

# Police chief triggers gasps of disbelief

None of the cops who killed miners at Marikana have been suspended

## In her own words

- **AUGUST 17:** Speaking in Marikana, Phiyega tells police officers that what they had done "represents the best of responsible policing".
- **APRIL 3:** Phiyega says police operation in Marikana that led to the fatal shooting of 34 striking miners was regrettable but "not disastrous".
- **APRIL 16:** Lonmin officials could not talk to "faceless people" during last year's wage-related strike, she testifies.

Investigative Directorate.

Earlier, Ntsebeza questioned Phiyega on whether she had done any courses linked to police management and administration.

Phiyega, who has qualifications in business administration and social work, told him that her qualifications allowed her to manage any department, whether it be private or public. "My skills are portable," she said.

The commission is investigating the incidents that led to the deaths of 44 people during a wage-related strike at Lonmin's platinum mine at Marikana last August.

Simultaneously, the commission was told that a police report confirmed that officers shot dead 34 striking miners at Marikana.

Ntsebeza said the report showed that the police did not dispute shooting dead the miners, and that the argument was about the circumstances

behind the killings.

According to the report, 30 of the miners died on the scene and four in hospital, he said.

Ntsebeza questioned Phiyega about two affidavits she had handed in.

In one affidavit, she stated that she had received advice from Police Minister Nathi Mthethwa to go to Marikana and get a first-hand account of the situation. In the other, she said she had advised Mthethwa that she would do so.

Ntsebeza said Phiyega had chosen the second statement as her final one because it was the "more comfortable one".

"The statement relieves both you and the minister from coming here to explain on which grounds the order was given," said Ntsebeza.

Phiyega maintained that this was an error that she and her lawyers had sought to correct at the beginning of the inquiry.

duties. He questioned her on why she had ordered the suspension of the Daveyton police officials implicated in the death of taxi driver Mido Macia.

Macia was dragged behind a police van in February. A video clip depicting the incident went viral.

Macia was later found dead in the cells of the local police station.

"Sufficient evidence was at my disposal to warrant a suspension," said Phiyega.

She told the commission that none of the police officers

who were present during the fatal shooting of the 34 striking mineworkers had been suspended.

"We, as the SA Police Service, have not charged anyone," said Phiyega.

Relatives of the miners gasped at her statement.

Commission chairman retired Judge Ian Farlam gave them a stern warning to stop disrupting proceedings with audible comments, or else

they would be removed.

Phiyega told the commission that if any charge was

to be laid against the police, it would come as an instruction from the Independent Police

SAPA

IT IS UNCONFIRMED that police officers shot dead 34 striking mineworkers in Marikana on August 16 last year, the Farlam Commission heard yesterday.

"I cannot say those 34 people were killed by the police... and to say who was shot by whom. I am not in a position to say," said national police commissioner General Riah Phiyega.

Phiyega, who was under cross-examination at the commission's hearings in Rustenburg, requested that she not be asked questions she could not answer.

Dumisa Ntsebeza SC, for the families of the dead miners, was questioning her.

A family member of one of the dead miners broke down and cried. She was removed from the auditorium.

Ntsebeza said he was trying to establish whether there was any consistency in the way Phiyega performed her



# RIAH UNSURE COPS KILLED MINERS

## Disbelief as top cops tries to shirk responsibility

**Hlengiwe Nhlabathi**

Political Reporter

THE Marikana commission of inquiry took a dramatic turn yesterday when National Police Commissioner Riah Phiyega refused to concede that police killed 34 striking miners.

Asked if it was not common cause that police had killed the men on August 16 last year, Phiyega answered: "I am not sure."

Before she could finish speaking, the Rustenburg Civic Centre in North West, where the commission is sitting, echoed with gasps from family members and other people in the public gallery who were startled by her response.

Phiyega tried to explain herself under cross-examination by Advocate Dumisa Ntsebeza for the families, saying she was not a judge.

"It's dangerous for me to say yes

to that statement. It is not my space and I'm not qualified to do so," Phiyega said.

This was despite TV footage seen at the commission in which police are seen opening fire on a group of miners, some of whom are carrying traditional weapons.

Phiyega, in the heat of the moment, made a request to Farlam that she not be asked "unfair, big and vague" questions.

It was not long before there was a loud wail from a woman whose husband had died at the hands of police, who have since claimed self defence. She stood, covered her face and dashed to the door where she was helped by social workers.

This forced commission chairman Ian Farlam – who had earlier reprimanded people against loud remarks or jeering.

He threatened to throw out any-

one who interrupted proceedings.

It later emerged that Farlam's warning was also the cause for the woman's painful reaction as it portrayed him as unsympathetic.

Ntsebeza told Farlam it should be kept in mind that there would be instances when people would react in a particular way, based on what was being said. He said the families he represented were looking up to Phiyega to answer many questions about their husbands' deaths.

Ntsebeza further quizzed Phiyega about her failure to act swiftly as they had done in the case of Mido Macia – the Mozambican taxi driver who died at the hands of police in Daveyton, Ekurhuleni.

Phiyega said there was enough evidence to act in Macia's case, unlike in Marikana in which the outcome was the subject of both the commission and the Independent Police Investigative Directorate.

# Marikana saga draws comparison to Tatane murder

**SETUMO STONE**

Political Correspondent

SHADES of the Andries Tatane murder trial were apparent yesterday at a sitting of the Marikana commission when police commissioner Riah Phiyega refused to confirm that police shot dead 34 people during a labour strike at Lonmin's Marikana platinum mine last year.

The police commissioner said while she understood that 34 people were killed in Marikana, "by whom, I would not go that far".

Gen Phiyega's comments sparked a comparison with the Tatane trial that ended last month with the acquittal of the seven policemen involved in the death of Tatane in April 2011.

The court ruled it could not be established beyond reasonable doubt that the seven were involved in Tatane's murder, despite a video showing how Tatane died when he was shot by a rubber bullet at close range during a service delivery protest at Ficksburg in the Free State.

Videos of the deadly shooting by the police on August 16 at Marikana went viral after the incident.

The police told the commission they had shot the strikers in self-defence. At least 44 people died during the six-week strike and more than 70 were injured.

Gen Phiyega said yesterday the police officers involved had not been suspended or arrested because the commission was expected to decide on the legal and moral responsibilities of the parties involved in the strike.

Advocate Dumisa Ntsebeza, who represents the families of the deceased strikers, told the commission his clients were "unsophisticated", and Gen Phiyega's comment would suggest that police are not accountable.

A legal counsel said there was speculation that the Independent Police Investigative Directorate (IPID) had recommended that officers involved in the shooting be arrested. This matter would be raised in the commission.

IPID spokesman Moses Dlamini said yesterday all the evidence from the Marikana investigation had been handed over to the commission. He could not discuss the recommendations because the matter was still being "ventilated" in the commission.

Mr Ntsebeza yesterday wanted to know why Gen Phiyega had not suspended the police officers involved at Marikana.

In February, she had suspended police officers involved in the killing of Mozambican taxi driver Mido Macia in Daveyton, east of Johannesburg.

Mr Ntsebeza suggested Gen Phiyega had been "inconsistent" in the way she had handled these cases. But the police chief replied that she had obtained "sufficient information" to take action in the Macia matter.

It was the role of the commission to make a finding on what happened at Marikana, she said.

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# NEW MARIKANA OUTRAGE!

## Phiyega 'can't say' that cops killed miners

By SIMON NARE

**"I CAN'T say that those people were killed by the police," said Police Commissioner Riah Phiyega at the Marikana Commission yesterday.**

Her statement made the family of victims cry out in horror from the gallery. One woman was so upset that she ran outside.

Judge Ian Farlam, the commission's chairman, warned the people that he would clear the gallery if they didn't control themselves.

In previous testimony the commis-

sioner had apologised to the families of the victims at the commission, saying the loss of life was regrettable and was not intended by the cops' operation.

Today, under cross-examination by apartheid activist Advocate Dumisa Ntsebeza, she testified: "I understand that 34 people were killed but can't say they were killed by the police. It is not my space and I don't think I am qualified to say so.

"I am not in a position to say yes to a bold question like that."

Ntsebeza then spoke about a police presentation which had already been submitted to the commission in which it is stated that 30 people were shot dead on the scene and four died in hospital.

"I note and accept what is written there," Phiyega answered.

She also said that police officers who were recording the event had pulled out for fear of their lives.

"They received information that strikers had identified them as police officers who were standing among the reporters," she said.