

# Venue change for Marikana debated later

**SETUMO STONE**

Political Correspondent

THE Marikana commission of inquiry has postponed arguments on whether the commission should be moved from Rustenburg to Gauteng until next Monday when Dali Mpofo, legal representative for the Lonmin strikers, returns.

Mr Mpofo was attacked and stabbed in East London last week in a suspected mugging incident.

Mr Mpofo has complained that it was costly to travel to Rustenburg for the commission. However, those opposing the move have argued that the issue of costs was immaterial because justice had to be served from any corner of the country.

Four Rustenburg municipalities were part of the application to oppose the change of venue. Having the commission in Rustenburg was seen as an opportunity to profile the city, which is one of the fastest-growing in SA.

There were also economic opportunities for people in the hospitality industry.

Among those opposed to the move is the Bapo ba Mogale community in Rustenburg. They are a party to the proceedings in the commission, arguing that the land on which Lonmin was operating in Marikana belonged to their tribe. The matter is expected to be dealt with in the second

phase of the commission's work, which will also look at the living conditions of the mineworkers in Marikana as part of identifying the moral responsibilities of all parties involved in the deadly strike.

However, yesterday the community seemed to be beset with divisions. Lawyers representing the leader of the traditional council dismissed an application lodged by an administrator — appointed by the government of North West — to block the proposed move to Gauteng, which was submitted in the name of the Bapo ba Mogale royal family.

Attorneys for the group associated with the council chief said yesterday in a letter to commission chairman Ian Farlam that the administrator had no powers to file an opposing application under the royal family's name. They said the administrator was acting on a "frolic" of his own.

The provincial government had appointed an administrator to oversee the finances of the traditional council, with its leader stripped of his powers. Part of the community has rejected the administrator and this was evident at yesterday's hearing.

Commission spokesman Tshepo Mahlangu said Justice Minister Jeff Radebe would only decide on the proposed move after the matter had been debated within the commission.

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# 'Top cops planned pre-massacre response'

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## Hlengiwe Nhlabathi

Political Reporter

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THE police made a special decision to use sharp-pointed ammunition days before 34 miners were gunned down, said Association of Mineworkers and Construction Union lawyer Tim Bruinders, while cross examining Police Commissioner Riah Phiyega yesterday.

Bruinders asked Phiyega, at the Marikana Commission of Inquiry, about the meetings she had with SA Police Service officials on August 13 last year.

Bruinders said the police revised their plan that day, three days before the August 16 massacre, to introduce R5 rifles and water cannons to bring the esca-

lating situation in Marikana under control.

"Did anyone tell you that provision had been made for the use of sharp-pointed ammunition. Did anyone report that sharp-pointed ammunition was used on Monday August 13?" Bruinders asked.

Phiyega answered: "No... We did not discuss it in the meeting".

Then Bruinders submitted the police's "occurrence book" as evidence to prove his point. But he was stopped short by Phiyega's lawyer Ishmael Semanya, who asked to be first to go through the new evidence.

Phiyega also could not say whether or not it was the first time that she and her team made the call to introduce the R5 rifles and

water cannons.

The R5 rifles were the same guns that were used to shoot the workers.

Like she has done with many other questions since she started testifying last month, Phiyega said her operational commanders would be best suited to answer.

It also emerged that the police meeting, which was one of three that were held that evening, also agreed that there should be "drastic escalation of resources" in Marikana where a wage dispute at Lonmin had turned violent.

At that time four people had been killed, two of them police officers.

In a statement made to the commission, North West deputy

provincial commissioner Major-general Ganasean Naidoo said: "It was decided that a drastic escalation of police resources will be necessary to bring order as well as facilitate an investigation into the officer's murders."

However, Phiyega said she could not recall the specific details about the deployment but added that she normally gave the go-ahead for additional resources when necessary.

Bruinders said Phiyega, who met Lonmin management the night before the killing of mineworkers, had gone there to give the police direct orders. But she denied this, saying she was there to get "first-hand experience".

# Top cop denies Marikana order

By **SIMON NARE**

**NATIONAL** Police Commissioner Riah Phiyega said she did not order that minimum force should be used to disarm strikers before the Marikana massacre.

The detailed police plan drawn up before the massacre was examined by the Marikana Inquiry yesterday. Live ammunition, R5 rifles and a water cannon were ordered as tensions rose.

But when questioned by Tim Bruinders on behalf of the Association of Mineworkers and Construction Union, Phiyega said she wasn't aware of such provisions.

Ishmael Semanya, representing the police, said it wouldn't be fair to question Phiyega about the document as she has not had enough time to read it properly.

Phiyega doesn't dispute being at the meeting where the document was drawn up, but she said the plan was never discussed in her presence. She told the commission that when she left the meet-

ing, operational commanders were still in discussion.

Phiyega couldn't say who authorised the deployment of the police's special task force, but she said she asked a commander of that unit to talk to the joint operation committee to see how they could assist.

"The specifics of how it was carried out I wouldn't be able to explain," she said.

She said she attended a meeting on 13 August where the police's lack of resources was discussed. She went to Marikana later that day to find out what was happening. On her arrival she met her staff and Lonmin management. Another meeting was held later with her staff.

"The situation was escalating - the continued strike by the workers, the inability to disarm them, the disruption of economic and social stability, damage to property and the loss of life," she said.

The hearing continues today.

# Marikana move awaits Mpofu

DISCUSSIONS about whether to move the Farlam Commission of Inquiry from Rustenburg will take place only when Adv Dali Mpofu returns, the commission heard yesterday.

Mpofu, appearing for the injured and arrested miners, is expected to ~~rejoin the commission on Monday,~~ after being stabbed in an apparent robbery in East London last week.

He had asked the commission's chairperson, Judge Farlam, that the hearings be moved to either Pretoria or Johannesburg.

Mpofu said those involved were incurring numerous costs, including travel time to Rustenburg, and there was also less time for consultations.

The Bapo-ba-Mogale community submitted an affidavit opposing the application.

A ruling on whether to move the hearings or not is expected next week.

The commission is investigating the circumstances which led to the deaths of 44 people at Lonmin's platinum mine in Marikana last year, including the fatal shooting of 34 striking mineworkers by police.

Mpofu was cross-examining national police commissioner Riah Phiyega when the commission adjourned two weeks ago. - Sapa

