

# 'Top cop coached Marikana witnesses'

THE OPERATIONAL police commander during the Marikana shootings coached the evidence of subordinates on the event in 2012, the Farlam Commission of Inquiry heard yesterday.

Dali Mpofu SC, representing wounded and arrested Lonmin miners at the inquiry, examined Brigadier Adriaan Calitz about the senior policeman's address to police units that had been involved in the shooting at Marikana.

"One of the things I'm going to argue about what you said at that parade is that it was intended to poison the minds of the police by suggesting what the official (police) line is," said Mpofu.

"You were saying there is going to be this commission and our line is going to be self-defence. Your intention was to disseminate to the group that your defence (at Marikana) was self-defence."

Mpofu read out extracts from Calitz's speech to his subordinates, soon after President Jacob Zuma had set up the three-member commission of inquiry led by retired Judge Ian Farlam in August 2012.

"Self-defence, all right? So on that nothing, nothing was wrong.

You acted and it was justified, and that is the commitment and co-operation that we are going to give to the people (commission)," Mpofu read from a transcript of Calitz's speech.

"What you were doing here was to say to the people (police), 'This is what happened.' You were saying to them, 'What I've just told you now is exactly the comment we are going to give to the commission of inquiry.'"

Calitz denied the allegations of "schooling" the junior officers.

"I told them you have nothing to hide, specifically to the TRT (tactical response team)," he said.

Unconvinced, Mpofu went on: "In pursuance of that argument, I am going to argue that there was no need for you to spell things out, apart from trying to be schooling these people on what they have to say to the commission.

"These people were there after

all. You suggested the theory of self-defence to the members. You were schooling them," said Mpofu.

Calitz said he went into a narration for the benefit of new officers who had joined the parade.

"If you look at my track record, there was never a time I was accused of doing such things. I totally disagree with you," he said.

Mpofu said Calitz told his charges to tell the truth to the commission, not because of principle but because the Local Criminal Record Centre (LCRC) had gathered accurate information from the scene.

He read another extract from Calitz's speech: "If you shot 25 R5 (rifle bullets), then say you shot 25. If you had one magazine and it was necessary to put in a second, then say so. Why? Because the LCRC was on the scene, they have already retrieved the cartridges.

"The newspaper today is saying 400 cartridges picked up. It's useless that you say I only fired two shots. Do you understand what I'm saying?"

Calitz insisted that "as a good commander", he was only urging his charges to co-operate with the inquiry.

"I didn't know this video was coming to the commission. It was an address to my members. After that speech, all of them gave honestly what they knew to the commission (through sworn statements)."

Calitz was the operational police commander during the protracted wage-related strike at Marikana, near Rustenburg. The commission is probing the deaths of 44 people during labour-related unrest at Lonmin's platinum mining operations there.

On August 16, 2012, 34 people, mostly striking miners, were shot dead and 78 people were wounded when police fired on a group gathered at a hill near the mine. They were trying to disperse and disarm them.

The week before, 10 people, including two policemen and two security guards, were killed in strike-related violence. – Sapa

# Charge cop with murder – Mpofu

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## Vusi Xaba

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A POLICE officer in charge of the operation that left 34 mine workers dead in Marikana, North West, should be charged with the murder of 16 of the men.

Advocate Dali Mpofu, representing the families of the injured and arrested mine workers, submitted this before the Marikana Commission of Inquiry yesterday.

“I put it to you that you gave instructions to kill. Your instruction would attract a charge of murder. I am going to recommend that you are charged with the murder of at least 16 people shot at scene one,” Mpofu said to Brigadier Adriaan Calitz.

Mpofu also accused Calitz of conducting an indoctrination session with police involved in the shooting. Calitz allegedly complimented police officers during a parade in Marikana two

days after the shooting, saying the operation had been 110% successful.

Mpofu said during cross-examination that Calitz’s address to the policemen was actually “schooling the officers”.

“The message is you were schooling these members on self-defence. This is because you had been told that a commission of inquiry was to be set up. You said they must tell the truth about

the shots fired because crime scene experts had been there and had retrieved cartridges.

“You were saying to them, there is objective evidence against you. You must tell the truth because it is a good thing to do, because there is evidence against you,” Mpofu said.

Calitz had told the officers during a parade that they should not panic because they had done

nothing wrong. Mpofu referred to the evidence of Lieutenant-Colonel Solomon Vermaak, who previously testified that during the police dispersion and disarm exercise on August 16, a group of striking miners had regrouped on the other side of the koppie where 18 of the miners were shot dead. He said it was clear the group was not going to surrender their weapons.

Mpofu said Vermaak had testified that Calitz had given an order to engage, but said it seemed that they [police] did not hear it. Calitz agreed to giving the order, saying to police “engage, engage”.

However, Calitz denied giving instructions to the members of the tactical response team. He said they had their own commanders.

Calitz said he thought the police officers had acted in self-defence. ■ [xabav@sowetan.co.za](mailto:xabav@sowetan.co.za)

# Mpofu goes for Calitz

By SIMON NARE

THE Marikana Inquiry heard yesterday that Brigadier Adriaan Calitz ordered cops to shoot mine strikers with live ammunition and should be charged with murder.

The inquiry heard that Calitz, the operational commander, gave an instruction just before 16 strikers were gunned down.

Advocate Dali Mpofu, speaking for injured and arrested miners, said no other instruction was given afterwards.

Calitz admitted telling police to "engage", but said this was police language for going forward in action - not firing live bullets. As far as he knew, police shot strikers in self-defence, without instruction.

Calitz said he never gave an instruction to the tactical response team, although evidence showed the unit was told to use live ammunition. "It would have been impossible for me to have given that instruction from the position I was in. I couldn't see where they were."

"The only instruction I gave was to papa nyalas (nyala drivers) to move forward and block the strikers," he said.

Mpofu said the commission shouldn't believe what he called false and ridiculous testimony.

He said a police tactical unit training manual confirmed engage meant firing live ammunition.

Calitz said he was not familiar with that manual.

Mpofu said: "I put it to you that you gave an instruction to kill. Your instruction would attract a charge of murder. I am going to recommend at the end you be charged with the murder of at least 16 miners who were killed at Scene One."

Calitz disagreed.

Mpofu said earlier that in a parade address a day after the massacre, Calitz had coached officers to say they acted in self-defence. Calitz told them they did nothing wrong and had nothing to fear. Mpofu said that was the same as coaching them, but Calitz denied it.

# Mpofu talks to victims' families

By **TEBOGO THAMAGE**

LAWYERS representing the killed and arrested Marikana miners will take action against the police and safety and security ministries over two men killed in Mothutlung near Brits, North West.

The men were killed during a protest last week. The team, led by Advocate Dali Mpofu and Andries Nkome, have been consulting the families of Michael Tshele and Osia Rahube.

The two were shot dead when residents marched to the offices of the Madibeng Municipality last Monday, demanding answers about water shortages they had experienced for more than three weeks.

Michael was buried on Saturday and Osia on Sunday.

Mpofu and Nkome, who are both EFF members, attended both funerals.

They also plan to consult the families of Lerato Seema and Enoch Seimela, who also died last week.

Lerato died in hospital after being shot in the head and Enoch died after allegedly being shot and thrown out of a moving police nyalala.

The lawyers didn't want to say how much they intended to sue for. "We are going to sort that out later," said Mpofu.

Meanwhile, there were rumours yesterday that a municipal reshuffle took place behind closed doors.

This comes after allegations of corruption were made against officials at a memorial service last week.

Speakers did not hold back and named and shamed officials to Minister of Water Affairs Edna Molewa and North West Premier Thandi Modise.

Municipal spokeswoman Lebogang Tsogang would not say what the meeting was about.

"Yes, there was a meeting, but we do not know what was on the agenda," she said.

By yesterday, water was restored to most areas of Mothutlung but those still affected said they'd take to the streets again today.

# Mpofu grills top cop

THE operational police commander during the Marikana shootings must be charged with murder, the Farlam Commission of Inquiry heard yesterday.

Dali Mpofu, SC, representing Lonmin miners who were wounded and arrested when police opened fire on strikers at Marikana on August 16, 2012, said Brigadier Adriaan Calitz had issued orders that his clients be killed and he should face the consequences.

“This commission... is duty-bound to make recommendations for criminal prosecutions. I will recommend that you, among other people, be charged with the murder of at least the people killed at scene one,” Mpofu said.

“You gave the instructions to kill. I have been trying to demonstrate to you that such killing was not reasonably justified. Your instructions would attract the charge of murder.”

Calitz said his hands were clean and he did not agree with Mpofu. “I can only say I differ totally from what you are saying... The murders that you are speaking about are (recorded) clearly on video. No instructions were given there and that is referred to as self-defence.”

The commission is probing the deaths of 44 people during labour unrest at Lonmin’s platinum mining operations at Marikana.

Earlier, Mpofu said Calitz had coached the police officers who were involved in the shootings.

Calitz denied “schooling” the junior officers. “I told them you have nothing to hide, specifically to the tactical response team.”

Mpofu said: “In pursuance of that argument, I am going to argue there was no need for you to spell things out, apart from trying to be schooling these people on what they have to say to the commission.” – Sapa