

Marikana: Police evidence in turmoil

Commission could recall Mpembe

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The man who once broke down during cross-examination at the Marikana Commission of Inquiry is set to return to the hot seat.

City Press has learnt that North West deputy police commissioner Brigadier William Mpembe will be asked to testify about new evidence that has thrown the entire police version of events into question.

The latest startling revelation from the commission was that police requested four mortuary vans and asked for 4 000 live rounds of ammunition for R5 rifles to be delivered at 8.30am on August 16 last year.

Hours later, 34 miners were dead, shot by police.

One man, Lieutenant Colonel Duncan Scott, has been the one to expose massive holes in the police's story.

Scott, with 20 years' experience in the police's special task force, has had a torrid time on the stand since being called early in September.

After one of the commission's sittings this week, Scott was overheard telling an evidence leader what a toll the experience was taking on him.

City Press heard Scott say he was trying his best to remember everything and to share all that he knows with the commission.

And what he knows has been hugely damaging to the police.

Scott was called to the

operation to capture suspects who had allegedly killed two police officers and fled into the nearby koppie.

Scott is trained in security and antiterrorism measures – in 2010 he was mandated to plan the team security and counterterrorism programmes for the soccer World Cup.

His role at Marikana was to come up with a plan to disperse and disarm the striking miners assembled on the koppie that would later become a killing field.

During his testimony, Scott has admitted that the plan went horribly wrong.

Evidence leader Advocate Matthew Chaskalson asked him who took the decision to move to the tactical phase on that fateful Thursday afternoon.

Scott's testimony, particularly the information he has provided about the massive ammunition order and the mortuary vans, as well as footage and documents contained in previously unexamined police hard drives, are just some of the issues Mpembe will have to answer to when he returns to the stand.

Tshepo Mahlangu, the commission's spokesperson, said they had not yet received a request to recall Mpembe.

"There is a process to this. The affected parties would have to make a request and provide valid reasons for asking Mpembe to come back on the stand. The commissioner would then fairly decide whether to grant the application," said Mahlangu.

Marikana area on Monday 13 August last year by Major General Charl Annandale.

The police needed his help to plan and coordinate an

Workers turn backs on unions after Marikana

LOYISO SIDIMBA

UNIONS are blaming retrenchments for the massive decline in membership by more than 330 000 in the past year, while the Department of Labour says it is workers' dissatisfaction.

The country's 196 unions lost 334 377 members – more than the country's biggest union, the National Union of Metalworkers of SA, which claimed a membership of 329 692 at the end of last month.

The department blames the decline on last year's violent wildcat strikes.

In its 2012/13 annual labour market bulletin, the department says the 11 percent decline was "realised during and after the violent strikes in 2012, where members lost trust in their trade unions".

The department described the Marikana strike as yet another instance where workers belonging to unions chose not to be represented by them, preferring lawyers instead.

"During illegal strikes in the mining sector last year, many workers voiced dissatisfaction with their trade union leaders, accusing them of being too close to management and too willing to compromise on workers' demands," the bulletin says.

Membership of the National Union of Mineworkers (NUM) declined to about 270 700 after the Marikana strike. Many were lost to its bitter rival, the Association of Mineworkers and Construction Union.

According to the department's annual bulletin, the NUM lost all

credibility after it failed to defuse an increasingly violent strike at Lonmin's mine in Marikana last year.

The Federation of Unions of SA (Fedusa) and the National Council of Trade Unions (Nactu), with a combined membership of more than 1 million, say the loss was because of retrenchments.

Nactu general secretary Narius Moloto said the losses were not to other unions, but to joblessness. Moloto said Nactu had been having a lot of section 189 consultations, which relate to retrenchments.

General secretary Dennis George also admitted that Fedusa, like all federations, had been affected by the decline, but mostly owing to retrenchments.

He said many workers were retrenched only for companies to make more profits.

Moloto questioned the Department of Labour's conclusions, saying it was not unions losing members, but rather patterns of employment changing.

"The nature of work is changing all the time. Labour brokers make it difficult for workers to join unions," Moloto said.

He said that sometimes workers did not even know who their employers were, owing to the complex way in which they were hired.

Moloto admitted that young workers joining the labour market were sceptical of unions. "They're not excited about union membership and participation. They feel union membership will limit their chances of promotion," he said.

Nactu has 23 affiliates and about 650 000 members, according to Moloto. He attributed the federation's

growth mainly to its affiliate, Amcu.

Fedusa's membership has gone down from 500 000 to about 450 000, according to George.

Last week, Constitutional Court Justice Edwin Cameron slammed a Cosatu affiliate, the Food and Allied Workers' Union (Fawu), for cutting its members "loose to protect itself from the unpalatable consequences of its failure to represent them properly".

Fawu had been taken to court by the late Mandla Ndlela and Michael Mkhize, its members and ex-Nestlé employees, for breach of contract after the union failed to refer their dispute to the Labour Court. The two were awarded more than R107 000 in damages, and Fawu failed in its attempt to appeal the ruling at the Constitutional Court.

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