

Cops knew of miners' muthi — Annandale

By SIMON NARE

COPS knew the miners were going to use muthi and made provision for that.

"During the planning, cops told us about the brazen actions of criminals who thought they were invincible in ATM attacks," special operations head Charl Annandale told the Marikana Commission of Inquiry yesterday.

He said a white bakkie was seen delivering buckets of water mixed with muthi to the koppie. A police helicopter spotted the bakkie making the delivery and at one point, recorded 800 miners receiving the muthi.

"We considered the muthi as a specific risk. Part of the plan to counter this was to use barbed wire and have a front line of officers in armoured vehicles," he testified.

The leaders of the strikers demanded that the barbed wire should not be deployed.

Annandale said it was only a defensive measure.

He said cops would have told the strikers that they needed to disperse and lay down their weapons and would be given time to disperse.

"Cops had not intended to encircle the entire areas, as has been alleged by the defence," he said.

"Using rubber bullets was always considered to be a last resort. But then there was a total breakdown of dialogue, and strikers didn't lay down their weapons."

Annandale said strikers tried to interfere with the cops that were rolling out the barbed wire. He said when the strikers came face to face with the task force unit, police opened fire with live ammunition. "I believe this was done in self-defence," he said.

Protesters threaten cops

MARIKANA: *They told police to move barbed wire and Nyalas*

RUSTENBURG – Protesting Marikana mineworkers threatened the police and told them to move their barbed wire and Nyala vehicles hours before police shot at them, the Farlam Commission of Inquiry heard yesterday.

The protesters asked: “What is this wire doing here? It must be removed and we are not going to ask again,” Major-General Charl Annandale told the commission.

He headed the police special tactical operations team during the unrest in Marikana in August.

Annandale said the police deployed the barbed wire as a defence method.

“The intention was to create a physical and... psychological barrier to show that this is a no-go area.

It is a method that’s been used to successfully protect assets. Traditionally, people move away from it when they see it.”

Annandale said negotiators used loud hailers to try and tell the protesters why the barbed wire was there.

The police then heeded the pro-

testers’ call and moved their vehicles and barbed wire further back.

He said the police could not be allowed to mingle with the protesters, as this would cause confusion if the need to use stun grenades on the crowd arose.

Annandale was delivering his evidence-in-chief at the hearings, chaired by retired Judge Ian Farlam, at the Rustenburg Civic Centre.

The commission is investigating the circumstances surrounding the deaths of 44 people – 34 of whom the police shot dead, during wage-related unrest at Lonmin’s platinum mine in Marikana in August.

Annandale said union leaders told the police protesters would lay down their weapons at 9am on the morning of August 16.

He said police realised this might not happen when the protesters took their weapons with them to a hill near the mine that morning.

“They could have left their weapons at home,” he said.

The Farlam commission continues. – Sapa.

Rubber bullets meant as 'last resort' in Marikana

SAPA

FIRING rubber bullets was meant to be the last resort to disperse striking workers under the police plan to deal with the labour unrest in Marikana, the Farlam Commission heard yesterday. "The way we intended it to unfold was that after the deployment of the barbed wire, a warning would have been given," Major-General Charl Annandale told the commission.

"Time would have been given for the dispersal and choppers would have been airborne."

Police expected most of the striking miners to disperse, he said.

"Should there be people who failed to disperse, a second warning would have been issued," Annandale testified.

"A line with Nyala vehicles would have been formed. Water cannon would have been placed behind the Nyala."

He said a dispersal plan would then be put into effect against those who still refused to leave the hill.

"We would have started with the deployment of water cannon. Depending on their response, the plan would have advanced."

Annandale said police would not have been able to approach the protesting workers with shields and batons, as these would have offered little protection against sharp traditional weapons.

The next phase of the plan was to use stun grenades on unco-operative protesters.

"After 1.5 seconds, the stun grenade gives a double bang. Besides the noise, it causes disorientation," said Annandale. This would have been followed by the use of gas.

Annandale said there were two groups on the hill, and police expected resistance only from the smaller group of about 500 people.

The people in this group wore similar clothes and their leaders were disciplined, he said.

"They never acted unless they had a command... they would sit together and stand together."

Police had anticipated that, at the third stage, the group would break up into smaller groups, making it

easier to handle.

Annandale said police radio communication in Marikana could have been compromised by a robbery before 34 striking miners were shot dead.

Annandale said a police officer was robbed of his radio the Monday before the shooting on August 16 last year.

The individual who took the radio later tried to use it.

"It was clear that the person wasn't an officer," Annandale said.

He did not clarify whether the radio was taken from one of the police officers killed in Marikana that week.

Annandale said he opted to discuss the Marikana plan with the other commanders since it could have been compromised had it been shared over the radio.

He was delivering his evidence-in-chief at the commission holding public hearings in Rustenburg.

The commission is investigating the deaths of 44 people killed during the wage-related unrest in Marikana last year. Police shot dead 34 mineworkers on August 16. Another 10 people were killed in the preceding week.

Annandale told the commission he received a text message from the president of the Association of Mineworkers and Construction Union (Amcu), Joseph Mathunjwa, almost two hours before police fired on the protesters.

The message read: "Since (there is) no person who is available to give feedback to, we are going back to employees to inform them no one is available. We have tried our best without co-operation from anyone. Let peace prevail."

Annandale said he was concerned about the message and discussed it with Major-General William Mpenbe, who told him he had also received it.

Annandale said they tried to get hold of Mathunjwa but failed.

He sent Mathunjwa a text message saying police were always available and willing to help them find an amicable situation.

Mathunjwa did not respond.

The hearings continue.

'Use of muthi made cops cautious'

Hlengiwe Nhlabathi

Political Reporter

A SENIOR police witness said the striking mineworkers' alleged use of muthi at Marikana made police officers more cautious and prompted them to employ barbed wire and armoured vehicles before the shooting on August 16 last year.

The SAPS's head of specialised operations, Major-General Charl Annandale, said police considered the miners a "specific risk".

The matter of rituals, which involved sprinkling of the naked men with muthi, was discussed at a meeting attended by senior officials two days earlier, Annandale tes-

tified. It was discussed how the same method of using muthi to feel invincible has been used in cash-in-transit heists.

"We considered that as a specific risk and it was built into the operational plan and [prompted the use of] barbed wire and front-line police with armoured vehicles."

He said the use of barbed wire was a "defensive measure" and did not mean police were declaring war or that they intended to use force.

Police have been criticised for not warning the miners beforehand of their intention to roll out barbed wire, a move which could have made the miners panic. Survivors told the hearing that miners understood that police

wanted to kill them.

Annandale differed.

"It is a way to defend ... and it is not appropriate to give a warning before you cordon off an area. It is not a requirement that any such warning has to be given," he said.

Annandale said their plan mainly focused on a select group of miners who were heavily armed and more militant than the rest of their about 3 000 colleagues on the koppie. "We did not foresee or plan that people will get killed," he said.

Annandale said the plan with the tactical phase of the operation was only to break people up into smaller groups and deal with them without the loss of life.

LAWYERS WANT CHIEF TO FOOT MARIKANA BILL

Mogomotsi Selebi

A NORTH West law firm has sent invoices amounting to thousands of rands to the Bapo ba Mogale demanding payment for their services.

Kgomo Mokhetle & Tlou Attorneys sent invoices in January for their services at the Marikana Commission of Inquiry, which is investigating the death of mineworkers during a strike at Lonmin mine last year.

Sowetan has seen the invoices amounting to over R900 000. The invoices were sent only three months after the same law firm had written to Bapo ba Mogale saying that payment for their services would be paid by the commission.

Obakeng Kgomo, a partner at the firm, wrote an email in October last

year to people who are allegedly in the royal council, indicating an interest in representing them at the commission.

The email further stated that the law firm would receive payment from the commission. The email, dated October 12, reads in part "...we are further of the opinion that the royal family should be represented in the Marikana Commission ... and the commission will pay cost of the legal team representing the royal family."

But three months later Kgomo sent yet another letter to Oupa Monamodi, an administrator in charge of Bapo ba Mogale's affairs, requesting payment "as a matter of urgency".

Tshepo Mahlangu, a spokesman for the commission, said: "This issue is a bit of a quagmire. The com-

mission has been informed that advocate [Karabo] Kgoroadira was appointed by the administrator acting with the consent of the chief," Mahlangu said.

Elson Kgaka, of Kgaka Attorneys, for which Kgoroadira works, said: "We were appointed by the administrator and briefed Advocate Kgoroadira."

Asked who, between Kgoroadira and Kgomo, represents the tribe, Monamodi said: "It is Kgoroadira."

Kgomo Mokhetle & Tlou Attorneys partner Obakeng Kgomo said: "We act on behalf of the royal family at the Marikana Commission of Inquiry in terms of a valid written mandate.

"We have instructions to respond as follows to your media inquiry:

- The principle of attorney

and client privilege is one which is entrenched in the cornerstone of our law and we must respect that;

- The issue of the mandate whether by the Bapo ba Mogale royal family or community is one of the issues that has arisen in the application to relocate, pending in the commission. Thus the issue remains sub judice until both factual and legal submissions are dealt with at the commission, culminating in a ruling by the chairman and the commissioners; and

- It might not be advisable to disseminate documents that have served in the commission or are destined to be submitted to the commission with a view solely to draw public attention to any such documents prior to the commission perusing and entertaining any of

such documents."

Kgomo said they, however, "want to categorically deny", among other issues, the following:

- That we do not have a valid mandate to represent the royal family at the commission;

- That we have ambushed the process and brought a factional approach to Bapo ba Mogale;

- That our mandate has been terminated by our clients to represent them at the commission;

- That our purpose for being at the commission is/or was to make money from the tribe; and

- We further place on record that we are not in receipt of the letter your (sic) dated November 12th and as a result thereof, we are unable to comment thereto. – selebim@sowetan.co.za

Senior cop describes Marikana strategy

FIRING rubber bullets was meant to be the last resort to disperse striking workers under the police plan to deal with labour unrest in Marikana last year, the Farlam Commission of Inquiry heard yesterday.

This was the testimony of Major-General Charl Annandale, who headed the police special tactical team during the unrest.

Police shot dead 34 striking miners in Marikana, North West, on August 16 while trying to disperse a group on a hill near Lonmin's platinum mine.

"The way we intended it to unfold was that after the deployment of the barbed wire, a warning would have been given," Annandale said.

"Time would have been given for the dispersal, and choppers (helicopters) would have been airborne."

He said police had expected most of the striking miners to disperse.

"Should there be people who failed to disperse, a second warning would have been issued. A line with Nyala vehicles would have been formed. Water cannon would have been placed behind them."

Annandale said a dispersal plan would then be put into effect against those who still refused to leave the hill.

"We would have started with the deployment of water cannon. Depending on their (the crowd) response, the plan would have advanced."

Police would not have been able to approach the protesting workers with shields and batons, as those would have offered little protection against sharp traditional weapons.

The next phase of the plan was to use stun grenades on unco-operative protesters.

"After 1.5 seconds, the stun grenade gives a double bang. Besides the noise, it causes disorientation." This would have been followed by teargas.

Annandale said police had expected that, at the third stage, the group would break into smaller groups, making things easier to handle. Sapa

Theft 'jeopardised' Marikana cops

POLICE radio communication at Marikana could have been compromised by a robbery before 34 striking miners were shot dead, the Farlam Commission heard yesterday.

Maj-Gen Charl Annandale said a police officer was robbed of his radio the Monday before the shooting on August 16 (a Thursday) last year, and the individual, not an officer, later tried to use it.

Annandale was delivering his evidence-in-chief at the commission holding public hearings in Rustenburg, investigating the deaths of 44 people killed during the wage-related unrest in Marikana last year.

Annandale told the commission he received a text message from the president of the Association of Mineworkers and Construction, Joseph Mathunjwa, almost two hours before police fired on the protesters, which said: "Since (there is) no person who is available to give feedback to, we are going back to employees to inform them no one is available. We have tried our best without co-operation from anyone. Let peace prevail."

Annandale said he was concerned about the message and discussed it with Maj-Gen William Mpembe, who told him he had also received it. Annandale said they tried to get hold of Mathunjwa but failed to get a response.

The hearings continue. - Sapa