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Advocate Mpofu played footage taken on August 16, when police shot dead the miners at Lonmin's platinum mine. It shows officers searching those lying down and later standing around the scene.

In response, national police commissioner Riah Phiyega said she could not say why the police did not help the injured. "The generals can answer that," she said.

Mpofu said when police officers were injured during clashes with the striking miners on August 13, two helicopters were sent to take them to hospital.

On August 16 there were four helicopters, yet not one of them was used to transport the injured, he said.

When Phiyega disagreed, Mpofu said the helicopters were only used much later after the shooting.

Footage of the paramedics arriving at the scene was also viewed.

Mpofu described the paramedics' arrival as casual. No sirens were switched on and they drove in at normal speed.

He reminded the commission that one of the injured miners had testified that he heard one Zulu-speaking officer call to the paramedics for help. The miner had said he heard the officers laughing and taking pictures of the men lying on the ground.

In response, Phiyega said: "I don't know whether someone had cracked a joke.

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## *Your View...*

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An audio transcript from one video was read to the commission. According to the transcript one officer said: "It is muti... It's this muti s\*\*\*. It doesn't work here, baba."

Mpofu said transcribers had not included the words of a Sotho-speaking officer, as they were not clearly audible.

Mpofu said the Sotho-speaking officer had said: "It was me. It was me. I've blown him apart."

He advised Phiyega to listen to the audio when the commission adjourned and asked her whether these remarks could be called responsible policing. "To avoid issues of subjectivity, I cannot comment on that," Phiyega said.

The commission also reviewed the statement of Warrant Officer Hendrich Myburgh. He had said that while at the scene one officer shot at a miner lying on the ground. Myburgh stated he asked the officer what he was doing. The officer replied: "They deserve to die."

Mpofu asked Phiyega whether this comment could be regarded as responsible policing.

Phiyega said she could not comment as Myburgh had failed to identify the officer. She said Myburgh's statement was therefore inconclusive.

"You're the most evasive witness I've ever spoken to," said Mpofu.

The hearings continue on Monday. - Sapa

# Don't wreck economy – Zuma

## President breaks silence on labour unrest in mining belt

**Nompumelelo Magwaza  
and Banele Ginindza**

PRESIDENT Jacob Zuma yesterday broke the silence he had kept since the outbreak of tensions in the mining sector three weeks ago, as he called on labour to do what was in the country's best interests and not "wreck the economy" in the pursuit of higher pay demands.

The president's comments came after a telling silence by the government, and sent a warning to the Association of Mineworkers and Construction Union (Amcu), which has trodden on the supremacy of the ANC-aligned National Union of Mineworkers (NUM).

"We should demand better salaries and working conditions, but we may not wreck the economy," Zuma said in response to a debate in the National House of Traditional Leaders.

The rand has taken a knock in recent days as labour unrest spooked investors. Yesterday the currency hit an 11-year low in early trade.

His comments were among a crescendo of concern expressed by the government, ANC and union leaders over increasing tensions; particularly, the stalemate brought about by Amcu's now legitimate demand to be a winner-takes-all union at Lonmin.

Warning of the impact on investor perceptions of South Africa, Zuma said the continuing wildcat strikes and tension in the mining industry could impoverish the country as "people who put in money, unfortunately, at times, don't rely on facts [but] on perceptions".

"The tension in the industry will not help the economy... We could impoverish our country. That's why the leaders ought to engage workers, so that

workers understand exactly what are the consequences of their actions," he said.

He conceded that the workers had a right to strike, which was enshrined in the constitution, but asked: "The question is how do you do it? Do we do it to make others lose their jobs, or do we do it so that others can get more jobs?"

His comments came a day after Finance Minister Pravin Gordhan called on companies, the government and labour unions to show "spectacular leadership", on SAfm radio.

**'The question is how do you [strike]? Do we do it to make others lose their jobs, or do we do it so that others can get more jobs?'**

ANC treasurer general Zweli Mkhize, in a speech at a NUM conference in Pretoria yesterday, said strikes had shaved 30 basis points off of economic growth this year and called on companies to be tougher in their stance.

"The mining companies must not be allowed to give in to scare tactics and make settlements on [the] basis of intimidation and settle on unprincipled and unreasonable demands for fear of vigilante tactics," Mkhize said.

"It pains us, comrades, to see this labour relations and negotiation framework being undermined and destroyed through anarchy, violence, intimidation, murders and illegal wildcat strikes."

A sore point for the ANC is Amcu's meteoric rise in member numbers, which comes at

the expense of the NUM, thus reducing the stature of its tripartite ally.

"There is a difference between militancy and anarchy that we see growing in newly formed mining unions

supported by the ultra-leftist groupings that are active in the North West," Mkhize said. "Inevitably the anarchy will result in many jobs being lost and the economy declining."

Lonmin, the third-biggest

producer of platinum, failed yesterday to reach an agreement with Amcu on forming a new recognition pact, which would give the union more rights, it said in a statement.

Amcu wants Lonmin to

close the offices of the NUM, which previously spoke for the majority of employees and now has the support of less than 30 percent of workers.

Cosatu general secretary Zwelinzima Vavi, speaking at the NUM conference, could not offer a solution, save to try and embolden the shaken affiliate by assuring it that it would triumph over the current adversity as it was merely history repeating itself.

"We are all only too well aware of the massive challenges which confront us all at this time, and pledge our total support and solidarity, as you battle against both the mine bosses and a rival breakaway 'union'," he told the NUM delegates.

Trade union Solidarity, which yesterday applauded the government's entry into the fray and hoped for a positive result, said the "winner-takes-all" system that deprived workers of their constitutional right to freedom of association by preventing them from belonging to a trade union of their choice was one of the underlying reasons for the crisis in the mining industry.

Solidarity was responding to Labour Minister Mildred Oliphant's undertaking to meet with trade unions in order to find a solution to the persistent labour unrest and instability in the mining industry.

Chamber of Mines chief executive Bheki Sibiyi, who insisted at the sidelines of the African Renaissance conference in Durban yesterday that he was speaking in a personal capacity, said he hoped the issues between Amcu and the NUM would soon be resolved.

"The issues between the two unions have been politicised by both sides. Amcu is taking a political mileage and NUM is using political alliances and this is not helping the situation, at the end of the day the people who will fall victim will be the employees."

Comforting himself, Sibiyi said South Africa would find a way through its mining troubles, just as it had done in the past. "We will be able to come out of this, even if it is after the strikes and the instabilities, we are going to solve these problems." *Additional reporting by Bloomberg.*

# Rudderless ANC needs to work with Amcu

## INSIDE

### Donwald Pressly

SOME time ago I referred to the South African government as a “pyramid scheme” dressed up as a government. Nothing that has happened in the past few weeks has altered my view that, bar a few notable exceptions, this administration has let go of the state rudder.

As the ruling party lurches from crisis to crisis there is little evidence that ministers have a strategy on how to find solutions or, at least, demonstrate that they are interested in finding them.

Take the growing crisis in the mining sector: It is all very well for Finance Minister Pravin Gordhan to want the strike season to end and for resolutions to be found, but merely expressing these sentiments is no longer enough.

The problems on the mines are now immense. Cosatu’s National Union of Mineworkers (NUM) has been virtually wiped from the workplace floor at Lonmin. Lonmin appears reluctant to lose its sweetheart union, whose leaders drive smart cars and who hold talk shops about the troubles of Israel and Palestine.

Now the currently politically non-aligned Association of Mineworkers and Construction Union (Amcu) has reared what mine owners deem its rather ugly head. Amcu is hungry to show its new-found power:

The almost entirely absent Minister of Labour, Mildred Oliphant, who always seems to be abroad when there is a crisis at Marikana or De Doorns, appears to have no clue how to handle the changed dynamics. She has been utterly reluctant to meet the Amcu workforce, who now, whether she likes it or not, hold the power at Lonmin. Other mines are likely to follow suit swiftly.

The ANC is no longer able quietly to ask the union leadership to go slow on strikes and sweep little difficulties under the red carpet.

At a cabinet briefing last week Minister of Water and Environmental Affairs Edna Molewa, of all people, was wheeled out to deal with questions over Marikana and Guptocracy. She explained that the other relevant ministers were abroad. They included Minister of Mineral Resources Susan Shabangu, although Molewa quickly added that the labour minister was in town. She mumbled something about the need for politicians to be present even where there were trouble-spots.

Then on Wednesday in her budget vote, Oliphant’s main contribution about what sparked the troubles at Lonmin was that former chief executive Ian Farmer earned R845 000 a month. All this is quite bizarre. While most of our political, business and union elite are earning numbers that appear to be in orbit to most ordinary workers, that, surely, is not the key issue.

Michael Bagrain, the former Cape Chamber of Commerce president, rightly described this as a red herring. The eminently sensible Investec investment strategist Brian Kantor said the government simply had to be tough on all unions.

The state has the power to reduce union power by insisting that unions collect their own union fees – rather than companies, such as Lonmin, doing it for them. Rather than caving in to exaggerated pay demands, a solution should be found by offering workers incentives, like mining company shares.

The ANC is losing its grip on the unions. With the rise of an oppositional union, it would be in its best interest to bring workers on board by investing their futures in the companies they work for.

The ruling party also needs to work with Amcu. As the ANC is fast losing political support among mineworkers, it has to see the light at the end of the mine shaft.

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# Zuma warns on unrest

PARLIAMENT – Continuing wild-cat strikes and tension in the mining industry could impoverish South Africa, President Jacob Zuma warned yesterday.

“If the workers demand higher wages and that becomes a point of conflict, so sharp a conflict it could produce another Marikana, then there’s something wrong in our society,” he said in response to debate in the National House of Traditional Leaders.

Deviating from his prepared speech, the president called on traditional leaders to “engage” workers. “The tension in the industry will not help the economy ... We could impoverish our country. That’s why the leaders ought to engage workers, so that workers understand exactly what are the consequences of their actions.

“I’m not saying workers must not strike. That is a right that is enshrined in the Constitution. The

**snip**

‘I’m not saying workers must not strike. That is a right that is enshrined in the Constitution. The question is how do you do it?’, asked Zuma.

question is how do you do it? Do we do it to make others lose their jobs, or do we do it so that others can get more jobs?”

The more workers lost jobs, the more they engaged in actions that cost more jobs. “It’s a contradiction. We are likely to run the economy of the country into a serious problem, and ... there will be more people unemployed,” he said.

Earlier, Zuma told traditional leaders that while South Africa’s economy had proved “resilient”, its capacity to develop “with greater speed” was lower than it would otherwise have been. – *Sapa*.

# Phiyega evades questions

## MARIKANA INQUIRY: *Miners' families walk out in disgust*

RUSTENBURG – The families of mineworkers killed in the Marikana unrest walked out of the Farlam Commission of Inquiry yesterday during the continued cross-examination of National Police Commissioner Riah Phiyega.

They walked out of the Rustenburg Civic Centre when Phiyega repeatedly failed to answer questions about video footage played to the commission.

The footage, taken on the day police shot dead 34 striking mineworkers, showed police jogging forward and forming a line.

Dali Mpofo, for the miners who were wounded and arrested, asked

Phiyega what was happening in the footage. “I can’t say which way they are moving, whether they are moving in or out,” she said.

Mpofo asked that several clips of footage be played to the commission. In one, a police official is heard screaming “ceasefire”, but gunshots continue to ring out. Another police official is heard shouting “We’ll shoot you”. Mpofo asked if this was an example of responsible policing.

Phiyega said that the police had not immediately stopped shooting, did not mean they were not complying. She said the video should be viewed in context and the commis-

sion should remember the “spirit of what was happening”. She refused to say whether the comment by the police official was irresponsible. “The context and situation doesn’t allow me to judge that,” she said.

Mpofo said he would submit that Phiyega was evading questions.

In the clip, police are seen removing weapons from some of the miners lying on the ground, some presumably dead. In earlier cross-examination, Phiyega told the commission the weapons were removed for the safety of the paramedics. Yesterday, she could not say whether paramedics were already at the scene when the weapons were re-

moved. She denied that removal of weapons was tampering with a crime scene. “No. Some people were still alive. Me and you, at face value cannot say whether they were alive or dead. The ... issue of danger would have still been present.”

In the clip, police are dragging people from the scene. A police official is seen placing a boot on the head of one protester. When the video was first played, Phiyega said the boot was placed above the person’s head and not on top of him.

However, when the video was played again, Phiyega acknowledged that the boot was on the person’s head. – *Sapa*.

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# Police commissioner accused of evading questions at inquiry

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"The context and situation doesn't allow me to judge that," she said.

Mpofu said Phiyega was evading the questions.

In the clip, policemen are seen removing weapons from some of the miners lying on the ground, some of whom are presumably dead. Sapa



## **Marikana sangoma 'killer' denied bail**

A MAN allegedly linked to the murder of a Marikana sangoma appeared in the Bizana Magistrate's Court yesterday.

The matter was postponed to June 6, when his bail application would be heard, National Prosecuting Authority spokesman Luxolo Tyali said.

The Hawks arrested Lindelani Mkhize, 28, earlier this month in his home town of KwaMaphumulo, KwaZulu-Natal. He was allegedly linked to the murder of Alton Zikhuthele Joja, 69.

Joja, also known as Ndzabe, was killed on March 24 at his home in Ludeke Holt village, in Mbizana, Eastern Cape. — *Sapa*

# 'Did you see that ... I blew him apart'

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## Hlengiwe Nhlabathi

Political Reporter

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NEW shocking evidence of police boasting about having “blown up” a miner emerged yesterday at the Marikana commission of inquiry.

This was among a list of things that advocate Dali Mpofu, representing the survivors of the Marikana massacre, argued did not represent responsible policing.

In a transcript read yesterday, two officers talk about one of them shooting miners who had muthi in their possession.

“That muthi shit doesn’t work here baba,” one officer said.

This is followed by another Sesotho officer boasting to his friends “*ke nna, ke nna ke mo thubile!* (I’ve blown him apart!)”.

National Police Commissioner Riah Phiyega sat in the hot seat yesterday where she struggled to defend the police who gunned down 34 miners in Marikana with automatic rifles during a wage dispute at Lonmin mine.

The commission has heard from a police officer – who was yet to be called to testify in the commission – that he saw one of his colleagues pointing a gun at a miner at the small koppie.

About 18 miners are believed to have been shot execution style in the “small koppie”, also known as scene 2.

Despite all this fresh evi-

dence against the police, Phiyega appeared to maintain the police had done nothing wrong.

She said she believed police followed the required pre-prescripts to such an extent that she had to thank them during a police parade on August 20 – four days after the massacre.

“You do not want to change (your stance?), asked Mpofu.

Phiyega

answered: “That question, in its many forms, I have answered to the best of my ability.”

Mpofu challenged her, based on discovered footage, saying the breaches of responsible policing included:

- numerous shots being fired despite a call for seize-fire;
- the conduct of police officers alleged to have been heard laughing loudly around the dead bodies and taking pictures with their cell-phones;
- an officer heard saying “I’ll shoot you” presumably to the miners lying on the dusty ground;
- an officer seen dragging a corpse of a shot miner;
- an officer seen placing his boot on the face of a corpse, seemingly turning the dead man’s head with it.

Phiyega told the commission she could not judge on these matters. Seemingly tired of the continual game of cat and mouse, Mpofu said: “[You are] the most evasive person I have ever come across.” – *nhlabathih@sowetan.co.za*

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Lawyers concerned it may take eight months to hear testimonies, write **Setumo Stone** and **Ernest Mabuza**

# Marikana proceedings moving at a snail's pace

ETIRED Judge Ian Farlam must be breathing a slight sigh of relief as police witness Maj-Gen Charl Annandale concluded his testimony on Wednesday at the Marikana commission in Rustenburg. This means national police commissioner Riah Phiyega will return to the stand.

The proceedings have been criticised for moving at a snail's pace and lawyers are becoming impatient with "long" and "irrelevant" cross-examinations. Mr Farlam has been seen frequently keeping his eyes on the clock and often intervening to speed things up.

Last month, lawyers at the commission expressed concern it could take up to eight months to hear from all the witnesses, and the second phase of the commission would probably only start next year.

Maj-Gen Annandale, who had shown a penchant for giving long and elaborate answers, was a key witness as he had been on the scene during the bloody shooting on August 16 last year, when police shot and killed 34 of the striking Marikana mine workers.

But he turned out to be a witness Mr Farlam would not have wished for at such a difficult time for the commission in its probe into the deaths of 44 people during the labour unrest at a Lonmin platinum mine shaft.

Over the past five weeks, proceedings have been dragged out: the lawyer conducting cross-examination asked a question; the question was translated into Xhosa; Maj-Gen Annandale responded in Afrikaans; his reply was then translated to English and thereafter into Xhosa. This amounted to three translations in a single exchange between lawyers and Maj-Gen Annandale. It is no wonder that advocate George Bizos, as well as counsel for Lonmin Schalk Burger, often got hot under the collar,

However, with Gen Phiyega back on the stand, it is unlikely the pace of the proceedings will pick up, given her previous appearance last month.

Critics have slated her for being

evasive and often referring difficult questions to operational commanders, who had been on the ground during the Marikana tragedy, such as Maj-Gen Annandale.

During yesterday's cross-examination by Dali Mpofu — counsel for the arrested and injured miners — Gen Phiyega remained steadfast in her belief that the actions of police on August 16, were responsible.

Mr Mpofu read from an excerpt of an address she gave at a police parade on August 20 where she said, "let us take note that whatever happened represented the best of responsible policing".

Mr Mpofu also played video footage of August 16 immediately after the first shooting, which led to the deaths of 16 striking workers.

The footage showed police firing shots after other policemen had called for a halt to the shooting. It also showed police dragging away the dead and injured. They seemed not to identify who were dead and who were injured.

When asked by Mr Mpofu whether the continued shooting after a call had been made to cease fire represented the best of responsible policing, Gen Phiyega said the continued call by police to cease fire was to ensure that all police had heard the command.

"We are going to argue that a single shot fired after a call to cease fire was done outside the requirements of the policing prescripts," Mr Mpofu said.

When asked whether the dragging of the people who were lying down represented responsible policing, Gen Phiyega said people who were involved would explain what they were doing.

The drawn-out proceedings were taking a toll on families of the deceased: not only are they subjected to continued graphic testimony of the day, but they have also yet to hear anyone taking responsibility for the deaths

This week, following Maj-Gen Annandale's attempt to offer condolences to the bereaved families, three of them collapsed. Commission spokesman Tshepo Mahlangu said Songstress Nkonyeni regained consciousness, while Betty Gadlela and Xolelwa Mpumza were rushed to Job Shimankane Tabane Hospital in Rustenburg, where they were recovering.

Mr Mahlangu said the commission remained "committed towards fulfilling its additional responsibility of bringing hope and comfort to all the bereaved and other affected families".

stones@bdfm.co.za

# Marikana families walk out on Phiyega

THE families of mineworkers killed during the Marikana unrest walked out of the Farlam Commission of Inquiry yesterday during the continued cross-examination of national police commissioner Riah Phiyega.

The families stood up and walked out of the Rustenburg Civic Centre when Phiyega repeatedly failed to answer questions about video footage played to the commission.

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Dali Mpofo, for the miners who were wounded and arrested that day, asked Phiyega what was happening in the footage.

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Mpofo said he would submit that Phiyega was evading the questions. – Sapa

# Man held for Marikana sangoma murder

By **LULAMILE FENI**  
Mthatha Bureau Chief

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A KWAZULU-NATAL man has been arrested in connection with the murder of Mbizana traditional healer Alton “Ndzabe” Joja.

Ndzabe allegedly supplied muti to miners in Marikana, North West, with claims to make them invincible.

Lindelani Mkhize, 28, appeared in the Mbizana Magistrate’s Court yesterday. He was arrested at Maphumulo in KZN on Tuesday night last week.

National Prosecution Authority regional spokesman Luxolo Tyali confirmed that Mkhize appeared in court on a murder charge.

The case was postponed yester-

day to June 6 for a formal bail application.

Ndzabe was killed at his home in Ludeke Holt village in Mbizana on March 24.

Police say five men driving a VW Polo went into Ndzabe’s homestead under the pretence that they were there for a consultation.

He was shot 13 times at point blank range and died at St Patrick’s Hospital.

After the Marikana killings last year, survivors spoke of how they were protected by the traditional healer.

Some miners claimed Ndzabe had given them muti to protect them and make them brave, invincible and invisible in battle.

Ndzabe, who practised in the

Eastern Cape, Gauteng and Kwa-Zulu-Natal, had denied claims he gave muti to the miners and distanced himself from the controversy.

At his funeral, Uncedo Service Taxi Association president Ntsikelelo Gaehler claimed Ndzabe’s death was linked to taxi violence brewing in the Mbizana area and not related to the commission of inquiry.

National police spokesman Makhosini Nkosi said an R5 rifle was sent for ballistic tests, but results were not yet back.

“We believe that there was more than one person involved in the murder and police are looking for other suspects,” said Nkosi yesterday. — *lulamilef@dispatch.co.za*

# Families walk out on 'evasive' Riah

THE families of mineworkers killed last August during the so-called Marikana massacre walked out of the Farlam Commission of Inquiry in Rustenburg yesterday during the continuing cross-examination of National Police Commissioner Riah Phiyega.

The families stood up and walked out of the Rustenburg Civic Centre when Phiyega repeatedly failed to answer questions about video footage played to the commission.

The footage, filmed on the day that police shot and killed 34 striking mineworkers, showed police jogging forward and forming a line.

Advocate Dali Mpofo, representing the miners wounded and arrested that day, asked Phiyega what was happening in the footage.

"I cannot say which way they are moving, whether they are moving in or out," she replied.

Mpofo asked that several clips from the footage be played to the commission.

In one, a police official is heard screaming, "cease fire!" but gunshots continue to ring out in the background. Another police official is heard shouting: "We'll shoot you!"

Mpofo asked whether this was responsible policing.

Phiyega said because police had not immediately stopped shooting did not mean they were not being compliant.

She said the video should be viewed in context and the commission should remember "the spirit of what was happening".

Mpofo suggested Phiyega was evading the questions.

In the clip, police are seen dragging people from the scene. A police official is seen placing a boot on the head of one protester.

When the video was first played, Phiyega said the boot was placed above the person's head and not on it.

However, when the video was played again she acknowledged that the boot was on the man's head. - SAPA