

Police 'holding back' on Marikana

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Staff Writer

THE South African Human Rights Commission has accused the police of using their power to withhold pertinent information needed for the cross-examination of witnesses at the Marikana Commission of Inquiry.

This is not the first time the South African Police Service (SAPS) has been accused of being uncooperative. National police commissioner Riah Phiyega faced similar accusations at the hearing.

The human rights body yesterday continued questioning North West deputy police commissioner William Mpembe. The Marikana commission is investigating the events that led to the deaths of 44 miners last August at Lonmin's Marikana mine.

Yesterday, Michelle le Roux, for the human rights body, said the police were providing inadequate statements.

"This has prevented us in the process of cross-examination because the statements are seemingly incomplete. (The) SAPS have promised to hand over the supporting and extra information but there is no indication as to when this will be given.

"It's the obligation of (the) SAPS to give ... as much information as they can, especially since the other witnesses won't be here to give their version of events.

"It should not be for the cross-examiners to ... run around for this information," she said.

But the commission's chairman, retired judge Ian Farlam, was quick to dismiss the insinuation that the inquiry would present a one-sided report.

The rights body put it to the commission that the police were not adequately briefed on how to deal with armed protesters.

Maj-Gen Mpembe said all section commanders were thoroughly briefed, and they in turn had briefed officers under their command.

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Cops slated over 'sketchy' info to Marikana inquiry

THE SAPS is providing inadequate information to the Farlam Commission of Inquiry into last year's shootings at Marikana.

Michelle le Roux, for the South African Human Rights Commission, said yesterday "inadequate statements" by the SAPS were having to be relied upon. "They and the miners know exactly what happened... it is unfortunate that the other party (miners) is not here."

Le Roux had asked the North West police's Deputy Commissioner, William Mpembe, where he had been and at what time he heard about the shootings on August 16.

Mpembe could have known about the shootings much earlier, judging by police communications, she said.

Mpembe said he was not at the scene during the shootings.

The commission chairman, retired Judge Ian Farlam, said police could provide more material to Le Roux. The commission's report would not be one-sided, he said. Evidence leaders, who could call witnesses, would present the absent miners' versions to the commission.

The commission is investigating the circumstances around the deaths of 44 people during a strike at Lonmin's platinum mine at

Marikana, near Rustenburg, in August last year. Police shot dead 34 people on August 16.

The commission heard that tear gas fired by a policeman sparked an attack by miners that led to the deaths of two officers and three other people earlier in August. – Sapa

SAPS's Marikana evidence under fire

THE SAPS was providing inadequate information to the Farlam Commission of Inquiry into last year's shootings at Marikana, the commission was told yesterday.

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The commission is investigating the deaths of 44 people killed during strike-related unrest at Lonmin's platinum mining operations at Marikana, near Rustenburg in North West, in August last year.

Police shot dead 34 people, almost all striking miners, on August 16.

The commission also heard that teargas fired by a police officer sparked an attack by miners that resulted in the deaths of two officers and three other people at Marikana earlier in August.

North West deputy police commissioner William Mpembe said a Warrant Officer Kuhn had fired teargas at protesting mineworkers on August 13, but neither he or Kuhn knew who had instructed Kuhn to do so. Sapa

Commission won't be compromised — judge

By **SIMON NARE**

CIRCUMSTANTIAL evidence will be more credible than evidence that is given by witnesses.

Yesterday, Judge Ian Farlam said the Marikana Commission of Inquiry will rely heavily on circumstantial evidence when compiling its final report.

He was addressing concerns by the SA Human Rights Commission's Advocate Michelle le Roux that cops' co-operation in supplying documents was crucial, particularly as the injured and arrested mineworkers had withdrawn from the commission due to lack of funding.

Le Roux told the commission that cops were frustrat-

ing the cross-examination of witnesses by withholding some of the key documents such as pocket books of officers on duty on 16 August.

She raised the concern while cross-examining deputy provincial commissioner Major-General William Mpenbe.

Her concern was shared by the evidence leaders. Yesterday, they applied for a deadline to be set for the cops to make available outstanding statements.

Farlam said the commission won't be compromised by the non-participation of the injured and arrested miners. He said in addition to circumstantial evidence, no video footage was submitted to the commission.

Teargas start of sparks at Marikana

TEARGAS fired by a police officer sparked an attack by miners that resulted in the deaths of two officers and three other people at Marikana last year, the Farlam Commission of Inquiry heard yesterday.

North West deputy police commissioner William Mpembe said a WO Kuhn had fired teargas at protesting mine workers on August 13, 2012 but he was unaware who had instructed Kuhn to do so.

Michelle le Roux, for the SA Human Rights Commission asked Mpembe if he had informed provincial commissioner Zukisa Mbombo about the incident.

"I told the provincial commissioner, and Kuhn himself could not say who he got the instruction from," he replied. The commission is investigating the deaths of 44 people killed during strike-related unrest at Lonmin's platinum mining operations at Marikana, near Rustenburg in North West, in August last year.

Le Roux said it was surprising that Mbombo had not mentioned the teargas during a media briefing on August 16. She asked Mpembe why Mbombo had not mentioned the teargas incident.

"There should have been notes made on that but I do not know how that came about," he said.

- Sapa

Amcu tactics may avoid bloodshed

ED STODDARD

A YEAR ago, militant South African miners affiliated to upstart union Association of Mineworkers and Construction Union (Amcu) were marching with spears, clubs and knives in often violent wildcat strikes and protests against management bosses.

But in recent months, leaders of Amcu have been sitting down to tough but peaceful wage talks with mining executives. Strikes still look certain in the struggling sector as soaring wage demands collide head on with depressed metals prices.

But Amcu's change of tactics suggest that last year's bloody mine violence may be avoided.

There are even signs that Amcu's turf war last year, which saw it wrest tens of thousands of members from the rival National Union of Mineworkers (NUM), may have cooled somewhat, with both unions focusing on winning better wages in the gold, coal and platinum mines, rather than fighting each other.

Almost a week after NUM left the table in wage talks with gold producers, signalling an imminent strike by its members, Amcu remains in the negotiations.

It also spent months in talks with platinum producer Lonmin this year to secure a recognition agreement. This is a sharp departure from last year, when Amcu's recruitment drive turned workers into warring illegal strikers.

"Now that Amcu has secured the platinum belt, we are entering a phase where they are evolving into a real trade union," Crispin Chinguno said, a researcher at Wits University.

"They have union dues coming in, they have recognition, and they must now play by the rules of the game because they are in the game."

Amcu also wants to be seen working

within the law because it believes the forces of the state are ranged against it. Its rival NUM is a key political ally of the ANC.

Senior leaders from the governing alliance have denounced Amcu as a "vigilante union".

"Amcu is in unfriendly terrain and has to bed down its structures. It cannot afford a three-front fight against NUM, management and the ANC," political analyst Nic Borain said.

Amcu's explosive entry on to the labour scene last year also occurred when almost no scheduled wage talks were taking place.

It pushed its way into shafts by promising disgruntled NUM workers it could get better deals for them.

Now, with regularly scheduled biannual wage talks in the mining sector unfolding, Amcu is in a position of strength.

Amcu is consolidating its gains and both unions must deliver by extracting big pay hikes.

Boardroom relief that legal channels are being followed should be tempered, however, by the size of wage increases sought.

NUM wants a 60% rise from gold producers for entry-level miners.

On Saturday, NUM gave companies, who are offering 6%, a seven-day ultimatum to meet its demands or face strikes.

Amcu, whose members in the gold sector could also down tools soon, is

sticking to its battle cry of a "living wage" of R12,500 a month, which would mean a more than doubling of pay for tens of thousands of mine workers.

This reflects the uncompromising stance championed by its president, Joseph Mathunjwa, a Salvation Army lay preacher who calls on a powerful mix of social justice, African nationalism and evangelical Christianity.

Companies, including the world's top platinum producer Anglo American Platinum, say they cannot afford the wage hikes being demanded.

But the labour force is in no mood for lectures about income statements as it seeks a bigger share of the spoils from an industry built on low wages and migrant labour.

Amcu officials insist they will deliver for their members within the law and point to the Lonmin recognition agreement, which opens the way for legal wage talks with the company, as an example of good faith.

"It shows we are committed to finding solutions. A strike is not the only way to find solutions," Amcu general secretary Jeffrey Mphahlele said.

The Lonmin deal could even be a sign that corporate charm can help defuse some of Amcu's feared militancy.

Lonmin's new chief executive, Ben Magara, is an affable black Zimbabwean who dealt directly with Amcu, a departure from the aloof approach often taken by white executives.

Magara even called Mathunjwa "Bra Joe".

But things could still turn frosty during their wage talks and none of this can be expected to completely end violence in the mines.

When this year's wage settlements are finally done and dusted, the relative lull in the union turf war could end. A new recruitment campaign by either Amcu or NUM could easily ignite more unrest. - Reuters