

Marikana commission fate in balance

Vusi Xaba

THE Farlam Commission of Inquiry sitting in Centurion will continue today with its future hanging in the balance as it awaits President Jacob Zuma's decision to grant it an extension.

The commission, chaired by retired Judge Ian Farlam, is asking for a third extension after two previous deadlines expired before it could com-

28 WITNESSES STILL TO BE CALLED AFTER DEADLINE

plete its work.

The commission was appointed by Zuma to investigate the death of 44 people killed during violent strikes in Marikana, North West, in August last year.

Commission spokesman Tshepo Mahlangu said it submitted papers to the Department of Justice requesting an

extension which had to be taken to Zuma for permission.

But, there is no certainty it will continue tomorrow.

“Tomorrow – October 31 – is the deadline for the commission to complete its work. So far 22 witnesses have been called and 28 are still outstanding.

“Whether the commission

sits on Friday will depend on whether President Zuma has signed to grant an extension.

“The extension needs to be gazetted before the commission can continue, but gazetting can be done within 12 hours, which means the commission can or cannot sit on Friday,” Mahlangu said.

“The commission has to get

to the bottom of the truth of what happened in Marikana.

“It must be comfortable it has established particular facts around what happened.”

Colonel Duncan Scott, the SAPS officer involved in planning the strategy to quell boiling Marikana after 10 people, including two police officers and security guards, died was

cross-examined yesterday by Human Rights Commission lawyer Michelle le Roux over the plan to stop the violence.

Scott said they definitely had to do something to put the situation under control after talks between unions collapsed.

Advocate Dumisa Ntsebeza, representing the families of the 34 miners killed, is scheduled to cross-examine today.

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Marikana: 'Move to stage 3'

By **SIMON NARE**

THERE was no justification for police moving into the tactical phase that led to the Marikana massacre.

Colonel Duncan Scott, the police strategist for the operation, said his advice was that the tactical phase should only be launched if the threat of violence had escalated, and the strikers had not moved from the koppie and posed a danger.

The Marikana Commission of Inquiry yesterday heard that police rolled out barbed wire which sparked a reaction from the strikers. Scott said they were told to move to stage three. "Obviously a decision had been made higher up." He said he wasn't asked if the situation called for the tactical phase.

Scott said police had to act on that instruction because the situation had turned volatile and could have been worse the next day. He could not explain how he came to this conclusion.

Under cross-examination by Advocate Michelle le Roux, representing the SA Human Rights Commission, Scott said he didn't know why police continued shooting after the calls for the ceasefire. This refers to the shooting in what is known as scene 1, where police shot dead 16 miners in an eight second volley.

"Are you aware of any information or the threat existing after the eight seconds' volley that would justify the use of rifles?" she asked.

After the ceasefire calls, a further 29 rounds were fired.

Scott explained the events of scene 2, where a further 18 miners were shot dead, but couldn't tell how he reconstructed the scene.

"I worked mostly from memory," he admitted.

He was aware an officer had shot and killed an injured miner at scene 2. He could not say what had happened to the officer but said the matter was handed over to Independent Police Investigation Directorate.

■ The commission will apparently get an extension until April. It was supposed to finish today.