

"No," replied Phiyega.

"They [said they] acted in self-defence," said Bizos.

As apartheid prime

minister Hendrik Verwoerd had heaped praise on the police after Sharpeville, Bizos said, Phiyega had praised the police after Marikana.

He said she was unwilling to accept any criticism of how the police behaved.

Phiyega said the difference between the pass protests at Sharpeville and what happened at Marikana was that the Sharpeville protesters were not armed.

'Not a single scratch on police officers'

This led Bizos to return to a question he and Phiyega had debated at length earlier in the morning.

Bizos had asked whether, as claimed by the police in their opening statement to the inquiry, the police were facing 3 000 "belligerent" armed protesters.

He asked whether, as said in a statement by a police expert, there were, in fact, only between 300 and 400 armed protesters and the rest were unarmed.

The question was relevant, he said, because of the

police's claim that what they faced was "unprecedented" and the implications of that perception for the police's plan to disarm and disperse the striking workers.

Phiyega insisted that the situation was unprecedented and repeatedly referred to the police's opening statement to the inquiry.

But Bizos said the police's expert had said that only 300 to 400 people had been armed.

"This is your expert, employed by your police force ... please do not try to avoid the question," he said.

The cross-examination continues today. — *BDlive*

Phiyega lied to?

DUDU DUBE

NATIONAL police commissioner Riah Phiyega may have been lied to by commanders about the number of miners armed at Marikana.

This was suggested by George Bizos, for the Legal Resources Centre, during cross-examination at the Marikana Commission of Inquiry in Rustenburg yesterday.

Bizos said of the 3000 protesting miners, 300 were armed.

"An expert who works for you, the SAPS, says militancy of a small number was quite apparent. Would it make any difference if you found you were lied to by those who briefed you?" Bizos asked.

Phiyega responded she believed the feedback from the police the day after the shooting that left 34 miners dead. She admitted she had no idea of the police's six-phase plan. Bizos compared police self-defence claims to Sharpeville and Soweto. dudud@thenewage.co.za

Why disturb the inquiry?

THE right to protest is enshrined in our Constitution. Often it gets abused. It is understandable that some people may still be nursing the wounds of the Marikana tragedy.

However, it is hard to understand why people would choose to cause a disturbance at a transparent commission set up to investigate the August 16 events at the Lonmin platinum mine in the North West.

Leaders of the Marikana Support Campaign may disagree with what police chief Riah Phiyega has been telling the commission in the past few days, but a scuffle that broke out at the hearing this week is not the way to get to the bottom of the tragedy that made international headlines.

Demonstrating one's feelings and protesting is not a crime in South Africa. What should be frowned upon, however, are protests organised outside of the law.

Judge Ian Farlam and company have a tough job at hand. The last thing they need are disturbances that can jeopardise proceedings.

Bizos and Phiyega trade blows

By **SIMON NARE**

ADVOCATE George Bizos asked: "Why was it that if the police were being attacked, none of the officers sustained any injuries or even a scratch?"

National Police Commissioner Riah Phiyega: "The police are trained and they do their work professionally."

Bizos: "Do you think you have given me an answer?"

Phiyega: "I have given you the answer to the best of my ability. You might not like the answer but that is my answer."

Phiyega, in confrontational exchanges with Bizos, told the

Marikana Commission of Inquiry that she had neither approved nor seen the plan before or after the massacre in which 34 people were killed on 16 August last year in clashes with police.

"I was not there and I don't know what the plan was. And I didn't approve it," she said.

Phiyega said she had entrusted her commanders on the ground with the job.

"So the plan was implemented without your seeing it?" asked Bizos.

"I have answered yes. Indeed I did not see it, I had dedicated

people on the ground," said Phiyega.

"The police employs more than 2 000 members who know their responsibilities.

"There's discipline and individual responsibility within the organisation."

Bizos put it to her that he would argue at the end of the hearing that she was an example of the attitude by the cops that they had not done anything wrong.

Phiyega replied that even though she did not agree with him, she seemed unable to convince him otherwise.

POLICE OVERSIGHT

Marikana 'like Sharpeville'

FRANNY RABKIN

Law and Constitution Writer

THE spectre of the Sharpeville massacre was invoked at the Marikana commission of inquiry yesterday during the cross-examination of national police commissioner Riah Phiyega by human rights lawyer George Bizos SC.

Mr Bizos, representing non-governmental organisation the Bench Marks Foundation, drew parallels between what happened at Sharpeville on March 21 1960, when 69 people were killed and 180 injured — mostly shot in the back while fleeing from apartheid-era police — and what happened at Lonmin's Marikana mine last year on August 16, when 34 people were killed.

While the police claimed they were acting in self-defence, there was "not a single scratch on any police officer", he said. "Is it a miracle or an act of God that there was not a single mark on any police officer?" he asked.

Gen Phiyega said the police officers were trained and did their work professionally.

"Do you know what the police's defence was after Sharpeville?" asked Mr Bizos.

"No," replied Gen Phiyega.

"They acted in self-defence," said Mr Bizos.

Like the praises heaped on the police by prime minister Hendrik Verwoerd after Sharpeville, Mr Bizos said, Gen Phiyega had sung the praises of the police after Marikana and was unwilling to accept any criticism of how the police behaved.

However, Gen Phiyega said the difference between the pass protests at Sharpeville and what happened at Marikana was that the Sharpeville protesters were not armed.

This led Mr Bizos to return to a question he and the police commissioner had debated at length earlier in the morning: whether, as claimed by the police in their

opening statement before the inquiry, the police were facing 3,000 "belligerent" armed protesters; or whether, as said later in a statement by police expert Cees de Rover, there were only 300-400 armed protesters and the rest were unarmed.

Mr Bizos said the number of protesters should have made a material difference to the police plan to disarm and disperse the crowd and how they went about it. "If your police force faced 3,000 armed men, they may or may not have been entitled to use the force that they did," he said.

If, on the other hand, only 300-400 people were armed, it raised questions about the credibility of how the police went about their work, he suggested.

But Gen Phiyega said the numbers were irrelevant. Whether 3,000 or 300, the police "remained very concerned" about the fact that people were armed and in a protest that was meant to be peaceful, she said.

Gen Phiyega also told the commission that she did not know, and did not need to know, what the police plan was for August 16.

The same applied to the decision to deploy fewer public order police officers than officers from specialised units, who were trained to deal with bank

robberies, cash-in-transit heists and terrorists.

Mr Bizos said there were 176 public order police officers and 337 specialised unit police officers. This meant the ratio of specialised units to public order police was almost 2:1.

Quoting from Mr de Rover's statement, Mr Bizos said the specialised units — the National Intervention Unit, the Special Task Force and the Tactical Response Team — were not responsible for or equipped to deal with crowd management.

Gen Phiyega said she had given a general instruction to other provinces to assist North West police commissioner Zukiswa Mbombo with "capacity". But what kind of units were ultimately deployed was not her decision.

But Mr Bizos suggested that she should have questioned the decision to use "warlike" units. "Wouldn't it have been an important question to ask: 'Are you declaring war on this crowd or attempting to control it?'"

Gen Phiyega, also quoting Mr de Rover, said the specialised units were there to support the public order police officers in situations where there might be a "high-risk confrontation with individual crowd members".

rabkin@bdfm.co.za

Marikana: Phiyega wis niks

■ Bizos kap hoof van polisie ■ 'Slagting soos Sharpeville'

Maryna Lamprecht

Rustenburg. – Genl. Riah Phiyega, nasionale polisiehoof, het nie geweet wat die polisie se aksieplan was voordat die skote op 16 Augustus by Lonmin se platinummyn in Marikana geklap het nie.

“Die plan is in werking gestel sonder dat jy enigiets daarvan geweet het?” wou adv. George

Bizos SC, veteraanstryder vir menseregte en verteenwoordiger van die Legal Resources Centre en die Bench Marks Foundation, gister by Phiyega weet.

“Inderdaad,” het sy gesê.

Phiyega, wat vir die soveelste dag in die getuiebank was voor die Farlam-kommissie van ondersoek, het gesê sy vertrou haar ondergeskiktes en dit is daarom nie nodig dat sy die besonder-

hede van elke polisieplan of -aksie het nie.

“Ek ken die mense wat die werk doen. Ek weet wat ook al die plan is, hulle sal dit volgens die voorskrifte uitvoer soos van hulle vereis word.”

Phiyega het gesê sy was nie teenwoordig toe die plan op 14 Augustus saamgestel is nie en het eers later van die besonderhede te hore gekom.

Bizos het die dood van 34 mynwerkers by Marikana vergelyk met die Sharpeville-slagting van 1960 toe 69 mense deur die polisie doodgeskiet is en 180 beseer is.

By Sharpeville is die meeste slagoffers in die rug geskiet en by Marikana die meeste in die bolyf, het hy gesê. Terwyl die polisie volhou hulle het uit selfverdediging opgetree, is geen polisielid beseer nie.

“Daar was nie ’n enkele skrapie op enige van die paar honderd polisielede nie en so baie betogers is beseer. Sou jy sê dit is proporsioneel? Is dit ’n wonderwerk of God se hand dat daar nie ’n enkele skraap op een van die polisielede was nie?”

“Was dit danksy die intelligente hand van die polisie? Klink dit nie vir jou vreemd nie?”

Phiyega het gesê dit is danksy

die polisie se goeie opleiding.

“Weet jy wat was die polisie se verweer ná Sharpeville?” het Bizos gevra.

“Nee,” het Phiyega geantwoord.

“Hulle het gesê hulle het uit selfverdediging opgetree,” het Bizos gesê.

Bizos het gesê die polisie se optrede by Marikana strook nie met die Grondwet en ’n demokra-

tiese Suid-Afrika nie.

“In die apartheidstyd kon die polisie mense by betogings skiet en doodmaak sonder om gestraf te word.

“Aanvaar jy dat dit nie toelaatbaar is in ons grondwetlike orde nie en dat die mense wat ander sonder regverdiging doodmaak, gestraf moet word?”

“Ja,” het Phiyega geantwoord. Sy getuig vandag weer.

Phiyega unaware of Marikana strategy

NATIONAL police chief Riah Phiyega was not in on a police plan to quell labour turbulence at Marikana mines, the Farlam Commission heard yesterday.

She revealed this while being cross-examined before the commission of inquiry into the events in North West in which the police shot dead 34 miners last year.

George Bizos SC, for the Legal Resources Centre and the Bench Marks Foundation, asked Phiyega: "Did you authorise the actions taken by the police on August 16? Did you know the plan and the strategy, and did you approve of it?"

Phiyega: "I did not participate in the plan. Those that had the responsibility to do so did. I did not know it."

Bizos: "You plead ignorance?"

The police commissioner said command of the Marikana situation was handled by senior officers at a security joint operation command (JOC) centre.

"I know that there are people who must do the plan, and they know the intricacies of it. These are the people who were in the JOC. I did not have to know those details," she said.

Bizos: "Did you know the strategy that was to be followed in pursuance of the (police intervention) plan?"

Phiyega: "I knew that whatever plan they had to do, they would do it within the pre-

scripts, as they are supposed to do it.

"In my job, I did not need to know it (the plan). I was not there on the 14th (of August, when the plan was drafted) and I didn't know what was in the plan because I did not need to know."

Bizos asked Phiyega to explain why members of the police's tactical units outnumbered officers from the Public Order Policing Unit, which primarily deals with crowd control matters.

"As a leader of the police,

wouldn't it be well advised for you to ask why there were twice as many police officers, who are usually used in warlike situations, compared to those trained to manage crowds?" asked Bizos.

Ishmael Semanya, for the police, objected. He said units – including the Tactical Response Team, the National Intervention Unit and the Special Task Force – deployed to Marikana were not "warlike units".

"They are not trained to kill people. They are trained for law enforcement." – Sapa

Calls for pledge on police reform

SIPOKAZI FOKAZI

OPPOSITION parties have called on the police's top brass to make a clear commitment to demilitarising the police in line with the government's National Development Plan.

The DA, IFP and Freedom Front Plus said that while the police commissioner, General Riah Phiyega, seemed to have agreed that demilitarisation had to occur,

Police Minister Nathi Mthethwa had been vague and avoided the issue, including when he appeared before MPs earlier this week.

However, Annelize van Wyk (ANC), the acting chairwoman of Parliament's portfolio committee on police, said there was no contradiction.

MP Dianne Kohler Barnard, who is the DA's spokeswoman on police, yesterday called on Mthethwa to make an unconditional

commitment to demilitarising the police.

Kohler Barnard said it was worrying that the SA Police Service Annual Performance Plan did not mention demilitarisation.

A barrage of reports of police brutality – from Marikana to the death of Mozambican taxi driver Mido Macia after being dragged behind a police van – shocked the country and led to renewed calls for the police to be reined in.