

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

THE HONOURABLE MR JUSTICE FARLAM (RETIRED) - CHAIRPERSON
MR TOKOTA SC
MS HEMRAJ SC

HELD ON

DAY 5 29 OCTOBER 2012 PAGES 359 TO 489

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



© REALTIME TRANSCRIPTIONS

64 10th Avenue, Highlands North, Johannesburg
P O Box 721, Highlands North, 2037
Tel: 011-440-3647 Fax: 011-440-9119 Cell: 083 273-5335
E-mail: realtime@pixie.co.za
Web Address: <http://mysite.mweb.co.za/residents/pak06278>



Page 359

1 [PROCEEDINGS ON 29 OCTOBER 2012]
 2 [09:06] CHAIRPERSON: The Commission resumes.
 3 Before we commence with the main proceedings this morning,
 4 there are three aspects that I think should be dealt with
 5 at outset. The first relates to the question of the
 6 transportation and accommodation of the deceased's families
 7 who wish to be present at the hearings of the Commission.
 8 The second issue relates to certain requests that were made
 9 in relation to legal aid and the third relates to the
 10 arrests of certain persons who were in attendance on
 11 Tuesday, by the police, which have led to complaints that
 12 the work of the Commission is being prejudiced and that
 13 certain action should be taken in consequence thereof.
 14 Mr Madlanga, are you able to deal with those
 15 three aspects, that's beginning with the transportation and
 16 accommodation of the families first?
 17 MR MADLANGA SC: Thank you Chairman,
 18 Commissioners. On the question of the funding of the
 19 attendance of the families, I was called by Mr JB Skosana
 20 of the Department of Justice at quarter past eight this
 21 morning. He advises that they are pushing for an amendment
 22 of the regulations to provide something that goes along the
 23 following line or lines – I'm paraphrasing of course. It
 24 will provide that the Department will fund those families
 25 that are willing to attend the Commission hearings. I

Page 360

1 asked him what the practical value of that would be
 2 because, in my view, I don't think any of the families were
 3 forced to attend, only those who wanted to would have
 4 attended in the first place. He said that there is no
 5 statutory basis as of now for the Department to fund the
 6 attendance of the families and that the amendment would
 7 serve the purpose of a statutory provision for the funding.
 8 And he said that they are pushing for this to be finalised
 9 today. I then asked him how soon would they be in a
 10 position to then fund the attendance of the families. He
 11 said that would happen soon after the amendment.
 12 Then on the question of legal aid, I was
 13 contacted by Mlambo, JP who chairs Legal Aid South Africa
 14 and he raised certain questions with us, the evidence
 15 leading team. We responded to those. Those questions
 16 related to the funding of Mr Mpofo's clients. We responded
 17 to the questions that he was raising and he contacted me in
 18 the evening yesterday and said that they are going to have
 19 a teleconference as the board of Legal Aid South Africa and
 20 that they will revert to me either this afternoon or early
 21 evening today.
 22 Insofar as the families of the deceased Lonmin
 23 security guards are concerned, he said that they want to
 24 treat those similarly as they have done with the families
 25 of the deceased people, the families that are being

Page 361

1 represented by Mr Ntsebeza. They want to treat those in
 2 the same manner but he said that there are certain
 3 formalities that have to be met.
 4 I have already spoken to Mr Rampile who is
 5 representing the families of the deceased Lonmin security
 6 guards and I've already given him the name of the contact
 7 person that he must sort out those formalities with, so
 8 that one seems on course, Chairperson.
 9 CHAIRPERSON: Thank you, Mr Madlanga.
 10 MR MADLANGA SC: Then on the last issue,
 11 the arrests, what one gleans from the correspondence
 12 received from SAPS is that, amongst others, SAPS is saying
 13 we are entitled to exercise our rights, if not obligations
 14 or responsibilities, to arrest whoever we have a reasonable
 15 suspicion of having committed an offence. No-one can
 16 quarrel with that, I accept that without any reservations,
 17 they do have that right.
 18 The second point they make is that to divulge
 19 information relating to the arrests may be disadvantageous
 20 to the process of investigations which are at a sensitive
 21 stage at this moment. I would want to take issue with that
 22 and the submission I would make in that regard is that,
 23 one, I do not believe that SAPS or at least my colleagues
 24 on the other side representing SAPS, are not going to trust
 25 the Commission if the Commission were to take the stance

Page 362

1 that we, as the Commission, are going to treat the
 2 information that you divulge to us as the Commission
 3 confidentially. If they were to say that they would
 4 distrust the Commission, I would be quite surprised. I
 5 doubt that they will say so and I would urge that that
 6 information be availed to the Commission and the reason why
 7 that should be done is because a point has been made that
 8 Mr Dali's clients - or indeed even the legal
 9 representatives themselves, Mr Dali Mpofo included – are of
 10 the view or perception or belief that the arrests are in
 11 fact taking place in order to thwart the endeavours of Mr
 12 Dali Mpofo's clients in the presentation of their case
 13 before this Commission.
 14 This Commission can only be in a position to test
 15 that contention, that belief, that perception, if it is
 16 given an opportunity to have sight of the contents of the
 17 docket to see whether indeed, at least on the basis of what
 18 is contained in there, there was a basis for a reasonable
 19 suspicion and therefore a basis for the arrests.
 20 Those would be our submissions on the three
 21 matters, Chairperson.
 22 CHAIRPERSON: Yes, thank you very much.
 23 MR MADLANGA SC: Thank you.
 24 CHAIRPERSON: Mr Madlanga, you indicated
 25 that you wanted to say something else.

Page 363

1 MR MADLANGA SC: Yes, yes, Chairperson.
 2 It's something unrelated to the issues that the Commission
 3 has raised. Last, on the last occasion the Commission sat
 4 it was brought to my attention by one of my learned
 5 juniors, Mr Matthews Mojapelo behind me, that the gentleman
 6 standing there with a camera is recording or is doing a
 7 video recording of the proceedings on behalf of the South
 8 African Police Service. We spoke to him as soon as the
 9 matter had been brought to my attention and asked him to
 10 move away from where he is. We are not making a point that
 11 he should not do what he is doing, but the point is we turn
 12 to the back, we talk to our juniors at the back and some of
 13 what we're saying as counsel is confidential and he just
 14 refused to move. He said let me do my duty and you do
 15 yours. And despite us saying, do your job but do not do it
 16 here, he just would not budge and he even made a point
 17 which I think is quite ridiculous, that his microphone does
 18 not capture what we say here but that it only captures what
 19 comes through the speakers. And, and more importantly than
 20 what I've said thus far, my learned junior Mr Mojapelo said
 21 the day before, that is the day before I actually spoke to
 22 him, the gentleman doing the video recording, the day
 23 before he said to him, "I focused my camera on your screen
 24 and I videoed what you have or you had on your computer
 25 screen, I hope you don't mind." That, he said so according

Page 364

1 to Adv Mojapelo in so many words. He is refusing to move
 2 and we totally object to him standing where he is. If he
 3 must record, and he said he is doing it for the National
 4 Commissioner of Police, if he must do what he's doing, he
 5 must do it elsewhere, Chairperson. Thank you.
 6 CHAIRPERSON: Yes, I take it he hasn't
 7 got media accreditation. Those who have got media
 8 accreditation have got certain privileges and access to
 9 places, facilities here, which ordinary members of the
 10 public have not got. So he's here, I take it, in his
 11 capacity as a member of the public. I'm not sure that
 12 members of the public have got the right to do the things
 13 that you say he's doing but perhaps then we must Mr Semenya
 14 to comment on what you've said on this issue before we deal
 15 with the other three issues.
 16 MR SEMENYA SC: Chairperson, it was
 17 earlier brought to my attention and I raised it with client
 18 that that ought not to happen. There shouldn't be any
 19 reason why he cannot be positioned differently and still
 20 have that capturing – I think we do have some accreditation
 21 but there's no basis for him to do it in the manner that is
 22 being complained about.
 23 CHAIRPERSON: Can I ask, where was he
 24 positioned?
 25 MR MADLANGA SC: He has always been there

Page 365

1 where he is and that is why he was able to even video Adv
 2 Mojapelo's, what was showing on his laptop.
 3 CHAIRPERSON: He is the gentleman in the
 4 blue coat? Is that –
 5 MR MADLANGA SC: Yes, Chairperson.
 6 CHAIRPERSON: Well, Mr Semenya, he is
 7 where he was before, in the position which is the subject
 8 of objection. Inasmuch as he is part of the staff of your
 9 client, would you tell him to do what you agreed is
 10 appropriate and remove himself from where it is agreed it
 11 is inappropriate that he should be.
 12 MR SEMENYA SC: I see he is obliging.
 13 CHAIRPERSON: Thank you. Without
 14 anything being said by you, Mr Semenya, he has done what
 15 you wanted to tell him to do. I think that the
 16 representatives of the police should remember that the
 17 Police Service is in the frame as much as certain other
 18 organisations and parties are and it behoves them to behave
 19 appropriately. I hope it will never be necessary for this
 20 kind of problem to be dealt with again.
 21 We now move, I think, to the first issue that was
 22 the subject of report from Mr Madlanga, namely the
 23 transportation and accommodation of the families and that I
 24 know is a matter with which Mr Sibizo - was involved. Is
 25 there anything you wish to say in the light of what Mr

Page 366

1 Madlanga has told us?
 2 MR NTSEBEZA SC: Yes thank you, thank you
 3 Chairman, thank you Commissioner. Mr Chairman, the first
 4 thing that we would like to record is the mixed message.
 5 First of all, I accept what Adv Madlanga has put before you
 6 on record. I accept it on the basis that he's telling us
 7 what he was told by Mr Skosana. What I am unable to
 8 reconcile is what he has told you on record here as
 9 emanating from Mr Skosana, with what Mr Skosana has been
 10 reported throughout the weekend in the mass media to have
 11 been saying. It prompted a reaction from those who
 12 instruct me, the Socio-Economic Rights Institute, and that
 13 reaction was one of amazement and disgust because he is
 14 reported to have said the following, 1. that the
 15 Department of Justice and Constitutional Development is
 16 going to discontinue financial support aimed at enabling
 17 the families of the deceased to attend the hearings at the
 18 Marikana Commission of Inquiry. That has been carried in
 19 the mass media throughout the weekend and it was attributed
 20 to him.
 21 What also hurt our clients was the fact that he
 22 is reported to have also stated that most or all of the
 23 families that they presumably contacted in this regard had
 24 stated that the money that would be used to transport them
 25 and accommodate here, accommodate them here, would rather

<p style="text-align: right;">Page 367</p> <p>1 be used or be paid to them because there will be a great 2 deal of costs to transport them here. And he implied that 3 none of the families, including our client, actually wished 4 to attend the Commission, which is why one can make, can 5 understand what Adv Madlanga has stated, namely that they 6 want now to effect this statutory amendment of the 7 regulations.</p> <p>8 So our submission is that we are not able to 9 accept the veracity of what Mr Skosana has said because it 10 is at odds with what he has stated publicly and therefore - 11 I don't know whether Mr Chairman you wanted to – oh okay. 12 [09:26] So we take the view therefore that, on our 13 instructions – and we are in constant contact, my attorney 14 throughout the weekend has been working with the families – 15 we told you and your commissioners, with respect, that the 16 families want to attend, that the families have never 17 expressed a desire not to attend and that in any event, in 18 our submission, it would be their right to attend an 19 inquiry that seeks to establish how their relatives were 20 killed. It doesn't have to be articulated in 21 constitutional rights terms, it doesn't have to be 22 articulated in legal bases, it is just a natural thing that 23 one would expect should be happening. But if it is so that 24 we must articulate it on a legal basis, then we will notice 25 of dispute that is why, therefore, our submission Mr</p>	<p style="text-align: right;">Page 369</p> <p>1 right to be here, to hear for themselves how that is going 2 to turnout. I am not trying to be difficult, Mr Chairman, 3 we have tried everything in our power all the time to make 4 sure that something must be done, but this is critical. We 5 are seeking to establish from a witness who, in his 6 statement, says he was called by a brigadier to get onto a 7 chopper to go and record an operation. And that is the 8 operation from what happened, the deaths of our clients' 9 relatives.</p> <p>10 CHAIRPERSON: Mr Ntsebeza, I just want to 11 interrupt you at this stage. It seems to me that the 12 question of a possible postponement may well arise in 13 respect of one or other of the other aspects as well, so 14 perhaps we can deal with the aspects in the absence of the 15 question of whether they lead to a postponement at first. 16 And then if there's going to be a postponement application 17 or a series of postponements applications, they can be 18 dealt with conveniently together. So forgive me for 19 interrupting you but would you agree that that's the best 20 way of going forward at this stage?</p> <p>21 MR NTSEBEZA SC: Yes, I do. I just 22 wanted to indicate, Chairman, that we have a difficulty as 23 things stand to accept, certainly on our instructions, the 24 veracity of what has been said. We are now told that there 25 was no statutory basis for the funding of the families and</p>
<p style="text-align: right;">Page 368</p> <p>1 Chairman is that until the families are here, until they 2 are here because they have told us they want to be here, it 3 would be improper for the Commission proceedings to 4 proceed.</p> <p>5 If, as Mr Skosana has indicated, the regulation 6 will have been promulgated by today and that everything 7 would have been done to enable and facilitate the presence 8 of the families tomorrow, then let's wait for tomorrow and 9 see what happens tomorrow. I say so because on our 10 instructions, our clients were here when Mr, Colonel Botha 11 was testifying. They are keen to know what it is that Mr 12 Botha is going to say further. He was cross-examined by a 13 whole range of people, he was cross-examined closely by 14 some of those who represent AMCU, Adv Bruinders, very 15 closely by Adv Bizos, very closely by the Chairman of the 16 Commission – indeed the Chairman of the Commission enquired 17 from me as to whether I want to cross-examine him and I 18 said, in view of the issues that have been raised by some 19 of those who put questions, including the Chairman of the 20 Commission, I would like to consider a process of 21 approaching his evidence.</p> <p>22 Now, we know because of the relationship that we 23 have with our clients, that they are interested in the 24 developments that will ensure in the further cross- 25 examination of Colonel Botha and they feel that they have a</p>	<p style="text-align: right;">Page 370</p> <p>1 these families were here and the last time that they were 2 here, they were brought because we have said they ought to 3 be brought and we were made to believe that there is a 4 basis for them to be brought here. They were made to 5 believe that there is a basis – they even were told that 6 only one member per family will be allowed to come.</p> <p>7 CHAIRPERSON: Yes, no, we know that, Mr 8 Ntsebeza. I don't know that we need to spend time further 9 on that aspect of the matter. If the regulation is 10 forthcoming today or even early tomorrow, then what you 11 said in this regard will have been rendered academic.</p> <p>12 MR NTSEBEZA SC: Yes.</p> <p>13 CHAIRPERSON: But anyway, we can get 14 there when we get there, if –</p> <p>15 MR NTSEBEZA SC: Yes.</p> <p>16 CHAIRPERSON: Any of the other counsel or 17 representatives –</p> <p>18 MR NTSEBEZA SC: Can I just say?</p> <p>19 CHAIRPERSON: - finish.</p> <p>20 MR NTSEBEZA SC: I thought I could say 21 something else also about – there are three aspects that 22 you wanted attention to be drawn to, the first one I've 23 just dealt with. The second one is legal aid and I think 24 whilst it is so that we have been, that Socio-Economic 25 Rights Institute have been provided legal aid by the Legal</p>

Page 371

1 Aid Board, there is a cloud that has never been uncovered
 2 about what that means and it is because it is now
 3 important, critically important now, some things must be
 4 called by their names. There will always be a view that
 5 now the families are properly represented and are equally
 6 represented. The truth of the matter is that Legal Aid has
 7 committed itself to fund one silk for 20 days for the
 8 entirety of your sitting here as a Commission, 40 days for
 9 juniors. Adv Bruinders and I are briefed to be here in
 10 this Commission to – and we will be paid only for our
 11 appearances here. You know as well as I do that a lot of
 12 work happens in preparation, consultations and all of that.
 13 We don't get paid for that. In fact, Adv Bruinders and I
 14 have donated our time and preparation for the entirety of
 15 the month of September that we were engaged. So there
 16 shouldn't be this illusion that there's – I for one am very
 17 grateful, Judge Mlambo is a person that I have a great deal
 18 of respect for but there shouldn't be created an illusion
 19 that at least now the families are properly represented.
 20 They are not even equally represented. Those silks who
 21 come into this team like Adv Bruinders, are people who
 22 should be asked whether they do not need their heads to be
 23 examined because it is unsustainable that anyone, even with
 24 the greatest or the largest of hearts, that any advocate
 25 would be able to spend the length of time that it is

Page 372

1 expected of us to spend here, to consult, to prepare, to go
 2 all, through all these reams of documents and electronic
 3 versions of documents and all that to be donated pro bono.
 4 We also, I mean I donate and I'm sure Adv Bruinders does
 5 so, we do a lot of work for pro bono. We do it because we
 6 want to do it, but it is unsustainable for purposes of this
 7 Commission and I have indicated to your, to the Commission
 8 and to you Mr Chairman, 20 days for me, 40 days for
 9 juniors. What happens thereafter?
 10 So the question again, if we were to go elsewhere
 11 – we are not talking here about other people in your
 12 Commission being dealt with on a Cinderella basis, we are
 13 talking here about the equity, the morality that says in
 14 order for me to get to the bottom, me and my commissioners
 15 to get to the bottom of the truth of what happened here,
 16 there needs to be a reasonable equality of alms that will
 17 afford those who represent those who are affected by the
 18 terms of reference of the Commission, to effectively deal
 19 with the issues that come before them. If it is – what is
 20 sauce for the gander should be sauce for the goose. I can
 21 do with another silk, I can do with another senior/junior,
 22 but we can't do that and I'm simply saying, we therefore
 23 need to say the fact that we have been funded to the extent
 24 that we have – and we are grateful for that – should not
 25 obscure the real issue. The real issue here is, your

Page 373

1 Commission should enquire equality of alms.
 2 Mr Dali Mpofo will deal with the other issues of
 3 arrests and again to some extent –
 4 CHAIRPERSON: I think we will stay with
 5 the first issue, namely the transportation and
 6 accommodation of the families', before we move onto the
 7 other issues. Do any of the representatives of any of the
 8 parties wish to say anything about the transportation and
 9 accommodation of the parties in the light of the statement
 10 which, speaking for myself, I'm inclined to accept that Mr
 11 Skosana told Mr Madlanga that he was busy with an amendment
 12 to the regulations.
 13 MR BIZOS SC: Perhaps we should listen to
 14 what Mr Mpofo has to say as well, because we want to
 15 address the Commission on both issues and very briefly what
 16 we want to say to the Commission is that we appeal to all
 17 of us here to seriously consider that almost a month after
 18 this Commission started, we have dealt with half a witness
 19 and this is something which is –
 20 CHAIRPERSON: I'm sorry to interrupt you,
 21 Mr Bizos, I thought you wanted to say it after Mr Mpofo has
 22 spoken.
 23 MR BIZOS SC: Yes.
 24 CHAIRPERSON: Perhaps if you say it when
 25 you say it and don't say it before you're going to say it,

Page 374

1 if you know what I mean.
 2 MR BIZOS SC: I will contain myself until
 3 then, Mr Chairman.
 4 CHAIRPERSON: Mr Mpofo?
 5 MR MPOFU: Thank you very much,
 6 Chairperson, and honourable commissioners. Chair, I just
 7 want to say that we, Mr Madlanga correctly, in referring to
 8 the arrests –
 9 CHAIRPERSON: I'm sorry Mr Mpofo, I want
 10 to hear counsel at the moment on the question of the
 11 transportation and accommodation of the families.
 12 MR MPOFU: Oh yes –
 13 CHAIRPERSON: I can deal with the other
 14 questions later, but it would be easier if we deal with
 15 them seriatim, as it were, one by one. Have you anything
 16 to say on that issue?
 17 MR MPOFU: Yes. Chair, all I want to say
 18 on that issue is that we support Mr Ntsebeza's submission
 19 and our understanding, if there's a legal basis that is
 20 needed, allow Mr Sibanyoni – the only legal basis can only
 21 be the fact that an undertaking or promise or whatever you
 22 call it, was made to the families that they would be here
 23 for the duration and I don't know what – number 1. Number
 24 2, if they're saying that they want to make amendments to
 25 the regulations, that can only mean that as the regulations

<p style="text-align: right;">Page 375</p> <p>1 stand now, the families are allowed to be here. Thank you, 2 Chair.</p> <p>3 CHAIRPERSON: Do any of the other 4 representatives representing other parties wish to say 5 anything on the first aspect, that is to say the 6 transportation and accommodation of the families?</p> <p>7 MR BURGER SC: Mr Chairperson –</p> <p>8 CHAIRPERSON: It's Mr Bruinders? Mr 9 Bruinders, is it?</p> <p>10 MR BURGER SC: It's Mr Burger on behalf 11 of CASAC.</p> <p>12 CHAIRPERSON: Sorry Mr Burger, I couldn't 13 see you unfortunately –</p> <p>14 MR BURGER SC: I'm in the back row.</p> <p>15 CHAIRPERSON: You're fortunate not to be 16 in the front row, or perhaps the good fortune not to be in 17 the front row. Yes, please proceed.</p> <p>18 MR BURGER SC: Thank you, Chairperson. 19 I'd just like to place on record that CASAC shares the 20 concerns that have been raised by Mr Ntsebeza and that in 21 fact a letter was sent to yourself as Chairperson of this 22 Commission yesterday. I'm advised that Adv Malunga said it 23 would be forwarded to you. The letter was also sent to the 24 evidence leaders.</p> <p>25 CHAIRPERSON: Yes, it was. I received it</p>	<p style="text-align: right;">Page 377</p> <p>1 CHAIRPERSON: I'm sorry, Mr Mpofo, but it 2 may be that the Legal Aid Board will come to your 3 assistance –</p> <p>4 MR MPOFU: Well –</p> <p>5 CHAIRPERSON: So at this stage we don't 6 know what they're going to do, so what I was suggesting to 7 you was that we must surely wait to hear what the decision 8 of the Legal Aid Board is going to be, before we take it 9 further, otherwise you are shooting at a moving target 10 which may not be in position by the time your bullets are 11 expected to take effect.</p> <p>12 MR MPOFU: No, unfortunately now our 13 situation, Chair, the target is already dead because they 14 have already shot at us. We received a letter last week 15 that said in no uncertain words that they're not going to 16 fund us.</p> <p>17 [09:46] CHAIRPERSON: I understood that that's 18 the subject of what Mr Madlanga spoke to Judge Mlambo about 19 and that's what they're going to have the conference about. 20 As I understand, as of last week you've been -</p> <p>21 MR MPOFU: Yes.</p> <p>22 CHAIRPERSON: - turned down.</p> <p>23 MR MPOFU: Yes.</p> <p>24 CHAIRPERSON: But I understand from what 25 Mr Madlanga said, that that may not be the position at the</p>
<p style="text-align: right;">Page 376</p> <p>1 yesterday.</p> <p>2 MR BURGER SC: Thanks very much, I just 3 wanted to put that on record.</p> <p>4 CHAIRPERSON: I think we can move on then 5 to the second aspect which was the subject of discussion, 6 namely the application for legal aid. It sounds as if 7 that's sub judice, if one remembers the Chairman of the 8 Legal Aid Board is a judge. We will only hear presumably 9 late this afternoon or we will hear tomorrow morning what 10 the outcome is in that regard, but does anyone wish to say 11 anything further on that at the moment while we are 12 stilling waiting to hear what the Legal Aid Board has 13 decided?</p> <p>14 MR MPOFU: Chairperson, as you know, we 15 are in a worse position than even Mr Ntsebeza's sorry state 16 and Chairperson, we want to emphasise just one thing here 17 which is the fact that, as you said, this Commission is not 18 essentially an adversarial process, it is a process of fact 19 finding and we cannot understand how it is that anybody 20 thinks that that, the establishment – or rather the 21 establishment of the truth, which is what we all seek, can 22 ever be attained by listening only to one side of the story 23 - because that is the logical outcome of what is now being 24 engineered by only funding the alleged perpetrators and not 25 the victims. Because -</p>	<p style="text-align: right;">Page 378</p> <p>1 end of today when we hear what the Legal Aid Board decides 2 after this Chile conference which is to take place.</p> <p>3 MR MPOFU: No, I accept that.</p> <p>4 CHAIRPERSON: That's the point I'm 5 putting to you.</p> <p>6 MR MPOFU: No, I accept that, Chair. 7 Then the only point I seek to make is that I don't want 8 this debate to be just about the Legal Aid Board. 9 Chairperson, you'll remember that when we raised this 10 initially, our point was that if there is what I now 11 understand to be R75 million which was set out, set aside 12 for this Commission, then that – the victims are equally 13 entitled to be funded on the same basis as everybody else. 14 I don't think there's a taxpayer worth his salt who would 15 say that the taxpayers' money should only be used for what 16 I call the alleged perpetrators, and that – so the legal 17 aid issue was always a fall-back position which as such was 18 set by Mr Madlanga, but our primary complaint is that we 19 should be treated like everybody else.</p> <p>20 CHAIRPERSON: Yes, we hear you. Does 21 anyone wish to say anything further on the second aspect 22 and that is to say the legal aid aspect? I'll give Mr 23 Madlanga a chance to reply on all three aspects when we've 24 finished. Right, we now move onto the third one and that's 25 the question relating to the arrests which Mr Madlanga</p>

Page 379

1 dealt with. Do any of the representatives of the parties
2 wish to say anything about that?

3 MR SEMENYA SC: Chair –

4 CHAIRPERSON: Mr Semenya, I see you've
5 turned your microphone on.

6 MR SEMENYA SC: Yes. Chair, when the
7 request was made, the nature of access requested was
8 broader than what Mr Madlanga now says it is. Without
9 conceding that they have a right of access to the docket,
10 my instructions are that just so that we can dispel any
11 thought that there is any form of impropriety, we will give
12 access to the evidence leaders to view the contents of the
13 docket and to satisfy themselves, also to talk to the
14 Brigadier Van Zyl, just so that they can authenticate the
15 basis in law for the arrest of these individuals.

16 CHAIRPERSON: Thank you, Mr Semenya. Any
17 of the representatives of the parties? I see Mr Bruinders
18 has left his seat and is talking to Mr Mpofo. Do you wish
19 to speak on this point, Mr Bruinders, or – it may be that
20 both of you want to speak. Do you want a short adjournment
21 so you can take instructions, so you don't have to take
22 instructions in front of everybody while we're sitting?

23 MR MPOFU: Thank you, Chair. May I –
24 thank you. Chairperson, I just want – let me start with
25 this last aspect so that we get it out of the way. This is

Page 380

1 not about dockets. By the time we get to dockets, you
2 know, all the damage has already been done. We happen to
3 have access to some of the charge sheets and I will refer
4 to them, but in any event I don't see how a perception of
5 impropriety which is held by our client can be cured by
6 giving access to the docket to Mr Madlanga. The issue here
7 is that these people are represented, the police know that
8 they are represented and all these arrests have been
9 effected without informing us, as much as just informing
10 us, but even when we make enquiries we get sent from pillar
11 to post.

12 This is the issue, Chair. Since, if you include
13 the first break and this last short break that we've had,
14 we have had not less than six and perhaps seven people
15 arrested at different twists and turns. The last four came
16 on Tuesday when we had called people to come here and, as
17 they were leaving, they were stopped, manhandled, made to
18 lie on the ground at night and then taken to – at least
19 four of them were arrested and taken to four different
20 police stations. So the perceptions that we have here are
21 not unfounded and unreasonable.

22 We could not understand, we thought that this was
23 intended to make us run from police station to police
24 station, which we ended up doing anyway. As I'm speaking
25 to you now, Chairperson, two of my attorneys are not here –

Page 381

1 one is attending to bail applications here in Rustenburg
2 for those four, another one is attending to a bail
3 application in Ga-Rankuwa for somebody who was subsequently
4 arrested, I think on Thursday – on Wednesday. This is on
5 top of the person that we had already requisitioned to come
6 here today that we had discussed on Tuesday, who was going
7 to assist us with the cross-examination of the Colonel and
8 we've now learnt that despite the fact that we had
9 requisitioned that person, he has also not been brought
10 here today.

11 So that almost talks to the question of the
12 postponement, even though we have not come to that, Chair,
13 because our own cross-examination, we hope to facilitate it
14 by consulting with him quickly so that by the time we start
15 or ask for a short adjournment, so that by the time – we
16 don't waste the time of the Commission.

17 Now what happened, Chair - and I'm not going to
18 give you the blow by blow, I'm just giving you the
19 highlights – on Friday, this Friday, we brought a bail
20 application. We brought a bail application in relation to
21 the four that I referred to and what subsequently happened,
22 if we – if anyone wants to dispel our perception that this
23 is meant to circumvent our participation in this Commission
24 then they have to explain this. Maybe before I say what
25 happened on Friday, I must say that the four people were

Page 382

1 charged with murder that had occurred on the 12th of August.

2 CHAIRPERSON: Yes.

3 MR MPOFU: So that leaves it without
4 doubt that those are matters that are covered by this
5 Commission and we raised this issue in court. Also the
6 bail application, or rather the people were brought to bail
7 after the 48, the statutory 48 hours, and so we raised
8 those two issues in the bail application.

9 The magistrate agreed with both submissions that
10 we made there and her ruling was the following. "In terms
11 of section 35(1)(d) emphasis to within 48 hours, not after
12 expiry only, state advanced no reason for delay." In other
13 words for not doing it within the 48 hours. This is a
14 cryptic note that she made. 2, she said, "The matter is
15 struck pending the outcome of Commission of Inquiry." This
16 was in response to the fact that we said that this matter
17 was covered by the outcome of this inquiry. And 3, "All
18 four accused to be released from custody without delay."

19 So this was a court order from a judicial officer
20 and this is what happened. Within minutes of this, when
21 our attorneys went down to the cells to release, to take
22 the people out, they were refused and the people were
23 rearrested and we were told that this was on the
24 instructions of the NDPP or rather the DPP. I'm not sure
25 whether it was the national one or the provincial one. I

<p style="text-align: right;">Page 383</p> <p>1 hope it was the national one because if it was the 2 provincial one, then this would mean it was the same 3 geniuses who charged these people with the murder of their 4 own colleagues.</p> <p>5 So what we have here, Chair, is that – there are 6 two major complaints that we have. Not only does this 7 deprive us of the witnesses that we have brought there 8 obviously because they are needed, but what it has done now 9 is to instil a reign of terror among potential witnesses 10 because I cannot now, with a straight face, say to other 11 people in Ikaneng or the surrounding areas, “Oh, don’t 12 worry, I’ve organised a Combi for you, you can come to the 13 Commission next week” – because they’ll say, “Are you out 14 of your mind? Must I go there and make myself cannon 15 fodder for arrest like it happened to so-and-so and so-and- 16 so?” So it’s much wider than the people who have been 17 arrested.</p> <p>18 It will literally hamper our participation in 19 this Commission and that, Chair, happens in the background 20 of the following facts and as I alluded to earlier – the 21 people that we represent, Chair, are the only people who 22 are capable of giving this Commission a version of what 23 happened, other than the version of the police. There is 24 no-one else. By definition, the mere fact that they were 25 injured at the scene, they were arrested at the scene, then</p>	<p style="text-align: right;">Page 385</p> <p>1 charged for the murders that happened during the period 2 that is being investigated here, then there is no basis for 3 not arresting the policeman who did, who also did the – who 4 at least at a prima facie level shot our people and 5 committed what in our view, also a criminal act.</p> <p>6 And I just want to make the following last point, 7 Chair. We must never be heard here –</p> <p>8 CHAIRPERSON: I’m sorry, doesn’t it 9 depend upon which murders are the subject of the arrests? 10 I can understand in relation to the 16th. There are two 11 contrasting versions. Your clients say they were attacked 12 by the police while they were, as I understand their 13 argument is, they were lawfully proceeding to the informal 14 settlement beyond the point where the police were stationed 15 and they were attacked.</p> <p>16 MR MPOFU: Ja. 17 CHAIRPERSON: The police say the other 18 way round, these people were coming to attack them and they 19 defended themselves. Now that, I can understand that’s 20 very much a matter to be decided by the Commission.</p> <p>21 MR MPOFU: Ja. 22 CHAIRPERSON: But if – and I don’t know 23 whether this is so, I ask the question.</p> <p>24 MR MPOFU: Yes. 25 CHAIRPERSON: If the murders in respect</p>
<p style="text-align: right;">Page 384</p> <p>1 it means by definition they were eye witnesses to at least 2 some of the things that happened there. As I pointed out 3 last week, Mr Ntsebeza’s clients are deceased. So the 4 arrested and the injured are the only people who can assist 5 us.</p> <p>6 Now, that is so much so that the evidence 7 leaders, and I’m sure they won’t mind me saying this, had 8 already approached us to say whether we would mind bringing 9 our witnesses first after this, so that that perspective is 10 put into the Commission. And we had not yet agreed but we 11 were in negotiations because we understood why they asked 12 us to do that, because it’s the only grouping that can 13 provide that.</p> <p>14 Now if, for a period of the time we were running 15 from pillar to post making bail applications and not even 16 able to use the non-existent resources at our disposal, 17 then how are we going to be in a position to bring people 18 here, firstly because of our own capacity but also because 19 of their own fears of being brought here. That means our 20 participation is being rendered completely blunt, 21 Chairperson.</p> <p>22 The second complaint which is the substantive 23 matter of the issue of equality that we raised on the 24 constitutional basis and I know I’ve raised this before but 25 I just want to re-emphasise it. If these people are being</p>	<p style="text-align: right;">Page 386</p> <p>1 of which the arrests were taking place are different, for 2 example there was a witness who pointed out spots at the 3 inspection in loco who has subsequently been murdered. Now 4 this Commission is not going to decide whether his killing 5 amounted to a murder or a justifiable homicide. That’s not 6 one of the issues.</p> <p>7 MR MPOFU: Mm. 8 CHAIRPERSON: And if the police have – if 9 they have reasonable suspicion that someone has committed 10 that murder, the fact that this Commission is sitting to 11 decide what, other issues, wouldn’t prevent, if the 12 circumstances were appropriate, an arrest. So we would 13 have to know what the murders are that you’re talking 14 about, in respect of which these arrests took place but 15 perhaps we can get Mr Semanya to tell us that in a moment. 16 I’m sorry to have interrupted you but –</p> <p>17 MR MPOFU: No, no Chair – 18 CHAIRPERSON: It seems to me to be a 19 point that we just bear in mind.</p> <p>20 MR MPOFU: Thank you, Chair. No, you 21 make a very valid point, Chair, and it will assist to focus 22 what I’m saying. Of course, the murder of Mr Daluvuyo 23 Bongo which you have alluded to is a matter, firstly, that 24 falls outside of the terms of reference of this Commission. 25 So it is distinguishable on that basis alone. What I’ve</p>

<p style="text-align: right;">Page 387</p> <p>1 just said, Chair, is that the murder for which the four 2 people have been charged, according to the charge sheet 3 here in front of me, happened on the 12th of August 2012. 4 So that's a different matter. In other words these murders 5 that are referred to here fall squarely within the terms of 6 reference. I accept the fact that they did not happen on 7 the 16th but the point I'm trying to make – 8 CHAIRPERSON: I'm sorry to interrupt you. 9 The point I'm making went further than that, that I'm not 10 sure whether it is intended that killing him on the 12th, if 11 someone was killed on the 12th – two people I think were 12 killed – I'm not sure whether it can be contended that 13 those killings were justifiable, didn't constitute crimes. 14 The question may well be, who committed the crimes, who 15 killed the people? But that also is not necessarily a 16 matter which this Commission will be called upon to decide 17 on, so it's not just that we're confined to what happened 18 on the 16th. If what was patently a murder took place on 19 the 12th and if the police have evidence which gives rise to 20 reasonable suspicion as to the identity of the murderer, 21 then prima facie I don't think the fact that this 22 Commission is sitting would preclude them from making an 23 arrest, provided it was a bona fide arrest and wasn't in 24 fact done for the ulterior motive which you've suggested. 25 I'm sorry to interrupt you.</p>	<p style="text-align: right;">Page 389</p> <p>1 issue and the point I wanted to make further, it is clear, 2 we are not saying that the murders – what Mr Rampile was 3 saying – the murders of the people that happened before the 4 16th are equally reprehensible, like any other murder. So 5 that must be made clear. We must never be heard to be 6 saying there's some murders that are bigger than others. 7 That is not what we're saying, but what we're saying is 8 that insofar as those murders can be called criminal 9 activities on behalf of the unknown murderers - and we 10 resist the temptation that is bandied about that it means 11 that those people who were killed by the 3 000 people who 12 were sitting at the koppie, or 300 of our clients who were 13 arrested – that we reject with the contempt it deserves. 14 But we are saying that – and we are not even saying, Chair, 15 that if the police know that Mr X who is one of the 270 was 16 involved in the murder of the 12, that they should sit and 17 do nothing. 18 [10:06] Surely there must be something that is less than 19 the drastic steps that are being taken which have a result 20 of hampering our participation in the commission of 21 Inquiry, ranking from informing us, of course not about the 22 details of the investigation, but that this person, we need 23 this person for fingerprinting because we think they had a 24 gun, or whatever it is, and then making arrangements that 25 those people are available for the Commission, and that</p>
<p style="text-align: right;">Page 388</p> <p>1 MR MPOFU: No, no, I think it's a useful 2 exchange, Chair, but the point of course is that the other 3 side of the coin must also apply and that's why I was 4 raising an equality point. Nobody can tell me now that 5 there is no reasonable suspicion that the police shot other 6 people on the 16th and that those people who shot there 7 should by now, are known. In fact, the only agency, 8 government agency that comes out of this smelling like 9 roses is the IPID because the IPID, to its credit, has 10 taken statements, even in relation to the 16th and has even 11 dubbed some of the people from whom it has taken 12 statements, suspects, and I suppose that means murder 13 suspects. But the issue is that those murder suspects are 14 roaming the streets and they are working in the police and 15 they have not even as much as been suspended and yet other 16 so-called murder suspects, of issues that are covered by 17 this Commission, are languishing for the past two weeks in 18 the cells. That is the fundamental issue. I'm not saying 19 that this Commission is going to find anybody guilty of 20 murder but what I'm saying is that the basis upon which we 21 got the long postponement of the 272 was exactly that these 22 are some of the issues. 23 Remember, Chair, that one of the terms of 24 reference currently is that the Commission may recommend 25 that people must be prosecuted. Now that is the nub of the</p>	<p style="text-align: right;">Page 390</p> <p>1 their treatment is not such as to terrorise other potential 2 witnesses. But while we're sitting here, people know who 3 we are; nobody has engaged us, and as I say, even when we 4 try to engage we've been – Mr Semenya kindly on Tuesday 5 gave me the list of police stations where the four people 6 were held, but after that it was once again running up and 7 down at night and by lunchtime the following day we still 8 had not been able to locate the people, and that is the 9 gist of our complaint, Chair. I'm sure with all these 10 legal minds sitting here, some practical solution can be 11 found of how to balance the interests of the Police in 12 making sure that the evidence doesn't disappear. They 13 can't just sit and do nothing for six months or however 14 long the Commission is going to take, but at the same time 15 making sure that the interests of the Commissioner are also 16 safeguarded, and the interests of our clients. 17 CHAIRPERSON: Is that all that you 18 propose to say on the second aspect? 19 MR MPOFU: No, Chair. The other issue is 20 that there has been allegations which – 21 CHAIRPERSON: I'm sorry, Mr Mpofu, I'm 22 reminded that what you said so far hasn't been interpreted, 23 and in fairness to the interpreter, it might be helpful if 24 we stopped at this stage to give him an opportunity. 25 MR MAHLANGU: Thank you, Mr Chairperson.</p>

<p style="text-align: right;">Page 391</p> <p>1 CHAIRPERSON: Please proceed, Mr Mpfu. 2 MR MPOFU: Thank you, Chair. 3 CHAIRPERSON: I was wrong, you're not 4 dealing with the second issue now, you're actually dealing 5 with the third – 6 MR MPOFU: No, I'm still, I'm rounding up 7 – 8 CHAIRPERSON: Yes, round up then. 9 MR MPOFU: - rounding up the second, 10 thank you, Chair. The only point I want to record, put for 11 the record is that there have been allegations in relation 12 to the persons who have been arrested of torture and 13 assault, and as I've already mentioned, manhandling, and 14 that behaviour is also to us supportive of the fact that 15 the, whether by design or result, the attitude is that 16 these people should not even be here. 17 The other point is that they were identified here 18 clearly, because according to them they were followed from 19 the Commission and clearly, I mean now that we understand 20 there's a gentleman from SAPS who's taking videos, that 21 makes us even more uncomfortable because it looks like when 22 we bring people here, there is some undeclared identity 23 parade that is conducted and they get identified. 24 So all in all, Chair, our attitude, yesterday we 25 had a consultation, the attitude of our clients is that</p>	<p style="text-align: right;">Page 393</p> <p>1 here. They will give evidence when they're required to do 2 so. 3 CHAIRPERSON: Never mind giving evidence 4 when required to do so. If it's necessary for the witness 5 concerned to give instructions to Mr Mpfu to enable him to 6 cross-examine Colonel Botha, then it would be appropriate 7 for that person to be here today so that those instructions 8 could be given. Is he close by? Is he somewhere in the 9 district of Rustenburg? Can he be brought here by 10 lunchtime today? 11 MR SEMENYA SC: Chair, I'm instructed 12 that the individual is busy with a bail application. 13 CHAIRPERSON: Maybe during the tea 14 adjournment it will be possible for you and Mr Mpfu to get 15 together and exchange notes on that. It would seem from 16 the way he's shaking his head that your instructions may 17 not be correct. But anyway, let's not spend time on that 18 now, but I understand to be implicit in what you said is 19 that if he isn't involved in a bail application the 20 necessary arrangements would be made to have him here so 21 that Mr Mpfu can take instructions during the lunch hour. 22 Is that okay? 23 MR SEMENYA SC: Indeed, Chair. 24 CHAIRPERSON: Alright, okay. Anyone 25 further wish to say anything on the three aspects that we –</p>
<p style="text-align: right;">Page 392</p> <p>1 firstly they do not see their way clear to coming here in 2 the numbers that we would like them to come, or at least 3 some of the specific people that we'd like to come, but 4 also they might not see their way clear to further 5 participation in the Commission if this is going to be the 6 order of the day, or rather if nothing is done, which I'm 7 sure the Commission will make some recommendations, or some 8 of our learned colleagues. So I wouldn't expect that 9 nothing will be done, but that something that needs to be 10 done has got to be satisfactory and address the concerns 11 that we have raised because otherwise it will not be 12 possible for these victims and eyewitnesses to be of any 13 assistance, or effective assistance to this Commission. 14 CHAIRPERSON: Thank you. Is there anyone 15 else who wishes to say anything on this matter before we – 16 there is someone. I see Mr Bruinders is indicating, I'll 17 give you a chance in a moment. Mr Semanya, is it correct 18 that an undertaking was given that one of the persons who's 19 been arrested would be brought here today so that his 20 counsel could consult with him and obtain instructions for 21 the cross-examination of Colonel Botha? 22 MR SEMENYA SC: The undertaking, Chair, 23 was that at all reasonable times Mr Mpfu and his legal 24 team would have access to anyone who is in custody. If 25 arrangements are made for them to be here, they will be</p>	<p style="text-align: right;">Page 394</p> <p>1 I think we've already dealt with the first and the second, 2 but Mr Bruinders, I beg your pardon, you indicated you 3 wanted to speak next. 4 MR BRUINDERS SC: Only about the third 5 aspect. The people who have been arrested are all members 6 of AMCU, and as you know, we act for AMCU. We have, of the 7 four who were arrested we have three incomplete statements 8 and we were hoping to complete them certainly this week. 9 One of the reasons we were hoping to complete them was that 10 at the end of last week the evidence leaders contacted us 11 to ask us whether we would be prepared to lead in evidence 12 some of the strikers, and they include Mr Mpfu's clients 13 who happen to be our members. We gave an undertaking that 14 we would, subject to their – because at that stage we knew 15 that they were, they had been arrested – subject to their 16 being released and subject to their being available here at 17 the inquiry, so that we could take instructions from them 18 for the purposes of preparing them for leading them, but 19 secondly also as Mr Mpfu has already said, and I think we 20 all now understand, the strikers are the only people with a 21 different version than the Police. So we obviously also as 22 AMCU, you will understand that Mr Mathunjwa left before the 23 fatal shooting on the 16th and so he doesn't, he and his 24 team were there, but I don't know either exactly how the 25 shooting took place. But obviously AMCU's members do, and</p>

Page 395

1 so we need instructions from them throughout the course of
2 this inquiry, not just for the purpose of leading them but
3 so that we can ask properly prepared questions of whoever
4 is giving evidence here, particularly the Police.

5 Now Commissioners, Chair, Mr Mpfu has quite
6 graphically painted the picture. Our difficulty is the
7 following. Our team really cannot participate in the way
8 that we would like to participate, and the way that the
9 evidence leaders have asked us to participate, if our
10 members are arrested and treated in this fashion. We
11 simply can't, Mr Chair. That's the first point.

12 The second point is that we now know, because not
13 just only has Mr Mpfu told us this, but our client has
14 been in contact with some of these people and they feel
15 hugely intimidated by what's happening here, and feel quite
16 reluctant to meet with us to complete those statements
17 because they feel that there will be further consequences
18 down the line –

19 CHAIRPERSON: I'm sorry to interrupt you.

20 Are they still in custody or have they been released?

21 MR BRUINDERS SC: Yes, they're still in
22 custody.

23 CHAIRPERSON: So you could, if
24 arrangements could be made for example to bring them here,
25 you could consult with them here and presumably you would

Page 396

1 consult with them away from the Police, out of earshot of
2 the Police. So I wouldn't think one could conclude that it
3 would be impossible to get instructions from them, and of
4 course any evidence they give here could never be used
5 against them in a criminal trial because of the provision
6 in the regulations to that effect.

7 MR BRUINDERS SC: That might be so,
8 Chair. Of course one could do that, but it doesn't take a
9 lot of adding up to conclude that this is a campaign of
10 intimidation of our members and our witnesses. It really
11 doesn't take a lot of adding up, and until they are
12 released so that they can participate fully in this
13 inquiry, as they should, the adding up won't stop. Now we
14 don't want things to be postponed and we agree with our
15 learned friend in the LRC that there's no need for a
16 postponement, but we certainly believe that we should stand
17 down now – I don't mean right now, I mean once you've heard
18 from all of us we should stand down so that we can sort
19 this out. You know, Commissioners, not all of us are
20 criminal advocates or lawyers, but I would have thought –

21 CHAIRPERSON: That's not a happy way of
22 putting it. I think we know what you mean.

23 MR BRUINDERS SC: No, but I would have
24 thought, Chair, that what the Police might have done,
25 because of course arrest is the last, it's the most extreme

Page 397

1 form of apprehending a suspect. I would have thought that
2 in the context of this inquiry, what the Police would have
3 done is sought our assistance so that we can arraign people
4 and have them arraigned properly, get them there, get
5 whatever processes have to be followed for criminal courts,
6 get that done and that, as far as I understand, has already
7 been done. The Police have simply gone and unlawfully
8 rearrested our members, so that they're acting in
9 contravention of an order by the Magistrate, but we can
10 come to a practical arrangement as to how to deal with
11 people whom the Police have identified and envisaged are
12 needed for other investigations. We can come to a
13 practical arrangement, and what we want to propose is that
14 we do that today before we proceed, so that we don't have
15 the situation where we have this guerrilla warfare between
16 the Police and us where on every second day somebody is
17 arrested or they can't be found or they won't get here
18 because they feel intimidated. Can we have that at least
19 sorted out before we proceed today, Mr Chair?

20 CHAIRPERSON: Mr Madlanga, in view of the
21 suggestion made by Mr Bruinders that we should give the
22 parties an opportunity to have discussions to where a way
23 forward can be reached by agreement, would it not be
24 appropriate for me to take the tea adjournment now and on
25 the basis that we would resume when told by you and the,

Page 398

1 for instance the other parties, either that some
2 arrangement has been reached, or there's no further point
3 in your having discussion?

4 MR MADLANGA SC: Chair, Commissioners,
5 it's a practical suggestion and it's acceptable to us.
6 Chair, there's an issue that my learned friend, subject to
7 how the Commissioners feel, Mr Chaskalson would like to
8 raise. It relates to, as I understand, to the definition
9 of the issue which is –

10 CHAIRPERSON: Yes, I understand that
11 matter has been receiving attention, but perhaps we could
12 deal with that when we resume?

13 MR MADLANGA SC: As the Commission
14 please.

15 CHAIRPERSON: Is that in order?

16 MR MADLANGA SC: Thank you.

17 CHAIRPERSON: Very well. We will take
18 the tea adjournment now. I won't say when we, for how long
19 it will be. It will be until I'm told by - I think we must
20 put the responsibility on Mr Madlanga – until I'm told by
21 Mr Madlanga either that an arrangement has been,
22 satisfactory arrangement has been worked out, or that
23 discussions have broken down and there's no point in having
24 discussions further and we must carry on with the inquiry.
25 So we will take the tea adjournment now.

Page 399

1 [INQUIRY ADJOURNS INQUIRY RESUMES]
 2 [13:49] CHAIRPERSON: The Commission resumes.
 3 Those members of the public who are sitting in the
 4 auditorium who may have been puzzled at the long delay in
 5 coming back, the fact that we adjourned just after half
 6 past 10, will be pleased to hear that the time that has
 7 been spent in the interim has resulted, as I understand, in
 8 an accord between the Police Services on the one hand and
 9 certain of the other parties on the other. Mr Semenya, are
 10 you able to tell us the details of that?
 11 MR SEMENYA SC: Perhaps, Chair, I don't
 12 share the good news you would have been told. Mr Mpfu
 13 wants to address us, I think.
 14 CHAIRPERSON: Mr Mpfu, I'll call upon
 15 you but I must point out to you we haven't got the
 16 interpreter at the moment.
 17 MR MPOFU: Oh.
 18 CHAIRPERSON: So as soon as he comes you
 19 can start, I think. I had been told that there was an
 20 accord and it was good news. I hope that I was not
 21 misinformed but in view of the fact that the interpreter is
 22 now with us, you can address us.
 23 MR MPOFU: Okay. Chairperson yes, I must
 24 say that until about five, 10 minutes ago I was also of the
 25 same view as you. The news was indeed good when we

Page 400

1 adjourned the meeting, the off-site meeting. It has since
 2 transpired that – or maybe I can just summarise without
 3 taking away from what Mr Semenya is going to say. Part of
 4 the good news was that the police were prepared to release
 5 the persons concerned upon certain conditions today and
 6 hopefully be able to have them coming here today and we
 7 indicated that in relation to the others, you know the time
 8 didn't matter except for one, the one person that we had
 9 needed for the consultation.
 10 Unfortunately, our attorneys on the ground at the
 11 Ga Rankuwa court have now informed us that the first bail
 12 conditions that were granted were quite onerous and
 13 unacceptable, as it were. The amount of bail that has been
 14 suggested is R5 000 per person. They are still engaging
 15 there and obviously the possibility of raising that amount
 16 of money, either at all or within the space of time that
 17 would be required for us to continue seems quite remote at
 18 the moment. I'm not very optimistic but we are still
 19 engaging with Mr Semenya on trying to relax the bail
 20 conditions, particularly in relation to the amount, and I
 21 have pointed out to him that in relation to the –
 22 CHAIRPERSON: I'm sorry to interrupt you,
 23 Mr Mpfu.
 24 MR MPOFU: Yes.
 25 CHAIRPERSON: You've obviously been

Page 401

1 involved in these negotiations, you know what happened.
 2 Those of us who were not involved don't know what happened.
 3 I simply heard that an accord had been reached and it was
 4 agreed that there would be a release of certain persons on
 5 bail, that's all I know. I know nothing more than that and
 6 the people sitting in the audience who are entitled also to
 7 know what's happening, know even less than I do. So I
 8 think before you deal in detail with the problems, you
 9 might give us a general outline so we can better follow
 10 what you're going to tell us.
 11 MR MPOFU: Thank you, Chair. Once again
 12 I'm sure my colleagues who were part of the meeting,
 13 evidence leaders and Mr Semenya in particular, might want
 14 to add but my understanding was that at the meeting three
 15 issues were addressed. One was the issue of giving access
 16 to the evidence leaders to some of the dockets in order to
 17 satisfy them about the grounds for arrest and I think that
 18 matter was resolved.
 19 The second issue was the issue was the arrest of
 20 the persons and I must add that we, upon checking with my
 21 attorneys, the number of people involved is nine, nine
 22 people. I had forgotten earlier but there were two people
 23 who were denied bail last week on the basis that members of
 24 NUM were demonstrating outside the court and they were
 25 denied for their own safety. I'm just putting that as an

Page 402

1 aside. So that's the issue that I was addressing.
 2 The third issue, Chairperson and honourable
 3 commissioners, was what we suggested from our side, that
 4 there should be some kind of protocol of dealing with this
 5 kind of issue in the future involving, for example, us
 6 being informed promptly if someone has been arrested and
 7 that was resolved - not completely resolved but we were
 8 happy with the suggestion that such a protocol will have to
 9 be crafted bilaterally between us and the South African
 10 Police Services. So to that extent that matter was also
 11 resolved.
 12 It would seem that of those three matters, the
 13 two are resolved subject to those qualifications and the
 14 third matter that we thought was resolved, was this issue
 15 of releasing people on bail and what – the rest of what I
 16 said then applies to that. Thank you. Chairperson before,
 17 if I may just interject for a second, maybe in terms of
 18 putting something concrete on the table, our proposition
 19 would be that it would seem that the attendance of the
 20 persons, even with the best will in the world, will not be
 21 secured now in the next couple of hours. Unfortunately we
 22 can't – I cannot predict how long it will take before we
 23 can find each other with the police, so that's all I'm
 24 prepared to say at this stage.
 25 CHAIRPERSON: Mr Semenya, is there

Page 403

1 anything you wish to say at this stage?

2 MR SEMENYA SC: Chair and members of the

3 Commission, the real sharp question is, we have been

4 attempting to assist the Commission as best we can and bail

5 was finally secured for the affected individuals at R5 000

6 per person. And the other contention on the other side is

7 that they must be released on warning. We're talking about

8 people who are arrested for triple murders, possession of

9 firearms, intimidation of individuals – there is serious

10 apprehension about the possibility of continued violence

11 with their release but that notwithstanding, we have

12 attempted to do the best we can and the odds are - on

13 either side, we have a deep appreciation that this does not

14 necessarily fall within your province for the determination

15 of bail, but at the point of stand down we were talking

16 about four people. Now we're talking about nine people.

17 It's just impossible to comply, Chair.

18 CHAIRPERSON: Yes, well, clearly –

19 MR TIP SC: Mr Chairman –

20 CHAIRPERSON: Yes, I'm sorry? Mr Tip?

21 MR TIP SC: Yes, may I just put something

22 on record in respect of the position of NUM. When this

23 matter was adjourned early this morning or at about 10:30,

24 we had understood very clearly that it was a question of

25 discussion between, essentially, the South African Police

Page 404

1 Service and the affected counsel who wished to call the

2 individuals concerned and that this was a discussion that

3 would go around facilitating access for the purpose of

4 consultation. We thought it inappropriate for NUM to be

5 present at a discussion about consultations with

6 essentially AMCU members and so we remained out of that

7 discussion.

8 It was with considerable shock that we learnt at

9 the end of it that an agreement had been struck that a

10 number of people would be released on bail and these are

11 people, as my learned friend Mr Semanya has just said, are

12 – some of them involved in allegations of being culpable in

13 respect of three murders. Now those are essentially

14 killings of NUM members and at least in some of those cases

15 the person to whom you referred earlier, Mr Bongo who was

16 the man who pointed matters out to the Commission and by

17 the end of that week had been shot dead. So that we had

18 understood, at the very worst, that there was a discussion

19 that would take place about four people and they were the

20 four people who'd been arrested at the conclusion of the

21 proceedings last Tuesday.

22 I now hear for the first time that there's talk

23 about nine people. Now even Mr Semanya appears to be

24 surprised at that.

25 Now Mr Chairman, we are absolutely of the view

Page 405

1 that this is not a matter that is really within the

2 Commission's jurisdiction but it has arisen and various

3 facilitations have been attempted. From the perspective of

4 NUM, though, we must place on record that the release of

5 persons who have been arrested on charges of this nature is

6 extremely prejudicial to other NUM members and officials

7 and also to our already very fragile prospect of securing

8 the witnesses who will be prepared to come and testify

9 before this Commission. So I'd hoped, Mr Chairman, that

10 whenever I had anything to address the Commission on, it

11 would be positive and would readily advance the position of

12 the Commission. In this instance unfortunately that's not

13 possible. It is a matter of very, very grave concern to

14 us.

15 CHAIRPERSON: Yes, thank you. As you

16 said, it's not a matter within the province of the

17 Commission. If there are bail applications and there are

18 contentions as to what conditions would be appropriate,

19 that's a matter for the court in which the bail application

20 is brought. It wouldn't be proper for us as commissioners

21 to express our views and try to influence the judicial

22 officer concerned with the bail application in one way or

23 the other.

24 The only reason it came here was that Mr

25 Bruinders suggested when the matter was debated, that it

Page 406

1 might be possible if there was a meeting between the

2 representatives of the various parties, for an accord or an

3 agreement of some kind to be worked out and it's for that

4 reason that we adjourned and I indicated, if it became

5 clear at any point that agreement would not be possible,

6 that was to be reported to me so we could resume. And it

7 was eventually reported to me that an accord had been

8 reached, which is why we came back, but it would seem at

9 the moment from what you said that there isn't an accord

10 and it doesn't seem likely there will be one before the end

11 of the hearing today, so we may as well proceed, subject to

12 any application people may wish to bring. But Mr Bizos,

13 you want to say something? You raised your hand.

14 MR BIZOS SC: Yes, Mr Chairman, we

15 started almost a month ago and we are halfway through the

16 first substantial witness. Your patience led you to

17 adjourn the proceedings in the hope that there would be an

18 accord. We all thought, when we dispersed before the lunch

19 adjournment, that there was an accord.

20 I want to make a submission for your

21 consideration, Mr Chairman. We know that there are

22 difficulties and that Mr Dali Mpofu, Mr Mpofu has, but the

23 witness is in the witness box, we are in the afternoon of

24 the day that we thought that we would finish him. We are

25 mindful of the difficulties of the would-be cross-examiner

<p style="text-align: right;">Page 407</p> <p>1 but surely he can proceed to cross-examine. If there is 2 anything that he wants to check or cross-examine on, on 3 which he is not ready, he will have the evening and early 4 in the morning to get instructions. But we cannot, with 5 the greatest respect, in a matter of such importance – not 6 only to the parties but the country as a whole – to kick 7 for touch so often that this Commission is going to last 8 far beyond the envisaged period that anyone may have had, 9 never mind the four months.</p> <p>10 So what I would submit for your consideration is 11 that we proceed this afternoon and sit late in order to 12 make up for lost time so that the substantial portion of 13 the cross-examination of the witness can take place during 14 the time available and we are accustomed – I am sure as Mr 15 Mpfu is – of getting instructions during non-court hours, 16 so to speak. That is the submission that I make for your 17 consideration.</p> <p>18 CHAIRPERSON: Thank you, Mr Bizos. There 19 is, of course, a further consideration that Colonel Botha 20 was present at the inspection in loco, he pointed out 21 points at the inspection in loco in the presence of 22 counsel. Parties – other people who weren't present at the 23 time, came later. There would have been an opportunity for 24 instructions to be taken then. My own instinct at the 25 moment is along the lines that you suggest and to sit late</p>	<p style="text-align: right;">Page 409</p> <p>1 if they're so minded, to ask further questions in the light 2 of what is on the video and thereafter an opportunity would 3 be afforded to the would-be cross-examiners to cross- 4 examine.</p> <p>5 I am also minded to sit until six o'clock tonight 6 to make up for some of the time that we've lost. Time – 7 the time available to this Commission is not unlimited and 8 it behoves us to make as much use of the time that's 9 available to us and if, for whatever reason, time cannot be 10 spent during the day on the main work of this Commission, 11 then we must be prepared to sit longer hours in order to 12 compensate, to some extent, for that. I think Mr Mpfu 13 raised his hand and so did Mr Bizos.</p> <p>14 MR BIZOS SC: Yes.</p> <p>15 CHAIRPERSON: But should we not get the 16 statement read first, because I don't think that many 17 people know what exactly the Minister has said and it's 18 certainly important in respect of one aspect, so Mr 19 Madlanga you've now got the document in front of you – 20 would you be kind enough to read it to us?</p> <p>21 MR MADLANGA SC: Thank you Chair, 22 commissioners. It says, "Document issued by Mr Mthunzi 23 Mhaga, the spokesperson of the Department of Justice and 24 Constitutional Development." It reads as follows, 25 "Minister of Justice, Jeff Radebe, has instructed the state</p>
<p style="text-align: right;">Page 408</p> <p>1 if necessary, to make up some of the lost time subject to – 2 there will be an application, I understand, for a 3 postponement or there may be, which we'd have to deal with 4 and I must keep as open a mind as I can on that. But 5 before you proceed, there are two points I want to make 6 that may be relevant to what is now under discussion.</p> <p>7 The first is that I understand that the question 8 of transportation and accommodation of the families has 9 been addressed and the Minister of Justice has issued a 10 statement which I understand Mr Madlanga has a copy of in 11 his possession, so I shall ask him to read. He says he 12 hasn't. Well Mr – he now has it in his possession. I'll 13 ask him to read it. That's the first point, so that means 14 that the family attendance issue is now out of the way.</p> <p>15 The second point I want to make is, I understand 16 from something I was told during the adjournment, that a 17 request has come from the side of the – what Mr Bizos 18 called the would-be cross-examiners – that Colonel Botha 19 should show the video that he took, or rather the video 20 which he took when he was in the helicopter should be shown 21 as a necessary preliminary to his, to the further cross- 22 examination. And subject to what people may say, I was 23 minded to grant that request and once the video has been 24 seen – I understand it takes about 40 minutes, 40-odd 25 minutes – to allow those who have already cross-examined,</p>	<p style="text-align: right;">Page 410</p> <p>1 law advisers to amend the regulations governing the 2 Marikana Commission of Inquiry to ensure that the state 3 makes arrangements to assist representatives of the 4 deceased victims of the tragic incidents to attend and to 5 remain in attendance for the duration of the inquiry or for 6 such time as they wish to remain in attendance.</p> <p>7 [14:09] The department has liaised with the Commission 8 this morning to convey its intention to submit the proposed 9 amendment to the President before the end of business. The 10 Minister of Justice and Constitutional Development, Mr Jeff 11 Radebe, regrets any confusion and misconception that may 12 have been created by the decision taken by the Department 13 this past Saturday. Government has the interests of the 14 families of victims at heart, hence that we are working 15 tirelessly to salvage the situation. It should also be 16 noted that the interests of the families are safeguarded by 17 the seasoned legal representatives currently participating 18 in the inquiry which is underway." Thank you, Chair.</p> <p>19 CHAIRPERSON: Before I call upon one of 20 the seasoned legal practitioners who was referred to, I'd 21 like to enquire from – I think it's Mr Budlender is the one 22 I was asked the question of – whether it is correct, when I 23 said that I'd been told that there had been a request that 24 Colonel Botha's video be seen, the practitioners concerned 25 nodded their heads. Is it possible for us to see that</p>

Page 411

1 video this afternoon?
 2 MR MADLANGA SC: It is possible, Chair.
 3 Arrangements have already been made with the gentleman who
 4 takes, or rather who does the video recording for the
 5 Commission and copies are up there already. Thank you.
 6 CHAIRPERSON: Thank you.
 7 MR MPOFU: Yes Chair, if –
 8 CHAIRPERSON: Sorry, I think that was
 9 recorded. It seems sensible we should watch the video and
 10 it can be seen – I just want to enquire from Mr Budlender
 11 whether there's anything, I don't know whether any members
 12 of the family are here. I know some of the local people
 13 may well be here. Is there anything which is likely to
 14 cause distress because if so, we should give that warning
 15 beforehand.
 16 MR MADLANGA SC: Chair, commissioners –
 17 CHAIRPERSON: Mr Madlanga, you are
 18 [indistinct] not Mr Budlender, forgive me.
 19 MR MADLANGA SC: Thank you. Chair,
 20 commissioners, we have viewed Colonel Botha's video. I do
 21 not think there's any material that might be offensive in
 22 it but Chair, may I take this opportunity to make a
 23 request? Colonel Botha approached me and he assured me
 24 before saying anything that he was not going to discuss the
 25 case as he is under cross-examination. He said he's aware

Page 412

1 of the ethics around that issue but he insisted on talking
 2 to me and he made the request that, prior to anything
 3 relating to him taking place today, he would like to say
 4 something to the Commission. I do not even know what it is
 5 but he said he would really, really like to say something
 6 to the Commission. Thank you, Chair.
 7 CHAIRPERSON: I suppose I must grant his
 8 request. Colonel? Before you speak, is this going to be
 9 part of your evidence because if so, I may as well remind
 10 you anyway, you're still under oath in respect of the oath
 11 you took last time. Mr Mpofu, what do you want to say now?
 12 MR MPOFU: Mr Chair, I just wanted to
 13 address the issues that were raised in relation to what we
 14 said, but also touch on this issue of the cross-examination
 15 that you, the sequence that you have suggested. Chair, I
 16 just want to say that we are as keen as everyone to have
 17 the matter moved on and we don't take kindly to suggestions
 18 of kicking for touch. And also we cannot have people
 19 detained forever simply because a grouping of people will
 20 not like it. I mean that's not how it works.
 21 CHAIRPERSON: Mr Mpofu, you don't have to
 22 tell me that. I've already indicated that as far as the
 23 bail is concerned, that's a matter for another court. It
 24 would be improper for us to say anything, so you don't have
 25 to make the speech you're making to me now because if you

Page 413

1 want to make it, make it in the magistrate's court when the
 2 bail application comes –
 3 MR MPOFU: It has been made there, Chair.
 4 CHAIRPERSON: Well, good. It's not
 5 necessary to repeat it now, just carry on with your
 6 argument.
 7 MR MPOFU: Yes. Chairperson, I'm sorry I
 8 have to insist on this – if remarks have been made
 9 regarding my clients about their ability to attend here, I
 10 have to correct them now. For example, it has been said
 11 here that we've said anything about four people. We never
 12 said anything about four people. This morning's record
 13 will show that I said about six or seven people and all I
 14 did was to explain about another two, but two people have
 15 misrepresented what I said and therefore I have to make the
 16 speech. Thank you.
 17 Thank you. The next issue that I wanted to talk
 18 about was the issue of the video that, Chairperson, you've
 19 touched on. We made the request this morning, since we
 20 were in the middle of the cross-examination, that the video
 21 should be prepared in order to be interposed in that cross-
 22 examination. So we would kindly request that the – or
 23 rather it's two videos but I think the important one is the
 24 one that is ascribed to Colonel Botha. So we would kindly
 25 request that if anybody else is going to ask questions

Page 414

1 regarding those videos, that that should be done after we
 2 have dealt with the issues that we wish to deal with, for
 3 which we asked for the video to be played in the first
 4 place.
 5 CHAIRPERSON: Mr Burger, you look as if
 6 you want to say something?
 7 MR BURGER SC: Chair, I just do not
 8 follow the process. Is the idea now that we will watch a
 9 video and then certain people will cross-examine and my
 10 learned friend Mr Mpofu will then ask for a postponement,
 11 or is the application for a postponement not there anymore
 12 or when does it come or when can we go on with this
 13 evidence, I would like to know?
 14 CHAIRPERSON: I understand – I suppose I
 15 shouldn't say that I understand, maybe Mr Mpofu will tell
 16 us but first I will say what I understand. My
 17 understanding is, we're going to see the video of the
 18 Colonel after the Colonel has made the statement he wants
 19 to make. I had indicated that I would then allow further
 20 cross-examination based on the video and I would go back to
 21 where we started in cross-examination and allow counsel
 22 who've already cross-examined, to cross-examine if they
 23 wish on matters emerging from the video. Mr Mpofu has
 24 pointed out that he's the one who requested the video to be
 25 shown. It being shown is really to be regarded as part of

<p style="text-align: right;">Page 415</p> <p>1 his cross-examination and he'd like to cross-examine on it 2 before the others get a chance. It seems to be a 3 reasonable suggestion in the circumstances. 4 I didn't understand him to be saying he doesn't 5 want to cross-examine, he doesn't want – he wants a 6 postponement. I understood him to say he would like to 7 cross-examine before Mr Bizos and Mr Semenya and you and Mr 8 Tip get a chance to cross-examine, and Mr Bruinders, get a 9 chance to cross-examine further. So it sounds to me, if I 10 may say so – if I'm wrong, Mr Mpofo, I'm sure you will 11 immediately hasten to correct me but that's my 12 understanding. Have I got it right, Mr Mpofo? 13 MR MPOFU: Yes, you've got it right, at 14 least to the extent that I never mentioned the word 15 "postponement" this afternoon. 16 CHAIRPERSON: No, you did mention it this 17 morning but not this afternoon, right. No, I take what you 18 said. Right, now Colonel, I've already reminded you, 19 you're still under oath. Oh sorry, Mr Ntsebeza indicated 20 he wanted to say something. Have you still got something 21 you wanted to say, Mr Ntsebeza? 22 MR NTSEBEZA SC: Yes, regrettably so, Mr 23 Chairman and members of the Commission. I just wanted to 24 place on record the fact that we also got to know about the 25 reported statement of the Minister of Justice and</p>	<p style="text-align: right;">Page 417</p> <p>1 relevant at this stage. If you want to ask for a 2 postponement for the cross-examination to stand over till 3 they come, you can make the application. I don't 4 understand the relevancy of what you're saying at the 5 moment. You correctly point out we don't know what exactly 6 the regulations are going to say, so once we know that you 7 will obviously be in a position to address further 8 submissions to the Commission if, in the light of the 9 regulations say, you feel they fall short of what you 10 consider appropriate. But I don't think we should spend 11 any more time on this aspect of the matter now. I think we 12 should rather proceed with the Colonel's statement and 13 viewing the video. 14 MR NTSEBEZA SC: Well, if that's your 15 ruling, Mr Chairman, that's your ruling, I cannot take it 16 further but I was submitting that the families were here 17 when the cross-examination of Colonel Botha started and 18 they would like to be here when his cross-examination 19 continues. 20 CHAIRPERSON: I understand that but on 21 the other hand, as I pointed out earlier, the time 22 available to this Commission is not limitless. We have to 23 make the best use of it. I could understand that the 24 families would want to be present when evidence is given 25 about the actual killing of their loved ones, but it seems</p>
<p style="text-align: right;">Page 416</p> <p>1 Constitutional Development during the adjournment and we 2 immediately consulted our attorneys and established as to 3 what their instructions are. Our attorneys have asked us 4 to indicate to you that there is a lack of specificity 5 about what is intended to be done and your experience, Mr 6 Chairman and members of the Commission, will testify to the 7 fact that not everything that has been stated as being the 8 intention has actually actualised. 9 The families were here when Mr Botha was cross- 10 examined and since then have expressed a further wish of 11 being present when further cross-examination of Mr Botha 12 takes place. We now are told that that may be as soon as 13 tomorrow or we do not know when it is going to be. Our 14 request is that whatever arrangements are made to transport 15 and get the families to be here, made by the Commission or 16 by people on behalf of the Commission, should be done in 17 liaison with the attorneys who are in constant contact with 18 the families. 19 We keep on being told that the families have said 20 this to representatives from the Department of 21 Constitutional Development and Justice, that they have 22 preferred money instead of being transported to here. When 23 we – 24 CHAIRPERSON: Mr Ntsebeza, I don't want 25 to interrupt you but really, I don't think that point is</p>	<p style="text-align: right;">Page 418</p> <p>1 to me that regard being had to the nature of the evidence 2 the Colonel is giving, it would be in order if that 3 evidence – if they wished to know what he says – could be 4 interpreted to them from the transcript when they arrive. 5 They can also be shown the video. I'm not sure whether 6 they'd be able to give any meaningful instructions on the 7 cross-examination, regard being had to the nature of the 8 evidence he's giving, but if they were to give meaningful 9 instructions to counsel then an application could be made 10 for the recall of the witness and if it was considered 11 appropriate, the recall of the witness would be allowed so 12 that these meaningful instructions, if any, could be the 13 subject of further cross-examination. That is my ruling. 14 Colonel, would you please make your statement? 15 LT-COL BOTHA: Mr Chairman, I've got one 16 thing to say and then I've got a request after that. The 17 last remark on Tuesday afternoon, last Tuesday afternoon by 18 Adv Mpofo was actually that he will bring someone that, or 19 a witness that sounds to me that said that they were shot 20 at from the chopper and it made me think what could or 21 could not have happened where I was which could've given 22 that impression. And just before we walked out of here, we 23 already broke, I remembered that two stun grenades were 24 released from the chopper while I was in the chopper. I 25 didn't remember it by then, I remembered it just as we</p>

<p style="text-align: right;">Page 419</p> <p>1 broke and I didn't want to – I mean I couldn't inform 2 anyone in the meantime because I was under oath, so I 3 didn't want to go that way. I decided this morning early 4 that I would rather come and say it here than say it to 5 someone else at some other place. 6 CHAIRPERSON: I understand you're going 7 to show, we're going to see your video. By way of 8 introduction I'd just like to ask you something about it. 9 How many helicopters were there in the air at the time? 10 LT-COL BOTHA: Sir, according – as far as 11 I can remember there were four, four choppers. 12 CHAIRPERSON: Four choppers. I think you 13 said you were in the air for about 41 minutes, I think 14 that's – that's either in what you said or it's in the 15 statement that you made, which is part of the IPID trial, 16 is that correct? 17 LT-COL BOTHA: It must've been in the air 18 for a bit longer than 41 minutes because the video is 41 19 minutes. 20 CHAIRPERSON: I see. Right, can we now 21 see the video? Do you want to say something further, 22 Colonel, before we see the video? 23 LT-COL BOTHA: Sir, then I've got a 24 request. I'm going to ask the Chairman to make a ruling on 25 that, that I just express myself better in Afrikaans, I</p>	<p style="text-align: right;">Page 421</p> <p>1 CHAIRPERSON: It's the other video that 2 you want to see? 3 MR MPOFU: It's another, it's the same, 4 it's a helicopter shoot, footage rather from a different 5 helicopter. 6 CHAIRPERSON: Alright, that sounds 7 alright. That sounds acceptable. Colonel, perhaps you 8 can, if you consider it necessary, you might give us a 9 little bit of commentary from time to time, for example, I 10 take it what we have on the screen at the moment is the 11 beginning of the video. Is that true? I will ask those 12 who are responsible for the lighting to turn the lights 13 off, so that we can see the screens better. Mr Bizos has 14 said that we can start while the switch is being looked 15 for. I think that's the problem. So shall we start? And 16 if there's something that we can't see when the lights are 17 turned off, we can perhaps go back to that point. 18 [VIDEO BEING SHOWN] 19 [14:29] [VIDEO BEING SHOWN] 20 [14:49] [VIDEO BEING SHOWN] 21 [15:09] [VIDEO BEING SHOWN] 22 [15:44] CHAIRPERSON: The Commission resumes. 23 Are the lights all fully back on? Are you happy to 24 continue then, semi in darkness, Mr Mpofo? We will throw 25 some light on the matter by your cross-examination.</p>
<p style="text-align: right;">Page 420</p> <p>1 would prefer to testify further in Afrikaans although I 2 started in English but I will stick to your ruling if you 3 feel it's not appropriate. 4 CHAIRPERSON: We will have the difficulty 5 that I think some of the people here don't understand 6 Afrikaans, so we'd have to have it interpreted twice, once 7 into English and once into isiXhosa. I hope you'll forgive 8 my saying that I found your English very good but I take it 9 you forgive me for saying that. 10 [14:29] May I suggest that you give your evidence in 11 English, but if at any time, you are at loss for a word, or 12 you feel you can express yourself on a particular topic 13 better in Afrikaans, then feel free to switch over to 14 Afrikaans, and then the interpreter can interpret what you 15 said in Afrikaans. Would that meet the thrust really of 16 your request? 17 LT-COL BOTHA: Mr Chairman, I am fine 18 with that, thank you. 19 CHAIRPERSON: Alright, okay. 20 MR MPOFU: Chairperson, just to try and 21 save time, I just wanted to indicate that there are two 22 videos that we had asked for, this one, we would like it to 23 be played in full, but to save time, the next one can just 24 play even five minutes or so because it's more for 25 comparative purposes rather than the content.</p>	<p style="text-align: right;">Page 422</p> <p>1 MR MPOFU: I can see. 2 CHAIRPERSON: Colonel, you were still 3 under oath. U is nog steeds onder eed. 4 MR MPOFU: Thank you, Colonel we left off 5 where I was asking you a non-contentious issues. I am just 6 going to continue with those for a while. It is so, isn't 7 it, that you are a video, you have been a video camera 8 operator for the past 26 years? 9 LT-COL BOTHA: Yes, I am a video camera 10 operator. 11 MR MPOFU: For 26 years? 12 LT-COL BOTHA: I did training 26 years 13 ago, yes, let's say 26 years is correct. 14 MR MPOFU: You are also a crime scene 15 expert? 16 LT-COL BOTHA: That is correct, Mr Chair. 17 MR MPOFU: And on the 16th at least you 18 were asked to come and film a particular crime scene. 19 LT-COL BOTHA: I was requested to film 20 the dispersal and disarmament of people, that should have 21 taken place. 22 MR MPOFU: Did you do that? 23 LT-COL BOTHA: Yes, I did. 24 MR MPOFU: Is part of what you observed 25 the fact that the particular scene was surrounded by Nyalas</p>

Page 423

1 and dogs – the Dog Unit members, as well as members on
2 horseback?

3 LT-COL BOTHA: Sir, I cannot say on the
4 video who is there, are members on horseback or I didn't –
5 or Dog Unit members or something like that.

6 CHAIRPERSON: I take it you saw the
7 Nyalas. You can confirm there were Nyalas?

8 LT-COL BOTHA: Yes.

9 CHAIRPERSON: You can confirm they were
10 Nyalas. Your inability relates to confirm what you saw, as
11 it's put to you relates to Dog Unit handlers and what else?

12 LT-COL BOTHA: And people on horseback.

13 CHAIRPERSON: People on horseback.

14 MR MPOFU: Alright, further it is when
15 you still airborne or when you were grounded, you did see
16 some policemen on horseback.

17 LT-COL BOTHA: Mr Chair, at no stage did
18 I see policemen on horseback.

19 MR MPOFU: What is known as the Mounted
20 Unit, does that refer to police on horseback?

21 LT-COL BOTHA: That is correct, Mr Chair.

22 MR MPOFU: And if someone says there were
23 members of the Mounted Unit, would you be surprised or
24 rather what would your evidence be?

25 LT-COL BOTHA: I cannot confirm or either

Page 424

1 deny that.

2 MR MPOFU: And if I tell you that there
3 were also members of the Dog Unit, what – would your
4 response be the same?

5 LT-COL BOTHA: I cannot – well, if you
6 say so, I'll either have to believe you or don't believe
7 you.

8 CHAIRPERSON: What that means, I take it
9 is that there could have been members of the Dog Unit, it's
10 possible they were there. You can't confirm it, you also
11 can't deny it? Is that correct? It is possible that they
12 were there. Would that be a fair comment?

13 LT-COL BOTHA: It's possible that they
14 were there, I did not see them at the specific scene.

15 MR MPOFU: Well, I was asking you this,
16 because I thought you might be helpful, having seen it from
17 a vantage point but my last question in that line is, you
18 also cannot deny that the two koppies were effectively
19 surrounded by various units of the police.

20 LT-COL BOTHA: Sir, I cannot, I won't say
21 they were surrounded, what I say is there was a lot of
22 policemen, you could see them on the video.

23 MR MPOFU: The question is, you cannot
24 deny that they were surrounded.

25 LT-COL BOTHA: I cannot deny it, but I

Page 425

1 also cannot confirm it.

2 MR MPOFU: But what you can confirm
3 surely, is that they were Nyalas behind the small koppies.

4 LT-COL BOTHA: The small koppie, just
5 qualify the small koppie for me?

6 MR MPOFU: Sorry, yes, it's what we now
7 call Scene 2, you remember the large koppie, the kraal, in
8 terms of your diagrams, the kraal, the large koppie, and
9 the one behind it is the one we call the small koppie or
10 Scene 2.

11 LT-COL BOTHA: Are we talking about Scene
12 2, not the small koppie next to the big koppie? You are
13 talking about Scene 2, the one that's further away?

14 MR MPOFU: Ja, if you go to B1 –

15 LT-COL BOTHA: Do you refer to number K?

16 MR MPOFU: Yes. I refer to number K as
17 the large koppie.

18 LT-COL BOTHA: Mr Chair, Mr Mpofo just
19 said K as the large koppie, is that what you confirm to as
20 the small koppie or the large koppie?

21 MR MPOFU: No, my understanding is the
22 first shooting happened near the kraal, is that correct?

23 LT-COL BOTHA: That is correct.

24 MR MPOFU: Okay, where in relation to B1
25 is that?

Page 426

1 LT-COL BOTHA: The kraal is J, Mr Chair.

2 MR MPOFU: Okay. Yes, then H, if that is
3 the case, would be the large koppie, isn't it?

4 LT-COL BOTHA: That is correct, Mr Chair.

5 MR MPOFU: And K would be the small
6 koppie.

7 LT-COL BOTHA: That is correct, Mr Chair.

8 MR MPOFU: So the gist of my question
9 therefore was that you can confirm that there were Nyalas
10 which were located behind location K.

11 LT-COL BOTHA: That is correct, Mr Chair.

12 MR MPOFU: And there were Nyalas that
13 were still around position J.

14 LT-COL BOTHA: I think it's visible on
15 the videos so I am not 100% sure now, but it is visible on
16 the video, that's correct, yes.

17 MR MPOFU: It is yes. And I think your
18 evidence was that some of the people who were running from
19 J to K, towards K, from H, the vicinity of J and H towards
20 K.

21 LT-COL BOTHA: No, Mr Chair, I did not
22 say that they were running from a specific point, what I
23 did say, you can see on the video that people are running.
24 Even at a later stage in the video, you can clearly see
25 that people are running.

<p style="text-align: right;">Page 427</p> <p>1 MR MPOFU: Are you aware of people who 2 were hiding at position K? 3 LT-COL BOTHA: No, Mr Chair, not evening 4 the video can you – it is just too high up, you cannot see 5 those people hiding there. 6 MR MPOFU: What do you mean, you were too 7 high up? Which helicopter were you in, of the two that we 8 saw? 9 LT-COL BOTHA: I was in the first one. 10 MR MPOFU: Your evidence earlier was that 11 part of the activities of the people in your helicopter was 12 to throw a stun grenade, two stun grenades if I am correct. 13 Is that right? 14 LT-COL BOTHA: That is correct, Mr Chair. 15 MR MPOFU: At whom or at what? What was 16 the target? 17 LT-COL BOTHA: Sir, it was a operation 18 proceeding taken by Brigadier Fritz he just gave the 19 instruction. 20 MR MPOFU: Well what will your comment 21 be, I am going to argue at the end that if you were close 22 enough to throw stun grenades, then you would have been 23 close enough to see the people because you wouldn't be 24 throwing stun grenades from so high up, otherwise they 25 could have gone anywhere.</p>	<p style="text-align: right;">Page 429</p> <p>1 I don't know, do you know what a radius is? 2 LT-COL BOTHA: Yes, Mr Chair. 3 MR MPOFU: Okay, if those two sets of 4 Nyalas were forming part of a circle, what would be the 5 radius of that circle, the distance between the two points? 6 LT-COL BOTHA: Mr Chair, let me just 7 confirm, I said there was Nyalas behind the people. I 8 cannot recall saying they were on the other side of the 9 koppie. I can remember that there was I think a water 10 canon, because it looks a bit different than an Nyala, on 11 the other side of the koppie. 12 MR MPOFU: Okay, sorry, Captain, no, you 13 did say, remember when I took you to the map, you did 14 confirm that there were Nyalas behind position K. So I 15 don't want us to go back there. 16 LT-COL BOTHA: So, can we just get where 17 is behind, is it on J side, on let's say G's side of the 18 map? 19 MR MPOFU: Well, where do you think it 20 was when you said, yes, there were Nyalas. 21 LT-COL BOTHA: I thought on J side that 22 you were talking about, on the eastern side. 23 MR MPOFU: Okay, so that moves us right 24 back. Did you observe Nyalas way from J and K, and I 25 suppose that's the western side, in other words, behind the</p>
<p style="text-align: right;">Page 428</p> <p>1 LT-COL BOTHA: Mr Chair, you can clearly 2 hear in the video on the sound of the chopper that it went 3 up and down and when it made that loud noise, it is either 4 tilting up or tilting down. We did not fly at the same 5 height the whole time. 6 MR MPOFU: Thank you. So at times, you 7 were low enough to be able to throw stun grenades onto the 8 ground. 9 LT-COL BOTHA: That is correct, Mr Chair. 10 MR MPOFU: And you will correct me if I 11 am wrong, I would have seen that stun grenades were being 12 thrown at people, so you would have been close enough at 13 those times to be able to observe the people at whom you 14 were throwing the stun grenades, correct? 15 LT-COL BOTHA: Sir, there were people on 16 the ground where the stun grenades were thrown. 17 MR MPOFU: Thank you. Now, the 18 helicopter that you were flying in, you've already 19 testified, I think more than once, that – well, let me put 20 it like this, the distance between the Nyalas that were 21 behind position K, which are, I put to you were part of the 22 surrounding group, I know you said you can't confirm or 23 deny it so I don't want to put words in your mouth. So I 24 will only confine myself to the Nyalas that we both agree 25 were at the back of K, and the ones that were at the front.</p>	<p style="text-align: right;">Page 430</p> <p>1 position K on the western side. 2 LT-COL BOTHA: There were Nyalas at the, 3 let me, if you look at the video, can I just explain it in 4 that way? At some stage in the beginning of the video you 5 can see that there are Nyalas behind, let's say to the 6 eastern side of K. I did look at the video even now, and I 7 can't recall now if there was any on the western side of K, 8 but if the video shows that, then it's obviously there. 9 MR MPOFU: Okay, what I am getting at is 10 the following, and I am going to put it like this, between 11 the position J where you and I agree there were Nyalas and 12 position, behind position K, that distance would be about a 13 kilometre. 14 LT-COL BOTHA: I think it was measured at 15 6 – between 5 and 600 metres. It's somewhere on the key. 16 MR MPOFU: No – 17 LT-COL BOTHA: Not? 18 MR MPOFU: - that's the one distance you 19 did not – 20 LT-COL BOTHA: Is it not there? 21 MR MPOFU: No. 22 LT-COL BOTHA: Okay, sorry. 23 MR MADLANGA: Mr Chair, Commissioners – 24 CHAIRPERSON: Yes, Mr Madlanga. 25 MR MADLANGA SC: It was measured, except</p>

<p style="text-align: right;">Page 431</p> <p>1 that I cannot quickly go there, it is around 500 indeed. 2 But it is somewhere in B. 3 MR MPOFU: Thank you, Chair. Okay, do 4 you want to go to B2 please, for me? 5 CHAIRPERSON: Mr Madlanga, it's not on 6 B2. 7 MR MADLANGA SC: On B16, Chair. It's a 8 sketch plan. 9 CHAIRPERSON: Mr Madlanga, I think the 10 problem is that the Ks, Js and Hs, on B16 are not the same, 11 do not denote the same positions, as they do on B1. 12 MR MADLANGA: Perhaps, Chair, let me just 13 say, this will be clarified by Warrant Officer Tamai when 14 he testifies. He drew the sketch at B16. 15 CHAIRPERSON: Yes, I understand that. I 16 think, I hope Mr Mpofo won't mind if I interrupt his cross- 17 examination. 18 MR MPOFU: No. 19 [16:04] CHAIRPERSON: So you are busy trying to 20 ascertain particular distance, presumably as a basis from 21 which you're going to proceed to the next point. 22 MR MPOFU: Correct. 23 CHAIRPERSON: So if the witness can't 24 help you on the distance, then I'm afraid you're going to 25 have to proceed to the next point without it, but perhaps</p>	<p style="text-align: right;">Page 433</p> <p>1 it's more or less in the south western side, yes. 2 MR MPOFU: Thank you. Now, I don't want 3 to waste time on this, because as the chair says, it's 4 actually leading up to the next point. I don't want to tie 5 you to a particular distance, but would you agree that – 6 and the distance will be confirmed later by another 7 witness, that the distance between the first set of Nyalas 8 and the water tank was in the vicinity of a kilometre or 9 less. 10 LT-COL BOTHA: Sir, if we talk about the 11 first set of Nyalas, at what stage of the videos are you 12 talking about the first set of Nyalas? Sorry, I'm not 13 trying to be difficult, I really don't understand. 14 MR MPOFU: No, Sir, I don't think you are 15 being difficult. I'm saying we're using the water tank 16 that was behind the position K as a marker. 17 LT-COL BOTHA: Okay. 18 MR MPOFU: Ja, between that and the set 19 of Nyalas that were at scene 1, would you agree with me 20 that the distance would be about a kilometre or less? 21 LT-COL BOTHA: If you talk about when the 22 video starts, there are Nyalas in like a half moon, if 23 that's the Nyalas you are talking about, that is more or 24 less – it must be less than a kilometre. 25 MR MPOFU: Thank you. Right, and that –</p>
<p style="text-align: right;">Page 432</p> <p>1 if you can indicate to him something else. He did say he 2 couldn't remember seeing Nyalas on the – I think it's the 3 western side of K, though he says if they're on his video 4 then they were there, but he can't remember them, but, as 5 far as I can remember, he said he did see a water canon 6 there. 7 MR MPOFU: Yes – 8 CHAIRPERSON: So it might be helpful to 9 ask him, if I may suggest, the distance between the water 10 canon to the west of K, and the Nyalas on the Eastern side, 11 and that may then give you the distance that you need for 12 your further cross-examination. 13 MR MPOFU: Thank you, Chair. The water 14 canons that were there, they were about two of them, is 15 that correct? 16 LT-COL BOTHA: Mr Chair, that's correct. 17 MR MPOFU: One of them was right in the 18 middle of scene 2, correct? 19 LT-COL BOTHA: Sir, if I recall the video 20 correct, there was a water canon in the middle at the end, 21 where we circled around the koppie at some stage, yes. 22 MR MPOFU: And so the other that you 23 referred to which was behind position K, would be the 24 second one? 25 LT-COL BOTHA: If I must look at the map,</p>	<p style="text-align: right;">Page 434</p> <p>1 let's generously say it was a kilometre, that radius is 2 what would define the scene, correct? 3 LT-COL BOTHA: That is the radius of? 4 MR MPOFU: Between the distances that you 5 have now said it was less than a kilometre. 6 LT-COL BOTHA: That's correct, Mr Chair. 7 MR MPOFU: Thank you. 8 CHAIRPERSON: Sorry, I'm not sure that I 9 understand. If you join the water canon to the Nyalas, you 10 get a line. 11 MR MPOFU: Yes. 12 CHAIRPERSON: Now if you regard the 13 Nyalas being the one end of the circle, and the water canon 14 the other, then the distance between the water canon and 15 the Nyalas would be diameter of the circle, not the radius. 16 MR MPOFU: Correct, correct. 17 CHAIRPERSON: Now do you mean the radius, 18 which is half the diameter, or do you mean the diameter, 19 itself? 20 MR MPOFU: Okay, Chair, ja well, I 21 suppose I would have to guess the centre of the circle, and 22 then we get into geometry – 23 CHAIRPERSON: No, if the distance between 24 the two is roughly a kilometre – 25 MR MPOFU: And then it's the straight</p>

<p style="text-align: right;">Page 435</p> <p>1 line –</p> <p>2 CHAIRPERSON: Ja, then the straight line</p> <p>3 between the two would be the diameter of a circle.</p> <p>4 MR MPOFU: Okay.</p> <p>5 LT-COL BOTHA: If you took the middle of</p> <p>6 that line as being the centre, and got a compass and –</p> <p>7 MR MPOFU: Yes, and the equidistance –</p> <p>8 CHAIRPERSON: Ja, for the purpose of</p> <p>9 clarity, when you talk about radius do you really mean</p> <p>10 radius or do mean diameter of the imaginary circle?</p> <p>11 MR MPOFU: Of the imaginary circle, in</p> <p>12 that sense I mean the diameter, Chair. In other words, the</p> <p>13 distance, let's say the straight line – let's just simplify</p> <p>14 it, let's forget the geometry. The straight line between</p> <p>15 the Nyalas and the second water tank would be about a</p> <p>16 kilometre or less?</p> <p>17 LT-COL BOTHA: That is correct, Mr Chair.</p> <p>18 MR MPOFU: And that straight line would</p> <p>19 determine the scene?</p> <p>20 LT-COL BOTHA: If you take it as that,</p> <p>21 yes, Mr Chair.</p> <p>22 MR MPOFU: Now the purpose of this is to</p> <p>23 suggest to you that in the video that we observed for about</p> <p>24 40 minutes, or 41 minutes, the time that you spent at the</p> <p>25 scene, as you have now defined it, and this is not a</p>	<p style="text-align: right;">Page 437</p> <p>1 CHAIRPERSON: And then you went on to</p> <p>2 say, the reason for that was that you didn't realise at the</p> <p>3 time that that was where most of the action was going to</p> <p>4 be, if you had, there would have been far greater</p> <p>5 percentage of video pictures of what was happening at that</p> <p>6 scene, is that correct?</p> <p>7 LT-COL BOTHA: If we could fly there, and</p> <p>8 we were allowed to, Sir, most probably yes.</p> <p>9 MR MPOFU: I take it that Brigadier Van</p> <p>10 Zyl, when he commissioned you to partake in this mission,</p> <p>11 did inform you that the activities would be taking place at</p> <p>12 the koppie?</p> <p>13 LT-COL BOTHA: Brigadier Van Zyl informed</p> <p>14 me that they were going to disarm and disperse people. I</p> <p>15 cannot remember if he said the koppie, but that was the</p> <p>16 scene, yes.</p> <p>17 MR MPOFU: But anyway, you knew that the</p> <p>18 people were at the koppie?</p> <p>19 LT-COL BOTHA: I knew that.</p> <p>20 MR MPOFU: Yes. And you knew that the</p> <p>21 people were not at the mine operations?</p> <p>22 LT-COL BOTHA: That's correct, Mr Chair.</p> <p>23 MR MPOFU: And you knew that the people</p> <p>24 were not at the housing units, including the hostels, which</p> <p>25 are far away from there?</p>
<p style="text-align: right;">Page 436</p> <p>1 scientific estimation, is in the region of 10 to 20% to be</p> <p>2 generous, would that be fair?</p> <p>3 LT-COL BOTHA: Mr Chair, if I know at</p> <p>4 that stage that that was a scene, I most probably would</p> <p>5 have concentrated more on that, but there was the people</p> <p>6 went into different directions and I video graphed that</p> <p>7 also.</p> <p>8 CHAIRPERSON: Colonel, I understand your</p> <p>9 answer, but you haven't really answered the question the</p> <p>10 witness ask – the counsel asked you. Counsel said do you</p> <p>11 accept that 10 to 20% of the total time of the video is</p> <p>12 devoted to pictures of what he called the scene, by which</p> <p>13 he means the scene which is covered by that imaginary</p> <p>14 circle which we spoke about. Your answer, I understood,</p> <p>15 implied that the answer was yes, but you said the reason</p> <p>16 was – and did what witnesses shouldn't do, is you thought</p> <p>17 what the next question would be and you answered it in</p> <p>18 advance, which is not always a smart thing for a witness to</p> <p>19 do, but the point is you do concede, I take it, that</p> <p>20 counsel is right when he says that about only 10 or 20% of</p> <p>21 the video is devoted to, what he called the scene, would</p> <p>22 that be right?</p> <p>23 LT-COL BOTHA: What we described as the</p> <p>24 scene now, yes.</p> <p>25 MR MPOFU: Thank you.</p>	<p style="text-align: right;">Page 438</p> <p>1 LT-COL BOTHA: That is not where the</p> <p>2 koppie is.</p> <p>3 MR MPOFU: And you knew that the people</p> <p>4 were not in the rest of the open veld further away from the</p> <p>5 koppie?</p> <p>6 LT-COL BOTHA: Mr Chair, that's not were</p> <p>7 they were gathered.</p> <p>8 MR MPOFU: Thank you. And yet, your</p> <p>9 video devotes about 80 to 90% of its attention, among</p> <p>10 others, to those areas that I've just mentioned.</p> <p>11 LT-COL BOTHA: When I arrived on the</p> <p>12 scene, there weren't anyone on the koppie anymore, and</p> <p>13 there were people dispersing in the veld into the area</p> <p>14 where the people live, and I also video graphed that.</p> <p>15 MR MPOFU: In your sworn affidavit, which</p> <p>16 was –</p> <p>17 CHAIRPERSON: Mr Mpofo, all affidavits</p> <p>18 are sworn.</p> <p>19 MR MPOFU: Well –</p> <p>20 CHAIRPERSON: Please get your terminology</p> <p>21 right, I mean it's irritating. A sworn affidavit is what</p> <p>22 illiterate people say, an affidavit is a statement which is</p> <p>23 sworn. So I'm sorry to interrupt you, but get it right.</p> <p>24 MR MPOFU: Chairperson, okay, I don't</p> <p>25 want to be involved in a debate about grammar, but this is</p>

Page 439

1 for emphasis, and I'm talking to a lay witness, I'm just
 2 trying to cover two things at the same time, otherwise I'm
 3 going to have to ask him two questions. Did you swear to
 4 this statement, because your signature does not appear to
 5 it?
 6 CHAIRPERSON: In short, he confirmed on
 7 oath, last time, that that statement was correct, that's
 8 enough, isn't it?
 9 MR MPOFU: Yes –
 10 CHAIRPERSON: That's enough isn't it?
 11 MR MPOFU: Yes. Thank you, I'm sorry
 12 about this Colonel, all I'm trying to establish is the
 13 statement which you confirmed under oath – maybe if I put
 14 it like that it will be better. In the statement that you
 15 confirmed under oath, you stated at paragraph 7, and I'm
 16 reading from it now, "On 16 August 2012, I made an aerial
 17 video recording of the SAPS operation at Wonderkop,
 18 Marikana." Is it correct that you did not do anything of
 19 the sort?
 20 LT-COL BOTHA: That is not correct, Sir.
 21 MR MPOFU: So according to you, what we
 22 saw here is a video recording of the SAPS operation at
 23 Wonderkop?
 24 LT-COL BOTHA: According to me, I was
 25 video graphing people that's been dispersed – that are

Page 440

1 dispersing into the job into the area, into the living area
 2 also, and because you can see it on the video.
 3 MR MPOFU: And the disarming, did you
 4 shoot any disarming of anybody?
 5 LT-COL BOTHA: Sir, it's too high up, you
 6 will not see if someone is disarmed, and if it was
 7 disarmed, then it could have shown on the video, but I
 8 don't see anything like that on the video.
 9 MR MPOFU: I'm also going to suggest that
 10 the – or let me put it this way, when did you first see the
 11 footage of your coverage?
 12 LT-COL BOTHA: I cannot remember
 13 specifically when, but when it was downloaded. When I
 14 downloaded it.
 15 MR MPOFU: Okay, I'm going to suggest to
 16 the Commission that the video footage that we saw does not
 17 accord with the evidence that you gave, and I'm now going
 18 to deal with that. And I'm going to suggest, in that
 19 light, that you were either in a different helicopter, or
 20 in the second one that we saw, but maybe in – the question
 21 is, your evidence is that you were sitting right next to
 22 Brigadier Fritz, correct?
 23 LT-COL BOTHA: That is correct, Mr Chair.
 24 MR MPOFU: And Brigadier Fritz was giving
 25 instructions or communicating with people on the ground?

Page 441

1 LT-COL BOTHA: Sir, I knew he was
 2 communicating, it could have been with been pilot also. I
 3 cannot remember what he said. I did say that.
 4 MR MPOFU: Was he communicating with the
 5 people on the ground?
 6 LT-COL BOTHA: I know, at some stage, he
 7 tried to communicate with the people on the ground, but he
 8 had difficulty doing that.
 9 MR MPOFU: Where does this come from now?
 10 On Tuesday you told us that Brigadier Fritz was
 11 communicating with the people on the ground? When was it
 12 just an attempt?
 13 LT-COL BOTHA: I said that he tried to
 14 communicate with the people on the ground, or he did
 15 communicate with the people on the ground, but I cannot
 16 remember, and at some stage he tried to communicate there
 17 were the chopper hovered and he just couldn't get hold of
 18 the people.
 19 MR MPOFU: How do you know that? I
 20 thought your evidence was that you could not remember
 21 anything that Brigadier Fritz said, so how do you know that
 22 he tried to communicate with people and he couldn't reach
 23 them?
 24 LT-COL BOTHA: I cannot remember what he
 25 said, I can remember that he tried to communicate. It's on

Page 442

1 the video. You can also hear him talk at some stage, that
 2 he tried to communicate with someone.
 3 MR MPOFU: Well, that's exactly the
 4 aspect that I wanted to query, Colonel, that if indeed you
 5 were sitting next to Colonel Fritz, as you explained, and
 6 he was communicating with people on the ground, then surely
 7 that audio material would have been audible on your video,
 8 inasmuch as the helicopter noise was audible.
 9 LT-COL BOTHA: Sir, I was sitting next to
 10 Brigadier Fritz in the chopper.
 11 MR MPOFU: Sorry, I did not get that
 12 answer?
 13 LT-COL BOTHA: I said I did sit with the
 14 video camera next to Brigadier Fritz in the chopper.
 15 MR MPOFU: No, that's not what I'm
 16 asking. You heard on the second video that you could
 17 clearly hear the communication of the people talking in the
 18 chopper?
 19 LT-COL BOTHA: Yes, Mr Chair.
 20 MR MPOFU: In your video, or the one that
 21 you say is your video, there is none of that type of audio
 22 material.
 23 LT-COL BOTHA: Mr Chair, I don't what the
 24 technology was that was used in the second video. My video
 25 is a normal handheld video camera.

Page 443

1 MR MPOFU: Yes. But whatever the
2 technology was on your video camera, it was able to pick up
3 the noise of the helicopter, we all heard it, correct?
4 LT-COL BOTHA: That's correct, Mr Chair.
5 MR MPOFU: And it is on that basis that I
6 want to suggest that the activities that you described on
7 Tuesday, which happened inside the helicopter, are not
8 confirmed by the footage, and therefore it is possible – I
9 won't put it higher than that, that that footage came from
10 a different person?
11 LT-COL BOTHA: Mr Chair, if you look at
12 the – at the reflection in the video that I took in the
13 chopper, you can clearly see my yellow watch reflecting in
14 the video. I made that video.
15 MR MPOFU: Okay, where is this yellow
16 watch on the video?
17 CHAIRPERSON: For the benefit of those
18 who later have to read the transcript, the witness put up
19 his hand at that point and showed wrist watch that he has
20 on his left wrist.
21 [16:24] MR MPOFU: Alternatively, what you have
22 described on Tuesday as the conversation between the
23 Brigadier and the people on the ground, did not take place.
24 LT-COL BOTHA: Mr Chair, at some stage
25 you can hear the Brigadier talking. I even talk on the

Page 444

1 video and you can't really hear my voice, the noise is
2 overwhelming. For some reason the noise that's caught by
3 the camera is overwhelmed by the video camera.
4 CHAIRPERSON: Sorry, I think you mean the
5 noise as captured on the camera is overwhelmed by the noise
6 of the helicopter, not by the video camera – or am I saying
7 it incorrectly?
8 LT-COL BOTHA: No, that's what I meant,
9 Mr Chair.
10 MR MPOFU: Okay, so are you now saying
11 that the verbal conversations were drowned out by the
12 helicopter noise?
13 LT-COL BOTHA: I said some of the verbal
14 conversation can be drowned out because you can hear
15 clearly at some stage that someone is calling and, if I'm
16 not mistaken, that is Brigadier Fritz's voice.
17 MR MPOFU: You also testified that when
18 you disembarked from the helicopter, the shooting at scene
19 1 had already happened but the shooting – no, no, I'm
20 sorry, that you were told when you disembarked that the
21 shooting at scene 1 had already happened and that there was
22 a shooting at scene 2, if I'm quoting you correctly.
23 LT-COL BOTHA: No, that's not what I
24 said, Mr Chair.
25 MR MPOFU: Okay, let's take it one step

Page 445

1 back. When you went to the scene at about 4 o'clock, you
2 testified that the shooting at scene 1 had already
3 happened, correct?
4 LT-COL BOTHA: Is that when I went on the
5 ground to the scene or in the air to the scene?
6 MR MPOFU: In the air to the scene at
7 about 4 o'clock, sir.
8 LT-COL BOTHA: Mr Chair, in hindsight, if
9 I look at the video, I mean then I can see it already
10 happened.
11 MR MPOFU: And you said that somebody –
12 that the shooting at scene 2 had not yet happened.
13 LT-COL BOTHA: I said that I wasn't sure
14 at what stage the shooting at scene 2 happened, so I'm not
15 sure if it had happened or not.
16 MR MPOFU: Okay, I'll look for the
17 passage but my recollection was that you said the video –
18 in fact, not my recollection, that's what the transcript
19 says. Mr Tip said to you, "As far as you able to tell, at
20 that time did you capture the entire operation on your
21 video recording?" And your answer was, "No, Mr Chair,
22 definitely not. The video, we determined that the video
23 actually started after the shooting at scene 1 had already
24 happened." And then elsewhere, I think you – and in any
25 event, you did not observe the shooting, the second

Page 446

1 shooting?
2 LT-COL BOTHA: No sir, I did not observe
3 the second shooting.
4 MR MPOFU: But you said, "I was told" –
5 I'm quoting again – "I was told that there was a shooting
6 at scene 2." Do you remember that?
7 LT-COL BOTHA: I remember that.
8 MR MPOFU: Who told you that?
9 LT-COL BOTHA: Sir, when I arrived at
10 scene 1, I was looking for my Captain and they told me that
11 he is at another shooting. That's when I learned that
12 there was another shooting.
13 MR MPOFU: What's his name?
14 LT-COL BOTHA: Captain McClarky.
15 MR MPOFU: And I think we established on
16 Tuesday that you could not say whether, on the other three
17 or four helicopters, there was video footage being taken?
18 LT-COL BOTHA: No, I did not know, Mr
19 Chair.
20 MR MPOFU: Were you aware that there was
21 a Lonmin chopper at the scene, also circling the scene?
22 LT-COL BOTHA: I know there was one
23 chopper that was not a police chopper. I did not know that
24 it was a Lonmin chopper.
25 MR MPOFU: Okay, I think it will be

<p style="text-align: right;">Page 447</p> <p>1 common cause that the non-police chopper was a Lonmin 2 chopper but you say you did observe a non-police 3 helicopter? 4 LT-COL BOTHA: That is correct, Mr Chair. 5 MR MPOFU: In fact – 6 SPEAKER: - to be common cause. 7 MR MPOFU: Okay, according to the 8 evidence that we will given, it might not be common cause. 9 The second video that we saw this afternoon came from 10 something identified as a Lonmin helicopter but in any 11 event, all I want to establish, which you have established, 12 is that there was at least one helicopter which did not 13 belong to the police. 14 LT-COL BOTHA: That is correct, Mr Chair. 15 MR MPOFU: This was a very sensitive 16 operation, correct? 17 LT-COL BOTHA: Sir, I can't really answer 18 on it. It was a displacing and a disarmament operation. 19 MR MPOFU: It was a big operation. 20 LT-COL BOTHA: Yes, it was a big 21 operation. 22 MR MPOFU: There was – there were members 23 of the tactical response unit. 24 LT-COL BOTHA: I didn't – yes, if that's 25 the guys with the black next to their legs then it's</p>	<p style="text-align: right;">Page 449</p> <p>1 video? I don't want us to go back there. If you can't 2 remember it, you can't remember. Do you know the spot 3 where there was a cluster of videos – or rather of Nyalas? 4 CHAIRPERSON: Mr Semenya has turned on 5 his microphone. 6 MR MPOFU: I'm sorry. 7 CHAIRPERSON: Do you want to say 8 something before we proceed? 9 MR SEMENYA SC: I think, Chair, with the 10 greatest of respect, the video we have seen has not shown 11 anything close to 62 Nyalas on it, there never were. 12 CHAIRPERSON: I must say I thought Mr 13 Mpofo [indistinct] – he was carrying on, but any rate Mr 14 Mpofo – 15 MR MPOFU: Ja, I was, Chair. Don't worry 16 about it, we will come to it. In the course of the next 17 four months you'll see the 62 Nyalas, but let's leave it 18 for now. Let's leave it for now. The only issue I'm 19 really making at this point is that this was a major and 20 big operation, but whether there were 59 or 62 Nyalas – 21 CHAIRPERSON: Sorry, Mr Mpofo, I think Mr 22 Burger now has indicated he wants to say something. 23 MR MPOFU SC: Yes. 24 CHAIRPERSON: The best thing to do is to 25 turn your microphone on, then I can see the red light.</p>
<p style="text-align: right;">Page 448</p> <p>1 tactical response unit, yes. Sorry, Mr Chair, there was. 2 MR MPOFU: There was also the national 3 intervention unit. 4 LT-COL BOTHA: I'm not sure if they were 5 there. I can only know the guys on their uniform. I'm not 6 sure if they were national intervention people. 7 MR MPOFU: Okay. 8 LT-COL BOTHA: At that stage I wasn't 9 sure if they were there. In hindsight, I think they were 10 there, yes. 11 MR MPOFU: Okay, I'll make it easier. 12 You cannot dispute that there were also members of the 13 following units, special task force, 14 LCRC, dog unit, mounted unit, air wing, crime 15 intelligence, detectives, crime prevention unit and 16 negotiators. 17 LT-COL BOTHA: No sir, I cannot dispute 18 that. 19 MR MPOFU: And at some point in your 20 video I observed there was a group of Nyalas. I counted 21 about 62 Nyalas clustered in one area. It is – 22 MR SEMENYA SC: That can't be true. 23 LT-COL BOTHA: No, sir. 24 MR MPOFU: Do you remember that spot 25 where there are – there's a collection of Nyalas on the</p>	<p style="text-align: right;">Page 450</p> <p>1 MR BURGER SC: Mr Chair, I'm just asking 2 my learned friend Mr Mpofo what he puts – if he just makes 3 it clear to us that he puts it as the version of his client 4 or as his own evaluation of the video we've all seen, then 5 we know what to look for in the next four months. 6 MR MPOFU: Thank you, Chairperson. I 7 think Mr Burger was not listening. The last time I 8 checked, the word "I" refers to me, Mpofo. So I said I 9 observed 62 Nyalas. Anyway, we agree it was a big 10 operation. 11 LT-COL BOTHA: Chair, if you look at the 12 amount of people there and the amount of vehicles, it is a 13 big operation. 14 MR MPOFU: Is it usual in such 15 operations, big operations involving so many units of the 16 police, to allow a private helicopter concurrently with the 17 police helicopters to be hovering above the scene? 18 LT-COL BOTHA: Mr Chair, I cannot answer 19 the question. I am not sure, I cannot tell you if it is 20 usual or not usual. I don't know. 21 MR MPOFU: But in your 26 years – in your 22 26 years' experience, is it something that usually happens, 23 not very often, never, or none of the above, as questioners 24 usually say? 25 LT-COL BOTHA: Mr Chair, although I was</p>

<p style="text-align: right;">Page 451</p> <p>1 in the police or I'm in the police for 28 years, an expert 2 for 26 years, this was the first such big operation where 3 there were so many police choppers involved where I was 4 involved and I'm not sure if it's usual or not, I cannot 5 say.</p> <p>6 MR MPOFU: Okay, fair enough but you 7 yourself have never observed a private helicopter hovering 8 with police helicopters.</p> <p>9 LT-COL BOTHA: Not in an operation where 10 I was involved.</p> <p>11 MR MPOFU: You didn't notice whether the 12 other helicopters also released stun grenades?</p> <p>13 LT-COL BOTHA: No, Mr Chair, I will not 14 know.</p> <p>15 MR MPOFU: And you didn't know whether, 16 in addition, there were shots that were fired from one of 17 the other helicopters?</p> <p>18 LT-COL BOTHA: No, Mr Chair, I don't.</p> <p>19 MR MPOFU: I don't know if you can help 20 us with this, maybe just as an expert – as accepting for 21 now that you're not in the Lonmin helicopter or the other 22 helicopter, the audiovisual or rather the audio material 23 from that helicopter seems to suggest that the people, 24 despite the higher altitude that they were flying at, that 25 they were able to identify people and objects and vehicles</p>	<p style="text-align: right;">Page 453</p> <p>1 the question and thank you for your assistance. In the 2 unscientific transcript that we have compiled of what was 3 said in the other helicopter, and no doubt that will be 4 debated at the time when it is properly identified, the 5 following, for example it had, "Go forward, go forward, 6 Nyala drive and the Casspir, papa 7 and I think 16. 7 Protection of the water cannon please. Okay papa 1, the 8 people is now moving out of the koppie, out of the koppie. 9 Water cannon come forward, come forward." And then there's 10 another part where it says, "Some of the vehicles in the 11 small koppie, there are several people in the small koppie, 12 hiding in the small koppie." These are just examples. 13 Would you accept that that kind of comment would suggest 14 that the people were able to observe some of the minute 15 details such as this Nyala going forward and this person 16 hiding?</p> <p>17 LT-COL BOTHA: Mr Chair, I don't know who 18 made that comment, so I don't know where the persons are at 19 that stage that made the comment, so I cannot answer the 20 question.</p> <p>21 CHAIRPERSON: I think the question is put 22 to you on the assumption which you are asked to make and 23 which Mr Mpofu hopes to be able to prove later to be a 24 correct assumption, that that was what was said by someone 25 in the other helicopter from which the other video pictures</p>
<p style="text-align: right;">Page 452</p> <p>1 with amazing clarity. Is that related to the type of 2 equipment they were using or are you not –</p> <p>3 MR MADLANGA SC: Chair, commissioners, 4 I'm not altogether sure that I follow the part that my 5 learned friend prefaced his question with, that accepting 6 that you were not in the Lonmin chopper or the other 7 choppers –</p> <p>8 CHAIRPERSON: He asked the question, as I 9 understood it, on the basis that the witness is an expert 10 and he was asking him, can you as an expert tell us the 11 reason why the clarity of the audio material on the other 12 video – even if one assumes it was higher up – is much 13 better than on your video. Can you tell us, is that due to 14 the fact that it was superior equipment? Can you give us 15 that opinion in your capacity as an expert? That's what I 16 understood the question to be.</p> <p>17 MR MPOFU: Terms and conditions, Mr 18 Chairman.</p> <p>19 MR MADLANGA SC: I must have been 20 confused by the word "accepting", thank you Chair.</p> <p>21 LT-COL BOTHA: Mr Chair, I'm not a video 22 or a sound expert. I can presume that it's because of 23 better quality. That is – but I'm not an expert in that 24 field.</p> <p>25 MR MPOFU: Okay. I'll just maybe amplify</p>	<p style="text-align: right;">Page 454</p> <p>1 were taken. He says, and they have had, subjected that to 2 some kind of analysis, produced the transcript. He says if 3 that is what happened, it was what somebody said in the 4 other helicopter and it's been correctly transcribed, would 5 you accept that even from the height at which the 6 helicopter was, they could see, amongst other things, that 7 people were hiding in the, at the koppie below? I think 8 that's the question that you asked, is that correct, Mr 9 Mpofu?</p> <p>10 [16:44] MR MPOFU: Yes, thank you Chair, for the 11 clarity. Is the question now clear?</p> <p>12 LT-COL BOTHA: It's clear. Mr Chair, I 13 cannot accept that the people can just see because I don't 14 know if it's a police radio talking to the chopper, or the 15 chopper, passenger in the chopper talking downwards. So if 16 I know where the person was that made the comment, then I 17 can answer it, but I can't answer it before then.</p> <p>18 MR MPOFU: Okay. Now, thank you, 19 Colonel, it was a little bit unfair, I was just hoping 20 you'd help us as an expert, but I accept that you were not 21 in that particular helicopter. In your helicopter, the 22 video equipment that you were using, was it of such a 23 standard and quality that you would have been able, had you 24 concentrated on the copy, you would have been able to pick 25 up the people there?</p>

<p style="text-align: right;">Page 455</p> <p>1 LT-COL BOTHA: Mr Chair, it is a normal 2 hand held video, I think it's a Panasonic video camera. As 3 you've seen on the footage, the moment you zoom in, it 4 vibrates a lot, and the chopper is also vibrating. I am 5 not sure, you can see people on the ground, it's – but if I 6 could keep it so still by zooming in, I am not sure if that 7 would have been possible. 8 MR MPOFU: Yes. And we established on 9 Tuesday that you did have the zoom function which should 10 have allowed you to zoom to closer targets. 11 CHAIRPERSON: Mr Mpofo, he said he did 12 zoom in, but he says when he did zoom in, there was a 13 vibration, the camera vibrates, and the helicopter was 14 vibrating, and that's why one can't see so clearly, so he 15 doesn't deny that he used his zoom facility - 16 MR MPOFU: Yes. 17 CHAIRPERSON: - but he gave the 18 explanation which I have repeated to you. 19 MR MPOFU: Yes. 20 CHAIRPERSON: So I don't think your 21 question, with respect, proceeds from the correct premise, 22 but perhaps you can reformulate it, and take the point 23 further. 24 MR MPOFU: Thanks, Chair, no, all I was 25 saying is he established or rather you can establish when I</p>	<p style="text-align: right;">Page 457</p> <p>1 LT-COL BOTHA: I cannot recall seeing 2 Brigadier Van Zyl at the scene at all. 3 MR MPOFU: And at the operation 4 afterwards? 5 LT-COL BOTHA: No, I haven't seen him 6 there. 7 MR MPOFU: And at the JOC when you 8 returned the chopper? 9 LT-COL BOTHA: I found Brigadier Van Zyl, 10 I think we've confirm that on Tuesday, at the JOC. 11 MR MPOFU: And you reported – 12 CHAIRPERSON: I am sorry to interrupt, 13 you say you saw him at the scene, sorry, not the scene, 14 that's misleading, you saw at JOC. Did you see him at the 15 JOC both before you left in the helicopter and also when 16 you returned or did you only see him when you returned? 17 LT-COL BOTHA: Before I left, and after I 18 returned, Sir. 19 MR MPOFU: Yes, just another issue of 20 clarity, please, Brigadier, have you got your statement in 21 front of you? 22 LT-COL BOTHA: No, Mr Chair. 23 MR MPOFU: Okay, I will just read out 24 something. You said in paragraph 4, "On 13 August 2012, I 25 attended at the processed" or rather, "and processed a</p>
<p style="text-align: right;">Page 456</p> <p>1 asked you, maybe I must quote from the thing, when I asked 2 you on Tuesday that your camera a zoom function and that 3 you utilised it, you confirm that on Tuesday. 4 LT-COL BOTHA: That is correct, Mr Chair. 5 MR MPOFU: And this vibration that makes 6 it a bit difficult that you described was not seen on the 7 video, was it? 8 LT-COL BOTHA: It was seen on the video, 9 you can see by zooming, that it shakes quite a lot, and 10 sometimes I will zoom in and zoom out because of the 11 vibration. It is seen in the video. 12 MR MPOFU: Okay, you obviously, as the 13 person who took the footage would know at which points you 14 had zoomed in and zoomed out, but my question is simply 15 that at the question at which you had zoomed in, were you 16 able to pick up smaller targets? 17 LT-COL BOTHA: You will be able to see, 18 well, we will have to define smaller targets, but you will 19 be able to see smaller things on the ground. 20 MR MPOFU: Finally, I want to ask you, 21 you testified that when you are assigned – before we do 22 that, was Brigadier van Zyl at the scene? 23 LT-COL BOTHA: I can't – was it at, with 24 the operation or at the scene afterwards? 25 MR MPOFU: Both.</p>	<p style="text-align: right;">Page 458</p> <p>1 crime scene involving Marikana case 117, 118 and 119 at 2 Wonderkop Marikana, wherein thee people died, two of which 3 were police officers and one civilian." Would I understand 4 that to be a mistake or not in conformity with your 5 evidence? And I'll just explain in what way. I understood 6 you to be saying in your evidence that at the points, I 7 think B, C, D and E, four bodies, or rather three bodies 8 were found and one of the policemen was injured. 9 LT-COL BOTHA: When I explained it, I 10 said C was the body of the policeman, D was the blood of 11 the policeman, presumably, allegedly, where he was removed, 12 and he died afterwards in hospital, and E was the body of 13 the civilian. 14 MR MPOFU: Yes, my question is, regarding 15 F, F was a body as well, wasn't it? 16 LT-COL BOTHA: That is correct, Mr Chair. 17 MR MPOFU: And that was a civilian? 18 LT-COL BOTHA: That is correct, Mr Chair. 19 MR MPOFU: So in other words, this 20 paragraph is not correct. 21 LT-COL BOTHA: Mr Chair, the paragraph is 22 correct, I did not process the scene of F and the scene of 23 G. 24 MR MPOFU: G was not processed by you? 25 LT-COL BOTHA: Neither F or G was</p>

<p style="text-align: right;">Page 459</p> <p>1 processed by me.</p> <p>2 MR MPOFU: I see, so cases 117, 118, 119</p> <p>3 do they or do they not involve the person who died in, or</p> <p>4 rather the civilian, the second civilian, if you know what</p> <p>5 I mean.</p> <p>6 LT-COL BOTHA: No, what do you mean with</p> <p>7 the second civilian, sorry?</p> <p>8 MR MPOFU: Well, I am using, I am saying</p> <p>9 the person at F, at least our evidence will be that two</p> <p>10 civilians died on that day, one of them died at E, and the</p> <p>11 other died, that was trying to cross the river, and died at</p> <p>12 4, or rather at F, I accept, I mean, you may or may not</p> <p>13 have been involved. I am just clarifying whether your</p> <p>14 information is in accordance with our evidence. In other</p> <p>15 words, our evidence is that two policemen died and two</p> <p>16 civilians died.</p> <p>17 LT-COL BOTHA: Mr Chair, I've got it</p> <p>18 different, that two – one policeman died on the scene, one</p> <p>19 policeman died in hospital –</p> <p>20 MR MPOFU: Correct.</p> <p>21 LT-COL BOTHA: - and three civilians</p> <p>22 died.</p> <p>23 MR MPOFU: And three – so there was,</p> <p>24 okay. But one of them died across the river.</p> <p>25 LT-COL BOTHA: That will be point G.</p>	<p style="text-align: right;">Page 461</p> <p>1 scene, after I had put out. And then I walked with, but I</p> <p>2 never – I can't, ja, I did come to the scene, yes because I</p> <p>3 met one of the Commissioners, he was walking up and I</p> <p>4 actually stopped apart away from the scene.</p> <p>5 MR NTSEBEZA SC: The short answer will be</p> <p>6 that you were present at the inspection.</p> <p>7 LT-COL BOTHA: I was present at the</p> <p>8 inspection.</p> <p>9 MR NTSEBEZA SC: And on the second day,</p> <p>10 you did point things out, did you?</p> <p>11 LT-COL BOTHA: The day of the inspection?</p> <p>12 MR NTSEBEZA SC: Yes.</p> <p>13 LT-COL BOTHA: Yes, I did.</p> <p>14 MR NTSEBEZA SC: You would recall or</p> <p>15 perhaps you were still far back at that time, but you will</p> <p>16 recall if you were there you saw it, that relevant to body</p> <p>17 G, there was an explanation given by your colleague. Do</p> <p>18 you recall that?</p> <p>19 LT-COL BOTHA: But Chair, that's why I</p> <p>20 said I can't just unequivocally say I was there, because I</p> <p>21 was way behind. When I arrived at the point this, on the,</p> <p>22 let's call it the western side of the stream, Captain</p> <p>23 Moshwana and some people was on the other side of the</p> <p>24 stream, I never crossed the stream that day with the</p> <p>25 inspection.</p>
<p style="text-align: right;">Page 460</p> <p>1 MR MPOFU: Thank you, so, E, F, G would</p> <p>2 be the civilians.</p> <p>3 LT-COL BOTHA: That is correct, Mr Chair.</p> <p>4 MR MPOFU: Thank you, Mr Chairman, that</p> <p>5 will be all, thank you.</p> <p>6 CHAIRPERSON: Thank you, Mr Mpofo. Mr</p> <p>7 Ntsebeza, have you questions for the witness?</p> <p>8 MR NTSEBEZA SC: Yes, I do, Mr Chairman.</p> <p>9 Colonel Botha, let's just begin with the last question that</p> <p>10 was put to you by Mr Mpofo, relevant to G, you did not</p> <p>11 process that crime scene. Is that right?</p> <p>12 LT-COL BOTHA: No, Mr Chair, I did not</p> <p>13 process it.</p> <p>14 MR NTSEBEZA SC: It was your colleague</p> <p>15 who did so?</p> <p>16 LT-COL BOTHA: One of my colleague</p> <p>17 processed the scene.</p> <p>18 MR NTSEBEZA SC: Captain Moshwana.</p> <p>19 LT-COL BOTHA: That is correct, Mr Chair.</p> <p>20 MR NTSEBEZA SC: I don't know where I</p> <p>21 picked this up. I seem to have picked up a suggestion that</p> <p>22 when we did an inspection in loco you were present, is that</p> <p>23 correct?</p> <p>24 LT-COL BOTHA: I actually walked far</p> <p>25 behind the Commission, I first picked up my cones at my</p>	<p style="text-align: right;">Page 462</p> <p>1 MR NTSEBEZA SC: No one was brave enough</p> <p>2 to do so. I remember. Yes, we also wanted to cross the</p> <p>3 stream but we were quite content with Captain Moshwana</p> <p>4 going over and standing to where he said the body was. You</p> <p>5 recall that, that incident?</p> <p>6 LT-COL BOTHA: He was already on the</p> <p>7 other side. I can't say when he was there, that he showed</p> <p>8 the point of the body, because I didn't hear a conversation</p> <p>9 beforehand, he was already there, I cannot remember if he</p> <p>10 was every on his way back already, when I arrived at that</p> <p>11 specific scene.</p> <p>12 MR NTSEBEZA SC: Well, thank you very</p> <p>13 much, Colonel, I won't pursue you the question relevant to</p> <p>14 that. I will reserve it for Captain Moshwana but you do</p> <p>15 confirm that he was where he went to, to indicate it as</p> <p>16 having been the place where the body was found of a</p> <p>17 civilian.</p> <p>18 LT-COL BOTHA: Yes, I can confirm that.</p> <p>19 MR NTSEBEZA SC: Were you also around</p> <p>20 when at some place this side of the stream he indicated the</p> <p>21 place to be where cartridges or casings were found from</p> <p>22 rifles?</p> <p>23 LT-COL BOTHA: No, sir, I had not arrived</p> <p>24 on the scene when he showed that.</p> <p>25 MR NTSEBEZA SC: Yes. Very well, now</p>

<p style="text-align: right;">Page 463</p> <p>1 I've always wanted to ask you whether you made any report 2 after you had gone to do the aerial video recording of the 3 operation at Wonderkop Marikana, did you? 4 LT-COL BOTHA: With report, what do you 5 mean, Sir? 6 MR NTSEBEZA SC: You will forgive me if I 7 am ignorant, I would have thought that having been asked to 8 come and do a particular task, you would then file a report 9 with whomever had asked you. Is that not the process? 10 LT-COL BOTHA: Mr Chair, I normally, the 11 video downloaded, then I give out a statement, and then 12 whoever must receive the video, will receive the video in a 13 statement. 14 MR NTSEBEZA SC: I see. And that would 15 constitute your report? It would be the video, and the 16 statement accompanying the video that you have downloaded. 17 LT-COL BOTHA: That is correct, Mr Chair. 18 MR NTSEBEZA SC: Now, you have been asked 19 this, I just want to confirm it, the operation that you 20 were to video record on the 16th, seems to have a 21 culmination of at least a series of events that started 22 with you attending crime scenes on the 13th of August 2012. 23 Is that right? In other words, you had started on the 13th 24 doing these video recordings in respect of various crime 25 scenes which you have described in your statement which you</p>	<p style="text-align: right;">Page 465</p> <p>1 MR NTSEBEZA SC: And how far is that from 2 Marikana – from the crime scenes where you went to do work? 3 LT-COL BOTHA: I think it's more or less 4 40 kilometres. 5 MR NTSEBEZA SC: Would it be fair to say 6 that on the 13th of August 2012 you had become aware that 7 there was a joint operational centre that had been 8 established at the Lonmin mine rescue section? 9 LT-COL BOTHA: That's correct, Mr Chair. 10 MR NTSEBEZA SC: So on the 13th, if we 11 just start there, so on the 13th when you came to attend at 12 and to process the crime scenes you describe in paragraph 4 13 of your statement, you understood the joint operations 14 centre to be at the Lonmin mine in Marikana. 15 LT-COL BOTHA: No, Mr Chair, let me just 16 explain it. 17 MR NTSEBEZA SC: yes. 18 LT-COL BOTHA: When I went to the scene 19 at Marikana on the 13th, I went straight to the scene. I 20 was actually collected by, I think, a policeman of 21 Marikana, I can't remember. After I processed the scene, I 22 only became aware there's a joint operations centre at 23 Marikana. 24 MR NTSEBEZA SC: I see. And you were 25 aware, were you not, that there were several people from</p>
<p style="text-align: right;">Page 464</p> <p>1 made on the 22nd of October. 2 LT-COL BOTHA: Sir, I was called to 3 process the crime scene of the CAS 117, 118, and 119. I 4 actually called for help, for the other two on that, that 5 was on the 13th. The 14th, I've also processed the scene of 6 the – 7 MR NTSEBEZA SC: The body behind the 8 koppie. 9 LT-COL BOTHA: - the body behind the 10 koppie, yes, and on the 14th, I was not at the JOC, then I 11 was called by Brigadier Van Zyl, then asked him to come to 12 the JOC because they are going to need a videographer. 13 MR NTSEBEZA SC: Where were you called 14 from? 15 [17:04] LT-COL BOTHA: I was called from the 16 scene of the 13th. I did the – I attended to the post- 17 mortems of six people that morning and I went back to the 18 scene with ballistics. I was on the scene when the 19 Brigadier called me. 20 MR NTSEBEZA SC: Maybe I was not very 21 clear in my question. Where are you based at? In other 22 words, when you say I was called, where were you called 23 from? Where are you based? Where is your head – 24 LT-COL BOTHA: Mr Chair, I'm based at 25 Phokeng police station.</p>	<p style="text-align: right;">Page 466</p> <p>1 Pretoria who were in that joint operations centre? For 2 instance, we have a statement by one, Duncan George Scott, 3 do you know Duncan Scott? 4 LT-COL BOTHA: I came to know him 5 afterwards. 6 MR NTSEBEZA SC: You came to know him as 7 a person stationed at the special task force national 8 office in Pretoria. 9 LT-COL BOTHA: I don't know where he's 10 stationed but I do know he's from the special task force. 11 MR NTSEBEZA SC: You came to know of 12 Brigadier Fritz, the section head of the special task 13 force? 14 LT-COL BOTHA: I came to know of him. 15 Let me just qualify that. I don't know, I can't tell you 16 that he was there on the 13th but what I do say is, I came 17 to know Brigadier Fritz during this whole process. 18 MR NTSEBEZA SC: Yes, because on the 16th 19 he is the one with whom you went into the sky in the 20 chopper, isn't it? 21 LT-COL BOTHA: That is correct, sir. 22 MR NTSEBEZA SC: But the one thing that 23 you came to establish on the 13th was that there had been an 24 unfortunate incident in which two policemen got killed. 25 LT-COL BOTHA: Sir, I processed the</p>

<p style="text-align: right;">Page 467</p> <p>1 scene. It was two policemen and three civilians that died 2 in the process. 3 MR NTSEBEZA SC: And in your processing 4 of the crime scene, did you pay attention to the bodies of 5 the policemen? 6 LT-COL BOTHA: There was one body of a 7 policeman on the crime scene and at that – 8 MR NTSEBEZA SC: And the other one you 9 got to know after he had died in hospital, was that your 10 evidence? 11 LT-COL BOTHA: That is correct, Mr Chair. 12 MR NTSEBEZA SC: And did – yes. Both of 13 those policemen - I'm asking you now about you as a 14 photographer and a video camera operator of many years – 15 did you take photographs of the bodies of those two police 16 officials? 17 LT-COL BOTHA: I did, Mr Chair. 18 MR NTSEBEZA SC: Many photographs? 19 LT-COL BOTHA: I attended to their post- 20 mortems. 21 CHAIRPERSON: You haven't answered the 22 question. You were asked did you take many photographs? 23 LT-COL BOTHA: Sorry Mr Chair, yes, many 24 photographs. 25 MR NTSEBEZA SC: From various angles?</p>	<p style="text-align: right;">Page 469</p> <p>1 shot that, for the same reason, didn't look good. 2 MR NTSEBEZA SC: How did you feel? I'm 3 talking about an experienced photographer and video camera 4 operator of 26 years, how did you feel when you saw these 5 images of your colleagues hacked in the manner in which you 6 have described? 7 LT-COL BOTHA: Sir, we've just said it 8 didn't look good but after 28 years you learn to cut 9 yourself off from scenes like that because you've got a 10 duty to do, no matter if it's a civilian or a policeman. 11 CHAIRPERSON: I'm sorry, Colonel, you 12 haven't answered the question. Again I think you've 13 answered what you think will be the next question. The 14 question you were asked is how did you feel. Perhaps 15 counsel would like to elaborate on the question so you'll 16 understand it clearly and then when you've given your 17 answer, you've already given the answer to the next 18 question but answer that question first. 19 LT-COL BOTHA: It's going to be, it's 20 going to sound terrible to say that – I mean I can't say I 21 didn't feel anything because it's dead people lying there, 22 but I've got a job to do and I'm cutting myself off from 23 feelings at that stage. 24 MR NTSEBEZA SC: I understand, Colonel. 25 Sometimes it is easy to be philosophical about these things</p>
<p style="text-align: right;">Page 468</p> <p>1 LT-COL BOTHA: Where are you referring 2 to, on the scene or on – 3 MR NTSEBEZA SC: No, from various angles 4 of the bodies. From various angles of the bodies – in 5 other words, did you take detailed photographs of the 6 bodies? 7 LT-COL BOTHA: Sir, I photographed the 8 bodies from different sides and then I posed, I 9 photographed the post-mortems in the mortuary. 10 MR NTSEBEZA SC: Did you take digital 11 photographs of the bodies that depicted the injuries to the 12 police persons? 13 LT-COL BOTHA: Yes, it was digital 14 photos. 15 MR NTSEBEZA SC: And what did you do with 16 the digital images? 17 LT-COL BOTHA: It was downloaded on a 18 disk and then given to me so that I can compile an album. 19 MR NTSEBEZA SC: So you compiled an album 20 of the photos. 21 LT-COL BOTHA: That is correct, Mr Chair. 22 MR NTSEBEZA SC: I am told that they were 23 a gruesome sight. Would you confirm that? 24 LT-COL BOTHA: Sir, people were hacked to 25 death, it didn't look good and there was a person that was</p>	<p style="text-align: right;">Page 470</p> <p>1 but these were colleagues of yours. What was your – I see 2 you nod – what was your first reaction at seeing these? 3 It's one thing to see a dead colleague and it's one other 4 to see a colleague in the nature which you have left to our 5 imagination. 6 LT-COL BOTHA: I cannot answer it in any 7 other way. After 26 years of seeing dead policemen, dead 8 people, when you get to a crime scene, no matter how 9 gruesome it is, you know you've got to do a job and you cut 10 yourself off from that because otherwise if you get – nou 11 het ek nie die Engelse woord nie. 12 CHAIRPERSON: Gebruik maar die Afrikaanse 13 woord en die toek – 14 LT-COL BOTHA: If you get emotional 15 you're not going to do a decent job. 16 MR NTSEBEZA SC: Can I just push you a 17 little bit and say, did it not cross your mind that whoever 18 was responsible for that must be brought to book? 19 LT-COL BOTHA: Can you qualify "brought 20 to book" please? 21 MR NTSEBEZA SC: To put it in colloquial 22 language, did it not cross your mind that whoever did this 23 must pay for it? That is, you - 24 LT-COL BOTHA: Whoa, whoa, I don't think 25 I want to answer the question.</p>

<p style="text-align: right;">Page 471</p> <p>1 CHAIRPERSON: The question –</p> <p>2 LT-COL BOTHA: Mr Chair –</p> <p>3 CHAIRPERSON: The question has been</p> <p>4 asked, I understand why counsel asks the question. I think</p> <p>5 he's entitled to an answer. Would you like him to repeat</p> <p>6 the question or do you understand the question?</p> <p>7 LT-COL BOTHA: I understood the question.</p> <p>8 Just repeat the question?</p> <p>9 MR NTSEBEZA SC: Colonel, it appears to</p> <p>10 me that you are affected by these questions.</p> <p>11 LT-COL BOTHA: I saw the question as an</p> <p>12 insult. All criminals are supposed to be brought to book,</p> <p>13 no matter who he is. If you kill a policeman you're</p> <p>14 supposed to be brought to book, if you kill a civilian</p> <p>15 you're supposed to be brought to book.</p> <p>16 MR NTSEBEZA SC: I see. I agree, I don't</p> <p>17 disagree. The only thing I find difficult is that you</p> <p>18 didn't find it was necessary for you to answer the question</p> <p>19 the first time I put it to you and you said you don't want</p> <p>20 to answer it. You called the question an insult.</p> <p>21 LT-COL BOTHA: Because I didn't want to</p> <p>22 say I see the question as an insult.</p> <p>23 MR NTSEBEZA SC: Why do you think it is</p> <p>24 an insult, Colonel?</p> <p>25 LT-COL BOTHA: To say that I pick people</p>	<p style="text-align: right;">Page 473</p> <p>1 objection well taken?</p> <p>2 MR NTSEBEZA SC: It's a very sensitive</p> <p>3 area, Mr Chairman, I will not take it –</p> <p>4 CHAIRPERSON: The objection is that you</p> <p>5 asked him what other colleagues would react and the</p> <p>6 question, the objection taken is that he can't speak for</p> <p>7 his other colleagues. That's the objection taken. Now if</p> <p>8 you persist with the question I may have to rule on it. If</p> <p>9 you're not going to go further on this issue, having made</p> <p>10 the points possibly that you set out to make, then I don't</p> <p>11 have to give a ruling.</p> <p>12 MR NTSEBEZA SC: No, Mr Chairman, I don't</p> <p>13 always seek to have you make a ruling on everything that I</p> <p>14 say. No, I take the point that my learned friend – it's a</p> <p>15 touchy area we are working – Let me just ask one last</p> <p>16 question on this aspect and – do you know if these images</p> <p>17 were circulated widely among your colleagues?</p> <p>18 [17:24] LT-COL BOTHA: No, Mr Chair. I had my</p> <p>19 disk with me and images I downloaded, it's downloaded by</p> <p>20 Rustenburg LCRC. I get a working copy and they make a</p> <p>21 master copy that's sent to province, so it's not</p> <p>22 distributed widely.</p> <p>23 MR NTSEBEZA SC: I accept that, but you</p> <p>24 wouldn't say that it wasn't circulated. You wouldn't know</p> <p>25 that?</p>
<p style="text-align: right;">Page 472</p> <p>1 to be punished. That's not the way that I do things.</p> <p>2 MR NTSEBEZA SC: I do not recall that I</p> <p>3 said so or I did so.</p> <p>4 CHAIRPERSON: I think the witness is</p> <p>5 saying that was the insinuation which he picked up.</p> <p>6 Whether he was correct in picking it up is neither here nor</p> <p>7 there, but that seems to be the answer.</p> <p>8 MR NTSEBEZA SC: Yes. Colonel, let me -</p> <p>9 right from the beginning or in the middle of my cross-</p> <p>10 examination say to you that I do not enjoy to ask people</p> <p>11 questions that would insult them, please accept that.</p> <p>12 LT-COL BOTHA: Mr Chair, I accept it and</p> <p>13 if I interpreted it like that, I'm sorry.</p> <p>14 MR NTSEBEZA SC: Apologies accepted,</p> <p>15 Colonel. Now, I want to push you a little bit on this</p> <p>16 aspect. If many of your colleagues came it see those</p> <p>17 images which you saw, which you took graphically and you</p> <p>18 put on digital mode, do you think they would've felt – and</p> <p>19 I'll use the word I noted – as revolted as what you were</p> <p>20 because of what they saw?</p> <p>21 MR SEMENYA SC: Chair, I really</p> <p>22 appreciate where Mr Ntsebeza is seeking to go but it is not</p> <p>23 in the province of this witness to tell what his other</p> <p>24 colleagues would think of a similar image he's seeing.</p> <p>25 CHAIRPERSON: Mr Ntsebeza, isn't that</p>	<p style="text-align: right;">Page 474</p> <p>1 LT-COL BOTHA: No, I cannot say that.</p> <p>2 MR NTSEBEZA SC: Now my learned junior</p> <p>3 reminds me that you said earlier that you attended six</p> <p>4 post-mortems.</p> <p>5 LT-COL BOTHA: That is correct, Mr Chair.</p> <p>6 MR NTSEBEZA SC: Were those in respect of</p> <p>7 your attendance at the crime scene on the 13th and the 14th?</p> <p>8 LT-COL BOTHA: I've done the post-mortems</p> <p>9 for all five people of the 13th and then the body that was</p> <p>10 found behind the koppie of the 14th.</p> <p>11 MR NTSEBEZA SC: I see. I'm told by my</p> <p>12 learned junior here, who whispers into my ear, that only</p> <p>13 three post-mortem reports have been received. Would you</p> <p>14 know where the – on the 13th only three of those that were</p> <p>15 dealt with on the 13th.</p> <p>16 LT-COL BOTHA: I would not know where</p> <p>17 their post-mortem reports are, sir.</p> <p>18 MR NTSEBEZA SC: Well, perhaps that's</p> <p>19 something that we'll take up with the leaders of evidence.</p> <p>20 Now, I am keen to get a sense of the atmosphere that was</p> <p>21 prevailing in Marikana from the 13th to the day on which you</p> <p>22 say you were summoned by Brigadier Fritz, was it, Brigadier</p> <p>23 Fritz?</p> <p>24 LT-COL BOTHA: Brigadier Van Zyl, sir.</p> <p>25 MR NTSEBEZA SC: Oh, I see. Brigadier</p>

Page 475

1 Van Zyl, he is the one who summoned you on the 16th.
 2 LT-COL BOTHA: That is correct.
 3 MR NTSEBEZA SC: But who you went into
 4 the chopper with was Brigadier Fritz?
 5 LT-COL BOTHA: That is correct, Mr Chair.
 6 MR NTSEBEZA SC: Now, I'm just confirming
 7 with you but I understand that from the 13th – and I don't
 8 want to say necessarily it was because of the unfortunate
 9 deaths of the police officers, but it does appear that
 10 there developed a plan, and I don't know if you know about
 11 it, that was conceptualised for the deployment of a police
 12 strategy by using various available forces in the South
 13 African Police Service. Are you aware of that?
 14 LT-COL BOTHA: No.
 15 MR NTSEBEZA SC: So would that mean that
 16 although you were aware that, I thought this is what I
 17 heard you say, you were aware that there was public order
 18 policing at the place in the joint operations centre, you
 19 were aware of that?
 20 LT-COL BOTHA: Sorry, just rephrase the
 21 question? Not rephrase, just repeat the question, please?
 22 MR NTSEBEZA SC: I could rephrase it.
 23 You were aware that there was, in the JOC, the public order
 24 policing unit.
 25 CHAIRPERSON: Mr Ntsebeza, you don't in

Page 476

1 your question say when he was aware. You started talking
 2 about – after the 13th. Now you're dealing with his
 3 awareness –
 4 MR NTSEBEZA SC: Yes.
 5 CHAIRPERSON: - of public order policing
 6 being involved. I think it only right that you should
 7 indicate from when you suggest or ask whether that
 8 awareness was present on his part.
 9 MR NTSEBEZA SC: I understand, I
 10 understand, Chairman. Thank you very much. Maybe I should
 11 preface this by saying after your first operation which you
 12 talk about in your statement, 13th of August, is it fair for
 13 me to think that you became aware that at the joint
 14 operations centre they had assembled a number of units?
 15 LT-COL BOTHA: That's correct, after the
 16 13th.
 17 MR NTSEBEZA SC: Yes.
 18 LT-COL BOTHA: That is correct, Mr Chair.
 19 MR NTSEBEZA SC: And those units were the
 20 ones that Mr Mpfu asked you about, tactical response
 21 teams, national intervention unit, special task force, air
 22 wing, dog unit.
 23 LT-COL BOTHA: Mr Chair, I said that I'm
 24 not sure that everyone was there but I cannot dispute that
 25 they were there.

Page 477

1 MR NTSEBEZA SC: Okay. Did you get a
 2 sense that these units had come from all over the country
 3 or from most provinces from the country?
 4 LT-COL BOTHA: I'd say in the parking
 5 there were vehicles from different areas. I can recall for
 6 instance Bethlehem or – that's the one I can recall now, so
 7 it's normal to assume for me then that this is not only
 8 people from Rustenburg.
 9 MR NTSEBEZA SC: The question, was
 10 Mthatha?
 11 LT-COL BOTHA: No sir, I don't know about
 12 Mthatha.
 13 MR NTSEBEZA SC: Okay. Were you aware
 14 that there were armoured vehicles with barbed wire trailers
 15 at the joint operations centre?
 16 LT-COL BOTHA: Yes, Mr Chair, I saw it in
 17 the parking.
 18 MR NTSEBEZA SC: Now I know that you said
 19 you were not aware of any plan, but may I just ask you just
 20 in case you may remember, that part of the plan would be to
 21 use SAPS helicopters for conveying information to the JOC
 22 and to the ground forces. Were you aware of this plan?
 23 LT-COL BOTHA: No, Mr Chair.
 24 MR NTSEBEZA SC: For instance,
 25 Lieutenant-Colonel George Scott in his statement states

Page 478

1 that part of the plan would include – and this is where
 2 you'd come in – providing photographs and video footage of
 3 the crowd and the environment to the JOCC to enhance
 4 situational awareness. You were not aware of this.
 5 LT-COL BOTHA: I was briefed by Brigadier
 6 Van Zyl, that I was going to video graph a dispersal and a
 7 disarmament operation.
 8 CHAIRPERSON: I think counsel is asking
 9 you about the previous day or days, whether there was going
 10 to be use made of helicopters to obtain visual material
 11 which could be used for intelligence purposes as to what
 12 was going on, not just on the 16th but before that. Is that
 13 correct, Mr Ntsebeza?
 14 MR NTSEBEZA SC: That was the plan which
 15 was, which developed from the 13th, yes.
 16 CHAIRPERSON: I'm asking if that was your
 17 question.
 18 MR NTSEBEZA SC: Yes, that was the
 19 question, Mr Chairman.
 20 LT-COL BOTHA: Can I answer the question?
 21 MR NTSEBEZA SC: Yes.
 22 LT-COL BOTHA: I didn't understand the
 23 question like that, sorry. That is why I was in the air on
 24 the 14th, is to take aerial photos and a video but earlier
 25 on the 14th I switched off my, the video camera, and I took

Page 479

1 aerial photos of the area and the people on the koppie.
 2 MR NTSEBEZA SC: Perhaps you can explain
 3 this for me. One of what Colonel Scott says was going to
 4 be the usage of the SAPS helicopters, he says one of the
 5 SAPS helicopters would become an aerial command post should
 6 the police need to mobilise outside of the planned
 7 activity. Now can you just explain in lay terms what that
 8 means, if you are able to?
 9 LT-COL BOTHA: Sir, you'll have to ask
 10 Colonel Scott.
 11 MR NTSEBEZA SC: Indeed. Now, you
 12 testified that there were four choppers on the 16th of
 13 August that were –
 14 LT-COL BOTHA: That is correct, Mr Chair.
 15 MR NTSEBEZA SC: I don't know whether I'm
 16 correct in recalling, you seemed to be uncertain as to
 17 which they were, other than the one in which you were.
 18 LT-COL BOTHA: Mr Chair, I said we were
 19 two police shoppers, the big White one, according to my
 20 information, was an Oryx. I'm not sure if – I think it's
 21 an air force chopper – and then another one.
 22 MR NTSEBEZA SC: I see. And the two
 23 others, you do not know who they belonged to or what – ja,
 24 who they belonged to?
 25 LT-COL BOTHA: No, I found out later that

Page 480

1 the Oryx is an air force chopper. The other one was either
 2 blue or black, I can't even remember the colour, I know it
 3 was a dark chopper.
 4 MR NTSEBEZA SC: The air force meaning
 5 the South African Air Force?
 6 LT-COL BOTHA: That was what I was
 7 informed, sir.
 8 MR NTSEBEZA SC: So at some stage would
 9 you not say there was anticipated – or let me put the
 10 question differently. Was the South African Air Force, to
 11 your knowledge, part of the joint operation or was the South
 12 African Air Force helicopter on loan to SAPS or don't you
 13 know?
 14 LT-COL BOTHA: I don't know, sir.
 15 MR NTSEBEZA SC: Well, at least the
 16 statement by Colonel Scott explains what it was but I
 17 thought you might know what it was all about. Now, you do
 18 not know the other two. You have described the Oryx and
 19 then the SAPS and then – oh ja, the one – you do not know
 20 where that other one belonged, who that one belonged to?
 21 LT-COL BOTHA: I don't know who belonged
 22 to it, who it belonged to, sir.
 23 MR NTSEBEZA SC: No, I'm asking because
 24 one of the videos, the high flying sort of video was
 25 presented to us by evidence leaders as labelled "Lonmin

Page 481

1 video."
 2 LT-COL BOTHA: I cannot confirm that,
 3 sir.
 4 MR NTSEBEZA SC: Yes, okay. Your chopper
 5 – because this is something that I think you'll assist me
 6 with – I read through some of these documents that we
 7 received from the police, I don't know whether one uses
 8 "chopper" and "papa" interchangeably. Do you understand
 9 what I'm saying? When you say chopper 1 are you also
 10 saying the same thing as papa 1?
 11 LT-COL BOTHA: Sir, normally call signs
 12 won't be confusing, so what I mean by that is you won't
 13 give me a call sign chopper 1 and papa 1. Does that answer
 14 the question?
 15 CHAIRPERSON: I think the question is, do
 16 they mean the same thing? So a reference in a document to
 17 chopper 1 and in the same document or perhaps another
 18 document a reference to papa 1, will that be a reference to
 19 the same thing? I think that's what counsel wants.
 20 MR NTSEBEZA SC: Yes. Yes, Mr Chairman,
 21 thank you.
 22 LT-COL BOTHA: Sir, I don't know. It's
 23 not supposed to be, that's the closest I can come to the
 24 answer.
 25 [17:44] MR NTSEBEZA SC: You see because I want

Page 482

1 to be sure that I did not put things to you that you didn't
 2 say or I do not proceed on the basis of an assumption that
 3 when somebody else says papa 1, it means chopper 1. You
 4 see, why it is important is because there are certain
 5 questions that the Chairman put to you on – what was the
 6 day – on Tuesday. The first one was to establish when you
 7 think you took off from JOC and there was a little bit of
 8 uncertainty. I think in the end you said 15:58, to which
 9 the Chairman said that basically is two minutes to four.
 10 Do you recall that evidence?
 11 LT-COL BOTHA: I said, if I recall, my
 12 video starts at more or less 15:58 and I think we still
 13 said give or take a few minutes because how long will you
 14 fly there. I'm not – I think that's what was said.
 15 MR NTSEBEZA SC: No, I checked the record
 16 and in fact the record does – yes. As I say, I think it is
 17 – one just wanted to be sure that when we – let me
 18 rephrase. I just wanted to be sure that the time was more
 19 or less, according to your estimation, 15:58. When you say
 20 give or take five minutes, would it have been 15:53 when
 21 you took off perhaps or –
 22 LT-COL BOTHA: Mr Chair, if I start my
 23 video at plus-minus 15:58, let's say give or take or let's
 24 say take five minutes.
 25 CHAIRPERSON: So that means you could've

<p style="text-align: right;">Page 483</p> <p>1 taken off at 15:53? In other words, you could've taken off 2 at seven minutes to four and turned your video on at two 3 minutes to four. Is that what you're saying? 4 LT-COL BOTHA: I started my video at more 5 – at about 15:58, it's either 15:58 or 15:57, there's not 6 more than a minute difference, I'm sure about that but then 7 I had to be in the air by then and more or less close to 8 the scene. 9 MR NTSEBEZA SC: And if we could just 10 deal with one uncertainty, your chopper, the chopper which 11 you went into the air in was chopper 1. 12 LT-COL BOTHA: I think I said chopper 1 13 but I wasn't sure when I said I think it's chopper 1. I 14 cannot recall the call sign that was given to that chopper, 15 sir. 16 MR NTSEBEZA SC: Yes, chopper 1 actually 17 is mentioned in CEPT – I am told they are CEPT log reports. 18 Are you familiar with that? 19 LT-COL BOTHA: No, sir. 20 MR NTSEBEZA SC: It's A192 and 00614, 21 that's where it starts. It records Thursday 2012-08-16. 22 CHAIRPERSON: I think that's the 23 occurrence book, Mr Ntsebeza. 24 MR NTSEBEZA SC: The OB, okay, okay. It 25 comes with your experience, Mr Chairman. Now, why I want</p>	<p style="text-align: right;">Page 485</p> <p>1 MR NTSEBEZA SC: Now, the Chairman 2 reminded me about occurrence books. In the old days, the 3 good old days, police officers used to have pocket books. 4 Do they still have those today? 5 LT-COL BOTHA: Yes, Mr Chair. 6 CHAIRPERSON: I don't know what you mean 7 by good old days, Mr Ntsebeza. 8 MR NTSEBEZA SC: Now did you have, on the 9 16th of August, a pocket book and did you record any of the 10 activities of the 13th and the 16th August 2012 in your 11 pocket book? 12 LT-COL BOTHA: Mr Chair, I've got a 13 diary. Officers in the South African Police Service have a 14 diary, it's not pocket books, and I did note some times. I 15 did not note the time of the chopper, I did note the time 16 that I arrived at the JOC and the time that I left the JOC 17 again. I did make an entry that it took aerial photos. I 18 did not note the times because my diary was in the vehicle, 19 not with me in the chopper. 20 MR NTSEBEZA SC: Right. Where is the 21 diary? 22 LT-COL BOTHA: The diary is at the 23 office. 24 MR NTSEBEZA SC: I'm sure you will make 25 it available to the evidence leaders if we request for it,</p>
<p style="text-align: right;">Page 484</p> <p>1 some clarification relevant to your time when you took off 2 in chopper 1, as you think chopper 1 was the aircraft, is 3 that this log or this occurrence book on the Thursday, this 4 Thursday we are talking about, 16th of August, serial 5 number/volgnommer 1016, time 15:45, aard van voorval/nature 6 of occurrence situation report, chopper 1 reported that the 7 people are moving from the koppie. Now, I was puzzled as 8 to whether this is a correct reflection of a report from 9 the aircraft in which you were, the chopper in which you 10 were or to the extent that the times are different, it 11 might be a reflection of your mistake as to when you took 12 off maybe – but you can explain it. Maybe there's some 13 explanation which is not – 14 LT-COL BOTHA: Sir, I said I'm not sure 15 if the call sign was chopper 1. I could've been in chopper 16 2, chopper 3. I didn't give attention to the call sign 17 that was given to our chopper, so – I was definitely not in 18 the chopper that got into there at quarter to four. 19 MR NTSEBEZA SC: I see, I see, but if you 20 were in chopper 1, as you thought you were or as you think 21 you were, then if this log report in this occurrence book 22 is correct then it would be reasonable to say that you are 23 probably mistaken about when you took off. 24 LT-COL BOTHA: But then I wasn't in the 25 chopper, in that specific chopper.</p>	<p style="text-align: right;">Page 486</p> <p>1 just to check. 2 LT-COL BOTHA: If I have to I will, sir. 3 CHAIRPERSON: I'm afraid you will have to 4 if we ask for it because I have to check what you say, the 5 accuracy of your memory for example, or your evidence, is 6 an appropriate reason for asking for your diary. So I 7 would be grateful if you'd make it available to us. Thank 8 you. 9 MR NTSEBEZA SC: Now there's one other 10 reason that I would seek to persuade you that you probably 11 are wrong about when you took off. You seem, other than 12 the statement which you made on the 22nd day of October 13 2012, to have made two other statements. There is one here 14 which is 813001120 and in paragraph 4 thereof you say the 15 following – I take it that if you need to prove, we'll put 16 it to you because you – this one was sworn to before a 17 commissioner of oaths, Mr Mosweu Paul Mohilwa. Now in that 18 statement in paragraph 4 you say the following, "On 2012- 19 08-16 at 15:49 I made a recording of a scene at Wonderkop, 20 Marikana. The duration of the recording is 41 minutes 18 21 seconds. The original CD of the recording is kept at 22 Rustenburg LCRC." Do you remember making this statement? 23 LT-COL BOTHA: Mr Chair, that's correct, 24 after I made the statement I compared my times with my 25 digital camera and the time of the video and I realised</p>

Page 487

1 that the video camera is – because my watch and the digital
 2 camera’s time was the same and I realised that the digital,
 3 that the video camera’s time is plus-minus eight minutes
 4 out and in the statement that’s in my docket – I can send
 5 someone to go and collect it – I’ve rectified that.
 6 MR NTSEBEZA SC: Now, if I proceed on the
 7 basis that what you say in paragraph 4 is what it says and
 8 I read what is logged in the occurrence book about how, at
 9 15:45 there was a report from a chopper 1 that the people
 10 are moving from the koppie, isn’t it most likely that it is
 11 so, in fact, that at quarter to four chopper 1 was the
 12 chopper in which you were when in fact you were recording
 13 at 15:49 the scene at Wonderkop, Marikana?
 14 LT-COL BOTHA: Mr Chair, I can just say
 15 that I did say I’m not sure what the call sign of my
 16 chopper was and I did realise after that statement go out,
 17 went out, that the digital time on my video or the time on
 18 my time on my video – and it doesn’t show when you make the
 19 video – and the time on my digital camera differs with
 20 about eight minutes and my digital camera is correct with
 21 my watch, so I presume that’s the correct time.
 22 CHAIRPERSON: Mr Ntsebeza it’s now – Mr
 23 Ntsebeza, it’s now just after six o’clock. I’m not going
 24 to adjourn until you tell me you wish me to adjourn because
 25 you may be busy with a point. I don’t want to interrupt

Page 489

1 extent – we could adjourn at this stage.
 2 MR NTSEBEZA SC: Very well. The
 3 Commission will adjourn until nine o’clock tomorrow
 4 morning.
 5 CHAIRPERSON: Sorry, before the legal
 6 teams depart, we undertook that we’d revert to you with an
 7 attempt to define phase 1 more precisely. We formulated a
 8 document which we’ll distribute electronically. If anyone
 9 wants to pick up a hard copy now, I have approximately 50.
 10 [COMMISSION ADJOURNED]
 11 .
 12 .
 13 .
 14 .
 15 .
 16 .
 17 .
 18 .
 19 .
 20 .
 21 .
 22 .
 23 .
 24 .
 25 .

Page 488

1 you but when you are, considerate it appropriate for us to
 2 take the adjournment till tomorrow morning, I’ll adjourn
 3 but it’s for you to say when.
 4 MR NTSEBEZA SC: If I could just put,
 5 just – I’m not very clear about these digital things but
 6 I’ve seen in some videos an indication of the time and the
 7 date on the footage itself. Does your camera not do that
 8 kind of thing, because then I suppose it would put beyond
 9 doubt any conjectures you are making.
 10 LT-COL BOTHA: No, Sir, unfortunately
 11 not.
 12 MR NTSEBEZA SC: Mr Chairman, I’m going
 13 to seek to explore this area in a bit more detail.
 14 [18:04] CHAIRPERSON: I put it to you that I’m
 15 not rushing you. I understand sometimes counsel, where
 16 he’s busy with a point, wants to take it to the end before
 17 the adjournment is taken.
 18 MR NTSEBEZA SC: Yes.
 19 CHAIRPERSON: So I’m not –
 20 MR NTSEBEZA SC: No, I appreciate that.
 21 CHAIRPERSON: It’s for you to tell me
 22 when you consider that you’ve dealt with the point
 23 adequately and you’re happy we adjourn till tomorrow.
 24 MR NTSEBEZA SC: This point, I think I
 25 will develop another aspect of the video camera and to the

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

<p style="text-align: center;">A</p> <p>aard 484:5 ability 413:9 able 359:14 365:1 367:8 371:25 384:16 390:8 399:10 400:6 418:6 428:7,13 443:2 445:19 451:25 453:14 453:23 454:23,24 456:16,17,19 479:8 absence 369:14 absolutely 404:25 academic 370:11 accept 361:16 366:5,6 367:9 369:23 373:10 378:3,6 387:6 436:11 453:13 454:5,13,20 459:12 472:11,12 473:23 acceptable 398:5 421:7 accepted 472:14 accepting 451:20 452:5 452:20 access 364:8 379:7,9,12 380:3,6 392:24 401:15 404:3 accommodate 366:25 366:25 accommodation 359:6 359:16 365:23 373:6 373:9 374:11 375:6 408:8 accompanying 463:16 accord 399:8,20 401:3 406:2,7,9,18,19 440:17 accreditation 364:7,8 364:20 accuracy 486:5 accused 382:18 accustomed 407:14 act 385:5 394:6 acting 397:8 action 359:13 437:3 activities 389:9 427:11 437:11 443:6 485:10 activity 479:7 actual 417:25 actualised 416:8 add 401:14,20 adding 396:9,11,13 addition 451:16 address 373:15 392:10 399:13,22 405:10 412:13 417:7 addressed 401:15 408:9 addressing 402:1 adequately 488:23 adjourn 406:17 487:24 487:24 488:2,23 489:1,3 adjourned 399:5 400:1 403:23 406:4 489:10 adjournment 379:20</p>	<p>381:15 393:14 397:24 398:18,25 406:19 408:16 416:1 488:2 488:17 ADJOURNS 399:1 Adv 364:1 365:1 366:5 367:5 368:14,15 371:9,13,21 372:4 375:22 418:18 advance 405:11 436:18 advanced 382:12 adversarial 376:18 advised 375:22 advisers 410:1 advises 359:21 advocate 371:24 advocates 396:20 aerial 439:16 463:2 478:24 479:1,5 485:17 affidavit 438:15,21,22 affidavits 438:17 afford 372:17 afforded 409:3 afraid 431:24 486:3 Africa 360:13,19 African 363:8 402:9 403:25 475:13 480:5 480:10,12 485:13 Afrikaans 419:25 420:1,6,13,14,15 Afrikaanse 470:12 afternoon 360:20 376:9 406:23 407:11 411:1 415:15,17 418:17,17 447:9 agency 388:7,8 ago 399:24 406:15 422:13 agree 369:19 396:14 428:24 430:11 433:5 433:19 450:9 471:16 agreed 365:9,10 382:9 384:10 401:4 agreement 397:23 404:9 406:3,5 aid 359:9 360:12,13,19 370:23,25 371:1,6 376:6,8,12 377:2,8 378:1,8,17,22 aimed 366:16 air 419:9,13,17 445:5,6 448:14 476:21 478:23 479:21 480:1,4,5,10 480:12 483:7,11 airborne 423:15 aircraft 484:2,9 album 468:18,19 allegations 390:20 391:11 404:12 alleged 376:24 378:16 allegedly 458:11 allow 374:20 408:25 414:19,21 450:16 allowed 370:6 375:1 418:11 437:8 455:10</p>	<p>alluded 383:20 386:23 alms 372:16 373:1 alright 393:24 420:19 421:6,7 423:14 Alternatively 443:21 altitude 451:24 altogether 452:4 amazement 366:13 amazing 452:1 AMCU 368:14 394:6,6 394:22 404:6 AMCU's 394:25 amend 410:1 amendment 359:21 360:6,11 367:6 373:11 410:9 amendments 374:24 amount 400:13,15,20 450:12,12 amounted 386:5 amplify 452:25 analysis 454:2 angles 467:25 468:3,4 answer 436:9,14,15 442:12 445:21 447:17 450:18 453:19 454:17 454:17 461:5 469:17 469:17,18 470:6,25 471:5,18,20 472:7 478:20 481:13,24 answered 436:9,17 467:21 469:12,13 anticipated 480:9 anybody 376:19 388:19 413:25 440:4 anymore 414:11 438:12 anyway 370:13 380:24 393:17 412:10 437:17 450:9 apart 461:4 Apologies 472:14 appeal 373:16 appear 439:4 475:9 appearances 371:11 appears 404:23 471:9 application 369:16 376:6 381:3,20,20 382:6,8 393:12,19 405:19,22 406:12 408:2 413:2 414:11 417:3 418:9 applications 369:17 381:1 384:15 405:17 applies 402:16 apply 388:3 appreciate 472:22 488:20 appreciation 403:13 apprehending 397:1 apprehension 403:10 approached 384:8 411:23 approaching 368:21 appropriate 365:10 386:12 393:6 397:24</p>	<p>405:18 417:10 418:11 420:3 486:6 488:1 appropriately 365:19 approximately 489:9 area 438:13 440:1,1 448:21 473:3,15 479:1 488:13 areas 383:11 438:10 477:5 argue 427:21 argument 385:13 413:6 arisen 405:2 armoured 477:14 arraign 397:3 arraigned 397:4 arrangement 397:10 397:13 398:2,21,22 arrangements 389:24 392:25 393:20 395:24 410:3 411:3 416:14 arrest 361:14 379:15 383:15 386:12 387:23 387:23 396:25 401:17 401:19 arrested 380:15,19 381:4 383:17,25 384:4 389:13 391:12 392:19 394:5,7,15 395:10 397:17 402:6 403:8 404:20 405:5 arresting 385:3 arrests 359:10 361:11 361:19 362:10,19 373:3 374:8 378:25 380:8 385:9 386:1,14 arrive 418:4 arrived 438:11 446:9 461:21 462:10,23 485:16 articulate 367:24 articulated 367:20,22 ascertain 431:20 ascribed 413:24 aside 378:11 402:1 asked 360:1,9 363:9 371:22 384:11 395:9 410:22 414:3 416:3 420:22 422:18 436:10 452:8 453:22 454:8 456:1,1 463:7,9,18 464:11 467:22 469:14 471:4 473:5 476:20 asking 422:5 424:15 442:16 450:1 452:10 467:13 478:8,16 480:23 486:6 asks 471:4 aspect 370:9 375:5 376:5 378:21,22 379:25 390:18 394:5 409:18 417:11 442:4 472:16 473:16 488:25 aspects 359:4,15 369:13,14 370:21 378:23 393:25 assault 391:13</p>	<p>assembled 476:14 assigned 456:21 assist 381:7 384:4 386:21 403:4 410:3 481:5 assistance 377:3 392:13 392:13 397:3 453:1 assume 477:7 assumes 452:12 assumption 453:22,24 482:2 assured 411:23 atmosphere 474:20 attack 385:18 attacked 385:11,15 attained 376:22 attempt 441:12 489:7 attempted 403:12 405:3 attempting 403:4 attend 359:25 360:3 366:17 367:4,16,17 367:18 410:4 413:9 465:11 attendance 359:10,19 360:6,10 402:19 408:14 410:5,6 474:7 attended 360:4 457:25 464:16 467:19 474:3 attending 381:1,2 463:22 attention 363:4,9 364:17 370:22 398:11 438:9 467:4 484:16 attitude 391:15,24,25 attorney 367:13 attorneys 380:25 382:21 400:10 401:21 416:2,3,17 attributed 366:19 audible 442:7,8 audience 401:6 audio 442:7,21 451:22 452:11 audiovisual 451:22 auditorium 399:4 August 382:1 387:3 439:16 457:24 463:22 465:6 476:12 479:13 484:4 485:9,10 authenticate 379:14 available 389:25 394:16 407:14 409:7 409:9 417:22 475:12 485:25 486:7 availed 362:6 aware 411:25 427:1 446:20 465:6,22,25 475:13,16,17,19,23 476:1,13 477:13,19 477:22 478:4 awareness 476:3,8 478:4 A192 483:20</p>
B				

<p>B 431:2 458:7 back 363:12,12 375:14 399:5 406:8 414:20 421:17,23 428:25 429:15,24 445:1 449:1 461:15 462:10 464:17 background 383:19 bail 381:1,2,19,20 382:6,6,8 384:15 393:12,19 400:11,13 400:19 401:5,23 402:15 403:4,15 404:10 405:17,19,22 412:23 413:2 balance 390:11 ballistics 464:18 bandied 389:10 barbed 477:14 based 414:20 464:21,23 464:24 bases 367:22 basically 482:9 basis 360:5 362:17,18 362:19 364:21 366:6 367:24 369:25 370:4 370:5 372:12 374:19 374:20 378:13 379:15 384:24 385:2 386:25 388:20 397:25 401:23 431:20 443:5 452:9 482:2 487:7 bear 386:19 beg 394:2 beginning 359:15 421:11 430:4 472:9 behalf 363:7 375:10 389:9 416:16 behave 365:18 behaviour 391:14 behoves 365:18 409:8 belief 362:10,15 believe 361:23 370:3,5 396:16 424:6,6 belong 447:13 belonged 479:23,24 480:20,20,21,22 benefit 443:17 best 369:19 402:20 403:4,12 417:23 449:24 Bethlehem 477:6 better 401:9 419:25 420:13 421:13 439:14 452:13,23 beyond 385:14 407:8 488:8 big 425:12 447:19,20 449:20 450:9,13,15 451:2 479:19 bigger 389:6 bilaterally 402:9 bit 419:18 421:9 429:10 454:19 456:6 470:17 472:15 482:7 488:13 Bizos 368:15 373:13,21</p>	<p>373:23 374:2 406:12 406:14 407:18 408:17 409:13,14 415:7 421:13 black 447:25 480:2 blood 458:10 blow 381:18,18 blue 365:4 480:2 blunt 384:20 board 360:19 371:1 376:8,12 377:2,8 378:1,8 bodies 458:7,7 467:4,15 468:4,4,6,8,11 body 458:10,12,15 461:16 462:4,8,16 464:7,9 467:6 474:9 bona 387:23 Bongo 386:23 404:15 bono 372:3,5 book 470:18,20 471:12 471:14,15 483:23 484:3,21 485:9,11 487:8 books 485:2,3,14 Botha's 410:24 411:20 bottom 372:14,15 box 406:23 brave 462:1 break 380:13,13 briefed 371:9 478:5 briefly 373:15 brigadier 369:6 379:14 427:18 437:9,13 440:22,24 441:10,21 442:10,14 443:23,25 444:16 456:22 457:2 457:9,20 464:11,19 466:12,17 474:22,22 474:24,25 475:4 478:5 bring 384:17 391:22 395:24 406:12 418:18 bringing 384:8 broader 379:8 broke 418:23 419:1 broken 398:23 brought 363:4,9 364:17 370:2,3,4 381:9,19,20 382:6 383:7 384:19 392:19 393:9 405:20 470:18,19 471:12,14 471:15 Bruinders 368:14 371:9,13,21 372:4 375:8,9 379:17,19 392:16 394:2,4 395:21 396:7,23 397:21 405:25 415:8 budge 363:16 Budlender 410:21 411:10,18 bullets 377:10 Burger 375:7,10,10,12 375:14,18 376:2 414:5,7 449:22 450:1</p>	<p>450:7 business 410:9 busy 373:11 393:12 431:19 487:25 488:16 B1 425:14,24 431:11 B16 431:7,10,14 B2 431:4,6</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 458:7,10 call 374:22 378:16 399:14 404:1 410:19 425:7,9 461:22 481:11,13 483:14 484:15,16 487:15 called 359:19 369:6 371:4 380:16 387:16 389:8 408:18 436:12 436:21 464:2,4,11,13 464:15,19,22,22 471:20 calling 444:15 camera 363:6,23 422:7 422:9 442:14,25 443:2 444:3,3,5,6 455:2,13 456:2 467:14 469:3 478:25 486:25 487:1,19,20 488:7,25 camera's 487:2,3 campaign 396:9 cannon 383:14 453:7,9 canon 429:10 432:5,10 432:20 434:9,13,14 canons 432:14 can't 372:22 390:13 395:11 397:17 402:22 421:16 424:10,11 428:22 430:7 431:23 432:4 444:1 447:17 448:22 449:1,2 454:17 455:14 456:23 461:2,20 462:7 465:21 469:20 473:6 480:2 capable 383:22 capacity 364:11 384:18 452:15 Captain 429:12 446:10 446:14 460:18 461:22 462:3,14 capture 363:18 445:20 captured 444:5 captures 363:18 capturing 364:20 carried 366:18 carry 398:24 413:5 carrying 449:13 cartridges 462:21 CAS 464:3 CASAC 375:11,19 case 362:12 411:25 426:3 458:1 477:20 cases 404:14 459:2 casings 462:21 Casspir 453:6</p>	<p>caught 444:2 cause 411:14 447:1,6,8 CD 486:21 cells 382:21 388:18 centre 434:21 435:6 465:7,14,22 466:1 475:18 476:14 477:15 CEPT 483:17,17 certain 359:8,10,13 360:14 361:2 364:8 365:17 399:9 400:5 401:4 414:9 482:4 certainly 369:23 394:8 396:16 409:18 Chairman 359:17 366:3,3 367:11 368:1 368:15,16,19 369:2 369:22 372:8 374:3 376:7 403:19 404:25 405:9 406:14,21 415:23 416:6 417:15 418:15 419:24 420:17 452:18 460:4,8 473:3 473:12 476:10 478:19 481:20 482:5,9 483:25 485:1 488:12 chairs 360:13 chance 378:23 392:17 415:2,8,9 charge 380:3 387:2 charged 382:1 383:3 385:1 387:2 charges 405:5 Chaskalson 398:7 check 407:2 486:1,4 checked 450:8 482:15 checking 401:20 Chile 378:2 chopper 369:7 418:20 418:24,24 428:2 441:17 442:10,14,18 443:13 446:21,23,23 446:24 447:1,2 452:6 454:14,15,15 455:4 457:8 466:20 475:4 479:21 480:1,3 481:4 481:8,9,13,17 482:3 483:10,10,11,12,13 483:14,16 484:2,2,6,9 484:15,15,16,17,18 484:20,25,25 485:15 485:19 487:9,11,12 487:16 choppers 419:11,12 451:3 452:7 479:12 Cinderella 372:12 circle 429:4,5 434:13 434:15,21 435:3,10 435:11 436:14 circled 432:21 circling 446:21 circulated 473:17,24 circumstances 386:12 415:3 circumvent 381:23 civilian 458:3,13,17</p>	<p>459:4,4,7 462:17 469:10 471:14 civilians 459:10,16,21 460:2 467:1 clarification 484:1 clarified 431:13 clarifying 459:13 clarity 435:9 452:1,11 454:11 457:20 clear 389:1,5 392:1,4 406:5 450:3 454:11 454:12 464:21 488:5 clearly 391:18,19 403:18,24 426:24 428:1 442:17 443:13 444:15 455:14 469:16 client 364:17 365:9 367:3 380:5 395:13 450:3 clients 360:16 362:8,12 366:21 368:10,23 369:8 384:3 385:11 389:12 390:16 391:25 394:12 413:9 close 393:8 427:21,23 428:12 449:11 483:7 closely 368:13,15,15 closer 455:10 closest 481:23 cloud 371:1 cluster 449:3 clustered 448:21 coat 365:4 coin 388:3 colleague 460:14,16 461:17 470:3,4 colleagues 361:23 383:4 392:8 401:12 469:5 470:1 472:16 472:24 473:5,7,17 collect 487:5 collected 465:20 collection 448:25 colloquial 470:21 Colonel 368:10,25 381:7 392:21 393:6 407:19 408:18 410:24 411:20,23 412:8 413:24 414:18,18 415:18 417:17 418:2 418:14 419:22 421:7 422:2,4 436:8 439:12 442:4,5 454:19 460:9 462:13 469:11,24 471:9,24 472:8,15 479:3,10 480:16 Colonel's 417:12 colour 480:2 Combi 383:12 come 370:6 371:21 372:19 377:2 380:16 381:5,12 383:12 392:2,3 397:10,12 405:8 408:17 414:12 417:3 419:4 422:18 441:9 449:16 453:9,9</p>
--	---	---	--	--

<p>461:2 463:8 464:11 477:2 478:2 481:23 comes 363:19 388:8 399:18 413:2 483:25 coming 385:18 392:1 399:5 400:6 command 479:5 commence 359:3 comment 364:14 424:12 427:20 453:13 453:18,19 454:16 commentary 421:9 commissioned 437:10 commissioner 364:4 366:3 390:15 486:17 commissioners 359:18 367:15 372:14 374:6 395:5 396:19 398:4,7 402:3 405:20 409:22 411:16,20 430:23 452:3 461:3 Commission's 405:2 committed 361:15 371:7 385:5 386:9 387:14 common 447:1,6,8 communicate 441:7,14 441:15,16,22,25 442:2 communicating 440:25 441:2,4,11 442:6 communication 442:17 comparative 420:25 compared 486:24 compass 435:6 compensate 409:12 compile 468:18 compiled 453:2 468:19 complained 364:22 complaint 378:18 384:22 390:9 complaints 359:11 383:6 complete 394:8,9 395:16 completely 384:20 402:7 comply 403:17 computer 363:24 concede 436:19 conceding 379:9 concentrated 436:5 454:24 conceptualised 475:11 concern 405:13 concerned 360:23 393:5 400:5 404:2 405:22 410:24 412:23 concerns 375:20 392:10 conclude 396:2,9 conclusion 404:20 concrete 402:18 concurrently 450:16 conditions 400:5,12,20 405:18 452:17</p>	<p>conducted 391:23 cones 460:25 conference 377:19 378:2 confidential 363:13 confidentially 362:3 confine 428:24 confined 387:17 confirm 423:7,9,10,25 424:10 425:1,2,19 426:9 428:22 429:7 429:14 456:3 457:10 462:15,18 463:19 468:23 481:2 confirmed 433:6 439:6 439:13,15 443:8 confirming 475:6 conformity 458:4 confused 452:20 confusing 481:12 confusion 410:11 conjectures 488:9 consequence 359:13 consequences 395:17 consider 368:20 373:17 417:10 421:8 488:22 considerable 404:8 considerate 488:1 consideration 406:21 407:10,17,19 considered 418:10 constant 367:13 416:17 constitute 387:13 463:15 constitutional 366:15 367:21 384:24 409:24 410:10 416:1,21 consult 372:1 392:20 395:25 396:1 consultation 391:25 400:9 404:4 consultations 371:12 404:5 consulted 416:2 consulting 381:14 contact 361:6 367:13 395:14 416:17 contacted 360:13,17 366:23 394:10 contain 374:2 contained 362:18 contempt 389:13 contended 387:12 content 420:25 462:3 contention 362:15 403:6 contentions 405:18 contents 362:16 379:12 context 397:2 continue 400:17 421:24 422:6 continued 403:10 continues 417:19 contrasting 385:11 contravention 397:9 conveniently 369:18</p>	<p>conversation 443:22 444:14 462:8 conversations 444:11 convey 410:8 conveying 477:21 copies 411:5 copy 408:10 454:24 473:20,21 489:9 correct 392:17 393:17 410:22 413:10 415:11 419:16 422:13,16 423:21 424:11 425:22 425:23 426:4,7,11,16 427:12,14 428:9,10 428:14 431:22 432:15 432:16,18,20 434:2,6 434:16,16 435:17 437:6,22 439:7,18,20 440:22,23 443:3,4 445:3 447:4,14,16 453:24 454:8 455:21 456:4 458:16,18,20 458:22 459:20 460:3 460:19,23 463:17 465:9 466:21 467:11 468:21 472:6 474:5 475:2,5 476:15,18 478:13 479:14,16 484:8,22 486:23 487:20,21 correctly 374:7 417:5 444:22 454:4 correspondence 361:11 costs 367:2 couldn't 375:12 419:1 432:2 441:17,22 could've 418:21 482:25 483:1 484:15 counsel 363:13 370:16 374:10 392:20 404:1 407:22 414:21 418:9 436:10,10,20 469:15 471:4 478:8 481:19 488:15 counted 448:20 country 407:6 477:2,3 couple 402:21 course 359:23 361:8 386:22 388:2 389:21 395:1 396:4,8,25 407:19 449:16 court 382:5,19 400:11 401:24 405:19 412:23 413:1 courts 397:5 cover 439:2 coverage 440:11 covered 382:4,17 388:16 436:13 crafted 402:9 created 371:18 410:12 credit 388:9 crime 422:14,18 448:14 448:15 458:1 460:11 463:22,24 464:3 465:2,12 467:4,7</p>	<p>470:8 474:7 crimes 387:13,14 criminal 385:5 389:8 396:5,20 397:5 criminals 471:12 critical 369:4 critically 371:3 cross 368:24 408:21 409:3 413:21 416:9 431:16 459:11 462:2 470:17,22 472:9 crossed 461:24 cross-examination 381:7,13 392:21 407:13 411:25 412:14 413:20 414:20,21 415:1 416:11 417:2 417:17,18 418:7,13 421:25 432:12 cross-examine 368:17 393:6 407:1,2 414:9 414:22 415:1,5,7,8,9 cross-examined 368:12 368:13 408:25 414:22 cross-examiner 406:25 cross-examiners 408:18 409:3 crowd 478:3 cryptic 382:14 culmination 463:21 culpable 404:12 cured 380:5 currently 388:24 410:17 custody 382:18 392:24 395:20,22 cut 469:8 470:9 cutting 469:22</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 458:7,10 Dali 362:9,12 373:2 406:22 Dali's 362:8 Daluvuyo 386:22 damage 380:2 dark 480:3 darkness 421:24 date 488:7 day 363:21,21,22 390:7 392:6 397:16 406:24 409:10 459:10 461:9 461:11,24 474:21 478:9 482:6 486:12 days 371:7,8 372:8,8 478:9 485:2,3,7 dead 377:13 404:17 469:21 470:3,7,7 deal 359:14 364:14 367:2 369:14 371:17 372:18 373:2 374:13 374:14 397:10 398:12 401:8 408:3 414:2 440:18 483:10 dealing 391:4,4 402:4 476:2</p>	<p>dealt 359:4 365:20 369:18 370:23 372:12 373:18 379:1 394:1 414:2 474:15 488:22 death 468:25 deaths 369:8 475:9 debate 378:8 438:25 debated 405:25 453:4 deceased 360:22,25 361:5 366:17 384:3 410:4 deceased's 359:6 decent 470:15 decide 386:4,11 387:16 decided 376:13 385:20 419:3 decides 378:1 decision 377:7 410:12 deep 403:13 defended 385:19 define 434:2 456:18 489:7 defined 435:25 definitely 445:22 484:17 definition 383:24 384:1 398:8 delay 382:12,18 399:4 demonstrating 401:24 denied 401:23,25 denote 431:11 deny 424:1,11,18,24,25 428:23 455:15 depart 489:6 department 359:20,24 360:5 366:15 409:23 410:7,12 416:20 depend 385:9 depicted 468:11 deployment 475:11 deprive 383:7 describe 465:12 described 436:23 443:6 443:22 456:6 463:25 469:6 480:18 deserves 389:13 design 391:15 desire 367:17 despite 363:15 381:8 451:24 detail 401:8 488:13 detailed 468:5 details 389:22 399:10 453:15 detained 412:19 detectives 448:15 determination 403:14 determine 435:19 determined 445:22 develop 488:25 developed 475:10 478:15 Development 366:15 409:24 410:10 416:1 416:21 developments 368:24</p>
---	---	--	--	--

<p>devoted 436:12,21 devotes 438:9 diagrams 425:8 diameter 434:15,18,18 435:3,10,12 diary 485:13,14,18,21 485:22 486:6 didn't 387:13 400:8 415:4 418:25 419:1,3 423:4 437:2 447:24 451:11,15 462:8 468:25 469:1,8,21 471:18,21 478:22 482:1 484:16 die 470:11,12,13 died 458:2,12 459:3,10 459:10,11,11,15,16 459:18,19,22,24 467:1,9 difference 483:6 different 380:15,19 386:1 387:4 394:21 421:4 429:10 436:6 440:19 443:10 459:18 468:8 477:5 484:10 differently 364:19 480:10 differs 487:19 difficult 369:2 433:13 433:15 456:6 471:17 difficulties 406:22,25 difficulty 369:22 395:6 420:4 441:8 digital 468:10,13,16 472:18 486:25 487:1 487:2,17,19,20 488:5 directions 436:6 disadvantageous 361:19 disagree 471:17 disappear 390:12 disarm 437:14 disarmament 422:20 447:18 478:7 disarmed 440:6,7 disarming 440:3,4 discontinue 366:16 discuss 411:24 discussed 381:6 discussion 376:5 398:3 403:25 404:2,5,7,18 408:6 discussions 397:22 398:23,24 disembarked 444:18 444:20 disgust 366:13 disk 468:18 473:19 dispel 379:10 381:22 dispersal 422:20 478:6 disperse 437:14 dispersed 406:18 439:25 dispersing 438:13 440:1 displacing 447:18</p>	<p>disposal 384:16 dispute 367:25 448:12 448:17 476:24 distance 428:20 429:5 430:12,18 431:20,24 432:9,11 433:5,6,7,20 434:14,23 435:13 distances 434:4 distinguishable 386:25 distress 411:14 distribute 489:8 distributed 473:22 district 393:9 distrust 362:4 divulge 361:18 362:2 docket 362:17 379:9,13 380:6 487:4 dockets 380:1,1 401:16 document 409:19,22 481:16,17,18 489:8 documents 372:2,3 481:6 doesn't 367:20,21 385:8 390:12 394:23 396:8,11 406:10 415:4,5 455:15 487:18 dog 423:1,5,11 424:3,9 448:14 476:22 dogs 423:1 doing 363:6,11,22 364:3,4,13 380:24 382:13 441:8 463:24 donate 372:4 donated 371:14 372:3 don't 360:2 363:25 367:11 370:8 371:13 373:25 374:23 377:5 378:7,14 379:21 380:4 381:16 383:11 385:22 387:21 394:24 396:14,17 397:14 399:11 401:2 409:16 411:11 412:17,21,24 416:24,25 417:3,5,10 420:5 424:6 428:23 429:1,15 433:2,4,13 433:14 438:24 440:8 442:23 449:1,15 450:20 451:18,19 453:17,18 454:13 455:20 460:20 466:9 466:15 470:24 471:16 471:19 473:10,12 475:7,10,25 477:11 479:15 480:12,14,21 481:7,22 485:6 487:25 doubt 362:5 382:4 453:3 488:9 downloaded 440:13,14 463:11,16 468:17 473:19,19 downwards 454:15 DPP 382:24 drastic 389:19</p>	<p>drawn 370:22 drew 431:14 drive 453:6 drowned 444:11,14 dubbed 388:11 due 452:13 Duncan 466:2,3 duration 374:23 410:5 486:20 duty 363:14 469:10</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 458:7,12 459:10 460:1 ear 474:12 earlier 364:17 383:20 401:22 404:15 417:21 427:10 474:3 478:24 early 360:20 370:10 403:23 407:3 419:3 earshot 396:1 easier 374:14 448:11 eastern 429:22 430:6 432:10 easy 469:25 eed 422:3 effect 367:6 377:11 396:6 effected 380:9 effective 392:13 effectively 372:18 424:18 eight 359:20 487:3,20 either 360:20 394:24 398:1,21 400:16 403:13 419:14 423:25 424:6 428:3 440:19 480:1 483:5 ek 470:11 elaborate 469:15 electronic 372:2 electronically 489:8 emanating 366:9 emerging 414:23 emotional 470:14 emphasis 382:11 439:1 429:1,15 433:2,4,13 emphasise 376:16 en 470:13 enable 368:7 393:5 enabling 366:16 endeavours 362:11 ended 380:24 engage 390:4 engaged 371:15 390:3 engaging 400:14,19 Engelse 470:11 engineered 376:24 English 420:2,7,8,11 enhance 478:3 enjoy 472:10 enquire 373:1 410:21 411:10 enquired 368:16 enquiries 380:10 ensure 368:24 410:2 entire 445:20</p>	<p>entirety 371:8,14 entitled 361:13 378:13 401:6 471:5 entry 485:17 environment 478:3 envisaged 397:11 407:8 equality 372:16 373:1 384:23 388:4 equally 371:5,20 378:12 389:4 equidistance 435:7 equipment 452:2,14 454:22 equity 372:13 essentially 376:18 403:25 404:6,13 establish 367:19 369:5 439:12 447:11 455:25 466:23 482:6 established 416:2 446:15 447:11 455:8 455:25 465:8 establishment 376:20 376:21 estimation 436:1 482:19 ethics 412:1 evaluation 450:4 evening 360:18,21 407:3 427:3 event 367:17 380:4 445:25 447:11 events 463:21 eventually 406:7 everybody 378:13,19 379:22 evidence 360:14 368:21 375:24 379:12 384:6 387:19 390:12 393:1 393:3 394:10,11 395:4,9 396:4 401:13 401:16 412:9 414:13 417:24 418:1,3,8 420:10 423:24 426:18 427:10 440:17,21 441:20 447:8 458:5,6 459:9,14,15 467:10 474:19 480:25 482:10 485:25 486:5 exactly 388:21 394:24 409:17 417:5 442:3 examination 368:25 408:22 413:22 431:17 472:10 examine 409:4 examined 371:23 416:10 example 386:2 395:24 402:5 413:10 421:9 453:5 486:5 examples 453:12 exchange 388:2 393:15 exercise 361:13 expect 367:23 392:8 expected 372:1 377:11 experience 416:5</p>	<p>450:22 483:25 experienced 469:3 expert 422:15 451:1,20 452:9,10,15,22,23 454:20 expiry 382:12 explain 381:24 413:14 430:3 458:5 465:16 479:2,7 484:12 explained 442:5 458:9 explains 480:16 explanation 455:18 461:17 484:13 explore 488:13 express 405:21 419:25 420:12 expressed 367:17 416:10 extent 372:23 373:3 402:10 409:12 415:14 484:10 489:1 extreme 396:25 extremely 405:6 eye 384:1 eyewitnesses 392:12</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 458:15,15,22,25 459:9,12 460:1 face 383:10 facie 385:4 387:21 facilitate 368:7 381:13 facilitating 404:3 facilitations 405:3 facilities 364:9 facility 455:15 fact 362:11 366:21 371:13 372:23 374:21 375:21 376:17,18 381:8 382:16 383:24 386:10 387:6,21,24 388:7 391:14 399:5 399:21 415:24 416:7 422:25 445:18 447:5 452:14 482:16 487:11 487:12 facts 383:20 fair 424:12 436:2 451:6 465:5 476:12 fairness 390:23 fall 387:5 403:14 417:9 falls 386:24 fall-back 378:17 familiar 483:18 families 359:6,16,19,24 360:2,6,10,22,24,25 361:5 365:23 366:17 366:23 367:3,14,16 367:16 368:1,8 369:25 370:1 371:5 371:19 373:6 374:11 374:22 375:1,6 408:8 410:14,16 416:9,15 416:18,19 417:16,24 family 370:6 408:14 411:12</p>
--	--	---	---	---

<p>far 363:20 390:22 397:6 407:8 412:22 419:10 432:5 437:4 437:25 445:19 460:24 461:15 465:1 fashion 395:10 fatal 394:23 fears 384:19 feel 368:25 395:14,15 395:17 397:18 398:7 417:9 420:3,12,13 469:2,4,14,21 feelings 469:23 felt 472:18 fide 387:23 field 452:24 file 463:8 film 422:18,19 finalised 360:8 finally 403:5 456:20 financial 366:16 find 388:19 402:23 471:17,18 finding 376:19 fine 420:17 fingerprinting 389:23 finish 370:19 406:24 finished 378:24 firearms 403:9 fired 451:16 first 359:5,16 360:4 365:21 366:3,5 369:15 370:22 373:5 375:5 380:13 384:9 394:1 395:11 400:11 404:22 406:16 408:7 408:13 409:16 414:3 414:16 425:22 427:9 433:7,11,12 440:10 451:2 460:25 469:18 470:2 471:19 476:11 482:6 firstly 384:18 386:23 392:1 five 399:24 420:24 474:9 482:20,24 fly 428:4 437:7 482:14 flying 428:18 451:24 480:24 focus 386:21 focused 363:23 fodder 383:15 follow 401:9 414:8 452:4 followed 391:18 397:5 following 359:23 366:14 382:10 383:20 385:6 390:7 395:7 430:10 448:13 453:5 486:15,18 follows 409:24 footage 421:4 440:11 440:16 443:8,9 446:17 455:3 456:13 478:2 488:7 force 448:13 466:7,10</p>	<p>466:13 476:21 479:21 480:1,4,5,10,12 forced 360:3 forces 475:12 477:22 forever 412:19 forget 435:14 forgive 369:18 411:18 420:7,9 463:6 forgotten 401:22 form 379:11 397:1 formalities 361:3,7 forming 429:4 formulated 489:7 forthcoming 370:10 fortunate 375:15 fortune 375:16 forward 369:20 397:23 453:5,5,9,9,15 forwarded 375:23 found 390:11 397:17 420:8 457:9 458:8 462:16,21 474:10 479:25 four 380:15,19,19 381:2,21,25 382:18 387:1 390:5 394:7 403:16 404:19,20 407:9 413:11,12 419:11,11,12 446:17 449:17 450:5 458:7 479:12 482:9 483:2,3 484:18 487:11 fragile 405:7 frame 365:17 free 420:13 Friday 381:19,19,25 friend 396:15 398:6 404:11 414:10 450:2 452:5 473:14 Fritz 427:18 440:22,24 441:10,21 442:5,10 442:14 466:12,17 474:22,23 475:4 Fritz's 444:16 front 375:16,17 379:22 387:3 409:19 428:25 457:21 full 420:23 fully 396:12 421:23 function 455:9 456:2 fund 359:24 360:5,10 371:7 377:16 fundamental 388:18 funded 372:23 378:13 funding 359:18 360:7 360:16 369:25 376:24 further 368:12,24 370:8 376:11 377:9 378:21 387:9 389:1 392:4 393:25 395:17 398:2,24 407:19 408:21 409:1 414:19 415:9 416:10,11 417:7,16 418:13 419:21 420:1 423:14 425:13 432:12 438:4</p>	<p>455:23 473:9 future 402:5</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 458:23,24,25 459:25 460:1,10 461:17 Ga 400:11 gander 372:20 gathered 438:7 Ga-Rankuwa 381:3 Gebruik 470:12 general 401:9 generous 436:2 generously 434:1 geniuses 383:3 gentleman 363:5,22 365:3 391:20 411:3 geometry 434:22 435:14 George 466:2 477:25 getting 407:15 430:9 gist 390:9 426:8 give 378:22 379:11 381:18 390:24 392:17 393:1,5 396:4 397:21 401:9 411:14 418:6,8 420:10 421:8 432:11 452:14 463:11 473:11 481:13 482:13,20,23 484:16 given 361:6 362:16 392:18 393:8 417:24 418:21 447:8 461:17 468:18 469:16,17 483:14 484:17 gives 387:19 giving 380:6 381:18 383:22 393:3 395:4 401:15 418:2,8 440:24 gleans 361:11 go 369:7 372:1,10 383:14 404:3 414:12 414:20 419:3 421:17 425:14 429:15 431:1 431:4 449:1 453:5,5 472:22 473:9 487:5 487:16 goes 359:22 going 360:18 361:24 362:1 366:16 368:12 369:1,16,20 373:25 377:6,8,15,19 381:6 381:17 384:17 386:4 388:19 390:14 392:5 400:3 401:10 407:7 411:24 412:8 413:25 414:17 416:13 417:6 419:6,7,24 422:6 427:21 430:10 431:21 431:24 437:3,14 439:3 440:9,15,17,18 453:15 462:4 464:12 469:19,20 470:15 473:9 478:6,9,12 479:3 487:23 488:12</p>	<p>good 375:16 399:12,20 399:25 400:4 413:4 420:8 468:25 469:1,8 485:3,7 goose 372:20 governing 410:1 government 388:8 410:13 grammar 438:25 grant 408:23 412:7 granted 400:12 graph 478:6 graphed 436:6 438:14 graphically 395:6 472:17 graphing 439:25 grateful 371:17 372:24 486:7 grave 405:13 great 367:1 371:17 greater 437:4 greatest 371:24 407:5 449:10 grenade 427:12 grenades 418:23 427:12,22,24 428:7 428:11,14,16 451:12 ground 380:18 400:10 428:8,16 440:25 441:5,7,11,14,15 442:6 443:23 445:5 455:5 456:19 477:22 grounded 423:15 grounds 401:17 group 428:22 448:20 grouping 384:12 412:19 gruesome 468:23 470:9 guards 360:23 361:6 guerrilla 397:15 guess 434:21 guilty 388:19 gun 389:24 guys 447:25 448:5 G's 429:17</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H 426:2,19,19 hacked 468:24 469:5 half 373:18 399:5 433:22 434:18 halfway 406:15 hamper 383:18 hampering 389:20 hand 399:8 406:13 409:13 417:21 443:19 455:2 handheld 442:25 handlers 423:11 happen 360:11 364:18 380:2 387:6 394:13 happened 369:8 372:15 381:17,21,25 382:20 383:15,23 384:2 385:1 387:3,17 389:3 401:1,2 418:21</p>	<p>425:22 443:7 444:19 444:21 445:3,10,12 445:14,15,24 454:3 happening 367:23 395:15 401:7 437:5 happens 368:9 371:12 372:9 383:19 450:22 happy 396:21 402:8 421:23 488:23 hard 489:9 hasn't 364:6 390:22 408:12 hasten 415:11 haven't 399:15 436:9 457:5 467:21 469:12 head 393:16 464:23 466:12 heads 371:22 410:25 hear 369:1 374:10 376:8,9,12 377:7 378:1,20 399:6 404:22 428:2 442:1 442:17 443:25 444:1 444:14 462:8 heard 385:7 389:5 396:17 401:3 442:16 443:3 475:17 hearing 406:11 hearings 359:7,25 366:17 heart 410:14 hearts 371:24 height 428:5 454:5 held 380:5 390:6 455:2 helicopter 408:20 421:4,5 427:7,11 428:18 440:19 442:8 443:3,7 444:6,12,18 447:3,10,12 450:16 451:7,21,22,23 453:3 453:25 454:4,6,21,21 455:13 457:15 480:12 helicopters 419:9 446:17 450:17 451:8 451:12,17 477:21 478:10 479:4,5 help 431:24 451:19 454:20 464:4 helpful 390:23 424:16 432:8 het 470:11 he'd 415:1 he's 364:4,10,13 366:6 393:16 411:25 414:24 418:8 466:9,10 471:5 472:24 488:16 hiding 427:2,5 453:12 453:16 454:7 high 427:4,7,24 440:5 480:24 higher 443:9 451:24 452:12 highlights 381:19 hindsight 445:8 448:9 hold 441:17 homicide 386:5</p>
---	---	---	---	--

<p>honourable 374:6 402:2 hope 363:25 365:19 381:13 383:1 399:20 406:17 420:7 431:16 hoped 405:9 hopefully 400:6 hopes 453:23 hoping 394:8,9 454:19 horseback 423:2,4,12 423:13,16,18,20 hospital 458:12 459:19 467:9 hostels 437:24 hour 393:21 hours 382:7,11,13 402:21 407:15 409:11 housing 437:24 hovered 441:17 hovering 450:17 451:7 Hs 431:10 hugely 395:15 hurt 366:21</p> <hr/> <p style="text-align: center;">I</p> <p>idea 414:8 identified 391:17,23 397:11 447:10 453:4 identify 451:25 identity 387:20 391:22 ignorant 463:7 Ilkaneng 383:11 illiterate 438:22 illuminate 371:16,18 image 472:24 images 468:16 469:5 472:17 473:16,19 imaginary 435:10,11 436:13 imagination 470:5 immediately 415:11 416:2 implicit 393:18 implied 367:2 436:15 importance 407:5 important 371:3,3 409:18 413:23 482:4 importantly 363:19 impossible 396:3 403:17 impression 418:22 improper 368:3 412:24 impropriety 379:11 380:5 inability 423:10 inappropriate 365:11 404:4 inasmuch 365:8 442:8 incident 462:5 466:24 incidents 410:4 inclined 373:10 include 380:12 394:12 478:1 included 362:9 including 367:3 368:19 437:24</p>	<p>incomplete 394:7 incorrectly 444:7 indicate 369:22 416:4 420:21 432:1 462:15 476:7 indicated 362:24 368:5 372:7 394:2 400:7 406:4 412:22 414:19 415:19 449:22 462:20 indicating 392:16 indication 488:6 indistinct 411:18 449:13 individual 393:12 individuals 379:15 403:5,9 404:2 influence 405:21 inform 419:1 437:11 informal 385:13 information 361:19 362:2,6 459:14 477:21 479:20 informed 400:11 402:6 437:13 480:7 informing 380:9,9 389:21 initially 378:10 injured 383:25 384:4 458:8 injuries 468:11 inquiry 366:18 367:19 382:15,17 389:21 394:17 395:2 396:13 397:2 398:24 399:1,1 410:2,5,18 inside 443:7 insinuation 472:5 insist 413:8 insisted 412:1 insofar 360:22 389:8 inspection 386:3 407:20,21 460:22 461:6,8,11,25 instance 398:1 405:12 466:2 477:6,24 instil 383:9 instinct 407:24 Institute 366:12 370:25 instruct 366:12 instructed 393:11 409:25 instruction 427:19 instructions 367:13 368:10 369:23 379:10 379:21,22 382:24 392:20 393:5,7,16,21 394:17 395:1 396:3 407:4,15,24 416:3 418:6,9,12 440:25 insult 471:12,20,22,24 472:11 intelligence 448:15 478:11 intended 380:23 387:10 416:5 intention 410:8 416:8</p>	<p>interchangeably 481:8 interested 368:23 interests 390:11,15,16 410:13,16 interim 399:7 interject 402:17 interposed 413:21 interpret 420:14 interpreted 390:22 418:4 420:6 472:13 interpreter 390:23 399:16,21 420:14 interrupt 369:11 373:20 387:8,25 395:19 400:22 416:25 431:16 438:23 457:12 487:25 interrupted 386:16 interrupting 369:19 intervention 448:3,6 476:21 intimated 397:18 intimidated 395:15 intimidation 396:10 403:9 introduction 419:8 investigated 385:2 investigation 389:22 investigations 361:20 397:12 involve 459:3 involved 365:24 389:16 393:19 401:1,2,21 404:12 438:25 451:3 451:4,10 459:13 476:6 involving 402:5 450:15 458:1 IPID 388:9,9 419:15 irritating 438:21 isiXhosa 420:7 isn't 393:19 406:9 422:6 426:3 439:8 466:20 472:25 487:10 issue 359:8 361:10,21 364:14 365:21 372:25 372:25 373:5 374:16 374:18 378:17 380:6 380:12 382:5 384:23 388:13,18 389:1 390:19 391:4 398:6,9 401:15,19,19 402:1,2 402:5,14 408:14 412:1,14 413:17,18 449:18 457:19 473:9 issued 408:9 409:22 issues 363:2 364:15 368:18 372:19 373:2 373:7,15 382:8 386:6 386:11 388:16,22 401:15 412:13 414:2 422:5 it's 363:2 375:8,10 383:16 384:12 387:17 388:1 393:4 396:25 398:5,5 403:17</p>	<p>405:16 406:3 409:17 410:21 413:4,23 419:14 420:3,24 421:1,3,3,4 423:11 424:9,13 425:6 426:14 430:8,15 431:5,7 432:2 433:1,3 434:25 438:21 440:5 441:25 447:25 451:4 452:22 454:4,12,14 455:2,5 465:3 469:10 469:19,19,21 470:3,3 473:2,14,19,21 477:7 479:20 481:22 483:5 483:13,20 485:14 487:22,23 488:3,21 I'd 375:19 405:9 410:20,23 419:8 477:4 I'll 392:16 424:6 458:5 I'm 390:9,21,21 391:6 391:6 392:6 393:11 395:19 398:19,20 431:24 433:12,15 434:8 438:23 439:1,1 439:2,11,12,15 440:9 440:15,17,18 442:15 I've 391:13 438:10 459:17 463:1 464:5</p> <hr/> <p style="text-align: center;">J</p> <p>J 426:1,13,19,19 429:17,21,24 430:11 ja 385:16,21 425:14 433:18 434:20 435:2 435:8 449:15 461:2 479:23 480:19 JB 359:19 Jeff 409:25 410:10 job 363:15 440:1 469:22 470:9,15 JOC 457:7,10,14,15 464:10,12 475:23 477:21 482:7 485:16 485:16 JOCC 478:3 join 434:9 joint 465:7,13,22 466:1 475:18 476:13 477:15 480:11 JP 360:13 Js 431:10 judge 371:17 376:8 377:18 judice 376:7 judicial 382:19 405:21 junior 363:20 474:2,12 juniors 363:5,12 371:9 372:9 jurisdiction 405:2 Justice 359:20 366:15 408:9 409:23,25 410:10 415:25 416:21 justifiable 386:5 387:13</p>	<p style="text-align: center;">K</p> <p>K 425:15,16,19 426:5 426:10,19,19,20 427:2 428:21,25 429:14,24 430:1,6,7 430:12 432:3,10,23 433:16 keen 368:11 412:16 474:20 keep 408:4 416:19 455:6 kept 486:21 key 430:15 kick 407:6 kicking 412:18 kill 471:13,14 killed 367:20 387:11,12 387:15 389:11 466:24 killing 386:4 387:10 417:25 killings 387:13 404:14 kilometre 430:13 433:8 433:20,24 434:1,5,24 435:16 kilometres 465:4 kind 365:20 402:4,5 406:3 409:20 453:13 454:2 488:8 kindly 390:4 412:17 413:22,24 knew 394:14 437:17,19 437:20,23 438:3 441:1 knowledge 480:11 known 388:7 423:19 koppie 389:12 425:4,5 425:7,8,9,12,12,17,19 425:20,20 426:3,6 429:9,11 432:21 437:12,15,18 438:2,5 438:12 453:8,8,11,11 453:12 454:7 464:8 464:10 474:10 479:1 484:7 487:10 koppies 424:18 425:3 kraal 425:7,8,22 426:1 Ks 431:10</p> <hr/> <p style="text-align: center;">L</p> <p>labelled 480:25 lack 416:4 language 470:22 languishing 388:17 laptop 365:2 large 425:7,8,17,19,20 426:3 largest 371:24 late 376:9 407:11,25 law 379:15 410:1 lawfully 385:13 lawyers 396:20 lay 439:1 479:7 LCRC 448:14 473:20 486:22 lead 369:15 394:11</p>
---	---	---	--	---

<p>leaders 375:24 379:12 384:7 394:10 395:9 401:13,16 474:19 480:25 485:25 leading 360:15 394:18 395:2 433:4 learn 469:8 learned 363:4,20 392:8 396:15 398:6 404:11 414:10 446:11 450:2 452:5 473:14 474:2 474:12 learnt 381:8 404:8 leave 449:17,18 leaves 382:3 leaving 380:17 led 359:11 406:16 left 379:18 394:22 422:4 443:20 457:15 457:17 470:4 485:16 legal 359:9 360:12,13 360:19 362:8 367:22 367:24 370:23,25,25 371:6 374:19,20 376:6,8,12 377:2,8 378:1,8,16,22 390:10 392:23 410:17,20 489:5 legs 447:25 length 371:25 letter 375:21,23 377:14 let's 368:8 393:17 422:13 429:17 430:5 434:1 435:13,13,14 444:25 449:17,18 460:9 461:22 482:23 482:23 level 385:4 liaised 410:7 liaison 416:17 lie 380:18 Lieutenant-Colonel 477:25 light 365:25 373:9 409:1 417:8 421:25 440:19 449:25 lighting 421:12 lights 421:12,16,23 limitless 417:22 line 359:23 395:18 424:17 434:10 435:1 435:2,6,13,14,18 lines 359:23 407:25 list 390:5 listen 373:13 listening 376:22 450:7 literally 383:18 little 421:9 454:19 470:17 472:15 482:7 live 438:14 living 440:1 loan 480:12 local 411:12 locate 390:8 located 426:10 location 426:10</p>	<p>loco 386:3 407:20,21 460:22 log 483:17 484:3,21 logged 487:8 logical 376:23 long 388:21 390:14 398:18 399:4 402:22 482:13 longer 409:11 419:18 Lonmin 360:22 361:5 446:21,24 447:1,10 451:21 452:6 465:8 465:14 480:25 look 414:5 430:3,6 432:25 443:11 445:9 445:16 450:5,11 468:25 469:1,8 looked 421:14 looking 446:10 looks 391:21 429:10 loss 420:11 lost 407:12 408:1 409:6 lot 371:11 372:5 396:9 396:11 424:21 455:4 456:9 loud 428:3 loved 417:25 low 428:7 LRC 396:15 lunch 393:21 406:18 lunchtime 390:7 393:10 lying 469:21</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>maar 470:12 Madlanga 359:14,17 361:9,10 362:23,24 363:1 364:25 365:5 365:22 366:1,5 367:5 373:11 374:7 377:18 377:25 378:18,23,25 379:8 380:6 397:20 398:4,13,16,20,21 408:10 409:19,21 411:2,16,17,19 430:23,24,25 431:5,7 431:9,12 452:3,19 magistrate 382:9 397:9 magistrate's 413:1 MAHLANGU 390:25 main 359:3 409:10 major 383:6 449:19 making 363:10 384:15 387:9,22 389:24 390:12,15 412:25 449:19 486:22 488:9 Malunga 375:22 man 404:16 manhandled 380:17 manhandling 391:13 manner 361:2 364:21 469:5 map 429:13,18 432:25 Marikana 366:18 410:2 439:18 458:1,2</p>	<p>463:3 465:2,14,19,21 465:23 474:21 486:20 487:13 marker 433:16 mass 366:10,19 master 473:21 material 411:21 442:7 442:22 451:22 452:11 478:10 Mathunjwa 394:22 matter 363:9 365:24 370:9 371:6 382:14 382:16 384:23 385:20 386:23 387:4,16 392:15 398:11 400:8 401:18 402:10,14 403:23 405:1,13,16 405:19,25 407:5 412:17,23 417:11 421:25 469:10 470:8 471:13 matters 362:21 382:4 402:12 404:16 414:23 Matthews 363:5 McClarky 446:14 mean 372:4 374:1,25 383:2 391:19 396:17 396:17,22 412:20 419:1 427:6 434:17 434:18 435:9,10,12 438:21 444:4 445:9 459:5,6,12 463:5 469:20 475:15 481:12 481:16 485:6 meaning 480:4 meaningful 418:6,8,12 means 371:2 384:1,19 388:12 389:10 408:13 424:8 436:13 479:8 482:3,25 meant 381:23 444:8 measured 430:14,25 media 364:7,7 366:10 366:19 meet 395:16 420:15 meeting 400:1,1 401:12 401:14 406:1 member 364:11 370:6 members 364:9,12 394:5,13,25 395:10 396:10 397:8 399:3 401:23 403:2 404:6 404:14 405:6 411:11 415:23 416:6 423:1,1 423:4,5,23 424:3,9 447:22 448:12 memory 486:5 mention 415:16 mentioned 391:13 415:14 438:10 483:17 mere 383:24 message 366:4 met 361:3 461:3 metres 430:15 Mhaga 409:23 microphone 363:17</p>	<p>379:5 449:5,25 middle 413:20 432:18 432:20 435:5 472:9 million 378:11 mind 363:25 383:14 384:7,8 386:19 393:3 407:9 408:4 431:16 470:17,22 minded 408:23 409:1,5 mindful 406:25 minds 390:10 mine 437:21 465:8,14 Minister 408:9 409:17 409:25 410:10 415:25 minute 453:14 483:6 minutes 382:20 399:24 408:24,25 419:13,18 419:19 420:24 435:24 435:24 482:9,13,20 482:24 483:2,3 486:20 487:3,20 misconception 410:11 misinformed 399:21 misleading 457:14 misrepresented 413:15 mission 437:10 mistake 458:4 484:11 mistaken 444:16 484:23 mixed 366:4 Mlambo 360:13 371:17 377:18 Mm 386:7 mobilise 479:6 mode 472:18 Mohilwa 486:17 Mojapelo 363:5,20 364:1 Mojapelo's 365:2 moment 361:21 374:10 376:11 386:15 392:17 399:16 400:18 406:9 407:25 417:5 421:10 455:3 money 366:24 378:15 400:16 416:22 month 371:15 373:17 406:15 months 390:13 407:9 449:17 450:5 moon 433:22 morality 372:13 morning 359:3,21 376:9 403:23 407:4 410:8 413:19 415:17 419:3 464:17 488:2 489:4 morning's 413:12 mortems 464:17 467:20 mortuary 468:9 Moshwana 460:18 461:23 462:3,14 Mosweu 486:17 motive 387:24 mounted 423:19,23</p>	<p>448:14 mouth 428:23 move 363:10,14 364:1 365:21 373:6 376:4 378:24 moved 412:17 moves 429:23 moving 377:9 453:8 484:7 487:10 Mpofu's 360:16 362:12 394:12 Mthatha 477:10,12 Mthunzi 409:22 murder 382:1 383:3 386:5,10,22 387:1,18 388:12,13,16,20 389:4,16 murdered 386:3 murderer 387:20 murderers 389:9 murders 385:1,9,25 386:13 387:4 389:2,3 389:6,8 403:8 404:13 must've 419:17</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 361:6 446:13 names 371:4 national 364:3 382:25 383:1 448:2,6 466:7 476:21 natural 367:22 nature 379:7 405:5 418:1,7 470:4 NDPP 382:24 near 425:22 necessarily 387:15 403:14 475:8 necessary 365:19 393:4 393:20 408:1,21 413:5 421:8 471:18 need 370:8 371:22 372:23 389:22 395:1 396:15 432:11 464:12 479:6 486:15 needed 374:20 383:8 397:12 400:9 needs 372:16 392:9 negotiations 384:11 401:1 negotiators 448:16 neither 458:25 472:6 never 365:19 367:16 371:1 385:7 389:5 393:3 396:4 407:9 413:11 415:14 449:11 450:23 451:7 461:2 461:24 news 399:12,20,25 400:4 nie 470:11,11 night 380:18 390:7 nine 401:21,21 403:16 404:23 489:3 nod 470:2 nodded 410:25</p>
--	---	--	---	--

<p>nog 422:3 noise 428:3 442:8 443:3 444:1,2,5,5,12 non-contentious 422:5 non-court 407:15 non-existent 384:16 non-police 447:1,2 normal 442:25 455:1 477:7 normally 463:10 481:11 note 382:14 485:14,15 485:15,18 noted 410:16 472:19 notes 393:15 notice 367:24 451:11 notwithstanding 403:11 nou 470:10 no-one 361:15 383:24 Ntsebeza's 374:18 376:15 384:3 nub 388:25 NUM 401:24 403:22 404:4,14 405:4,6 number 374:23,23 401:21 404:10 425:15 425:16 476:14 numbers 392:2 number/volgnommer 484:5 Nyala 429:10 453:6,15 Nyalas 422:25 423:7,7 423:10 425:3 426:9 426:12 428:20,24 429:4,7,14,20,24 430:2,5,11 432:2,10 433:7,11,12,19,22,23 434:9,13,15 435:15 448:20,21,25 449:3 449:11,17,20 450:9</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 412:10,10 415:19 419:2 422:3 439:7,13 439:15 oaths 486:17 OB 483:24 object 364:2 objection 365:8 473:1,4 473:6,7 objects 451:25 obligations 361:13 obliging 365:12 obscure 372:25 observe 428:13 429:24 445:25 446:2 447:2 453:14 observed 422:24 435:23 448:20 450:9 451:7 obtain 392:20 478:10 obviously 383:8 394:21 394:25 400:15,25 417:7 430:8 456:12 occasion 363:3</p>	<p>occurred 382:1 occurrence 483:23 484:3,6,21 485:2 487:8 October 359:1 464:1 486:12 odds 367:10 403:12 offence 361:15 offensive 411:21 office 466:8 485:23 officer 382:19 405:22 431:13 officers 458:3 475:9 485:3,13 officials 405:6 467:16 off-site 400:1 oh 367:11 374:12 383:11 399:17 415:19 474:25 480:19 okay 367:11 393:22,24 399:23 420:19 425:24 426:2 429:3,12,23 430:9,22 431:3 433:17 434:20 435:4 438:24 440:15 443:15 444:10,25 445:16 446:25 447:7 448:7 448:11 451:6 452:25 453:7 454:18 456:12 457:23 459:24 477:1 477:13 481:4 483:24 483:24 old 485:2,3,7 once 390:6 396:17 401:11 408:23 417:6 420:6,7 428:19 onder 422:3 onerous 400:12 ones 417:25 428:25 476:20 ook 485:17 open 408:4 438:4 operation 369:7,8 427:17 439:17,22 445:20 447:16,18,19 447:21 449:20 450:10 450:13 451:2,9 456:24 457:3 463:3 463:19 476:11 478:7 480:11 operational 465:7 operations 437:21 450:15,15 465:13,22 466:1 475:18 476:14 477:15 operator 422:8,10 467:14 469:4 opinion 452:15 opportunity 362:16 390:24 397:22 407:23 409:2 411:22 optimistic 400:18 order 362:11 372:14 382:19 392:6 397:9 398:15 401:16 407:11 409:11 413:21 418:2</p>	<p>475:17,23 476:5 ordinary 364:9 organisations 365:18 organised 383:12 original 486:21 Oryx 479:20 480:1,18 ought 364:18 370:2 outcome 376:10,23 382:15,17 outline 401:9 outset 359:5 outside 386:24 401:24 479:6 overwhelmed 444:3,5 overwhelming 444:2 o'clock 409:5 445:1,7 487:23 489:3</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paid 367:1 371:10,13 painted 395:6 Panasonic 455:2 papa 453:6,7 481:8,10 481:13,18 482:3 parade 391:23 paragraph 439:15 457:24 458:20,21 465:12 486:14,18 487:7 paraphrasing 359:23 pardon 394:2 parking 477:4,17 part 365:8 400:3 401:12 412:9 414:25 419:15 422:24 427:11 428:21 429:4 452:4 453:10 476:8 477:20 478:1 480:11 partake 437:10 participate 395:7,8,9 396:12 participating 410:17 participation 381:23 383:18 384:20 389:20 392:5 particular 401:13 420:12 422:18,25 431:20 433:5 454:21 463:8 particularly 395:4 400:20 parties 365:18 373:8,9 375:4 379:1,17 397:22 398:1 399:9 406:2 407:6,22 passage 445:17 passenger 454:15 patently 387:18 patience 406:16 Paul 486:17 pay 467:4 470:23 pending 382:15 percentage 437:5 perception 362:10,15 380:4 381:22 perceptions 380:20</p>	<p>period 384:14 385:1 407:8 perpetrators 376:24 378:16 persist 473:8 person 361:7 371:17 381:5,9 389:22,23 393:7 400:8,14 403:6 404:15 443:10 453:15 454:16 456:13 459:3 459:9 466:7 468:25 persons 359:10 391:12 392:18 400:5 401:4 401:20 402:20 405:5 453:18 468:12 perspective 384:9 405:3 persuade 486:10 phase 489:7 philosophical 469:25 Phokeng 464:25 photographed 468:7,9 photographer 467:14 469:3 photographs 467:15,18 467:22,24 468:5,11 478:2 photos 468:14,20 478:24 479:1 485:17 pick 443:2 454:24 456:16 471:25 489:9 picked 460:21,21,25 472:5 picking 472:6 picture 395:6 pictures 436:12 437:5 453:25 pillar 380:10 384:15 pilot 441:2 place 360:4 362:11 375:19 378:2 386:1 386:14 387:18 394:25 404:19 405:4 407:13 412:3 414:4 415:24 416:12 419:5 422:21 437:11 443:23 462:16 462:20,21 475:18 places 364:9 plan 431:8 475:10 477:19,20,22 478:1 478:14 planned 479:6 play 420:24 played 414:3 420:23 please 375:17 391:1 398:14 418:14 431:4 438:20 453:7 457:20 470:20 472:11 475:21 pleased 399:6 plus-minus 482:23 487:3 pocket 485:3,9,11,14 point 361:18 362:7 363:10,11,16 378:4,7 378:10 379:19 385:6 385:14 386:19,21</p>	<p>387:7,9 388:2,4 389:1 391:10,17 395:11,12 398:2,23 399:15 403:15 406:5 408:13 408:15 416:25 417:5 421:17 424:17 426:22 431:21,25 433:4 436:19 443:19 448:19 449:19 455:22 459:25 461:10,21 462:8 473:14 487:25 488:16 488:22,24 pointed 384:2 386:2 400:21 404:16 407:20 414:24 417:21 points 407:21 408:5 429:5 456:13 458:6 473:10 police 359:11 363:8 364:4 365:16,17 380:7,20,23,23 383:23 385:12,14,17 386:8 387:19 388:5 388:14 389:15 390:5 390:11 394:21 395:4 396:1,2,24 397:2,7,11 397:16 399:8 400:4 402:10,23 403:25 423:20 424:19 446:23 447:13 450:16,17 451:1,1,3,8 454:14 458:3 464:25 467:15 468:12 475:9,11,13 479:6,19 481:7 485:3 485:13 policeman 385:3 458:10,11 459:18,19 465:20 467:7 469:10 471:13 policemen 423:16,18 424:22 458:8 459:15 466:24 467:1,5,13 470:7 policing 475:18,24 476:5 portion 407:12 posed 468:8 position 360:10 362:14 365:7 376:15 377:10 377:25 378:17 384:17 403:22 405:11 417:7 426:13 427:2 428:21 429:14 430:1,11,12 430:12 432:23 433:16 positioned 364:19,24 positions 431:11 positive 405:11 possession 403:8 408:11,12 possibility 400:15 403:10 possible 369:12 392:12 393:14 405:13 406:1 406:5 410:25 411:2 424:10,11,13 443:8 455:7</p>
---	---	---	---	--

<p>possibly 473:10 post 380:11 384:15 464:16 467:19 479:5 postponed 396:14 postponement 369:12 369:15,16 381:12 388:21 396:16 408:3 414:10,11 415:6,15 417:2 postponements 369:17 post-mortem 474:13,17 post-mortems 468:9 474:4,8 potential 383:9 390:1 power 369:3 practical 360:1 390:10 397:10,13 398:5 practitioners 410:20,24 precisely 489:7 preclude 387:22 predict 402:22 preface 476:11 prefaced 452:5 prefer 420:1 preferred 416:22 prejudiced 359:12 prejudicial 405:6 preliminary 408:21 premise 455:21 preparation 371:12,14 prepare 372:1 prepared 394:11 395:3 400:4 402:24 405:8 409:11 413:21 preparing 394:18 presence 368:7 407:21 present 359:7 404:5 407:20,22 416:11 417:24 460:22 461:6 461:7 476:8 presentation 362:12 presented 480:25 President 410:9 presumably 366:23 376:8 395:25 431:20 458:11 presume 452:22 487:21 Pretoria 466:1,8 prevailing 474:21 prevent 386:11 prevention 448:15 previous 478:9 prima 385:4 387:21 primary 378:18 prior 412:2 private 450:16 451:7 privileges 364:8 pro 372:3,5 probably 436:4 437:8 484:23 486:10 problem 365:20 421:15 431:10 problems 401:8 proceed 368:4 375:17 391:1 397:14,19 406:11 407:1,11</p>	<p>408:5 417:12 431:21 431:25 449:8 482:2 487:6 proceeding 385:13 427:18 proceedings 359:1,3 363:7 368:3 404:21 406:17 proceeds 455:21 process 361:20 368:20 376:18,18 414:8 458:22 460:11,13 463:9 464:3 465:12 466:17 467:2 processed 457:25,25 458:24 459:1 460:17 464:5 465:21 466:25 processes 397:5 processing 467:3 produced 454:2 promise 374:21 prompted 366:11 promptly 402:6 promulgated 368:6 proper 405:20 properly 371:5,19 395:3 397:4 453:4 propose 390:18 397:13 proposed 410:8 proposition 402:18 prosecuted 388:25 prospect 405:7 Protection 453:7 protocol 402:4,8 prove 453:23 486:15 provide 359:22,24 384:13 provided 370:25 387:23 providing 478:2 province 403:14 405:16 472:23 473:21 provinces 477:3 provincial 382:25 383:2 provision 360:7 396:5 public 364:10,11,12 399:3 475:17,23 476:5 publicly 367:10 punished 472:1 purpose 360:7 395:2 404:3 435:8,22 purposes 372:6 394:18 420:25 478:11 pursue 462:13 push 470:16 472:15 pushing 359:21 360:8 put 366:5 368:19 376:3 384:10 391:10 398:20 403:21 423:11 428:19 428:21,23 430:10 439:13 440:10 443:9 443:18 453:21 460:10 461:1 470:21 471:19 472:18 480:9 482:1,5</p>	<p>486:15 488:4,8,14 puts 450:2,3 putting 378:5 396:22 401:25 402:18 puzzled 399:4 484:7</p> <hr/> <p style="text-align: center;">Q</p> <p>qualifications 402:13 qualify 425:5 466:15 470:19 quality 452:23 454:23 quarrel 361:16 quarter 359:20 484:18 487:11 query 442:4 question 359:5,18 360:12 369:12,15 372:10 374:10 378:25 381:11 385:23 387:14 403:3,24 408:7 410:22 424:17,23 426:8 436:9,17 440:20 450:19 452:5 452:8,16 453:1,20,21 454:8,11 455:21 456:14,15 458:14 460:9 462:13 464:21 467:22 469:12,13,14 469:15,18,18 470:25 471:1,3,4,6,7,8,11 471:18,20,22 473:6,8 473:16 475:21,21 476:1 477:9 478:17 478:19,20,23 480:10 481:14,15 questioners 450:23 questions 360:14,15,17 368:19 374:14 395:3 409:1 413:25 439:3 460:7 471:10 472:11 482:5 quickly 381:14 431:1 quite 362:4 363:17 395:5,15 400:12,17 456:9 462:3 quote 456:1 quoting 444:22 446:5</p> <hr/> <p style="text-align: center;">R</p> <p>Radebe 409:25 410:11 radio 454:14 radius 429:1,5 434:1,3 434:15,17 435:9,10 raise 398:8 raised 360:14 363:3 364:17 368:18 375:20 378:9 382:5,7 384:23 384:24 392:11 406:13 409:13 412:13 raising 360:17 388:4 400:15 Rampile 361:4 389:2 range 368:13 ranking 389:21 Rankuwa 400:11 rate 449:13</p>	<p>reach 441:22 reached 397:23 398:2 401:3 406:8 react 473:5 reaction 366:11,13 470:2 read 408:11,13 409:16 409:20 443:18 457:23 481:6 487:8 readily 405:11 reading 439:16 reads 409:24 ready 407:3 real 372:25,25 403:3 realise 437:2 487:16 realised 486:25 487:2 really 395:7 396:10 405:1 412:5,5 414:25 416:25 420:15 433:13 435:9 436:9 444:1 447:17 449:19 472:21 reams 372:2 rearrested 382:23 397:8 reason 362:6 364:19 382:12 405:24 406:4 409:9 436:15 437:2 444:2 452:11 469:1 486:6,10 reasonable 361:14 362:18 372:16 386:9 387:20 388:5 392:23 415:3 484:22 reasons 394:9 recall 418:10,11 429:8 430:7 432:19 457:1 461:14,16,18 462:5 472:2 477:5,6 482:10 482:11 483:14 recalling 479:16 receive 463:12,12 received 361:12 375:25 377:14 474:13 481:7 receiving 398:11 recollection 445:17,18 recommend 388:24 recommendations 392:7 reconcile 366:8 record 364:3 366:4,6,8 369:7 375:19 376:3 391:10,11 403:22 405:4 413:12 415:24 463:20 482:15,16 485:9 recorded 411:9 recording 363:6,7,22 411:4 439:17,22 445:21 463:2 486:19 486:20,21 487:12 recordings 463:24 records 483:21 rectified 487:5 red 449:25 refer 380:3 423:20 425:15,16</p>	<p>reference 372:18 386:24 387:6 388:24 481:16,18,18 referred 381:21 387:5 404:15 410:20 432:23 referring 374:7 468:1 refers 450:8 reflecting 443:13 reflection 443:12 484:8 484:11 reformulate 455:22 refused 363:14 382:22 refusing 364:1 regard 361:22 366:23 370:11 376:10 418:1 418:7 434:12 regarded 414:25 regarding 413:9 414:1 458:14 region 436:1 regrets 410:11 regrettably 415:22 regulation 368:5 370:9 regulations 359:22 367:7 373:12 374:25 374:25 396:6 410:1 417:6,9 reign 383:9 reject 389:13 related 360:16 452:1 relates 359:5,8,9 398:8 423:10,11 relating 361:19 378:25 412:3 relation 359:9 381:20 385:10 388:10 391:11 400:7,20,21 412:13 425:24 relationship 368:22 relatives 367:19 369:9 relax 400:19 release 382:21 400:4 401:4 403:11 405:4 released 382:18 394:16 395:20 396:12 403:7 404:10 418:24 451:12 releasing 402:15 relevancy 417:4 relevant 408:6 417:1 460:10 461:16 462:13 484:1 reluctant 395:16 remain 410:5,6 remained 404:6 remark 418:17 remarks 413:8 remember 365:16 378:9 388:23 418:25 419:11 425:7 429:9 429:13 432:2,4,5 437:15 440:12 441:3 441:16,20,24,25 446:6,7 448:24 449:2 449:2 462:2,9 465:21 477:20 480:2 486:22 remembered 418:23,25</p>
---	--	---	---	---

<p>remembers 376:7 remind 412:9 reminded 390:22 415:18 485:2 reminds 474:3 remote 400:17 remove 365:10 removed 458:11 rendered 370:11 384:20 repeat 413:5 471:5,8 475:21 repeated 455:18 rephrase 475:20,21,22 482:18 reply 378:23 report 365:22 463:1,4,8 463:15 484:6,8,21 487:9 reported 366:10,14,22 406:6,7 415:25 457:11 484:6 reports 474:13,17 483:17 reprehensible 389:4 represent 368:14 372:17 383:21 representatives 362:9 365:16 370:17 373:7 375:4 379:1,17 406:2 410:3,17 416:20 represented 361:1 371:5,6,19,20 380:7,8 representing 361:5,24 375:4 request 379:7 408:17 408:23 410:23 411:23 412:2,8 413:19,22,25 416:14 418:16 419:24 420:16 485:25 requested 379:7 414:24 422:19 requests 359:8 required 393:1,4 400:17 requisitioned 381:5,9 rescue 465:8 reservations 361:16 reserve 462:14 resist 389:10 resolved 401:18 402:7 402:7,11,13,14 resources 384:16 respect 367:15 369:13 371:18 385:25 386:14 403:22 404:13 407:5 409:18 412:10 449:10 455:21 463:24 474:6 responded 360:15,16 response 382:16 424:4 447:23 448:1 476:20 responsibilities 361:14 responsibility 398:20 responsible 421:12 470:18 rest 402:15 438:4</p>	<p>result 389:19 391:15 resulted 399:7 resume 397:25 398:12 406:6 resumes 359:2 399:1,2 421:22 returned 457:8,16,16 457:18 revert 360:20 489:6 revolted 472:19 re-emphasise 384:25 ridiculous 363:17 rifles 462:22 right 361:17 364:12 367:18 369:1 378:24 379:9 396:17 415:12 415:13,17,18 419:20 427:13 429:23 432:17 433:25 436:20,22 438:21,23 440:21 460:11 463:23 472:9 476:6 485:20 rights 361:13 366:12 367:21 370:25 rise 387:19 river 459:11,24 roaming 388:14 roses 388:9 roughly 434:24 round 385:18 391:8 rounding 391:6,9 row 375:14,16,17 rule 473:8 ruling 382:10 417:15 417:15 418:13 419:24 420:2 473:11,13 run 380:23 running 384:14 390:6 426:18,22,23,25 rushing 488:15 Rustenburg 381:1 393:9 473:20 477:8 486:22 R5 400:14 403:5 R75 378:11</p> <hr/> <p style="text-align: center;">S</p> <p>safeguarded 390:16 410:16 safety 401:25 salt 378:14 salvage 410:15 SAPS 361:12,12,23,24 391:20 439:17,22 477:21 479:4,5 480:12,19 sat 363:3 satisfactory 392:10 398:22 satisfy 379:13 401:17 Saturday 410:13 sauce 372:20,20 save 420:21,23 saw 423:6,10 427:8 439:22 440:16,20 447:9 457:13,14</p>	<p>461:16 469:4 471:11 472:17,20 477:16 saying 361:12 363:13 363:15 366:11 372:22 374:24 384:7 386:22 388:18,20 389:2,3,6,7 389:7,14,14 411:24 415:4 417:4 420:8,9 429:8 433:15 444:6 444:10 455:25 458:6 459:8 472:5 476:11 481:9,10 483:3 says 369:6 372:13 379:8 408:11 409:22 418:3 423:22 432:3 433:3 436:20 445:19 453:10 454:1,2 455:12 479:3,4 482:3 487:7 scene 383:25,25 422:14 422:18,25 424:14 425:7,10,11,13 432:18 433:19 434:2 435:19,25 436:4,12 436:13,21,24 437:6 437:16 438:12 444:18 444:21,22 445:1,2,5,5 445:6,12,14,23 446:6 446:10,21,21 450:17 456:22,24 457:2,13 457:13 458:1,22,22 459:18 460:11,17 461:1,2,4 462:11,24 464:3,5,16,18,18 465:18,19,21 467:1,4 467:7 468:2 470:8 474:7 483:8 486:19 487:13 scenes 463:22,25 465:2 465:12 469:9 scientific 436:1 Scott 466:2,3 477:25 479:3,10 480:16 screen 363:23,25 421:10 screens 421:13 seasoned 410:17,20 seat 379:18 second 359:8 361:18 370:23 376:5 378:21 384:22 390:18 391:4 391:9 394:1 395:12 397:16 401:19 402:17 408:15 432:24 435:15 440:20 442:16,24 445:25 446:3 447:9 459:4,7 461:9 secondly 394:19 seconds 486:21 section 382:11 465:8 466:12 secured 402:21 403:5 securing 405:7 security 360:23 361:5 see 362:17 365:12 368:9 375:13 379:4</p>	<p>379:17 380:4 392:1,4 392:16 410:25 414:17 419:7,20,21,22 421:2 421:13,16 422:1 423:15,18 424:14,22 426:23,24 427:4,23 430:5 432:5 440:2,6,8 440:10 443:13 445:9 449:17,25 454:6,13 455:5,14 456:9,17,19 457:14,16 459:2 463:14 465:24 470:1 470:3,4 471:16,22 472:16 474:11,25 479:22 481:25 482:4 484:19,19 seeing 432:2 457:1 470:2,7 472:24 seek 376:21 378:7 473:13 486:10 488:13 seeking 369:5 472:22 seeks 367:19 seen 408:24 410:24 411:10 424:16 428:11 449:10 450:4 455:3 456:6,8,11 457:5 488:6 Semenya 364:13,16 365:6,12,14 379:3,4,6 379:16 386:15 390:4 392:17,22 393:11,23 399:9,11 400:3,19 401:13 402:25 403:2 404:11,23 415:7 448:22 449:4,9 472:21 semi 421:24 send 487:4 senior/junior 372:21 sense 435:12 474:20 477:2 sensible 411:9 sensitive 361:20 447:15 473:2 sent 375:21,23 380:10 473:21 September 371:15 sequence 412:15 serial 484:4 seriatim 374:15 series 369:17 463:21 serious 403:9 seriously 373:17 serve 360:7 Service 363:8 365:17 404:1 475:13 485:13 Services 399:8 402:10 set 378:11,11,18 433:7 433:11,12,18 473:10 sets 429:3 settlement 385:14 seven 380:14 413:13 483:2 shakes 456:9 shaking 393:16 share 399:12</p>	<p>shares 375:19 sharp 403:3 sheet 387:2 sheets 380:3 shock 404:8 shoot 421:4 440:4 shooting 377:9 394:23 394:25 425:22 444:18 444:19,21,22 445:2 445:12,14,23,25 446:1,3,5,11,12 shoppers 479:19 short 379:20 380:13 381:15 417:9 439:6 461:5 shot 377:14 385:4 388:5,6 404:17 418:19 469:1 shots 451:16 shouldn't 364:18 371:16,18 414:15 436:16 show 408:19 413:13 419:7 487:18 showed 443:19 462:7 462:24 showing 365:2 shown 408:20 414:25 414:25 418:5 421:18 421:19,20,21 440:7 449:10 shows 430:8 Sibanyoni 374:20 Sibizo 365:24 side 361:24 376:22 388:3 402:3 403:6,13 408:17 429:8,11,17 429:17,21,22,25 430:1,6,7 432:3,10 433:1 461:22,23 462:7,20 sides 468:8 sight 362:16 468:23 sign 481:13 483:14 484:15,16 487:15 signature 439:4 signs 481:11 silk 371:7 372:21 silks 371:20 similar 472:24 similarly 360:24 simplify 435:13 simply 372:22 395:11 397:7 401:3 412:19 456:14 sir 419:10,23 423:3 424:20 427:17 428:15 432:19 433:10,14 437:8 439:20 440:5 441:1 442:9 445:7 446:2,9 447:17 448:17,23 457:18 462:23 463:5 464:2 466:21,25 468:7,24 469:7 474:17,24 477:11 479:9 480:7</p>
---	---	--	---	---

<p>480:14,22 481:3,11 481:22 483:15,19 484:14 486:2 488:10 sit 389:16 390:13 407:11,25 409:5,11 442:13 sitting 371:8 379:22 386:10 387:22 389:12 390:2,10 399:3 401:6 440:21 442:5,9 situation 377:13 397:15 410:15 484:6 situational 478:4 six 380:14 390:13 409:5 413:13 464:17 474:3 487:23 sketch 431:8,14 Skosana 359:19 366:7 366:9,9 367:9 368:5 373:11 sky 466:19 small 425:3,4,5,9,12,20 426:5 453:11,11,12 smaller 456:16,18,19 smart 436:18 smelling 388:8 Socio-Economic 366:12 370:24 solution 390:10 somebody 381:3 397:16 445:11 454:3 482:3 soon 360:9,11 363:8 399:18 416:12 sorry 373:20 374:9 375:12 376:15 377:1 385:8 386:16 387:8 387:25 390:21 395:19 400:22 403:20 411:8 413:7 415:19 425:6 429:12 430:22 433:12 434:8 438:23 439:11 442:11 444:4,20 448:1 449:6,21 457:12,13 459:7 467:23 469:11 472:13 475:20 478:23 489:5 sort 361:7 396:18 439:19 480:24 sorted 397:19 sought 397:3 sound 428:2 452:22 469:20 sounds 376:6 415:9 418:19 421:6,7 south 360:13,19 363:7 402:9 403:25 433:1 475:12 480:5,10,11 485:13 so-and 383:15 so-and-so 383:15 so-called 388:16 space 400:16 speak 379:19,20 394:3 407:16 412:8 473:6 SPEAKER 447:6</p>	<p>speakers 363:19 speaking 373:10 380:24 special 448:13 466:7,10 466:12 476:21 specific 392:3 424:14 426:22 462:11 484:25 specifically 440:13 specificity 416:4 speech 412:25 413:16 spend 370:8 371:25 372:1 393:17 417:10 spent 399:7 409:10 435:24 spoke 363:8,21 377:18 436:14 spoken 361:4 373:22 spokesperson 409:23 spot 448:24 449:2 spots 386:2 squarely 387:5 staff 365:8 stage 361:21 369:11,20 377:5 390:24 394:14 402:24 403:1 417:1 423:17 426:24 430:4 432:21 433:11 436:4 441:6,16 442:1 443:24 444:15 445:14 448:8 453:19 469:23 480:8 489:1 stance 361:25 stand 369:23 375:1 396:16,18 403:15 417:2 standard 454:23 standing 363:6 364:2 462:4 start 379:24 381:14 399:19 421:14,15 465:11 482:22 started 373:18 406:15 414:21 417:17 420:2 445:23 463:21,23 476:1 483:4 starts 433:22 482:12 483:21 state 376:15 382:12 409:25 410:2 stated 366:22,24 367:5 367:10 416:7 439:15 statement 369:6 373:9 408:10 409:16 414:18 415:25 417:12 418:14 419:15 438:22 439:4 439:7,13,14 457:20 463:11,13,16,25 465:13 466:2 476:12 477:25 480:16 486:12 486:18,22,24 487:4 487:16 statements 388:10,12 394:7 395:16 486:13 states 477:25 station 380:23,24 464:25</p>	<p>stationed 385:14 466:7 466:10 stations 380:20 390:5 statutory 360:5,7 367:6 369:25 382:7 stay 373:4 steeds 422:3 step 444:25 steps 389:19 stick 420:2 stilling 376:12 stop 396:13 stopped 380:17 390:24 461:4 story 376:22 straight 383:10 434:25 435:2,13,14,18 465:19 strategy 475:12 stream 461:22,24,24 462:3,20 streets 388:14 strikers 394:12,20 struck 382:15 404:9 stun 418:23 427:12,12 427:22,24 428:7,11 428:14,16 451:12 sub 376:7 subject 365:7,22 376:5 377:18 385:9 394:14 394:15,16 398:6 402:13 406:11 408:1 408:22 418:13 subjected 454:1 submission 361:22 367:8,18,25 374:18 406:20 407:16 submissions 362:20 382:9 417:8 submit 407:10 410:8 submitting 417:16 subsequently 381:3,21 386:3 substantial 406:16 407:12 substantive 384:22 suggest 407:25 420:10 432:9 435:23 440:9 440:15,18 443:6 451:23 453:13 476:7 suggested 387:24 400:14 402:3 405:25 412:15 suggesting 377:6 suggestion 397:21 398:5 402:8 415:3 460:21 suggestions 412:17 summarised 400:2 summoned 474:22 475:1 superior 452:14 support 366:16 374:18 supportive 391:14 suppose 388:12 412:7 414:14 429:25 434:21</p>	<p>488:8 supposed 471:12,14,15 481:23 sure 364:11 369:4 372:4 382:24 384:7 387:10,12 390:9,12 390:15 392:7 401:12 407:14 415:10 418:5 426:15 434:8 445:13 445:15 448:4,6,9 450:19 451:4 452:4 455:5,6 476:24 479:20 482:1,17,18 483:6,13 484:14 485:24 487:15 surely 377:7 389:18 407:1 425:3 442:6 surprised 362:4 404:24 423:23 surrounded 422:25 424:19,21,24 surrounding 383:11 428:22 suspect 397:1 suspects 388:12,13,13 388:16 suspended 388:15 suspicion 361:15 362:19 386:9 387:20 388:5 swear 439:3 switch 420:13 421:14 switched 478:25 sworn 438:15,18,21,23 486:16</p>	<p>404:22 413:17 433:10 433:21 435:9 442:1 443:25 476:12 talking 372:11,13 379:18 386:13 403:7 403:15,16 412:1 425:11,13 429:22 433:12,23 439:1 442:17 443:25 454:14 454:15 469:3 476:1 484:4 talks 381:11 Tamai 431:13 tank 433:8,15 435:15 target 377:9,13 427:16 targets 455:10 456:16 456:18 task 448:13 463:8 466:7,10,12 476:21 taxpayer 378:14 taxpayers 378:15 tea 393:13 397:24 398:18,25 team 360:15 371:21 392:24 394:24 395:7 teams 476:21 489:6 technology 442:24 443:2 teleconference 360:19 tell 365:9,15 386:15 388:4 399:10 401:10 412:22 414:15 424:2 445:19 450:19 452:10 452:13 466:15 472:23 487:24 488:21 telling 366:6 temptation 389:10 terminology 438:20 terms 367:21 372:18 382:10 386:24 387:5 388:23 402:17 425:8 452:17 479:7 terrible 469:20 terror 383:9 terrorise 390:1 test 362:14 testified 428:19 444:17 445:2 456:21 479:12 testifies 431:14 testify 405:8 416:6 420:1 testifying 368:11 thank 359:17 361:9 362:22,23 364:5 365:13 366:2,2,3 374:5 375:1,18 379:16,23,24 386:20 390:25 391:2,10 392:14 398:16 401:11 402:16 405:15 407:18 409:21 410:18 411:5 411:6,19 412:6 413:16,17 420:18 422:4 428:6,17 431:3 432:13 433:2,25 434:7 436:25 438:8</p>
T				
			<p>table 402:18 tactical 447:23 448:1 476:20 take 361:21,25 364:6 364:10 367:12 377:8 377:11 378:2 379:21 379:21 382:21 390:14 393:21 394:17 396:8 396:11 397:24 398:17 398:25 402:22 404:19 407:13 411:22 412:17 415:17 417:15 420:8 421:10 423:6 424:8 435:20 436:19 437:9 443:23 444:25 455:22 467:15,22 468:5,10 473:3,14 474:19 478:24 482:13,20,23 482:24 486:15 488:2 488:16 taken 359:13 380:18,19 388:10,11 389:19 407:24 410:12 422:21 427:18 446:17 454:1 473:1,6,7 483:1,1 488:17 takes 408:24 411:4 416:12 talk 363:12 379:13</p>	

439:11 450:6 452:20 453:1 454:10,18 460:1,4,5,6 462:12 476:10 481:21 486:7 Thanks 376:2 455:24 that's 359:15 369:19 376:7 377:17,19 378:4,24 385:19 386:5 387:4 388:3 395:11 396:21 401:5 402:1,23 405:12,19 408:13 409:8 412:20 412:23 415:11 417:14 417:15 419:14,14 421:15 425:13 426:16 429:25 430:18 432:16 433:23 434:6 437:22 438:6 439:7,10,25 442:3,15 443:4 444:2 444:8,23 445:18 446:11 447:24 452:15 454:8 455:14 457:14 461:19 465:9 472:1 473:7,21 474:18 477:6 481:19,23 482:14 483:21,22 486:23 487:4,21 thee 458:2 thereof 359:13 486:14 there's 364:21 369:16 371:16 374:19 378:14 389:6 391:20 396:15 398:2,6,23 404:22 411:11,21 421:16 448:25 453:9 465:22 483:5 484:12 486:9 they'd 418:6 they'll 383:13 they're 374:24 377:6 377:15,19 393:1 395:21 397:8 409:1 432:3 thing 366:4 367:22 376:16 418:16 436:18 449:24 456:1 466:22 470:3 471:17 481:10 481:16,19 488:8 things 364:12 369:23 371:3 384:2 396:14 439:2 454:6 456:19 461:10 469:25 472:1 482:1 488:5 thinks 376:20 third 359:9 378:24 391:5 394:4 402:2,14 thought 370:20 373:21 379:11 380:22 396:20 396:24 397:1 402:14 404:4 406:18,24 424:16 429:21 436:16 441:20 449:12 463:7 475:16 480:17 484:20 three 359:4,15 362:20 364:15 370:21 378:23 393:25 394:7 401:14 402:12 404:13 446:16	458:7 459:21,23 467:1 474:13,14 throw 421:24 427:12 427:22 428:7 throwing 427:24 428:14 thrown 428:12,16 thrust 420:15 Thursday 381:4 483:21 484:3,4 thwart 362:11 tie 433:4 till 417:2 488:2,23 tilting 428:4,4 time 369:3 370:1,8 371:14,25 377:10 380:1 381:14,15,16 384:14 390:14 393:17 399:6 400:7,16 404:22 407:12,14,23 408:1 409:6,6,7,8,9 410:6 412:11 417:11 417:21 419:9 420:11 420:21,23 421:9,9 428:5 433:3 435:24 436:11 437:3 439:2,7 445:20 450:7 453:4 461:15 471:19 482:18 484:1,5 485:15,15,16 486:25 487:2,3,17,17 487:18,19,21 488:6 times 392:23 428:6,13 484:10 485:14,18 486:24 Tip 403:19,20,21 415:8 445:19 tirelessly 410:15 today 360:9,21 368:6 370:10 378:1 381:6 381:10 392:19 393:7 393:10 397:14,19 400:5,6 406:11 412:3 485:4 told 366:1,7,8 367:15 368:2 369:24 370:5 373:11 382:23 395:13 397:25 398:19,20 399:12,19 408:16 410:23 416:12,19 441:10 444:20 446:4 446:5,8,10 468:22 474:11 483:17 tolk 470:13 tomorrow 368:8,8,9 370:10 376:9 416:13 488:2,23 489:3 tonight 409:5 top 381:5 topic 420:12 torture 391:12 total 436:11 totally 364:2 touch 407:7 412:14,18 touched 413:19 touchy 473:15 tragic 410:4	trailers 477:14 training 422:12 transcribed 454:4 transcript 418:4 443:18 445:18 453:2 454:2 transpired 400:2 transport 366:24 367:2 416:14 transportation 359:6 359:15 365:23 373:5 373:8 374:11 375:6 408:8 transported 416:22 treat 360:24 361:1 362:1 treated 378:19 395:10 treatment 390:1 trial 396:5 419:15 tried 369:3 441:7,13,16 441:22,25 442:2 triple 403:8 true 421:11 448:22 trust 361:24 truth 371:6 372:15 376:21 try 390:4 405:21 420:20 trying 369:2 387:7 400:19 431:19 433:13 439:2,12 459:11 Tuesday 359:11 380:16 381:6 390:4 404:21 418:17,17 441:10 443:7,22 446:16 455:9 456:2,3 457:10 482:6 turn 363:11 421:12 449:25 turned 377:22 379:5 421:17 449:4 483:2 turnout 369:2 turns 380:15 twice 420:6 twists 380:15 two 380:25 382:8 383:6 385:10 387:11 388:17 401:22 402:13 408:5 413:14,14,23 418:23 420:21 424:18 427:7 427:12 429:3,5 432:14 434:24 435:3 439:2,3 458:2 459:9 459:15,15,18 464:4 466:24 467:1,15 479:19,22 480:18 482:9 483:2 486:13 type 442:21 452:1	uncertainty 482:8 483:10 uncomfortable 391:21 uncovered 371:1 undeclared 391:22 understand 367:5 376:19 377:20,24 378:11 380:22 385:10 385:12,19 391:19 393:18 394:20,22 397:6 398:8,10 399:7 408:2,7,10,15,24 414:14,15,16 415:4 417:4,20,23 419:6 420:5 431:15 433:13 434:9 436:8 458:3 469:16,24 471:4,6 475:7 476:9,10 478:22 481:8 488:15 understanding 374:19 401:14 414:17 415:12 425:21 understood 377:17 384:11 403:24 404:18 415:6 436:14 452:9 452:16 458:5 465:13 471:7 undertaking 374:21 392:18,22 394:13 undertook 489:6 underway 410:18 unequivocally 461:20 unfair 454:19 unfortunate 466:24 475:8 unfortunately 375:13 377:12 400:10 402:21 405:12 488:10 unfounded 380:21 uniform 448:5 unit 423:1,5,11,20,23 424:3,9 447:23 448:1 448:3,14,14,15 475:24 476:21,22 units 424:19 437:24 448:13 450:15 476:14 476:19 477:2 unknown 389:9 unlawfully 397:7 unlimited 409:7 unreasonable 380:21 unrelated 363:2 unscientific 453:2 unsustainable 371:23 372:6 urge 362:5 usage 479:4 use 384:16 409:8 417:23 472:19 477:21 478:10 useful 388:1 uses 481:7 usual 450:14,20,20 451:4 usually 450:22,24 utilised 456:3	V
valid 386:21 value 360:1 van 379:14 437:9,13 456:22 457:2,9 464:11 474:24 475:1 478:6 484:5 vantage 424:17 various 405:2 406:2 424:19 463:24 467:25 468:3,4 475:12 vehicle 485:18 vehicles 450:12 451:25 453:10 477:5,14 veld 438:4,13 veracity 367:9 369:24 verbal 444:11,13 version 383:22,23 394:21 450:3 versions 372:3 385:11 vibrates 455:4,13 vibrating 455:4,14 vibration 455:13 456:5 456:11 vicinity 426:19 433:8 victims 376:25 378:12 392:12 410:4,14 videod 363:24 videographer 464:12 videos 391:20 413:23 414:1 420:22 426:15 433:11 449:3 480:24 488:6 view 360:2 362:10 367:12 368:18 371:4 379:12 385:5 397:20 399:21,25 404:25 viewed 411:20 viewing 417:13 views 405:21 violence 403:10 visible 426:14,15 visual 478:10 voice 444:1,16 voerval/nature 484:5	W			
wait 368:8 377:7 waiting 376:12 walked 418:22 460:24 461:1 walking 461:3 want 360:23 361:1,21 367:6,16 368:2,17 369:10 372:6 373:14 373:16 374:7,9,17,24 376:16 378:7 379:20 379:20,24 384:25 385:6 391:10 396:14 397:13 401:13 406:13 406:20 408:5,15 411:10 412:11,16 413:1 414:6 415:5,5 416:24 417:1,24 419:1,3,21 421:2	U			
U 422:3 ulterior 387:24 unable 366:7 unacceptable 400:13 uncertain 377:15 479:16				

<p>428:23 429:15 431:4 433:2,4 438:25 443:6 447:11 449:1,7 456:20 463:19 470:25 471:19,21 472:15 475:8 481:25 483:25 487:25 wanted 360:3 362:25 365:15 367:11 369:22 370:22 373:21 376:3 389:1 394:3 412:12 413:17 415:20,21,23 420:21 442:4 462:2 463:1 482:17,18 wants 381:22 399:13 407:2 414:18 415:5 449:22 481:19 488:16 489:9 warfare 397:15 warning 403:7 411:14 Warrant 431:13 wasn't 387:23 445:13 448:8 458:15 473:24 483:13 484:24 waste 381:16 433:3 watch 411:9 414:8 443:13,16,19 487:1 487:21 water 429:9 432:5,9,13 432:20 433:8,15 434:9,13,14 435:15 453:7,9 way 369:20 379:25 385:18 392:1,4 393:16 395:7,8 396:21 397:22 405:22 408:14 419:3,7 429:24 430:4 440:10 458:5 461:21 462:10 470:7 472:1 Wednesday 381:4 week 377:14,20 383:13 384:3 394:8,10 401:23 404:17 weekend 366:10,19 367:14 weeks 388:17 went 382:21 387:9 428:2 436:6 437:1 445:1,4 462:15 464:17 465:2,18,19 466:19 475:3 483:11 487:17 weren't 407:22 438:12 west 432:10 western 429:25 430:1,7 432:3 433:1 461:22 we'd 392:3 408:3 420:6 489:6 we'll 474:19 486:15 489:8 we're 363:13 379:22 387:17 389:7,7 390:2 403:7,16 414:17 419:7 433:15 we've 378:23 380:13</p>	<p>381:8 390:4 394:1 409:6 413:11 450:4 457:10 469:7 what's 395:15 401:7 446:13 whilst 370:24 whispers 474:12 White 479:19 whoa 470:24,24 who'd 404:20 who's 391:20 392:18 who've 414:22 widely 473:17,22 wider 383:16 wil 368:6 willing 359:25 wing 448:14 476:22 wire 477:14 wish 359:7 365:25 373:8 375:4 376:10 378:21 379:2,18 393:25 403:1 406:12 410:6 414:2,23 416:10 487:24 wished 367:3 404:1 418:3 wishes 392:15 witness 369:5 373:18 386:2 393:4 406:16 406:23,23 407:13 418:10,11,19 431:23 433:7 436:10,18 439:1 443:18 452:9 460:7 472:4,23 witnesses 383:7,9 384:1 384:9 390:2 396:10 405:8 436:16 Wonderkop 439:17,23 458:2 463:3 486:19 487:13 won't 384:7 396:13 397:17 398:18 424:20 431:16 443:9 462:13 481:12,12 woord 470:11,13 word 415:14 420:11 450:8 452:20 472:19 words 364:1 377:15 382:13 387:4 428:23 429:25 435:12 458:19 459:15 463:23 464:22 468:5 483:1 work 359:12 371:12 372:5 409:10 465:2 worked 398:22 406:3 working 367:14 388:14 410:14 473:15,20 works 412:20 world 402:20 worry 383:12 449:15 worse 376:15 worst 404:18 worth 378:14 wouldn't 386:11 392:8 396:2 405:20 427:23 473:24,24</p>	<p>would've 472:18 would-be 406:25 408:18 409:3 wrist 443:19,20 wrong 391:3 415:10 428:11 486:11</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X 389:15</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>years 422:8,11,12,13 450:21,22 451:1,2 467:14 469:4,8 470:7 yellow 443:13,15 yesterday 360:18 375:22 376:1 391:24 you'd 454:20 478:2 486:7 you'll 378:9 420:7 449:17 469:15 479:9 you're 373:25 375:15 386:13 391:3,4 401:10 412:10,25 415:19 417:4 419:6 431:21,24 451:21 470:15 471:13,15 473:9 476:2 483:3 488:23 you've 364:14 377:20 379:4 387:24 396:17 400:25 409:19 413:18 415:13 428:18 455:3 469:9,12,16,17 470:9 488:22</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zoom 455:3,9,10,12,12 455:15 456:2,10,10 zoomed 456:14,14,15 zooming 455:6 456:9 Zyl 379:14 437:10,13 456:22 457:2,9 464:11 474:24 475:1 478:6</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>000 389:11 400:14 403:5 00614 483:20 08-16 486:19 09:06 359:2 09:26 367:12 09:46 377:17</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 366:14 374:23 433:19 444:19,21 445:2,23 446:10 453:7 481:9 481:10,13,13,17,18 482:3,3 483:11,12,13 483:16 484:2,2,6,15 484:20 487:9,11 489:7 10 399:6,24 436:1,11 436:20</p>	<p>10:06 389:18 10:30 403:23 100% 426:15 1016 484:5 117 458:1 459:2 464:3 118 458:1 459:2 464:3 119 458:1 459:2 464:3 12 389:16 12th 382:1 387:3,10,11 387:19 13 457:24 13th 463:22,23 464:5 464:16 465:6,10,11 465:19 466:16,23 474:7,9,14,15,21 475:7 476:2,12,16 478:15 485:10 13:49 399:2 14th 464:5,10 474:7,10 478:24,25 14:09 410:7 14:29 420:10 421:19 14:49 421:20 15:09 421:21 15:44 421:22 15:45 484:5 487:9 15:49 486:19 487:13 15:53 482:20 483:1 15:57 483:5 15:58 482:8,12,19,23 483:5,5 16 439:16 453:6 16th 385:10 387:7,18 388:6,10 389:4 394:23 422:17 463:20 466:18 475:1 478:12 479:12 484:4 485:9 485:10 16:04 431:19 16:24 443:21 16:44 454:10 17:04 464:15 17:24 473:18 17:44 481:25 18 486:20 18:04 488:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 374:24 382:14 425:7 425:10,12,13 432:18 444:22 445:12,14 446:6 484:16 20 371:7 372:8 20% 436:1,11,20 2012 359:1 387:3 439:16 457:24 463:22 465:6 485:10 486:13 486:18 2012-08-16 483:21 22nd 464:1 486:12 26 422:8,11,12,13 450:21,22 451:2 469:4 470:7 270 389:15 272 388:21 28 451:1 469:8</p>	<p>29 359:1</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 382:17 389:11 484:16 300 389:12 35(1)(d) 382:11</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 445:1,7 457:24 459:12 465:12 486:14 486:18 487:7 40 371:8 372:8 408:24 435:24 465:4 40-odd 408:24 41 419:13,18,18 435:24 486:20 48 382:7,7,11,13</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 430:15 50 489:9 500 431:1 59 449:20</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 430:15 600 430:15 62 448:21 449:11,17,20 450:9</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 439:15 453:6</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 438:9 813001120 486:14</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>90% 438:9</p>
--	--	---	--	---