

'CHARGE HIGHEST COPS WITH MURDER'

Vusi Xaba

A TOTAL of 60 police officers involved in the Marikana massacre of August 2012 should be charged with murder.

This was the submission made by Advocate Dali Mpofo, lawyer for the victims, before the Marikana Commission of Inquiry yesterday.

Mpofo suggested that big guns such as Police Minister Nathi Mthethwa and national police commissioner Riah Phiyega could be charged for the deaths of 34 miners who were shot and killed by police on August 16 2012.

The submission comes after Mpofo suggested on Tuesday that Brigadier Adriaan Calitz, an operational commander on

Mpofo hints at action against Mthethwa, Phiyega, others

the day of the shooting, should be charged with the same offence.

As he continued cross-examining Calitz at the commission of inquiry in Centurion, he placed Calitz at number six on his list of those he said should be charged.

Though Mpofo did not mention names, his suggestion that this could include senior people may be interpreted to mean that Phiyega and Mthethwa should also be charged with

murder. "We will recommend that you be charged with murder of all the persons, [but] not you alone.

"Our list of accused persons will [include] some below you ... [like] TRT [tactical response team] – the shooters," Mpofo said.

"Above you will be the most senior people whom I am not at liberty to mention at this stage."

Mpofo made similar utterances at the commission last year when he said: "We are

going to get justice, either here or at any other forum, even the International Criminal Court, where we will lay charges against the police who shot our people."

He had earlier said that with different police units present at the scene, Calitz could have sounded a warning that would have prevented the deaths.

Calitz stuck to his guns that the group had attacked the police at the koppie where 16 of the 34 were killed.

The commission has previously heard evidence that police shot and killed miners who had their arms raised in surrender after they hid among rocks, having fled from the scene of the first shooting.

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Marikana deaths: lawyers want 60 prosecuted

Lawyers will recommend that 60 people be charged with murder in connection with the Marikana shooting, the Farlam Commission of Inquiry heard yesterday.

Dali Mpofu, SC, representing the wounded and arrested Lonmin miners at the inquiry, told police officer Brigadier Adriaan Calitz that all officers who fired at the protesters should face consequences.

“We will recommend that you and others ought to be charged with the murders of all 34 persons. Not you alone. Our list now

is at about 60 and you will be somewhere around accused number six,” Mpofu said.

“Below you (on the list) will be the TRT (Police Tactical Response Team) shooters, and above you are some of the most senior people, going right up, whom at this stage I am not at liberty to mention.”

Calitz said he had had no intention to murder anyone. He was the operational police commander during attempts to end the violent strike at Lonmin’s platinum mine in Marikana, North West, in August 2012.

Calitz said the evidence indicated there was no “element of murder”.

“I did not have such an intention (to murder). It was a tragic event which should not have happened. I have a lot of feeling for the people whose loved ones died. I acted to the best of my knowledge to conduct this operation successfully.”

On Tuesday, Mpofu told the commission that Calitz issued orders to kill and that he should be prosecuted.

“I will recommend that you,

among other people, be charged with 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,” said Calitz. – *Sapa*.

Cop commander's Marikana 'lies'

DUDU DUBE

THE Marikana Commission of Inquiry sat for only three days this week, with advocate Dali Mpofu intensifying his cross-examination of operational commander Brig Adriaan Calitz.

Mpofu is on his second week of cross-examining and on Tuesday, he came right out and said it: "Brig Calitz, you gave the instruction for people to be killed on August 16, 2012 in Marikana at scene one."

Calitz has been on the witness stand since November and has maintained he saw nothing and heard nothing.

He implied that some of the 34 miners may have shot themselves.

Mpofu's assertion was denied by the SAPS lawyer advocate Ismail Semanya.

But Mpofu kept firing: "Your evidence is a fabrication and should not be believed."

At the centre of it all was the meaning of the word "engage", which Calitz is said to have uttered before the shooting started.

Mpofu said the "engage" call was an order to shoot the miners while Calitz insists it meant a lot of things in policing language.

"As you may have gathered, I'm going to argue your various explanations on the usage of the word 'engage' are just a fabrication and a pack of lies and should not be believed," Mpofu said.

Yesterday, Mpofu took things a notch higher, informing the Com-

mission he was going to recommend when it concludes that up to 60 police officials be prosecuted for murder.

"Below you (on the list) will be the TRT (police tactical response team) shooters and above you are some of the most senior people, going right up, whom at this stage I am not at liberty to mention.

"Not you alone. Our list now is at about 60 and you will be somewhere around accused number six," he said.

Calitz, however, insisted that all evidence indicated there was no "element of murder".

"I did not have such an intention. It was a tragic event which should not have happened. I have a lot of feeling for the people whose loved ones died."

Calitz continued to defend himself: "I can only say I differ totally from what you are saying. The murders you are speaking about are (recorded) clearly on video.

"No instructions were given there and that is referred to as self-defence."

The commission, led by retired judge Ian Farlam, is probing the deaths of 44 people in Marikana.

On August 16, 2012, 34 people were shot dead and 78 wounded when police fired on a group.

In the preceding week, 10 people, including two policemen and two security guards, were killed in strike-related violence. – Additional reporting by Sapa

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Call to charge police over deaths of miners

LAWYERS will recommend that 60 people must be charged with murder in connection with the Marikana massacre, the Farlam Commission of Inquiry heard yesterday.

Dali Mpofu SC, representing the wounded and arrested Lonmin miners at the inquiry, told police officer Brigadier Adriaan Calitz that all officers who fired at the protesters should face consequences.

“For the reasons that we canvassed last week, we will recommend that you and others ought to be charged with the murders of all 34 persons. Not you alone. Our list now is at about 60, and you will be somewhere around accused number six,” Mpofu said.

“Below you (on the list) will be the TRT (police Tactical Response Team) shooters and above you are some of the most senior people, going right up, who at this stage I am not at liberty to mention.”

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which should not have happened. I have a lot of feeling for the people whose loved ones died. I acted to the best of my knowledge to conduct this operation successfully.”

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“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.”

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“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,” said Calitz.

The commission, led by Ian Farlam, a retired judge, is probing the deaths of 44 people in Marikana. On August 16, 2012, 34 people, mostly striking miners, were shot dead. They were trying to disperse and disarm them. In the preceding week, 10 people were killed in strike-related violence. – Sapa

‘Charge Marikana police’

A TOTAL of 60 police officers involved in the Marikana massacre should be charged with murder.

This was the submission made by advocate Dali Mpofu, representing the victims at the Marikana Commission yesterday.

Mpofu suggested that Police Minister Nathi Mthethwa and national police commissioner Riah Phiyega

should be charged for the deaths of 34 miners who were shot and killed by police on August 16 2012.

On Tuesday, Mpofu called for murder charges for Brigadier Adriaan Calitz, who was the commanding officer on the day of the massacre. Calitz said the group had attacked the police at the koppie.
— *Vusi Xaba*