

Researcher calls for a police selection panel

HOPEWELL RADEBE
Home Affairs & Security Editor

THE government should urgently implement a recommendation of the National Development Plan (NDP) that calls for the establishment of a panel to select and interview a short list of candidates for the post of national police commissioner, Institute for Security Studies (ISS) researcher Johan Burger said yesterday.

Mr Burger said President Jacob Zuma should immediately appoint this panel so it could start working on a set of criteria for the national commissioner and deputy national commissioners, who will in future be considered for those positions on a competitive basis.

This comes at a time when police commissioner Gen Riah Phiyega has faced gruelling cross-examination at the Marikana Commission of Inquiry and a barrage of criticism for failing to acknowledge mistakes by police of-

icers who caused the death of 34 miners on August 16 last year. The police have of late also been heavily criticised for brutality in several other cases.

Mr Burger said the NDP recognised the deterioration in the professionalism of the police following years of poor appointments of both senior and middle managers. The plan also urged that the code of conduct of the South African Police Service (SAPS) should be included in its disciplinary regulations and its performance appraisal system, at least in the short term.

“Unlike the current situation where the president tended to appoint political loyalists with inadequate skills and experience, he would then use the list of appropriately skilled professionals to appoint the national commissioner and his/her deputies,” said Mr Burger.

Mr Burger said even if Gen Phiyega outlived the Marikana Commission fallout, her successor

would have to be “appointed using a different platform”, and hopefully by the panel referred to in the

National Development Plan.

This panel should therefore be set up before Gen Phiyega’s con-

tract expires, he said, so it could start work on building the institution which would select and appoint future police commissioners and deputy commissioners.

Currently, the Judicial Service Commission, responsible for the selection of judges, is regarded as topping the scale in running a credible, fair and open process.

General Phiyega’s appointment is for five years and her contract ends in 2017.

Mr Burger said Police Minister Nathi Mthethwa could implement some of the NDP recommendations in the short term, including the establishment of a national policing board with multi-sectoral and multidisciplinary expertise to set standards for recruitment, selection, appointment and promotion, and also to devise a code of ethics for the police.

Mr Mthethwa’s spokesman, Zweli Mnisi, said efforts were already under way to implement some of the recommendations contained in the NDP.

The SAPS was improving its monitoring systems to ensure it adhered to the code of conduct and was improving its human rights training, among other things, Mr Mnisi said.

“We are building on some of the successful models already implemented to combat crime, including giving teeth to the Independent Police Investigative Directorate.

“We are ensuring that the transformation of the SAPS includes a change of the mind-set of the police so that their activities are community-centred. We are also strengthening oversight to ensure there are credible checks and balances at police stations and that command and control is re-established,” he said.

Mr Mnisi said the SAPS would be challenging think-tanks like the ISS to research and understand violence within society and to help the police to develop strategies to deal with it.

radebeh@bdlive.co.za

Families of Marikana deceased say Phiyega apology 'insincere'

SETUMO STONE

Political Correspondent

THE families of the mine workers who died in Marikana last year in August have rejected police commissioner Gen Riah Phiyega's apology and condolences, and demanded that the police officers involved in the killing be disciplined or prosecuted.

In a statement read before the commission in Rustenburg yesterday the families of the 34 deceased mine workers said Gen Phiyega's apology at the start of her testimony to the commission last month was "insincere".

Police shot dead 34 striking Lonmin platinum mine workers and injured more than 70 on August 16 last year.

However, Gen Phiyega said

she had understood the sentiments, adding that her apology was "fairly considered".

"We will continue reaching out, we are not inhuman. We are not animals in the SAPS (South African Police Service)."

Legal counsel for the families Dumisa Ntsebeza told Gen Phiyega that the families were unable to reconcile her views in a address to the police on August 20 when she said that the conduct of police during the tragedy represented the best of "responsible policing".

Video footage of Gen Phiyega's address had been shown before the commission, including on the day that she issued an apology and condolences to the families.

At that time Gen Phiyega had only been in office just more than 60 days after President Jacob Zu-

ma fired former police commissioner Bheki Cele.

Her lack of policing background had been criticised following the appointment.

"How could you after only four days conclude that the killing of their loved ones was something that the police should be applauded for?" asked Mr Ntsebeza. Gen Phiyega said her comments had been sensationalised and taken out of context. "I did not praise death on that day."

Mr Ntsebeza disagreed, saying she could have said the matter was going to be investigated and once the investigation was complete, whatever action ought to be taken will be taken.

"Would that have not been a more responsible thing to say?"

Gen Phiyega said the police

had been in Marikana for many days since August 9 when the unrest started, and worked overtime night and day.

"They were equally traumatised. They too needed to be spoken to, as much as the families and other people needed to be spoken to". She said the whole country was at that time mourning.

Two policemen and two Lonmin mine security guards had been killed by the strikers — who had been armed with traditional weapons — in the week leading up to August 16.

A total of 44 people died during the six-week-long unprotected strike when rock-drill operators at Lonmin, the world's third-largest platinum producer, demanded a R12,500 a month minimum salary.

Mr Ntsebeza represents the families of the deceased strikers.

The legal counsel for the striking miners had submitted at the start of the commission last year that some of the deceased strikers — who had been hiding behind the rocks and bushes at one of the Marikana crime scenes — were shot execution style.

Asked yesterday whether she had attempted before her apology last month to reach out to the families of the deceased strikers, Gen Phiyega said after Marikana happened police could not attend some of the gatherings that had taken place because there had been instances when they were told not to come.

"But as police we understood the sentiment and respected it."

Gen Phiyega said she had

made contact with the families of the two policemen who were killed, and her subordinates in the region would have made contact with the families of the two deceased mine security guards.

Mr Ntsebeza suggested that Gen Phiyega could still have demonstrated impartiality if her office had sent a letter, telegram or flowers to the families of the strikers killed by the police.

He said her comments on August 20 implied that she may have taken a view that those killed by the police "were themselves not angels and police had to defend themselves and if they died in that process, tough luck".

Gen Phiyega said words like "tough luck" are very far from the statement she made.

stones@bdfm.co.za

Phiyega and lawyer in war of words at commission

RUSTENBURG: National police commissioner General Riah Phiyega showed a “tough luck” attitude to families of the dead Marikana workers, the Farlam Commission of Inquiry heard yesterday.

“The families of the deceased understand that you think those who were killed were not angels, and that police were protecting themselves. If any of those miners died in the process, tough luck,” Dumisa Ntsebeza, for the families of the miners police shot dead, put it to Phiyega.

“Words such as tough luck were far from the statement I made,” Phiyega responded, in rejecting the statement.

“As a leader, I had no intention of applauding death; neither did I ask the police to applaud the tragedy,” she said.

Ntsebeza asked Phiyega why she told police to applaud themselves four days after the Marikana shooting, in which 34 people were killed on August 16.

“What I was saying was that you’ve been here many days, worked overtime, day and night, and we’ve experienced this tragedy. They were equally traumatised like all citizens. They too needed to be spoken to.

“The nation was mourning, we were mourning too. The de-contextualising of what I said, telling police to applaud themselves, is the saddest thing of this commission. Being a human being, I would never applaud death.”

The commission will continue its work. – Sapa

Encouraging business to give youth a chance at working

SUSAN DU

WHEN it comes to solving the problem of youth unemployment, The Star and Pretoria News are to become players in finding a solution.

Deputy President Kgalema Motlanthe was among those who attended the launch yesterday of the WorkSA initiative, and signed a pledge of support.

WorkSA aims to encourage the corporate sector to create opportunities for interns to gain experience in the workplace.

At a daunting rate of 51 percent, youth unemployment in South Africa is such that 75 percent of the

nation's jobless are 35 or younger.

The Star editor Makhudu Sefara said job seekers were caught in a "Catch-22" situation: they needed experience to get work but needed work to get experience.

The only way to break the cycle was to take a risk on a young person with potential, Sefara said, referring to his own experience of being given a chance.

"For me, that opportunity (to be an intern) came when someone took a risk and said, 'I may not know who you are, where you came from, who trained you and whether or not you are able, but I'm willing to open this door and give you the chance',"

Sefara recalled.

The government's response to the staggering youth unemployment rates has been to create the Jobs Fund, which has placed 42 000 people in jobs and 105 400 people in training programmes.

However, because about 70 percent of the nation's economy is in the hands of the private sector, WorkSA is calling on private enterprises to work with the government in creating jobs.

After attending the WorkSA launch, Motlanthe went to Soweto to unveil the Social Accord on Youth Employment in South Africa at the Hector Pieterse Square.

Cops shun families of dead miners

'Locals told officers to stay away'

SAPA

POLICE have not made contact with the families of the 34 miners they shot dead in Marikana in August last year, the Farlam Commission of Inquiry heard yesterday.

"I haven't reached out to the family members of the late miners," national police commissioner General Riah Phiyega said.

She was under cross-examination by Dumisa Ntsebeza, for the miners' families.

Phiyega told the commission she had also not made contact with the families of the Lonmin platinum mine security guards killed during the wage-related unrest.

She had, however, made contact with the families of the two police officers killed in the unrest.

Ntsebeza asked why she had failed to do the same for the other families. "Community members told police not to come... As police, we respected that," she said.

Asked why she did not make other efforts to reach out by means of a letter or sending flowers to the families for the funerals, she said she respected their space and did not want to intrude.

A report from the families of the deceased miners was read to the commission.

In it they rejected Phiyega's apology. They said they couldn't understand how she could tell police to applaud themselves after they had killed their relatives.

He said the families had seen Phiyega's apology to them as insincere.

Phiyega replied: "The things you are saying won't take away my humility. As much as you try to make my apology into a negative one, I was sincere.

"Whether it's accepted or not... But what I said, I meant."

She said Ntsebeza could help her convey her apologies to them.

“

You, as a representative of the families, can assist us in conveying our apologies and condolences to them

General Riah Phiyega

"I have feelings... I understand... And you, as a representative of the families, can assist us in conveying our sincere apologies and condolences to them."

Ntsebeza said police could have made more effort to negotiate with the miners before the August 16 shooting. He said a negotiator could have been sent to the strikers to promote a peaceful protest.

Phiyega said the team did all they could given the intensity of the situation. "The outcome was a product of a disrupted plan," she said.

Ntsebeza concluded his cross-examination of Phiyega and the commission was adjourned for the week.

Louis Gumbi, for the Police and Prisons Civil Rights Union, was expected to cross-examine Phiyega on Monday.

He will be followed by Dali Mpofo, for the arrested and injured miners. Mpofo was in the middle of his cross-examination when the commission adjourned two weeks ago.

He was stabbed in East London in an apparent robbery on April 11 and has been absent from the proceedings. He is expected to rejoin the commission on Monday.

The commission, led by retired judge Ian Farlam and sitting in Rustenburg, is investigating the deaths of the 34 miners and those of 10 other people killed during protests the preceding week.

BAD DAY IN THE OFFICE FOR RIAH

Hlengiwe Nhlabathi

Political Reporter

YESTERDAY was another tough day for National Police Commissioner Riah Phiyega whose apology to the families of the 34 miners killed by police in Marikana was rejected and her staff's competency was criticised for failing to capture video footage of the massacre.

Distraught family members of the victims of the August 16 massacre were emotionally overwhelmed yesterday during Phiyega's cross-examination at the Marikana Commission.

They walked out of the Rustenburg

Irate relatives of Marikana victims walk out

Civic Centre in North West, where the hearing into the killings is sitting.

Advocate Dumisa Ntsebeza grilled Phiyega on how she could stand and applaud police officers for a job well done only 94 hours after the massacre.

"You may have taken the view that those who died were no angels, and tough luck they are dead," Ntsebeza, who represents the families of the dead miners, said.

This was in relation to video footage taken on August 20 in which Phiyega addressed police officers, who were mourning the death of two of their colleagues in Marikana.

In response to this, Phiyega accused Ntsebeza of being sensational.

Ntsebeza pointed out to Phiyega that one of his clients, songstress Nothukile Nkonyeni, who broke down last month, was Phumzile Sokhanyile's sister. Sokhanyile, who was killed by the police on August 13, was the breadwinner for 11 family members including his sister.

Sokhanyile was shot dead while trying to cross a river in Marikana. It also emerged yesterday that the miner's death was too emotionally draining for his mother, who had a heart attack and died shortly after his demise.

Ntsebeza said the families were there to find answers and could not reconcile with what Phiyega said in the video, and then expressed her condolences.

Phiyega said her statement

after the massacre was about prescripts that the police followed.

"You can describe this thing down negatively and positively. I have feelings and I understand, and my apology was very, very considered. I didn't applaud death and neither did I ask the police to applaud death."

Phiyega did not have a detailed explanation on why the police did not capture critical video footage of the shootings.

Phiyega responded to this by saying that police video operators had to withdraw because they were being called "police spies", placing their lives in danger. Also, she said, their helicopter had technical glitches. She would not elaborate on the kind of glitches it had.

No internal Marikana probe: Phiyega

THE SA Police Service did not conduct any internal investigation following the Marikana shootings last year, the Farlam Commission heard yesterday.

National police commissioner Riah Phiyega said the SAPS believed preparations for the Farlam Commission of Inquiry would form part of their own investigations.

“Our interpretation was that our preparation for this commission would form part of our review and it would produce the same results [that we would have received had we done an internal investigation],” said

Phiyega.

President Jacob Zuma announced on August 17 2012 – a day after 34 striking mineworkers were shot dead by police – that a commission would be established.

Dumisa Ntsebeza, for the families of the deceased miners, questioned Phiyega on what part of Zuma’s statement made her believe it was no longer necessary to conduct further investigations.

“Was the announcement sufficient enough for you to think you shouldn’t conduct your own internal review?”

“So you decided to collapse what would have been an internal investigation... because you thought this commission would form part of your investigation?” asked Ntsebeza.

“Yes,” said Phiyega.

“We interpreted it in that manner. Whether you accept that interpretation as right or wrong is [something else],” said Phiyega.

The commission, sitting in Rustenburg, is tasked with investigating the events that led to the killing of 44 people during the wage-related strike at Lonmin’s platinum mine. — *Sapa*

Riah's apology rejected

RUSTENBURG – National Police Commissioner Riah Phiyega showed a “tough luck” attitude to families of the deceased Marikana workers, the Farlam Commission of Inquiry heard yesterday.

“The families of the deceased understand that you think those who were killed were not angels, and that police were protecting themselves. If any of those miners died in the process, tough luck,” Dumisa Ntsebeza, for the families of the miners police shot dead, put it to Phiyega.

“Words such as tough luck were far from the statement I made,”

PHIYEGA: *‘I would never applaud death’*

Phiyega responded, rejecting the statement.

“As a leader, I had no intention of applauding death; neither did I ask the police to applaud the tragedy,” she said.

Ntsebeza asked Phiyega why she told police to applaud themselves four days after the Marikana shooting, in which 34 people were killed on August 16.

“What I was saying was that you’ve been here many days, worked

overtime – day and night – and we've experienced this tragedy. They were equally traumatised like all citizens. They too needed to be spoken to.

“The nation was mourning, we were mourning too. The de-contextualising of what I said telling police to applaud themselves is the saddest thing of this commission. Being a human being, I would never applaud death.”

Ntsebeza said his clients rejected

Phiyega's apology because they felt it was insincere.

About eight relatives of the dead miners walked out of the auditorium while Phiyega was answering Ntsebeza's questions. One of them cried hysterically.

Ntsebeza asked Phiyega whether she had perhaps felt under pressure to appease the police, and that was why she had endorsed their actions in public. Phiyega said she had not been. – *Sapa*.

Riah Phiyega an embarrassment

Each time that National Police Commissioner Riah Phiyega appears before the Farlam commission of inquiry into the Marikana massacre, fresh doubts are raised about the suitability of her appointment.

On Wednesday her performance drew so many gasps, wails and jeers that commission chairman Ian Farlam was obliged to intervene to restore order.

The cause of all this disturbance was Phiyega's refusal to accept that it is common cause that police killed 34 strikers on August 16 last year.

Grilled by advocate Dumisa Ntsebeza, who represents affected families, Phiyega said: "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."

She really is not on top of her game. Ntsebeza pointed out that a police report confirms that officers shot the

strikers. We would add that television footage seen worldwide tells the same story. Detailed reportage on the incident also fingers the police.

Ntsebeza said the police report shows the SAPS did not dispute shooting the miners. The argument is about the circumstances behind the killings, how each occurred, whether there was any justification and so on.

In addition, Phiyega famously praised police for their actions shortly after the incident. It's a bit late now to try to avoid any SAPS liability by equivocating.

In earlier sessions, Phiyega has been an embarrassment when quizzed by advocates George Bizos and Dali Mpfu, who showed up inconsistencies.

In one of her attempts to deflect criticism, Phiyega said she was being singled out because she is a woman.

In fact it has been obvious from her first day that Phiyega has a strange misunderstanding of what her job entails.

SAYS **Time for** **Phiyega** **to go!**

IT'S surely time to fire National Police Commissioner Riah Phiyega!

The appointment of a person with so little understanding of the challenges facing the SA Police Service was always a bit of a mystery.

But Phiyega's performance at the commission of inquiry into the Marikana massacre is harming the image of the country and the reputation of President Jacob Zuma.

She seems to know nothing, acknowledge nothing and deny everything about the horrifying events that saw the killing of 34 striking miners last August.

Under questioning on Wednesday she could not even bring herself to agree that it was cops who actually killed the miners.

"It is dangerous for me to say yes to that statement," she told Judge Ian Farlam. "It is not my space and I am not qualified to do so."

For once she spoke the truth. She is NOT qualified to do the job and must surely go as soon as her appearance at the commission is over.

And where is Police Minister Nathi Mthethwa in all this? He is becoming increasingly ineffective under the pressure of police misbehaviour.

Maybe he should go too!

Phiyega sticks to her guns as pressure mounts

By SIMON NARE

FAMILY members again left the public gallery in tears when police commissioner Riah Phiyega was questioned about the sincerity of her apology to relatives of victims who had died in the massacre at Marikana.

She again insisted the apology was from the bottom of her heart.

"My apology was sincere and if it is not accepted, I cannot force it, but I still stick to what I said

in my opening statement. I was not applauding death," she said.

Advocate Dumisa Ntsebeza wanted her to explain how she could apologise when four days after the massacre she praised cops for a job well done.

She said when she told officers to congratulate themselves, it was because they had followed the regulations as stipulated.

Phiyega did not manage to explain successfully why police did

not video the events leading up to the massacre, saying the commanders would provide the answers.

Ntsebeza wanted to know from her why cops in a helicopter could not video the events. The unit manning the water cannons could not record the events either because, according to Phiyega, their equipment was faulty. She said there were "technicalities".

She could not say what the

"technicalities" were and insisted that the relevant people will provide that information.

Ntsebeza also wanted to know why there was no disciplinary action taken against the officers because recording the events on video was a standing order.

Phiyega said there was no internal investigation because that process was covered when police were preparing their presentation for the commission.