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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 152 21 NOVEMBER 2013 PAGES 17019 TO 17127



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<p style="text-align: right;">Page 17019</p> <p>1 [PROCEEDINGS ON 21 NOVEMBER 2013] 2 [09:45] CHAIRPERSON: I'm sorry we're starting 3 late. We were delayed by discussions we were having in 4 chambers with the evidence leaders, some of them. You're 5 still under oath, Major-General. 6 WILLIAM MPEMBE: Yes, Chairperson. 7 CHAIRPERSON: Mr Mpofu - 8 MR MPOFU: Thank you, Chairperson, very 9 briefly - 10 CHAIRPERSON: Before you proceed with the 11 cross-examination, as is your custom, I take it you wish to 12 give us a situation report on what happened in the High 13 Court yesterday. 14 MR MPOFU: Thank you, Chairperson. 15 CHAIRPERSON: Some of us may have read it 16 in the newspaper, but it's probably appropriate that you 17 should tell us here in the chamber so that it's on record. 18 MR MPOFU: To put it on the record 19 formally, Chairperson, yes. Well, happily, Chairperson, I 20 finished my cross-examination, so I'll only do the 21 situational appropriateness report for now. Chairperson, 22 yes, the report that we promised you and the Commissioners 23 on Tuesday is that indeed yesterday we went to court and we 24 can safely report, Chairperson, that after, since we 25 raised, Mr Ntsebeza and I raised the issue of funding on</p>	<p style="text-align: right;">Page 17021</p> <p>1 are confident that we will win the appeal, but in the 2 unlikely event that we don't, you will see that from now on 3 my cross-examination is going to be very quick, 4 Chairperson, so that we can finish the Commission before 5 the appeal is heard. 6 CHAIRPERSON: Yes, well I know how 7 anxious you are always to keep to your promises and so I 8 note that. 9 MR MPOFU: Thank you, yes, thank you, 10 Chairperson. 11 CHAIRPERSON: Yes, I understand. No, I 12 know how, the delays that are involved in getting matters 13 ready for hearing in the SCA and so on, but I'm interested 14 also in your confidence that you will succeed. I notice 15 the judge thought it was possible, reasonably possible that 16 another court might come to a different conclusion, but 17 anyway, we will see in due course what the SCA makes of the 18 matter. 19 MR MPOFU: Yes, thank you, Chairperson. 20 On that note then - 21 CHAIRPERSON: Thank you for your report. 22 MR MPOFU: Yes, thank you, Chairperson. 23 On a more serious note I'd like really to thank the 24 Chairperson and the Commissioners for understanding, as I 25 said from day 1 the plight that we placed in front of the</p>
<p style="text-align: right;">Page 17020</p> <p>1 the 1st of October last year, we can today announce that 2 it's finally over. That long fight is over now in that 3 yesterday an order was granted, two orders were granted; 4 one was for granting the Legal Aid South Africa leave to 5 appeal to the Supreme Court of Appeal, and simultaneously 6 another order was granted in our favour, lifting the 7 automatic suspension on the judgment which would otherwise 8 follow the granting of the leave to appeal. In simple 9 terms what that means is that the appeal will take its life 10 in the SCA, probably might even end up in the 11 Constitutional Court, we don't know, but from our point of 12 view, as far as the Marikana Commission is concerned, Legal 13 Aid South Africa will continue to pay for the legal 14 assistance of our clients until the end of the Commission. 15 So to that extent then it's a happy ending. Thank you very 16 much, Chairperson. And we want to thank you, Chairperson - 17 CHAIRPERSON: I'm sorry, until the end of 18 the Commission or until the judgment is given? That's - 19 MR MPOFU: Whichever comes first. I 20 suspect we won't have to - 21 CHAIRPERSON: I take it, I'm speaking on 22 your behalf as well as my own, that I hope the Commission 23 will have concluded its labours and given its report by 24 that time. 25 MR MPOFU: Yes, Chairperson, firstly we</p>	<p style="text-align: right;">Page 17022</p> <p>1 Commission, although we also understood that your own hands 2 were tied, and also to thank the other parties who assisted 3 us, either actively supporting us or simply taking a 4 neutral stance. All those I think added to the ultimate 5 success of that little fight. Thank you very much, 6 Chairperson. 7 CHAIRPERSON: Thank you, Mr Mpofu. Yes, 8 for a moment I thought that you might still come back and 9 ask some further questions in cross-examination that you 10 thought of after your victory yesterday, but apparently you 11 haven't thought of any - 12 MR MPOFU: Well, given the new - 13 CHAIRPERSON: I don't want to give you a 14 chance now - 15 MR MPOFU: Given my new dispensation of 16 being brief, I'm not asking any further questions, 17 Chairperson. 18 CHAIRPERSON: Yes, I'm interested to hear 19 you described as a new dispensation, but let's hope it's a 20 permanent dispensation in any event. Mr Mathibedi, you've 21 got some re-examination for the witness, I understand? 22 RE-EXAMINATION BY MR MATHIBEDI SC: 23 Thanks, Mr Chairman. General Mpebe, you were criticised 24 for having been a sideline token overall commander. Is 25 such criticism fair?</p>

<p style="text-align: right;">Page 17023</p> <p>1 MAJOR-GENERAL MPEMBE: No, Chairperson. 2 MR MATHIBEDI SC: Why do you say so? 3 MAJOR-GENERAL MPEMBE: Chairperson, there 4 was no stage during the operation that I could see Major- 5 General Annandale giving me a defiance. He was always 6 humble. He was always listening to my instructions, and 7 with regard to Lieutenant-General Mbombo, I was giving her 8 always the feedback and it was always in my belief that she 9 regards me as the CJOC. 10 MR MATHIBEDI SC: And General, was 11 Lieutenant-Colonel Vermaak present during the JOCCOM 12 meetings? 13 MAJOR-GENERAL MPEMBE: Yes, Chairperson. 14 MR MATHIBEDI SC: Did he at any stage 15 indicate his unhappiness or concerns regarding the manner 16 in which the planning and the operation was unfolding? 17 MAJOR-GENERAL MPEMBE: No, Chairperson. 18 MR MATHIBEDI SC: In case he had such, 19 you know, concerns or unhappiness, did anything preclude 20 him from raising such concerns or unhappiness? 21 MAJOR-GENERAL MPEMBE: No, Chairperson. 22 MR MATHIBEDI SC: During the JOCCOM 23 meeting had he raised such concerns or unhappiness, what 24 would have happened? 25 MAJOR-GENERAL MPEMBE: Chairperson, it</p>	<p style="text-align: right;">Page 17025</p> <p>1 Is that correct? 2 MAJOR-GENERAL MPEMBE: Correct, 3 Chairperson. 4 MR MATHIBEDI SC: Thanks, Mr Chairman. 5 General, without precise and full particulars of where the 6 protesters were staying, was it possible for the police to 7 conduct any raids? 8 MAJOR-GENERAL MPEMBE: Chairperson, I 9 just wanted the clarity, if the question can be repeated. 10 MR MATHIBEDI SC: The question is that 11 without precise and full particulars of where the 12 protesters were staying, was it possible for the police to 13 conduct any raids? 14 MAJOR-GENERAL MPEMBE: No, Chairperson, 15 except maybe if we'd at least been given the, that we could 16 apply section 13(7), but even though we were not even given 17 that where they could be staying. 18 MR MATHIBEDI SC: During the meeting that 19 occurred on the 15th, was there any undertaking by Mr 20 Zokwana that he will revert back to you with any details 21 and particulars of where some of the protesters were 22 staying? 23 CHAIRPERSON: Will you please repeat the 24 question? I'm sure it's my fault, but I'm not sure I 25 understood it, so could you repeat it, please?</p>
<p style="text-align: right;">Page 17024</p> <p>1 could have been entertained and he could have been listened 2 to and it could have been debated and the final decision 3 been taken. 4 MR MATHIBEDI SC: General, who led the 5 police delegation during the meeting that was held between 6 Lonmin management and the representatives of both unions? 7 Sorry, on the 15th. 8 MAJOR-GENERAL MPEMBE: Chairperson, it's 9 myself as a CJOC commander. 10 MR MATHIBEDI SC: I'm referring to the 11 afternoon meeting. 12 MAJOR-GENERAL MPEMBE: Correct, 13 Chairperson, I led the police delegation. 14 MR MATHIBEDI SC: Why did you lead the 15 delegation of the police? 16 MAJOR-GENERAL MPEMBE: It was me who 17 requested the Lonmin Mine to make the arrangement and as a 18 CJOC I also lead that delegation when the meeting was going 19 to take place. 20 CHAIRPERSON: I take it, it actually goes 21 further than that. You told us you specifically requested 22 General Annandale to chair the JOCCOM inter alia because 23 you wanted to concentrate, amongst other things, on 24 involving management and the trade unions because you saw 25 that as a possible way of bringing the problem to an end.</p>	<p style="text-align: right;">Page 17026</p> <p>1 MR MATHIBEDI SC: During the meeting of 2 the 15th in the evening, was there any undertaking by Mr 3 Zokwana that he will revert back to you with the 4 particulars or details of where any of the protesters were 5 staying? 6 MAJOR-GENERAL MPEMBE: No, Chairperson. 7 MR MATHIBEDI SC: What about Mr 8 Mathunjwa? 9 MAJOR-GENERAL MPEMBE: No, Chairperson, 10 Mr Mathunjwa only indicated that at 9 o'clock the 11 protesters will lay down their weapons. 12 MR MATHIBEDI SC: What was your 13 understanding regarding the report-back that Mr Mathunjwa 14 made to you as to what would happen there the next day, 15 that would be on the 16th in the morning? 16 MAJOR-GENERAL MPEMBE: Chairperson, I'm 17 just requesting the question be repeated. 18 MR MATHIBEDI SC: My question is, what 19 was your understanding regarding the report that Mr 20 Mathunjwa made as to what would have happened in the 21 morning at 9 o'clock, the 16th? 22 MAJOR-GENERAL MPEMBE: Chairperson, the 23 understanding was that the protesters will lay down their 24 weapons at 9 o'clock. 25 MR MATHIBEDI SC: Did you expect that Mr</p>

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1 Mathunjwa will go and meet management instead of going to
 2 the koppie in the morning at 9 o'clock on the 16th?
 3 MAJOR-GENERAL MPEMBE: No, Chairperson.
 4 MR MATHIBEDI SC: Right, now with regard
 5 to the plan, did the plan describe how the barbed wire was
 6 to be deployed on the 16th?
 7 MAJOR-GENERAL MPEMBE: No, Chairperson.
 8 MR MATHIBEDI SC: Now when Brigadier
 9 Calitz deployed the barbed wire sequentially, do you regard
 10 that as a deviation from the plan that was agreed upon at
 11 the JOC?
 12 MAJOR-GENERAL MPEMBE: No, Chairperson,
 13 because the plan did not prescribe in words how he should
 14 have done it.
 15 MR MATHIBEDI SC: [Microphone off,
 16 inaudible] to the diary of – that is exhibit JJJ114 of
 17 Prinsloo, do you have a copy with you there?
 18 MAJOR-GENERAL MPEMBE: Correct,
 19 Chairperson, I do have a copy.
 20 MR MATHIBEDI SC: Now this diary was used
 21 to support the proposition that the plan was still that in
 22 the morning on the 16th encirclement had to be done. Now
 23 will you go to page 1 of the document, paragraph at the
 24 bottom, can you read it into the record?
 25 MAJOR-GENERAL MPEMBE: The one that, is

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1 it, or paragraph 1?
 2 MR MATHIBEDI SC: No, no, the one at the
 3 bottom, the first page.
 4 CHAIRPERSON: I take it, it's paragraph
 5 12. Is that right, Mr Mathibedi? Is it paragraph 12, the
 6 one headed "Specific instructions of operation" –
 7 MR MATHIBEDI SC: That's correct, Mr
 8 Chairman, thanks ever so much.
 9 MAJOR-GENERAL MPEMBE: Mine here was not
 10 clear, but thanks, Chairperson. It says, "To deploy wire
 11 on command of Lieutenant-Colonel Mtimkulu to protesters for
 12 purpose" –
 13 CHAIRPERSON: No, no, you've left out a
 14 word. It's "to encircle the protesters."
 15 MAJOR-GENERAL MPEMBE: - "to encircle
 16 protesters for the purpose to disarm protesters from
 17 dangerous weapons."
 18 MR MATHIBEDI SC: [Microphone off,
 19 inaudible] command of Lieutenant-Colonel Mtimkulu to
 20 block –
 21 CHAIRPERSON: [Microphone off, inaudible]
 22 on the screen, which is, I don't know, maybe we have to
 23 have some more evidence about this, but the one on the
 24 screen in fact says "incircle" as opposed to "encircle,"
 25 but nothing turns on that, but it's definitely the word

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1 "incircle," I-N-C-I-R-C-L-E.
 2 MR MATHIBEDI SC: I think I'll come back
 3 to it then, Mr Chairman. Now you have read this document,
 4 is that so?
 5 MAJOR-GENERAL MPEMBE: Correct,
 6 Chairperson. I also want to point out something that this
 7 one also does not have the encirclement, it has the block,
 8 that I have, but the one there it has got the encircle.
 9 MR MATHIBEDI SC: Mr Chairman, I think
 10 let me leave this document for now. I'll –
 11 COMMISSIONER HEMRAJ: The copy of the
 12 exhibit that we have says "encircle protesters." It
 13 doesn't say –
 14 MR MATHIBEDI SC: Let me leave this
 15 document for now. I'll come back to it.
 16 COMMISSIONER HEMRAJ: But what document
 17 have you got then, Mr Mathibedi?
 18 MR MATHIBEDI SC: It's the operational
 19 diary POP Springs, it's by Captain Y Prinsloo.
 20 CHAIRPERSON: The document in question is
 21 JJJ114.
 22 MR MATHIBEDI SC: That's correct.
 23 CHAIRPERSON: And what we have appears to
 24 be a photostat copy of that document and perhaps it would
 25 be easier for the witness if I take out my copy and hand it

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1 to him so he can see it. I don't know where the original
 2 is of this operational diary, but Major-General – no, you
 3 don't have to come here, I'm sure someone will give to you.
 4 It's not necessary for you to leave your seat. [Microphone
 5 off, inaudible] the witness is looking at, at the moment,
 6 but you can certainly move on to another topic and come
 7 back to this one when you have received instructions, and
 8 so forth, which will enable you to take it further. I
 9 suggest you keep my copy of exhibit JJJ114 for the time
 10 being, and Mr Mathibedi when he's ready will come back to
 11 that topic and then presumably take it further. But don't
 12 lose it, because I want it back when you're finished with
 13 it.
 14 MAJOR-GENERAL MPEMBE: Yes, Chairperson,
 15 I'll do so.
 16 MR MATHIBEDI SC: General, I'm going to
 17 refer you to slide 191. Now looking at this slide, if the
 18 plan on the 16th in the morning was to encircle the koppie,
 19 how and where should the Nyalas have been positioned?
 20 MAJOR-GENERAL MPEMBE: Chairperson, they
 21 should have positioned also around the koppie to ensure
 22 that when the encirclement takes place they could be
 23 readily available.
 24 MR MATHIBEDI SC: Now on the 16th, how
 25 many times and at what time did you meet Mr Mathunjwa?

<p style="text-align: right;">Page 17031</p> <p>1 MAJOR-GENERAL MPEMBE: Chairperson, I met 2 Mr Mathunjwa twice on the 16th. 3 MR MATHIBEDI SC: At what time was the 4 meetings? 5 MAJOR-GENERAL MPEMBE: I met Mr Mathunjwa 6 when I introduced him to the Provincial Commissioner, and 7 later I met him when he came from addressing the 8 protesters. 9 MR MATHIBEDI SC: Now did Mr Mathunjwa at 10 any time give you a feedback emanating from the protesters 11 at the koppie? 12 MAJOR-GENERAL MPEMBE: No, Chairperson, 13 he said that he wanted to talk to the Provincial 14 Commissioner. 15 COMMISSIONER TOKOTA: Sorry, Mr 16 Mathibedi. According to Mathunjwa's evidence he came to 17 you to ask for the transport on the second occasion, to the 18 koppie, and you said there was no transport and he saw the 19 Vitos and you said there were no keys. What occasion was 20 that? 21 MAJOR-GENERAL MPEMBE: Chairperson, it 22 was before he went to the koppie. It was after I have 23 introduced him to the Provincial Commissioner. 24 MR MATHIBEDI SC: General, after the 25 second visit to the koppie by Mr Mathunjwa, is there</p>	<p style="text-align: right;">Page 17033</p> <p>1 first. 2 MR MPOFU: Yes, thank you, Chairperson. 3 MR MATHIBEDI SC: General, had Lonmin 4 management made a request to the police that they would 5 like to go to the koppie, they needed police protection 6 what would the attitude of the police have been? 7 MAJOR-GENERAL MPEMBE: Chairperson, we 8 could have escorted them as we did with the unions. 9 MR MATHIBEDI SC: General, does standing 10 order 262 require a member to give a verbal warning or any 11 communication when acting in self or private defence? 12 MAJOR-GENERAL MPEMBE: No, Chairperson. 13 MR MATHIBEDI SC: Now with regard to the 14 telephonic communication that you had with the PC on the 15 15th can you vividly remember in chronological order the 16 content of each and every telephone call that you made or 17 received? 18 MAJOR-GENERAL MPEMBE: Chairperson, I 19 just wondered – the question should be would I remember the 20 content of what I said or – 21 MR MATHIBEDI SC: [Inaudible, microphone 22 not on]. 23 MAJOR-GENERAL MPEMBE: No, Chairperson. 24 MR MATHIBEDI SC: Do you know at what 25 time the extraordinary meeting of the National Management</p>
<p style="text-align: right;">Page 17032</p> <p>1 anything that prohibited him from giving a feedback to 2 Brigadier Calitz or to the JOC? 3 MAJOR-GENERAL MPEMBE: No, Chairperson. 4 [10:05] MR MATHIBEDI SC: What was the attitude 5 of Lonmin management regarding going to the koppie and 6 addressing the protesters. 7 MAJOR-GENERAL MPEMBE: Chairperson, I 8 know Mr Mokwena according to 004 that they will speak to 9 the protesters if it is in the safe environment - 10 MR MPOFU: Chairperson, I'm sorry. I'm 11 sorry, General. Chairperson I don't want to interrupt my 12 learned colleague, but I was debating the previous 13 question, not this one about what prevented Mr Mathunjwa 14 from giving feedback to Brigadier Calitz. Chair, I just 15 want to place on record, Chairperson, that there is 16 evidence that indeed Mr Mathunjwa did give feedback to 17 Brigadier Calitz. I had a video to that effect, I only did 18 not play it because Colonel Scott agreed that that is what 19 had happened. I just want to place that on record. Maybe 20 we'll do it when Brigadier Calitz himself testifies – 21 CHAIRPERSON: That seems a sensible 22 approach. When Brigadier Calitz comes – 23 MR MPOFU: Yes, we can clarify the – 24 CHAIRPERSON: - the matters that you've 25 asked him about if someone else hasn't asked him about it</p>	<p style="text-align: right;">Page 17034</p> <p>1 Forum ended on the 15th? 2 MAJOR-GENERAL MPEMBE: No, Chairperson, I 3 normally did not attend those meetings. No I do not know, 4 Chairperson. 5 MR MATHIBEDI SC: Are there any 6 requirements for a member of POP to be a commander? 7 MAJOR-GENERAL MPEMBE: Yes, Chairperson, 8 amongst the others they undergo public order policing 9 training. 10 MR MATHIBEDI SC: And the training 11 entails what? 12 MAJOR-GENERAL MPEMBE: The training 13 entails compliance to the policies starting from the 14 Constitution, standing order itself, national instructions, 15 the regulation of governance act, it also entails the modes 16 according to crowd management policies. 17 MR MATHIBEDI SC: Was there anything 18 wrong in using a Fanagalo interpreter provided by Lonmin on 19 the 16th? 20 MAJOR-GENERAL MPEMBE: No, Chairperson, 21 at that time we utilised any resources that was at our 22 disposal for the purpose of solving the problem. 23 MR MATHIBEDI SC: During the JOCCOM 24 meetings were any financial implications or constraints 25 discussed regarding the operations that was undertaken at</p>

<p style="text-align: right;">Page 17035</p> <p>1 Marikana?</p> <p>2 MAJOR-GENERAL MPEMBE: No, Chairperson.</p> <p>3 MR MATHIBEDI SC: Did the plan prohibit</p> <p>4 the arrest of any protesters where there was evidence that</p> <p>5 an offence or crime had been committed other than being in</p> <p>6 possession of unlawful, dangerous weapons?</p> <p>7 MAJOR-GENERAL MPEMBE: No, Chairperson,</p> <p>8 as I said for the arresting the police officials who</p> <p>9 executed the arrest they know exactly why the arrested the</p> <p>10 people.</p> <p>11 MR MATHIBEDI SC: General, I'm going to</p> <p>12 refer you to the call up letter dated the 12th of August</p> <p>13 2012 that was written by General Annandale. That is</p> <p>14 exhibit HHH69. Do you have a copy?</p> <p>15 MAJOR-GENERAL MPEMBE: I've got it,</p> <p>16 Chairperson.</p> <p>17 MR MATHIBEDI SC: You will see there it's</p> <p>18 headed Call up Specialised Operations Lonmin Mine Northwest</p> <p>19 12 August 2012 to 17 August. Is there anything unusual or</p> <p>20 curious in the fact that the call up says the duration will</p> <p>21 be from the 12th of August to the 17th of August?</p> <p>22 MAJOR-GENERAL MPEMBE: No, Chairperson,</p> <p>23 it is a standard procedure that the people are called up</p> <p>24 for a certain date and if that time they're still needed</p> <p>25 the call up gets extended.</p>	<p style="text-align: right;">Page 17037</p> <p>1 MAJOR-GENERAL MPEMBE: Yes, Chairperson.</p> <p>2 MR MATHIBEDI: Mr Chairman, we are going</p> <p>3 to introduce an exhibit which is the statement of Captain</p> <p>4 Prinsloo which has been discovered to the evidence leaders.</p> <p>5 CHAIRPERSON: Has the witness had an</p> <p>6 opportunity to see it beforehand?</p> <p>7 MR MATHIBEDI: He did, Mr Chairman.</p> <p>8 CHAIRPERSON: I see, very well, thank</p> <p>9 you. What exhibit, will this be exhibit –</p> <p>10 MS PILLAY: Chair, HHH70.</p> <p>11 CHAIRPERSON: 7-0?</p> <p>12 MS PILLAY: Yes.</p> <p>13 CHAIRPERSON: Thank you.</p> <p>14 MR BUDLENDER SC: Can I suggest, Chair,</p> <p>15 it's another version of JJJ114, it might be better to call</p> <p>16 it JJJ114A, on it's a statement, I apologise. I withdraw</p> <p>17 that suggestion.</p> <p>18 MS PILLAY: HHH70.</p> <p>19 CHAIRPERSON: HHH70 is the statement of</p> <p>20 Yolande Prinsloo who was a captain in the South Africa</p> <p>21 Police Service. The date at this stage, and the copy I've</p> <p>22 been given also contains a statement of someone described</p> <p>23 as Dr Mtimkulu, but in fact that his name, he is</p> <p>24 Lieutenant-Colonel Dr Mtimkulu. Is that going to be handed</p> <p>25 in next?</p>
<p style="text-align: right;">Page 17036</p> <p>1 MR MATHIBEDI SC: General, during any</p> <p>2 JOCCOM meeting did the names of Mr Julius Malema, Mr Themba</p> <p>3 Godi, Mr Cyril Ramaphosa and the Minister of Police feature</p> <p>4 at all?</p> <p>5 CHAIRPERSON: Any what meeting?</p> <p>6 MR MATHIBEDI SC: JOCCOM meeting.</p> <p>7 CHAIRPERSON: JOCCOM meeting.</p> <p>8 MAJOR-GENERAL MPEMBE: No, Chairperson.</p> <p>9 MR MATHIBEDI SC: Mr Chairman, I'm going</p> <p>10 to ask for a brief adjournment just to attend to the</p> <p>11 exhibit relating to –</p> <p>12 CHAIRPERSON: How long do you want?</p> <p>13 MR MATHIBEDI SC: About 10 minutes.</p> <p>14 CHAIRPERSON: We will adjourn now for 10</p> <p>15 minutes.</p> <p>16 MR MATHIBEDI SC: Thanks, Mr Chair.</p> <p>17 [COMMISSION ADJOURNS COMMISSION RESUMES]</p> <p>18 [10:28] CHAIRPERSON: The Commission resumes. I</p> <p>19 understand, Mr Mathibedi, that you are now ready to</p> <p>20 continue with your re-examination. Is that correct?</p> <p>21 MR MATHIBEDI: General, I am going to</p> <p>22 refer, you will note that paragraph 12 of the documents</p> <p>23 mentions "encircle," do you see that?</p> <p>24 MAJOR-GENERAL MPEMBE: Yes, Chairperson.</p> <p>25 MR MATHIBEDI: JJJ114, paragraph 12.</p>	<p style="text-align: right;">Page 17038</p> <p>1 MR MATHIBEDI SC: That is correct.</p> <p>2 CHAIRPERSON: Shall we mark that as,</p> <p>3 while we are in exhibit marking mode, shall we mark it, it</p> <p>4 will be HHH71, I take it?</p> <p>5 MR BUDLENDER SC: We have a difficulty,</p> <p>6 we understand this was on the hard drive, we are told by</p> <p>7 our colleagues, but we don't have a copy, we don't know</p> <p>8 where to find it, we can't follow the evidence.</p> <p>9 MR MATHIBEDI SC: Mr Chairman, I think we</p> <p>10 indicated, I think, was it on Tuesday, that the captain has</p> <p>11 made a statement, not only that, I also spoke to my</p> <p>12 colleague, Mr Wesley, I indicated to him that he should</p> <p>13 give other parties notice that we are going to use this</p> <p>14 statement.</p> <p>15 CHAIRPERSON: Well, there appears to have</p> <p>16 been some kind of slip twixt the cup and the lip on this</p> <p>17 particular one, but I will tell you what we will do, we</p> <p>18 will have another short adjournment. In fact, let's take</p> <p>19 the tea adjournment now, and this whole question can be</p> <p>20 sorted out during the tea adjournment and then we can come</p> <p>21 back and proceed.</p> <p>22 MR MATHIBEDI SC: Thanks, Mr Chairman.</p> <p>23 [COMMISSION ADJOURNS COMMISSION RESUMES]</p> <p>24 [11:14] CHAIRPERSON: The Commission resumes.</p> <p>25 Are the logistical problems now sorted out, Mr Mathibedi?</p>

<p style="text-align: right;">Page 17039</p> <p>1 MR MATHIBEDI SC: Thanks, Mr Chairman. 2 Mr Chairman, I would like to put in on record that the 3 statement that I used this morning to ask the witness 4 questions was discovered and given to Adv Wesley last year 5 in October. So sorry, the diary. So at the time that 6 JJJ114 was used to cross-examine General Mpembe, the 7 evidence leaders had been in possession of the diary. 8 MR BUDLENDER SC: Chair, can I just say 9 that the difficulty is caused by the fact that there are 10 two versions of the operational diary JJJ114, one version 11 of which is in as JJJ114. It's absolutely correct that we 12 have over time been provided with both versions, but nobody 13 was aware of course that there were two different versions, 14 but the difficulty is, as I said, there are two versions 15 and that may or may not be necessary to investigate at some 16 time how that came about. But our learned friend is 17 correct that we do have, we have managed to find the other 18 version as well. 19 CHAIRPERSON: So do you tell me that, am 20 I told that there is a document in the handwriting of 21 Captain Prinsloo which uses the word "encircle" which is 22 her operational diary; then there's another copy of the 23 same document also in her handwriting which has presumably 24 been – well, which is first of course may be a matter of 25 debate, but which used the word "block"?</p>	<p style="text-align: right;">Page 17041</p> <p>1 don't have that one – 2 MR BUDLENDER SC: No, you don't have it. 3 It's about to be handed in. 4 MR MATHIBEDI SC: And Mr Chairman, the 5 other aspect is that the one that we seek to introduce now 6 as an exhibit also has a signature of Mtimkulu, who was the 7 senior to, the commander of Captain Prinsloo, and the one 8 that was used to cross-examine the witness does not have 9 the signature of Mtimkulu. 10 COMMISSIONER HEMRAJ: Can you help us 11 with the date on HHH70, Mr Mathibedi? 12 MR MATHIBEDI SC: No, it does not have a 13 date. 14 COMMISSIONER HEMRAJ: And this has just 15 been discovered today, Mr Budlender, HHH70? 16 MR BUDLENDER SC: I think, Commissioner, 17 it was probably part of the IPID bundle. I think that's 18 where it is to be found, but ja, it looks like an IPID 19 document. 20 CHAIRPERSON: [Microphone off, inaudible] 21 I call this, I suppose I can't call it the second version 22 because we don't know which is first and which is second, 23 but this additional version of the operational diary. The 24 first one was JJJ114. Is JJJ115 open? 25 MR BUDLENDER SC: Chair, we were going to</p>
<p style="text-align: right;">Page 17040</p> <p>1 MR BUDLENDER SC: That's correct, Chair. 2 There are two versions and one, it has been rewritten at 3 some point or another. Whichever was the first has been 4 rewritten as the second. 5 CHAIRPERSON: Obviously we're interested 6 to know why anyone would have rewritten this document to 7 substitute the word "encircle" for the word "block," but I 8 could understand possibly the other, but anyway, these are 9 matters which will hopefully become clear to us in the 10 passage of time. 11 COMMISSIONER HEMRAJ: Are we favoured 12 with a copy of the one that says "block"? Is it intended 13 to put it before us? 14 MR BUDLENDER SC: The one which says 15 "block," will I think now be handed in as an exhibit so 16 that the Commissioners will have both versions. We've just 17 had copies made. 18 COMMISSIONER HEMRAJ: Can we just clarify 19 something? The document that says "block," is that an 20 extract from the operational diary or is it the statement 21 that the Chairman has marked HHH70? 22 MR BUDLENDER SC: Chair, it's another 23 version of the operational diary. They're both called 24 operational diary. 25 COMMISSIONER HEMRAJ: Right, then we</p>	<p style="text-align: right;">Page 17042</p> <p>1 suggest JJJ114A. 2 CHAIRPERSON: Alright. 3 MR BUDLENDER SC: It's two versions of 4 the same document. 5 CHAIRPERSON: JJJ114A is another version 6 of Captain Prinsloo's operational diary for 16/8/2012, and 7 I'll mark that JJJ114A. 8 COMMISSIONER HEMRAJ: It's different OB- 9 numbers as well. It's not as though it's the same document 10 with just a different, with one word being changed, Mr 11 Mathibedi. 12 MR MATHIBEDI SC: That's correct. 13 CHAIRPERSON: Ja, well this is a document 14 that gives rise to all sorts of questions, but obviously 15 it's not appropriate for us to ask those questions now or 16 seek answers to them. At some stage obviously they'll be 17 investigated and the results will be given to us, but for 18 the moment you want to proceed with your re-examination. 19 RE-EXAMINATION BY MR MATHIBEDI SC (CONTD.): 20 General, you were cross-examined on an exhibit JJJ114, 21 paragraph 12, you know, the crux thereof indicates that the 22 instruction was to encircle. Can you see that? 23 MAJOR-GENERAL MPEMBE: Yes, Chairperson, 24 I can see it. 25 MR MATHIBEDI SC: Now I'm going to refer</p>

<p style="text-align: right;">Page 17043</p> <p>1 you to exhibit JJJ114A, paragraph 12. Can you read that 2 into the record?</p> <p>3 CHAIRPERSON: I take it he's not going to 4 read the whole document, just going to read paragraph 12.</p> <p>5 MR MATHIBEDI SC: Paragraph 12, thanks.</p> <p>6 MAJOR-GENERAL MPEMBE: "To deploy wire on 7 command of Lieutenant-Colonel Mtimkulu to block protesters 8 for purposes to disarm protesters from dangerous weapons." 9 MR MATHIBEDI SC: Now having read 10 paragraph 12 of both statements - sorry, of the 11 operational diary, which one is consistent with the 12 instructions, or which is consistent with the plan that was 13 to unfold on the 16th?</p> <p>14 MAJOR-GENERAL MPEMBE: Chairperson, it 15 will be JJJ114A.</p> <p>16 MR MATHIBEDI SC: Now I'm going to refer 17 you to an unsigned, undated statement of Captain Prinsloo, 18 which is HHH70, more specifically the unnumbered paragraph 19 3. Do you have that?</p> <p>20 MAJOR-GENERAL MPEMBE: Correct, 21 Chairperson, I do have the statement of Captain Prinsloo.</p> <p>22 CHAIRPERSON: Forgive my being unkind, 23 but is it appropriate to put in an unsigned statement? You 24 know, once we're going to have a lot of unsigned statements 25 there are going to be all sorts of arguments about their</p>	<p style="text-align: right;">Page 17045</p> <p>1 the record?</p> <p>2 MAJOR-GENERAL MPEMBE: Chairperson, it 3 reads as follows, "My duty was to block with the wire on 4 instruction to create an action zone for the role players 5 involved in the operation and to prevent participants 6 from," I don't know whether it's exit, or - "from entering 7 with SAPS operations." Or "interfering with SAPS 8 operation."</p> <p>9 MR MATHIBEDI SC: Thanks. Now General, 10 I'm going to refer you to -</p> <p>11 COMMISSIONER HEMRAJ: Are you moving away 12 from these documents?</p> <p>13 MR MATHIBEDI SC: Thanks.</p> <p>14 COMMISSIONER HEMRAJ: Are you going to 15 refer to any of the entries that appear on the pages 16 following the first of the operational diaries?</p> <p>17 MR MATHIBEDI SC: No.</p> <p>18 CHAIRPERSON: There are some differences 19 between the entries on JJJ114 and JJJ114A. I appreciate 20 these are questions that can more properly I suppose be 21 directed to Captain Prinsloo, but are you not going to deal 22 with them at all with the present witness?</p> <p>23 MR MATHIBEDI SC: Not with this witness, 24 Mr Chairman.</p> <p>25 COMMISSIONER HEMRAJ: Is there anything</p>
<p style="text-align: right;">Page 17044</p> <p>1 value and so on. I understand a signed statement 2 preferably -</p> <p>3 MR MATHIBEDI SC: Sorry, Mr Chairman, 4 it's signed, it's not dated.</p> <p>5 CHAIRPERSON: Oh, it's not dated. I'm 6 sorry, I'm wrong then. Ignore what I've just said. But it 7 is unfortunate it wasn't dated, of course, but that's a 8 matter that can also be explored.</p> <p>9 MR MATHIBEDI SC: Now I'm referring you 10 to the unnumbered paragraph 3, from the fourth line, can 11 you read that into the record?</p> <p>12 MAJOR-GENERAL MPEMBE: Chairperson, the 13 one that I do have is numbered paragraph 3.</p> <p>14 MR MATHIBEDI SC: Okay. The manuscript 15 one, the handwritten one.</p> <p>16 MAJOR-GENERAL MPEMBE: No, it's a typed 17 one.</p> <p>18 MR MATHIBEDI SC: No, no, I'm referring 19 to the unsigned one - sorry, the manuscript one, the signed 20 one. The handwritten one, sorry. Do you have the 21 statement now?</p> <p>22 MAJOR-GENERAL MPEMBE: Yes, Chairperson, 23 I do have.</p> <p>24 MR MATHIBEDI SC: Now would you go to the 25 unnumbered paragraph 3, the fourth line, and read that into</p>	<p style="text-align: right;">Page 17046</p> <p>1 that indicates when these operational diaries, both the A 2 and the 114, JJJ, were actually completed? And while 3 you're there, have you any idea what the "2" that's ringed 4 on the top right-hand corner of JJJ114A refers to?</p> <p>5 MR MATHIBEDI SC: The date appearing 6 there, it's both the 16th where Captain Prinsloo has signed, 7 and also where Mtimkulu has signed, and JJJ114, there is no 8 date on this document.</p> <p>9 COMMISSIONER HEMRAJ: Are you referring 10 to the third page of JJJ114?</p> <p>11 MR MATHIBEDI SC: That's correct.</p> <p>12 COMMISSIONER HEMRAJ: Where does the date 13 appear on page 3?</p> <p>14 MR MATHIBEDI SC: Of which -</p> <p>15 COMMISSIONER HEMRAJ: Of JJJ114.</p> <p>16 MR MATHIBEDI SC: [Microphone off, 17 inaudible] does not have a date.</p> <p>18 COMMISSIONER HEMRAJ: But you say 114A 19 does?</p> <p>20 MR MATHIBEDI SC: Yes.</p> <p>21 COMMISSIONER HEMRAJ: Yes, I see that. 22 Thank you very much. And the "2" that's encircled on the 23 right-hand top corner of 114A, have you any idea what that 24 refers to?</p> <p>25 MR MATHIBEDI SC: I don't have any idea.</p>

<p style="text-align: right;">Page 17047</p> <p>1 I think I'll take instructions on this.</p> <p>2 COMMISSIONER HEMRAJ: Thank you, Mr</p> <p>3 Mathibedi.</p> <p>4 MR MATHIBEDI SC: Thanks. General, I'm</p> <p>5 going to refer you to the warning statement of Doctor</p> <p>6 Paulus Mtimkulu, which is HHH71. Well, he's not a medical</p> <p>7 doctor; it is his name, Doctor. Now I'm going to</p> <p>8 specifically refer you to paragraph 2 of the statement.</p> <p>9 Can you read that into the record?</p> <p>10 COMMISSIONER HEMRAJ: I'm so sorry, we</p> <p>11 missed that. Whose statement are you referring to, Mr</p> <p>12 Mathibedi? I beg your pardon.</p> <p>13 MR MATHIBEDI SC: [Microphone off,</p> <p>14 inaudible]</p> <p>15 COMMISSIONER HEMRAJ: Thank you.</p> <p>16 MR MATHIBEDI SC: Would you read</p> <p>17 paragraph 2 into the record, General?</p> <p>18 MAJOR-GENERAL MPEMBE: Yes, Chairperson,</p> <p>19 it reads as follows, "On Thursday 16 August 2012 I reported</p> <p>20 for duty at the Lonmin JOC at 6h00 for crowd management. I</p> <p>21 was posted as an assistant company commander of Colonel</p> <p>22 Makhubela with six Nyalas and barbed wire carts. Our task</p> <p>23 was to line up the barbed wire between the protesters and</p> <p>24 the line-up police formation to protect the police from</p> <p>25 being attacked by the protesters."</p>	<p style="text-align: right;">Page 17049</p> <p>1 medical paramedics attending to one of the protesters, and</p> <p>2 I remember Mr Hendrik Blaauw, he was with me on that day</p> <p>3 and I saw him on the video.</p> <p>4 MR MATHIBEDI SC: Thanks. I'm going to</p> <p>5 introduce a document, which is a revised version of exhibit</p> <p>6 QQ2. All the parties had –</p> <p>7 CHAIRPERSON: Sorry, this is now the</p> <p>8 agreed version of the translation of the transcript of what</p> <p>9 was said at the railway line on the 13th. Is that correct?</p> <p>10 MR MATHIBEDI SC: That's correct, Mr</p> <p>11 Chairman.</p> <p>12 CHAIRPERSON: So we'll keep the – Ms</p> <p>13 Pillay, what's the description of the exhibit?</p> <p>14 MS PILLAY: Chair, this document would be</p> <p>15 exhibit QQ2.1.</p> <p>16 [11:34] CHAIRPERSON: Why 2.1?</p> <p>17 MS PILLAY: 2 is the original.</p> <p>18 CHAIRPERSON: Oh 2 is the original, I</p> <p>19 see. Oh I see we can't take it out because it was used in</p> <p>20 evidence. So we can't just substitute the one for the</p> <p>21 other. I see, thank you. This is now – so I would note</p> <p>22 that exhibit QQ2.1 Revised version of transcript of speech</p> <p>23 is it? Revised version of transcript of words recorded as</p> <p>24 part of – what's the video's exhibit?</p> <p>25 MS PILLAY: Z1.</p>
<p style="text-align: right;">Page 17048</p> <p>1 MR MATHIBEDI SC: Thanks, Mr Chairman,</p> <p>2 I'm moving away from this point.</p> <p>3 CHAIRPERSON: Yes, thank you.</p> <p>4 MR MATHIBEDI SC: General, I'm going to</p> <p>5 deal now with the incident of the 13th. Now you will</p> <p>6 remember that it was put to you that the protesters did not</p> <p>7 receive medical attention or treatment. Do you remember</p> <p>8 that?</p> <p>9 MAJOR-GENERAL MPEMBE: Correct,</p> <p>10 Chairperson.</p> <p>11 MR MATHIBEDI SC: Mr Chairman, I've</p> <p>12 arranged with the technician, I'm going to ask that they</p> <p>13 should play exhibit Z1, starting from 25:25 to 25:55.</p> <p>14 CHAIRPERSON: Yes, I don't think any</p> <p>15 warning is required, is it?</p> <p>16 MR MATHIBEDI SC: It's not required,</p> <p>17 Chair.</p> <p>18 [VIDEO SHOWN]</p> <p>19 Thanks. General, do you confirm that this frame</p> <p>20 relates to the incident of the 13th?</p> <p>21 MAJOR-GENERAL MPEMBE: Correct,</p> <p>22 Chairperson.</p> <p>23 MR MATHIBEDI SC: Now will you describe</p> <p>24 what you saw on that frame?</p> <p>25 MAJOR-GENERAL MPEMBE: Chairperson, I saw</p>	<p style="text-align: right;">Page 17050</p> <p>1 CHAIRPERSON: Of video exhibit - so</p> <p>2 Revised version of transcript of words recorded as part –</p> <p>3 no it's actually – I'm sorry, I'm getting it wrong. It's</p> <p>4 Revised version of translated transcript of words used as</p> <p>5 part of video exhibit Z.1 and then I'll record translation</p> <p>6 accepted by the parties. Is that correct?</p> <p>7 MR MATHIBEDI SC: That's correct, Mr</p> <p>8 Chairman.</p> <p>9 CHAIRPERSON: Thank you.</p> <p>10 MR MATHIBEDI SC: General, it was put to</p> <p>11 you that the strikers had decided that they were going to</p> <p>12 give you the weapons at the koppie, at the stadium or</p> <p>13 wherever, do you remember that?</p> <p>14 MAJOR-GENERAL MPEMBE: Yes, Chairperson,</p> <p>15 I do remember the question.</p> <p>16 MR MATHIBEDI SC: Now I would like to</p> <p>17 refer you to QQ2.1. That would be page 7, right at the</p> <p>18 bottom. Are you there?</p> <p>19 MAJAOR-GENERAL MPEMBE: Yes, Chairperson.</p> <p>20 MR MATHIBEDI SC: Now the last line that</p> <p>21 starts with "we" going over to the second line of page 8.</p> <p>22 Can you read that into the record?</p> <p>23 MAJOR-GENERAL MPEMBE: "We will take a</p> <p>24 decision whether we are handing over these weapons or not."</p> <p>25 MR MATHIBEDI SC: From the reading of</p>

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1 what you have just read is this consistent with the version
 2 that the protesters had agreed that they were going to hand
 3 over the weapons at the koppie?
 4 MAJOR-GENERAL MPEMBE: No, Chairperson,
 5 because it says whether we are handing over these weapons
 6 or not.
 7 MR MATHIBEDI SC: If you can go back to
 8 page 7, can you identify the speaker?
 9 MAJOR-GENERAL MPEMBE: Chairperson, it's
 10 Lonmin Worker 1.
 11 COMMISSIONER HEMRAJ: Mr Mathibedi, the
 12 extract you referred to, it's actually on page 8 isn't it?
 13 And the one sentence you particularly referred to is on
 14 page 8.
 15 MR MATHIBEDI SC: That's correct.
 16 CHAIRPERSON: You may have said this
 17 already, I may have missed it, but do I understand that the
 18 passages in heavy type constitutes alterations from the
 19 original transcript we received, is that correct?
 20 MS PILLAY: That's correct, Chair, there
 21 are some additional comments which haven't been stated in
 22 bold but in the main yes.
 23 CHAIRPERSON: Oh sorry you say there are
 24 additions that haven't been put in bold but everything is
 25 in bold is an alteration from the original transcript we

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1 received. Is that correct?
 2 MS PILLAY: That's correct, Chair.
 3 MR MATHIBEDI SC: Will you proceed and
 4 read the remainder of the paragraph?
 5 MAJOR-GENERAL MPEMBE: Chairperson, it
 6 reads as follows, "You must come back with the person of
 7 the mine that we want. The umlungu of the mine who is
 8 supposed to give us a response regarding the money that we
 9 want. That is all that we want. We are not fighting with
 10 anybody. The only person we are at loggerheads with is one
 11 who is assaulting [beating us up]."
 12 CHAIRPERSON: Sorry, before we carry on,
 13 I noticed at the end of the sentence which begins "The
 14 umlungu of the mine, who is supposed to give us a response
 15 regarding the money" there's a question mark which makes it
 16 look as if the words "who is supposed to give us a response
 17 regarding the money we want" is a question. But it sounds
 18 to me from the context or it looks to me from the context
 19 as if that question mark is a mistake because if you read
 20 the sentence as a whole "the umlungu of the mine who is
 21 supposed to give us a response regarding the money we want,
 22 that's all we want" it looks as if that expression, phrase
 23 or clause "who is supposed to give us a response regarding
 24 the money the want" is a relative clause defining the
 25 umlungu of the mine. And it isn't actually a question, but

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1 that's just the impression I have. Those who speak Xhosa
 2 and have heard the original will be able to tell us whether
 3 the question mark is correctly place there. Can you help
 4 me on that, Mr Mathibedi?
 5 MR MATHIBEDI SC: Unfortunately, Mr
 6 Chairman, I'm not in a position to assist. The translation
 7 was not done by us.
 8 MR MPOFU: Chairperson, if I may assist
 9 here. I think the Chairperson is correct. The "who is
 10 supposed to give us the responses" is defining the umlungu.
 11 In other words the umlungu of the mine who is supposed to
 12 give us, so I think the dots and the question mark maybe if
 13 they can be taken out.
 14 MS PILLAY: Chair, may I suggest before
 15 we do that that the evidence leaders come back to you on
 16 this point.
 17 MR MPOFU: Okay.
 18 MS PILLAY: This was done with an
 19 interpreter, so we would make sure that listening to the
 20 audio with –
 21 CHAIRPERSON: Well let's not make a hasty
 22 decision on the point now. We will keep the point in
 23 reserve and at some stage – are you receiving instructions,
 24 Ms Pillay, from – I must say as my colleague it doesn't
 25 make sense if you insert a question in the middle of it.

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1 But let's not be hasty, over the lunch adjournment perhaps
 2 those who are familiar with Xhosa can listen to it again
 3 and tell us and then we can be clear on the point.
 4 MR TOKOTA SC: But, Mr Chairman, I think
 5 Mr Mpofo is correct. If you take the whole context, it's
 6 correct.
 7 MR MPOFU: And there's nothing wrong with
 8 the interpretation, it's just the punctuation ja.
 9 CHAIRPERSON: Advocate Hemraj points out
 10 to me there seems to be a problem also with the question as
 11 to whether words in bold on QQ2.1 are all alternations
 12 because she's been comparing it with the original. But
 13 again that's something that an be discussed outside the
 14 chamber and we can get agreement on it. So for the moment
 15 we'll proceed on the basis that that question mark may be
 16 incorrect, but we can't assume that everything in bold in
 17 QQ2.1 is necessarily an alteration, but otherwise you'll
 18 carry on with the document.
 19 MR MATHIBEDI SC: Thanks. General, did
 20 the strikers direct any demand to you?
 21 MAJOR-GENERAL MPEMBE: Chairperson,
 22 according to 2.1 it says "you must come back with a person
 23 of the mine that we want." On that aspect you'll say there
 24 was a condition that I must come back with the person of
 25 the mine.

<p style="text-align: right;">Page 17055</p> <p>1 MR MATHIBEDI SC: Did you have the powers 2 to force the employer to go to the koppie and address the 3 strikers? 4 MAJOR-GENERAL MPEMBE: No, Chairperson, 5 not the powers to force, but I did persuade them to go 6 there, but they did give me the answer. 7 CHAIRPERSON: You tried to persuade them, 8 but you failed as far as I can understand. 9 MAJOR-GENERAL MPEMBE: Yes, Chairperson. 10 CHAIRPERSON: It wasn't your fault, but 11 you did try you say. 12 MAJOR-GENERAL MPEMBE: Yes, Chairperson. 13 MR MPOFU: Chairperson, once again I 14 don't want interrupt. Chairperson, I'd like either to 15 reserve our right to cross-examine on this new material or 16 to clarify a particular point right now regarding what has 17 been raised which is a misleading question. I will suggest 18 it's a misleading question. 19 CHAIRPERSON: - tell me what the 20 misleading question is. 21 MR MPOFU: Yes. 22 CHAIRPERSON: So your learned friend can 23 then hear what you have to say – 24 MR MPOFU: Yes, thank you, Chairperson. 25 CHAIRPERSON: He may either agree –</p>	<p style="text-align: right;">Page 17057</p> <p>1 CHAIRPERSON: Yes, all right. 2 MR MPOFU: At the bottom of the – 3 COMMISSIONER HEMRAJ: But, Mr Mpofu – 4 CHAIRPERSON: I want to go to the person 5 who's cell phone that is and turn it off and anyone else 6 who's got a cell phone on would please turn them off 7 otherwise I'll have to ask the people concerned to leave 8 the chamber. I wouldn't have had to ask myself to do the 9 same because my one is off, but everyone else whose cell 10 phones are here in the chamber please check that they've 11 been turned off because it's very disturbing when they go 12 off in the middle of a question. Mr Mpofu, sorry to 13 interrupt you, can you carry on please, what do you want to 14 tell us? 15 MR MPOFU: Yes, the bottom of that page, 16 the same Lonmin Worker 2 says "This is our request, we are 17 asking that you accompany us there." Next page 11 "When we 18 get there we will relinquish the weapons." He says that 19 again. "We are not refusing." That's all I want to put on 20 record and I agree with you, Chairperson, if it's 21 reformulated – 22 CHAIRPERSON: The first person did say 23 what counsel has put to the witness, but as long it's clear 24 that the spokespersons of the group didn't all say the same 25 thing then it's okay.</p>
<p style="text-align: right;">Page 17056</p> <p>1 MR MPOFU: Or not agree. 2 CHAIRPERSON: - alternatively he may deny 3 the allegation of misleading, so let's hear your – 4 MR MPOFU: Thanks, Chairperson. Yes, it 5 pertains not to this question, to the one just before about 6 the suggestion that a decision whether to hand over the 7 weapons or not would be taken later. In other words it 8 would be suspended which is quite true as Mr Mathibedi 9 suggested from page 7 to 8 from so-called Lonmin Worker 1. 10 But to leave it at that is misleading, Chairperson because 11 if you go to page 10 Lonmin Worker 2 says that "we have 12 spoken that these things that you want" meaning the weapons 13 "we will relinquish them there at that place to which we 14 are going" which is the mountain. So this is obviously a 15 different emphasis rather than saying – 16 CHAIRPERSON: So if he was to phrase the 17 question on the basis that what he put previously was said 18 by one of the spokespersons of the group and just put on 19 that basis then you wouldn't have a problem. 20 MR MPOFU: Yes, Chairperson, yes I 21 wouldn't, but just for completion. 22 CHAIRPERSON: You know you've already 23 made the point – 24 MR MPOFU: No, no, I want to refer you, 25 Chairperson, to another aspect.</p>	<p style="text-align: right;">Page 17058</p> <p>1 MR MATHIBEDI SC: Mr Chairman, when the 2 General was cross-examined this version was not put to him. 3 Now what we are seeking to do is to demonstrate that – 4 CHAIRPERSON: Sorry, I've said you can 5 carry on. The only point made was Mr Mpofu says you're 6 relying on Worker 1, and you're right in relying on Worker 7 1, Worker 2 appears to say something else, but he put that 8 on record. But that doesn't stop you from carrying on with 9 what Worker number 1 says, so I suggest you carry on. 10 MR MATHIBEDI SC: Thank you, Mr Chairman. 11 General, had the employer advised you or advised the police 12 that they were prepared to go to the koppie to address 13 workers and requested for security from the police what 14 would the police attitude have been? 15 MAJOR-GENERAL MPEMBE: Chairperson, we 16 would have taken them there and escorted them as we did 17 with the union leaders. 18 MR MATHIBEDI SC: General, I'm going to 19 refer you to page 11 of the same document against Lonmin 20 Worker 1. Can you read that into the record? 21 CHAIRPERSON: There are two passages on 22 Lonmin Worker 1, I think you'll have to – 23 MR MATHIBEDI SC: Sorry the first one, Mr 24 Chairman. 25 CHAIRPERSON: The first one, line 9 on</p>

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1 that page.

2 MAJOR-GENERAL MPEMBE: Chairperson, it

3 reads as follows, "What we are saying is that you let us go

4 to the place where we are gathered and we will give you our

5 weapons when you bring our employer."

6 MR MATHIBEDI SC: Of this paragraph is

7 there any demand directed to you by Worker number 1?

8 MAJOR-GENERAL MPEMBE: Yes, Chairperson.

9 MR MATHIBEDI SC: What is the demand?

10 MAJOR-GENERAL MPEMBE: The last words

11 when he say "when you bring our employer."

12 MR MATHIBEDI SC: Now in the old QQ2 you

13 were cross-examined and referred to a paragraph that is

14 line 15, that is page 11 where it reads as follows, "We

15 agreed." "We agreed." Do you see that by Lonmin workers?

16 MAJOR-GENERAL MPEMBE: Yes, Chairperson,

17 I do see it.

18 MR MATHIBEDI SC: Now you've had the

19 opportunity of reading QQ2.1. Do these words appear

20 therein?

21 CHAIRPERSON: We can see for ourselves I

22 think. Let's cut it short while he's looking. Page 12,

23 got it? If you look at QQ2 you'll see the corresponding

24 passage after Mr Masinya has stopped speaking, he I take it

25 was the videographer, you are reported in QQ2 as having

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1 said "I'm going to take those spears" and in QQ2.1 you say

2 "May I take those spears" and this I take is the agreed

3 translation of what you said. Then in QQ2 the Lonmin

4 workers are reported as having said "We agreed, we agreed."

5 You were questioned about that. What now appears from

6 QQ2.1 is a different translation of what was said.

7 "Namely, never, never, you're mad." Now as far as I can

8 see as Mr Budlender improperly states somewhat different.

9 Now what did they say, did they say, "never, never, you're

10 mad," or did they say we agree, we agree?

11 MAJOR-GENERAL MPEMBE: I don't remember,

12 Chairperson, but maybe if it can be played again, but –

13 CHAIRPERSON: Play it again, Sam. Can

14 you find that Mr Operator, perhaps someone can help us and

15 tell us where, it's exhibit Z1 I think isn't it? Where in

16 exhibit Z1 it is, it seems to be quite an important point

17 because there was an allegation that there was an agreement

18 alternatively an understanding on the part of the workers

19 that there was an agreement which they reflected by saying

20 what they said. But if the new translation is correct then

21 that cross-examination loses a lot of its force. Perhaps

22 Mr Wesley can go with his usual expertise and help the

23 operator to find this passage in Z1.

24 MR BUDLENDER SC: Chair, this version is

25 being put to the witness now was distributed for comment

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1 and parties were told if they had any disagreement or that

2 they should speak or forever hold their peace.

3 CHAIRPERSON: Well that's what you said,

4 but it's an important point and without intending any

5 disrespect I think it's only right that the witness,

6 because I asked the witness and he said he can't remember.

7 He'd like to hear the words. It seems a fair request from

8 him.

9 [11:54] [VIDEO SHOWN]

10 CHAIRPERSON: Is that the relevant piece,

11 General?

12 MAJOR-GENERAL MPEMBE: After counting, I

13 just wanted to hear their response.

14 CHAIRPERSON: No, it – according to the

15 transcript it's before you said "Yes, I am counting now, I

16 am counting," they either said "we agreed, we agreed," or

17 they said, "never, never, you are mad." So perhaps the

18 operator can go back just a little bit, I would suggest, we

19 start with the comment by Mr Masenya, I think was the

20 videographer, which I take it was in English, and then we

21 will know the passage that is important is the bit just

22 after that.

23 [VIDEO SHOWN]

24 CHAIRPERSON: Mr Tokota says there's a

25 particular piece that he thinks we can listen to so he will

Page 17062

1 tell us what it is – the necessary directions to the

2 operator.

3 COMMISSIONER TOKOTA: Ja, no, it is just

4 before he says, "I am counting."

5 MS PILLAY: Chair, if I could ask the

6 operator to play from 21 minutes.

7 [VIDEO SHOWN]

8 CHAIRPERSON: Have you heard it now,

9 General? Can you help us?

10 MAJOR-GENERAL MPEMBE: It is, the words

11 which I heard is a mixture of answers. Others are saying,

12 they talk, I don't know whether it's English, I heard the

13 word "greed," the other one says, "no, no." So there's a

14 mixture of answers.

15 CHAIRPERSON: Yes, I must confess, I

16 thought in the middle of the Xhosa, I heard some English,

17 and it did sound like the word "agreed." So it may be that

18 despite the apparent agreement as to the correctness of

19 QQ2.1, the parties concerned should go back to the drawing

20 board on that particular point, because it may well, it's

21 obviously a point that may well have some substance and we

22 can't reject it out of hand, unless we are absolutely

23 certain as to what was said, and what the correct

24 translation is or what was said. And the answer may be

25 that in fact both translations QQ2 and QQ2.1 on this

<p style="text-align: right;">Page 17063</p> <p>1 particular point are correct, and that the, both things 2 were said, in which case we would need a revised 3 transcript, which contains both, but anyway, perhaps that's 4 a matter that can stand over for the moment. Mr Mathibedi? 5 MR MATHIBEDI SC: Thanks, Mr Chairman. 6 CHAIRPERSON: I am in your hands, I mean 7 it's your re-examination not mine, but I am just trying to 8 be helpful, but if – 9 MR MATHIBEDI SC: I think it should stand 10 over, the parties should attend to this aspect. Now, 11 General – 12 CHAIRPERSON: Mr Mpofo, remember time is 13 precious, the SCA will be deciding this case before we 14 finish - 15 MR MPOFU: But then we agree, we agree, 16 Chairperson. 17 MR MATHIBEDI SC: General, whilst at the 18 – along the railway line, talking to the strikers, did you 19 tell Lieutenant-Colonel Merafe that you are going to disarm 20 the strikers, the protesters at the koppie? 21 MAJOR-GENERAL MPEMBE: No, Chairperson. 22 MR MATHIBEDI SC: Now did any member of 23 the police other than Colonel Merafe say to you that the 24 protesters should be disarmed then – sorry, the strikers 25 should be disarmed at the – along the railway line?</p>	<p style="text-align: right;">Page 17065</p> <p>1 Chairperson. 2 MR MATHIBEDI SC: Thanks. General, I am 3 going to refer you to the transcript, that is day 149, the 4 15th of November 2010, it's at page 11, do you have a copy 5 of the relevant page? 6 MAJOR-GENERAL MPEMBE: Which document, 7 Chairperson? 8 MR MATHIBEDI SC: The one page document 9 that I gave to you this morning. The transcript, the 10 record of the proceedings. 11 CHAIRPERSON: He is supposed to have it, 12 because if he isn't then perhaps someone can give him a 13 copy, perhaps, if alternatively, if somebody knows where 14 his copy is, then perhaps he can be assisted. 15 MAJOR-GENERAL MPEMBE: Yes, I do have it 16 Chairperson. 17 MR MATHIBEDI SC: May the technicians 18 please put the relevant page up on the screen. Day 149. 19 CHAIRPERSON: What exactly is the page, 20 and what is the line on that page to which you wish the 21 witness to refer? 22 MR MATHIBEDI SC: Page 15, line 16. 23 CHAIRPERSON: Sorry, page what? 24 MR MATHIBEDI SC: Page 15. 25 CHAIRPERSON: 15,1-5?</p>
<p style="text-align: right;">Page 17064</p> <p>1 MAJOR-GENERAL MPEMBE: No, Chairperson. 2 MR MATHIBEDI SC: Sorry, when you 3 answered and said that you told members of the police to 4 protect the informal settlement, what did you mean by that? 5 MAJOR-GENERAL MPEMBE: Chairperson, I 6 could have meant that they should also, they should put 7 Nyalas, it could have actually have meant many things but 8 one of them could be putting the Nyalas in front of the 9 informal settlement but that could have meant also many 10 things. 11 MR MATHIBEDI SC: Had the protesters 12 acceded to your request that they should lay down their 13 weapons, would the confrontation between the strikers and 14 the police occurred on the 14th? 15 CHAIRPERSON: I think we've dealt with 16 that several times before, you know. He agreed, I think, 17 when he was asked before, but obviously if they handed down 18 their weapons, there wouldn't have been – they wouldn't 19 have been able to use them against the police who were 20 killed, and he has said that several times. But he afraid 21 that if he, as I understand him, that if he tried to disarm 22 them against their will, there would have been serious 23 trouble and that the (06:46) kind of situation would have 24 recurred, that's your evidence, isn't it? 25 MAJOR-GENERAL MPEMBE: Correct,</p>	<p style="text-align: right;">Page 17066</p> <p>1 MR MATHIBEDI SC: That's correct. 2 CHAIRPERSON: I think you will find page 3 15 above page 16 on the right-hand side of the page. Is 4 that correct? 5 MR MATHIBEDI SC: General, it reads as 6 follows, "It's my job as a general, if they do not, if they 7 do not, yesterday I've been here, President, and you are 8 talking, I think to Mr Mathunjwa, if you see the number of 9 police that are here, it is a lot of money that's been paid 10 and me, as a management I need to produce the results and 11 my results and service is safety and security. So you 12 suggested to Mr Mathunjwa that cost was an issue to you, do 13 you accept that?" And it goes over to the page 16, where 14 your answer is, "The outcome, Chairman, what did you seek 15 to convey by this answer, the outcome Chairperson?" 16 MAJOR-GENERAL MPEMBE: The outcome that I 17 seek to convey is that if the protesters could lay down 18 their weapons, without any other or without the action of 19 the police forcing them, and the outcome then, it will be 20 safety and security, meaning that there will be no one 21 harmed. So in actual fact I was saying that his assistance 22 will be utmost importance. 23 CHAIRPERSON: You did indicate, appeared 24 to have indicated, that financial considerations were not 25 entirely irrelevant because you are reported as having</p>

<p style="text-align: right;">Page 17067</p> <p>1 said, having referred to the fact that a lot of money has 2 been paid, and that was said immediately after you had 3 referred to the number of police that are here. So is it 4 correct interpretation in what you said, that financial 5 considerations were not irrelevant? 6 MAJOR-GENERAL MPEMBE: Yes, I was saying, 7 Chairperson, with, through his assistance attaining safety 8 and security as quick as possible. But safety and security 9 and I was requested to explain what is an outcome actually 10 which I was referring to. 11 MR MATHIBEDI SC: Thanks, Mr Chairman, 12 those are the questions for the witness. 13 CHAIRPERSON: Nothing is still standing 14 over, there is something still standing over, isn't there? 15 MR MATHIBEDI SC: Nothing. 16 CHAIRPERSON: Nothing at all? 17 MR MATHIBEDI SC: Save for the aspect of 18 the transcript. 19 CHAIRPERSON: Yes. The transcript and 20 also – yes, yes, I see. So everything that stood over, 21 apart from what, what's still left, you wanted to park 22 something at one stage, you remember? You asked me had we 23 now dealt, fully dealt with it fully? 24 MR MATHIBEDI SC: We have addressed that, 25 it pertains to the diary.</p>	<p style="text-align: right;">Page 17069</p> <p>1 have as close a sense of what it must have felt like being 2 in the Nyala. 3 CHAIRPERSON: Yes, where is this 4 assimilation exercise going to take place? 5 MS SEMENYA SC: It is a building across 6 the road for the public service sector. It is a walking 7 distance from here. 8 CHAIRPERSON: And how long will the whole 9 operation or exercise take? 10 MR SEMENYA SC: My estimation is it would 11 be under 30 minutes. 12 CHAIRPERSON: Under? 13 MR SEMENYA SC: Under 30 minutes. 14 CHAIRPERSON: So it sounds as if as far 15 as proceedings in the chamber are concerned, we can adjourn 16 them until after lunch. 17 MR SEMENYA SC: Indeed. 18 CHAIRPERSON: But between now and lunch, 19 we will undertake this exercise that you are going to take 20 us on, and when we come back, if you will be kind enough to 21 give a verbal description of what happened, so that it can 22 be on record. 23 MR SEMENYA SC: Indeed, Chair. 24 CHAIRPERSON: Very well, so we will 25 adjourn the proceedings in the chamber until after lunch,</p>
<p style="text-align: right;">Page 17068</p> <p>1 CHAIRPERSON: I see, alright. So that's 2 the end of your re-examination? 3 MR MATHIBEDI SC: That is correct, Mr 4 Chair. 5 CHAIRPERSON: Thank you. So as far as 6 you are concerned, the witness can be excused? 7 MR MATHIBEDI SC: That's correct, at long 8 last. Thanks, Mr Chair. 9 CHAIRPERSON: You have heard what your 10 counsel has said. Thank you for your evidence, you are 11 excused on the usual basis, that if for some reason 12 something arises and we have to get you back, you'll come 13 back, but subject to that, which I take it won't happen, 14 you are excused. Is that correct? 15 MAJOR-GENERAL MPEMBE: Thanks, 16 Chairperson. 17 CHAIRPERSON: Thank you. 18 [NO FURTHER QUESTIONS – WITNESS EXCUSED] 19 MR SEMENYA SC: Chair - 20 CHAIRPERSON: Mr Semenya, I understand 21 you were now going to take us to see an Nyala with the wire 22 trailer, is that correct? 23 MR SEMENYA SC: With the leave of the 24 Chair and the Commissioners, yes. We propose to do 25 assimilation of how the barbed wire gets, as well as to</p>	<p style="text-align: right;">Page 17070</p> <p>1 which I take it – 2 MR MPOFU: Chairperson, I am sorry, maybe 3 it's my fault, but I was not aware of this Nyala 4 inspection, is this an invitation to everybody? 5 CHAIRPERSON: Look, it's obviously got to 6 be an invitation to everybody, because they can't take us 7 privately and show us something which you haven't got a 8 chance to deal with, and if it will be dealt with in 9 evidence, as I suspect it will be, you will have to 10 understand it, and be able to dealt with it in cross- 11 examination, if you consider it necessary. 12 MR MPOFU: Thank you, Chairperson. 13 CHAIRPERSON: So I take it that's clearly 14 right, Mr Semenya, isn't it? 15 MR SEMENYA SC: Mr Mpofu is most welcome 16 to have that - 17 MR MPOFU: In an Nyala, I have been there 18 before, Chairperson, thank you. 19 CHAIRPERSON: I am not sure that you've 20 been with the Nyalas and wire trailers before, Mr Mpofu. 21 We are both going to be educated this afternoon, Mr Mpofu. 22 I have been asked to adjourn till two o'clock, it seems 23 sensible in the circumstances. So we'll adjourn now, as 24 I've said until two o'clock, as far as operations in the 25 chamber are concerned. Those who wish to accompany us and</p>

<p style="text-align: right;">Page 17071</p> <p>1 Mr Semenya and his witnesses, and assistance to the 2 building next door to see this very interesting and 3 important demonstration, are welcome to do so. It's not 4 obligatory.</p> <p>5 [COMMISSION ADJOURNS COMMISSION RESUMES] 6 [14:44] CHAIRPERSON: The Commission resumes. I 7 understand that the witness who is going to be sworn in, in 8 a moment, Brigadier Calitz, is going to take questions in 9 English, but he's going to reply in Afrikaans. So we've 10 arranged for two streams of interpretation, one English and 11 Afrikaans being interpreted into isiXhosa for the benefit 12 of those who prefer that, and the other stream of 13 interpretation will be the Afrikaans portions will be 14 interpreted into English. There are headphones available 15 for all who wish to make use of the translation facilities. 16 Apparently it's possible to choose the channel that you 17 want, giving you either the Xhosa translation or the 18 English translation. Mr Semenya, before we swear in the 19 witness, do you wish to say anything about the inspection 20 in loco that, and the demonstration that we attended? 21 MR SEMENYA SC: Indeed, Chair. What we 22 propose to do tomorrow morning is to produce an album of 23 photographs with a key that explains which photo explains 24 which aspect. We also intend to do a video, and both of 25 those will be made exhibits, to explain the events of the</p>	<p style="text-align: right;">Page 17073</p> <p>1 Brigadier? Ek neem aan u is bereid om die gewone eed af te 2 lê. Sal u sweer dat die getuienis wat u gaan aflê voor 3 hierdie Kommissie die waarheid sal wees, die hele waarheid, 4 en niks anders as die waarheid nie? Sal u, u regterhand 5 optel en vir ons sê, "Ek sweer, so help my God." 6 ADRIAAN MARTHINUS CALITZ: Ek sweer, so 7 help my God. 8 VOORSITTER: U mag sit. Ek verstaan u is 9 bereid om, u is tevrede dat die vrae aan u in Engels gestel 10 kan word, maar u wil graag in u eie huistaal antwoord, 11 naamlik Afrikaans. Is dit korrek? 12 BRIGADIER CALITZ: Korrek. 13 CHAIRPERSON: Yes, Mr Semenya. 14 EXAMINATION BY MR SEMENYA SC: Brigadier, 15 can I remind you either to keep your mike on so that you 16 don't forget it – we have just made reference to three 17 documents which are exhibit GGG13, FFF15, and JJJ107. 18 CHAIRPERSON: Sorry, Mr Semenya, before 19 you carry on, Mr Tokota reminds me that I didn't get his 20 full names on record. U volle name is Adriaan Marthinus 21 Calitz? 22 BRIGADIER CALITZ: Dis reg, mnr die 23 Voorsitter. 24 CHAIRPERSON: Thank you. 25 MR SEMENYA SC: Thank you, Chair. Do you</p>
<p style="text-align: right;">Page 17072</p> <p>1 simulations. 2 CHAIRPERSON: Yes, thank you, Mr Semenya. 3 Now there is, I understand, a consolidated statement of the 4 witness. I can't remember, has it been handed in as an 5 exhibit? 6 MR SEMENYA SC: It has, Chair. 7 CHAIRPERSON: What is the exhibit number? 8 MR SEMENYA SC: The consolidated 9 statement is exhibit JJJ107. The statement of 19 August 10 2012 is also an exhibit, GGG13. 11 CHAIRPERSON: Sorry, let me get that 12 down. You say JJJ107 – 13 MR SEMENYA SC: That's the consolidated 14 statement. 15 CHAIRPERSON: - is the consolidated 16 statement, yes, and then you referred to – 17 MR SEMENYA SC: That one of 19 August 18 2012, it's GGG13, and the last one, which is that of the 19 26th of October 2012, is FFF15, which is annexure K, and I'm 20 told on page 71. 21 VOORSITTER: Sal u asseblief opstaan, 22 Brigadier? Ek neem aan u roep Brigadier Calitz as u 23 getuie? 24 MNR SEMENYA SC: Inderdaad. 25 VOORSITTER: Sal u asseblief opstaan,</p>	<p style="text-align: right;">Page 17074</p> <p>1 have the three documents? 2 BRIGADIER CALITZ: Ek het dit, mnr die 3 Voorsitter. 4 MR SEMENYA SC: The other people have a 5 JJJ107, which is signed but not commissioned. Do you 6 confirm that statement to be correct? 7 BRIGADIER CALITZ: JJJ107, ja it was 8 signed. I'm not sure if they have it, but – 9 MNR SEMENYA SC: Jou moedertaal, 10 Brigadier. 11 BRIGADIER CALITZ: Dit sal gebeur, 12 Edelagbare. Ek het hom geteken. Hy is beëdig. Ek weet 13 nie watter een – 14 VOORSITTER: Maar u bevestig, u is 15 onseker of hy eintlik behoorlik beëdig is, maar ek neem aan 16 u bevestig onder eed dat die inhoud van daardie verklaring 17 korrek is. 18 BRIGADIER CALITZ: Dit is korrek, 19 Edelagbare. 20 MR SEMENYA SC: Just so that we can 21 attend to some typographical errors that appear in JJJ107, 22 can I invite you to go to page 22, you will see it appears 23 at the bottom of that page. Do you have the page before 24 you? 25 BRIGADIER CALITZ: Ek het, mnr die</p>

<p style="text-align: right;">Page 17075</p> <p>1 Voorsitter.</p> <p>2 MR SEMENYA SC: And might I refer you to</p> <p>3 paragraph 110. There the last sentence reads, "This</p> <p>4 approach is depicted in exhibit L." Do you see that?</p> <p>5 BRIGADIER CALITZ: Ek sien dit, mnr die</p> <p>6 Voorsitter.</p> <p>7 MR SEMENYA SC: And then it says slide</p> <p>8 168 and slide 171, what should the correct slides be there?</p> <p>9 BRIGADIER CALITZ: Mnr die Voorsitter,</p> <p>10 die korrekte "slide" sal wees, hy moet wees "This approach</p> <p>11 is depicted in exhibit L," die eerste een moet wees "slide"</p> <p>12 194 en nie 168 nie, en die tweede een in plaas van 171 moet</p> <p>13 lees 198.</p> <p>14 MR SEMENYA SC: And if you go to the</p> <p>15 following page, which is 23, I want your attention on</p> <p>16 paragraph 113. There is reference there to slide 177. Do</p> <p>17 you see that?</p> <p>18 BRIGADIER CALITZ: Ek sien dit, mnr die</p> <p>19 Voorsitter.</p> <p>20 MR SEMENYA SC: What should it correctly</p> <p>21 read?</p> <p>22 BRIGADIER CALITZ: Hy moet "correctly"</p> <p>23 lees, die sin, "The configuration is depicted in exhibit</p> <p>24 L," daardie "slide" 177 moet lees "slide" 205.</p> <p>25 MR SEMENYA SC: And if you go to the next</p>	<p style="text-align: right;">Page 17077</p> <p>1 were appointed at in October of 2011.</p> <p>2 BRIGADIER CALITZ: Dit is korrek.</p> <p>3 MR SEMENYA SC: This consolidated</p> <p>4 statement you say was triggered by harmonising two earlier</p> <p>5 statements that you made, and also to explain issues which</p> <p>6 have been raised by the evidence leaders. Is that right?</p> <p>7 BRIGADIER CALITZ: Dit is korrek, mnr die</p> <p>8 Voorsitter.</p> <p>9 MR SEMENYA SC: But to do that, you start</p> <p>10 and describe your experience and your curriculum vitae from</p> <p>11 paragraph 5, don't you, Brigadier?</p> <p>12 BRIGADIER CALITZ: Dit is korrek.</p> <p>13 MR SEMENYA SC: And you tell us from 1987</p> <p>14 to 1992 you were stationed in Pretoria with a special guard</p> <p>15 unit. Is that right?</p> <p>16 BRIGADIER CALITZ: Dit is korrek, mnr die</p> <p>17 Voorsitter.</p> <p>18 MR SEMENYA SC: And you held various</p> <p>19 positions and capacities in that special guard unit. You</p> <p>20 served as a section commander, amongst others.</p> <p>21 BRIGADIER CALITZ: Dis korrek.</p> <p>22 MR SEMENYA SC: A platoon commander.</p> <p>23 BRIGADIER CALITZ: Dis reg, mnr die</p> <p>24 Voorsitter.</p> <p>25 MR SEMENYA SC: And you acted as a unit</p>
<p style="text-align: right;">Page 17076</p> <p>1 paragraph, which is 114, the first sentence reads, "With</p> <p>2 the attacking armed strikers coming around the kraal, small</p> <p>3 kraal, my Nyala was positioned west of the approach." What</p> <p>4 should that read?</p> <p>5 BRIGADIER CALITZ: The west must be</p> <p>6 replaced with east.</p> <p>7 MR SEMENYA SC: Page 25, and can I invite</p> <p>8 your focus on paragraph 122? First sentence reads, "About</p> <p>9 three of the Nyalas, including the one in which I was,</p> <p>10 moved in the northerly direction." What should that read?</p> <p>11 BRIGADIER CALITZ: Mnr die Voorsitter,</p> <p>12 daar moet net noord-westelike rigting, so die westelike</p> <p>13 rigting moet net bygevoeg word, so dit moet lees, "moved in</p> <p>14 a north-westerly direction."</p> <p>15 MR SEMENYA SC: Okay. Now of course you</p> <p>16 tell us in JJJ107 that you're a member of the South African</p> <p>17 Police holding the rank of a brigadier. Is that right?</p> <p>18 BRIGADIER CALITZ: Dis korrek, mnr die</p> <p>19 Voorsitter.</p> <p>20 MR SEMENYA SC: And you currently are</p> <p>21 employed as the Provincial Head ORS in North West. Is that</p> <p>22 correct?</p> <p>23 BRIGADIER CALITZ: Dis korrek, mnr die</p> <p>24 Voorsitter.</p> <p>25 MR SEMENYA SC: And that's a position you</p>	<p style="text-align: right;">Page 17078</p> <p>1 commander.</p> <p>2 BRIGADIER CALITZ: Dit is reg, mnr die</p> <p>3 Voorsitter.</p> <p>4 MR SEMENYA SC: For those who don't know,</p> <p>5 what is a section commander?</p> <p>6 BRIGADIER CALITZ: By die spesiale</p> <p>7 wageenheid, ek dink tans staan bekend as die "protection</p> <p>8 security services," wat dan beskerming bied aan die BBPs,</p> <p>9 baie belangrike persone. So 'n "section" bevelvoerder is</p> <p>10 die laagste vlak wat begin. 'n Seksie bestaan uit 'n groep</p> <p>11 van agt, so dit is, jy beheer 'n kleiner groep en dan dit</p> <p>12 is basies van aan-diens kom, die administrasie van hulle,</p> <p>13 die uitvoering en die take tot waar hulle weer van diens</p> <p>14 gaan, en die posting en die besoeke van hulle. Maar dit is</p> <p>15 beperk tot 'n kleiner groepie.</p> <p>16 MR SEMENYA SC: And a platoon commander?</p> <p>17 BRIGADIER CALITZ: 'n Peloton</p> <p>18 bevelvoerder het jy 'n groter verantwoordelikheid, dan het</p> <p>19 jy so vier seksiebevelvoerders onder jou bevel. Na 'n</p> <p>20 geruime tyd word mens bevorder na 'n peloton bevelvoerder;</p> <p>21 dit is in die omgewing van 32 tot 36. Peloton bevelvoerder</p> <p>22 meer kantoorgebonde, maar ook in die veld; jy besoek die</p> <p>23 mense en jy maak seker dat die take en spesifieke take van</p> <p>24 die seksiebevelvoerders dan uitgevoer word.</p> <p>25 MR SEMENYA SC: A unit commander?</p>

<p style="text-align: right;">Page 17079</p> <p>1 BRIGADIER CALITZ: "Unit commander," van 2 die "special guard unit" waar ek was by Veritas, dis 'n 3 spesifieke tak, dan het mens die funksies van 'n 4 eenheidsbevelvoerder. Met ander woorde ons, jy beheer die 5 hele eenheid. So dit is van die take wat jy van bo af kry, 6 die uitwerking, die beplanning, die administrasie, die HR, 7 die finansies, die hele spektrum van 'n eenheid wat dan 8 onder jou val word jou beheer. 9 CHAIRPERSON: I take it you weren't 10 acting unit commander while you were still a constable. 11 BRIGADIER CALITZ: Ekskuus? 12 CHAIRPERSON: I take it you didn't act as 13 unit commander while you were still a constable. 14 BRIGADIER CALITZ: No, no. No. 15 CHAIRPERSON: You joined a constable in 16 '87. Can you tell us just briefly in one sentence when you 17 were promoted to various ranks? Is that somewhere in your 18 statement? 19 BRIGADIER CALITZ: Mnr die Voorsitter, as 20 u net so oomblikke – ek het dit. Ek was van 1987 was ek 21 'n student, basiese opleiding gewees. Van '87 tot '92 was 22 ek 'n konstabel, tot adjudant-offisier. Dit is nie in my 23 verklaring – 24 CHAIRPERSON: I know it's not in your – I 25 just want the facts. You started as a constable, right.</p>	<p style="text-align: right;">Page 17081</p> <p>1 – constable from when to when? 2 BRIGADIER CALITZ: Konstabel was ek 3 gewees 1987 tot, ek het die presiese, as ek nou net by 4 die – 5 MR SEMENYA SC: 1992? 6 CHAIRPERSON: Is it in the statement, Mr 7 Semenya? 8 MR SEMENYA SC: I can make a document 9 available, describing all of this. 10 BRIGADIER CALITZ: Ja, ek was so twee, 11 drie jaar 'n konstabel gewees, en toe '89 tot '90 'n 12 sersant. '90 het ons op 'n, wat ons noem 'n adjudant- 13 offisiere kursus gegaan – 14 CHAIRPERSON: You became a warrant- 15 officer. 16 BRIGADIER CALITZ: Warrant-officer, en 17 dan, toe het ons gegaan vir 'n 13-weke kursus na die Paarl. 18 As hy sukses was in die Paarl het hy uitgeplaas as 'n 19 luitenant, en – 20 CHAIRPERSON: Yes, and that was when? 21 BRIGADIER CALITZ: 1992. 22 CHAIRPERSON: '92, and then how long were 23 you a lieutenant for? I think you said to '94, then you 24 became a captain? 25 BRIGADIER CALITZ: Ek was by die spesiale</p>
<p style="text-align: right;">Page 17080</p> <p>1 You then must have become a sergeant. 2 BRIGADIER CALITZ: Ja. 3 CHAIRPERSON: And then you became a 4 warrant-officer. 5 BRIGADIER CALITZ: Dit is korrek, mnr die 6 Voorsitter. 7 CHAIRPERSON: And then you became a 8 commissioned officer as a lieutenant, I take it. 9 BRIGADIER CALITZ: At that, from 1992. 10 CHAIRPERSON: Yes, and then after '94 the 11 ranks were demilitarised. 12 BRIGADIER CALITZ: '94 I became a 13 captain. 14 CHAIRPERSON: You were a captain already 15 in '94. 16 BRIGADIER CALITZ: In '94. 17 CHAIRPERSON: And then that was changed 18 to what? 19 BRIGADIER CALITZ: Then, no then it was 20 just – 21 CHAIRPERSON: Was it superintendent, or 22 was it – 23 BRIGADIER CALITZ: Dit het dieselfde 24 gebly, en toe in '97 het dit superintendente geword. 25 CHAIRPERSON: Oh, I see. So just give us</p>	<p style="text-align: right;">Page 17082</p> <p>1 wageenheid tot en met ek 'n luitenant geword het, '92, en 2 in daardie jaar van die luitenantskap het ek verplasing na 3 die onluste eenheid in Potchefstroom. Ek was van '92 tot 4 '94 was ek 'n luitenant gewees. '94 het ek 'n kaptein 5 geword. '94 tot by '97, ek was drie jaar 'n kaptein. '97 6 het ek superintendent – 7 CHAIRPERSON: Was that the equivalent of 8 a captain, or was it the equivalent of a major? 9 BRIGADIER CALITZ: In die ou dae was na 10 kaptein 'n majoor. In daardie jare het die majoorrang 11 weggeval, saam met die luitenantsrang, so toe het ons 'n 12 superintendent geword. 13 CHAIRPERSON: You became a superintendent 14 when you, and that was – 15 BRIGADIER CALITZ: Dit was '97. 16 CHAIRPERSON: - in '97. That was the 17 equivalent of promotion to major under the old 18 nomenclature. Is that correct? 19 BRIGADIER CALITZ: Yes, ja. Hulle het 20 daardie twee range toe gekombineer. Toe is die poste 21 geadverteer en in 1999 het ek aansoek gedoen vir 'n pos, 22 verder in my verklaring, in OD waar ek 'n, hier by Ga- 23 Rankuwa, toe het ek die pos gekry van 'n senior 24 superintendent, dis in die ou taal 'n kolonel. 25 CHAIRPERSON: Yes.</p>

<p style="text-align: right;">Page 17083</p> <p>1 BRIGADIER CALITZ: En ek was 'n kolonel 2 van 1999 tot en met 2010. Ek was 12, 12 jaar, 13 jaar, as 3 my wiskunde my nou nie in die steek laat nie, was ek 'n 4 kolonel gewees.</p> <p>5 CHAIRPERSON: So it's a senior 6 superintendent, and then they brought back the military 7 ranks in 2010, I think, so then you became a colonel. Is 8 that right?</p> <p>9 BRIGADIER CALITZ: A full colonel. 10 Colonel, yes.</p> <p>11 CHAIRPERSON: Full colonel, yes.</p> <p>12 BRIGADIER CALITZ: Ja, a senior 13 superintendent is a full colonel, ja.</p> <p>14 CHAIRPERSON: Yes, then you became, you 15 were promoted from being a full colonel to being a 16 brigadier, and that I think you told us was in, what?</p> <p>17 BRIGADIER CALITZ: Brigadier was in 18 October 2010.</p> <p>19 CHAIRPERSON: 2010?</p> <p>20 BRIGADIER CALITZ: 2011.</p> <p>21 CHAIRPERSON: 2011, that's right, and 22 that was also when you became the provincial head of the 23 ORS in the North West. Is that correct?</p> <p>24 BRIGADIER CALITZ: Appointed officially 25 as the provincial head. I'm, I was acting, ek het</p>	<p style="text-align: right;">Page 17085</p> <p>1 dink ons het nou gedek paragraaf 6 en 7 en 8 miskien in u 2 vrae, tot op paragraaf 9.</p> <p>3 MR SEMENYA SC: No, I want to be able to 4 know where you were at various stages, Brigadier.</p> <p>5 BRIGADIER CALITZ: That's fine.</p> <p>6 MR SEMENYA SC: Of course you tell us 7 that it was in the period '92 to '99 when you were 8 stationed in Potchefstroom, with what was then called the 9 Internal Stability Unit. What is this unit now known as?</p> <p>10 BRIGADIER CALITZ: Dit staan nou bekend 11 as die Openbare Orde Polisie, Public Order Policing.</p> <p>12 MR SEMENYA SC: And then you occupied the 13 positions of platoon commander, unit commander, and the 14 accounting officer for Public Order Police until 1999.</p> <p>15 BRIGADIER CALITZ: Dit is korrek, mnr die 16 Voorsitter.</p> <p>17 MR SEMENYA SC: In those capacities, did 18 you operate any of the units or the platoons in public 19 order environments?</p> <p>20 BRIGADIER CALITZ: Dit is korrek, mnr die 21 Voorsitter. As 'n pelotonbevelvoerder is jy fisies op die 22 grond. Jy het elke dag te doen met die 32, 36 lede, en dit 23 is fisies buite werk. "Internal stability unit" dan, soos 24 nou Openbare Orde Polisiëring, dit is die bestuur van 25 skare, skarebeheer, onruste. Dit was my daaglikse funksie</p>
<p style="text-align: right;">Page 17084</p> <p>1 waargeneem daar van 2006, 2007, verskeie kapasiteite 2 waargeneem.</p> <p>3 CHAIRPERSON: With the rank of senior 4 superintendent –</p> <p>5 BRIGADIER CALITZ: Met 'n vol kolonel, 6 ja.</p> <p>7 CHAIRPERSON: Yes, with the equivalent of 8 a full colonel.</p> <p>9 BRIGADIER CALITZ: Ja.</p> <p>10 CHAIRPERSON: Ja, alright, in 2010 you 11 became a –</p> <p>12 BRIGADIER CALITZ: 2011 –</p> <p>13 CHAIRPERSON: The name changed, you 14 became a colonel. You went back into sort of paramilitary 15 uniform, and then a year later you became a brigadier, and 16 you're still there.</p> <p>17 BRIGADIER CALITZ: Oktober 2011, 18 brigadier, as die provinsiale hoof.</p> <p>19 CHAIRPERSON: Yes, thank you.</p> <p>20 BRIGADIER CALITZ: Dankie, mnr die 21 Voorsitter.</p> <p>22 CHAIRPERSON: You were busy telling us, 23 taking us to the various positions you held, which are set 24 out in paragraphs, from 5 to –</p> <p>25 BRIGADIER CALITZ: Mnr die Voorsitter, ek</p>	<p style="text-align: right;">Page 17086</p> <p>1 as 'n pelotonbevelvoerder.</p> <p>2 MR SEMENYA SC: And then you continue to 3 tell us about your position in North West during 2000 where 4 you say you operated as a unit commander at OD Public Order 5 Police.</p> <p>6 BRIGADIER CALITZ: Mnr die Voorsitter, 7 ja, dit is 'n pos waarvoor ek aansoek gedoen het in '99, 8 toe is ek bevorder na die rang van senior superintendent, 9 wat kolonel is, by OD. Dit is 'n basis wat geleë is – 10 windrigting, dit is net so buitekant Ga-Rankuwa, Mabopane, 11 dit is die onluste eenheid wat daar gestasioneer is, en ek 12 was daar gewees vir daardie aantal jare as 'n 13 eenheidsbevelvoerder wat hierdie hele eenheid beheer; dit 14 is die pelotonne, asook misdaadvoorkoming, sluit in "crowd 15 management, crime prevention," al die aspekte van 16 ondersteuning daar.</p> <p>17 MR SEMENYA SC: And in that capacity you 18 did various Public Order Policing?</p> <p>19 BRIGADIER CALITZ: Ja. Nee, verskeie.</p> <p>20 MR SEMENYA SC: And the operations?</p> <p>21 BRIGADIER CALITZ: Dit is korrek, mnr die 22 Voorsitter.</p> <p>23 MR SEMENYA SC: And at Loate in 24 Winterveld?</p> <p>25 [15:04] BRIGADIER CALITZ: Gedurende 2004 is ek</p>

<p style="text-align: right;">Page 17087</p> <p>1 genader deur my provinsiale kommissaris wat my versoek het 2 op daardie stadium by Loate polisie stasie, weens 3 ondervinding en die dienste wat ek die dienste wat ek 4 gedoen het, of ek bereid was om oor te skuif in dieselfde 5 kapasiteit, nie as 'n bevordering, maar as 'n stasie 6 bevelvoerder na Loate wat in die Winterveld was, wat ek dan 7 gedoen het en dan het vir drie jaar by Loate polisie stasie 8 waargeneem - of nie waargeneem nie, ek was die stasie 9 bevelvoerder daar gewees. Ek dink later in die verklaring 10 is dit ook dat ek ook die toekenning gekry vir die beste 11 gevorderde polisie stasie op daardie stadium. 12 MR SEMENYA SC: In April 2006 to October 13 2011, as the provincial commander POP, what type of work 14 was that? 15 BRIGADIER CALITZ: Dit is toe ek 16 teruggekeer het Potchefstroom toe in die kapasiteit van 17 acting provincial head. So ek het waargeneem basies in die 18 pos wat ek nou gedoen het. So dit was 'n vakante pos vir 19 lank wat nie gevul was op die vlak van 'n brigadier nie, en 20 ek het vir daardie tydperk, 2006 tot 2011, waargeneem, 21 asook in die kapasiteit van wat hier staan in paragraaf 9, 22 Designated Officer for 2010 FIFA Word Cup. Hulle het my 23 aangestel. Elke provinsie het 'n dedicated offisier gehad 24 wat dan die Wêreldbeker se beplanning moes doen. So vir 25 Noordwes het ek ingesit by NATJOC, en ek het namens</p>	<p style="text-align: right;">Page 17089</p> <p>1 BRIGADIER CALITZ: Mnr die Voorsitter, ek 2 het op 'n insident 'n registrasiestelsel getrek. Ek kan 3 nie my vinger daarop lê so skielik. In my kapasiteit van 4 2006 tot waar ek nou is in die omgewing van ek dink die 5 getal gaan naby 2000 wees. Strike-related onder verwante 6 was 1 055, praat onder korreksie, 40, 50, waarvan onrus- 7 verwant was, wat dan gedraai het waar ons genoodsaak was om 8 aksie te neem teen hulle. Verskeie sportbyeenkomste, 9 verskeie politieke vergaderings, verskeie optogte, so van 10 2006, in my kapasiteit waar ek waargeneem het, in die 11 omgewing van omtrent 2000 wat ek fisies betrokke was. 12 MR SEMENYA SC: And some of those 13 incidents, I think you want to refer the Commission to – it 14 related to burials, where things can go wrong. 15 BRIGADIER CALITZ: Mnr die Voorsitter, 16 ja, waar ons die burials, as jy verwys na die draad wat ons 17 gebruik het op sekere tye. Slegte tye was die - as ek so 18 vinnig kan terugdink - Vryburg insident waar die een seun, 19 waar dit 'n politieke – waar die een seun die ander seun op 20 skool met 'n skêr gesteek het, die blanke gemeenskap het 21 opgeruk van Vryburg teenoor die nie-blanke gemeenskap en 22 hulle het besluit het hulle gaan na die skool toe, waar 23 hierdie besluit het hulle gaan na die townships op daardie 24 stadium. Daar was so 1 500 gewees. Ek was in beheer van 25 daardie, en daar moes ons van lemmetjiesdraad gebruik om 'n</p>
<p style="text-align: right;">Page 17088</p> <p>1 Noordwes die hele beplanning en die uitvoering en die – ag, 2 ek kan maar sê die beplanning gedeelte asook al die 3 reëlings rondom die Wêreldbeker van 2010 het ek gehanteer 4 in die Noordwes. So dan die nege provinsie 5 verteenwoordigers het dan 'n span gemaak by hoofkantoor 6 MR SEMENYA SC: And they also did others in Cape 7 Town, Operation Good Hope, remember that? 8 BRIGADIER CALITZ: Ja, Operasie Goeie 9 Hoop, ek wil net die jaar kry – toe het ons gewerk by die 10 ou dae in die openbare ordes wat ons gehad het, voor die 11 TAT daar was, was die reaksie-eenhede. Toe het in Operasie 12 Goeie Hoop gewerk in die Wes Kaap. Ek dink dit '97, Dit 13 was rondom die dae van Pagad, met die probleme wat daar 14 was. So ek was gedelegeer gewees om af te gaan en die land 15 se reaksie lede was onder my bevel en ons het in daardie 16 stadium ek dink vir vier, vyf maande daar diens gedoen, 17 privaatdrag, klandestine werk, opvolg van inligting, 18 arrestasies, en die probleme rondom die dwelms en die 19 misdaad daar aangespreek, wat dan ook suksesvol was en ons 20 het ook 'n toekenning gekry vir die dienste wat ons daar 21 gedoen het. 22 MR SEMENYA SC: Just to give us an 23 understanding, what would you say are the approximate 24 number of Public Order Policing incidents you have 25 participated over the years?</p>	<p style="text-align: right;">Page 17090</p> <p>1 barrier te gooi tussen die twee, en die lemmetjiesdraad was 2 fisies gebruik om die twee partye uit mekaar uit te hou en 3 dan ook het van die een kant af besluit hulle val ons nog 4 steeds aan. So wat ons dan met 'n dispersion action begin 5 het en ons het hulle dan terug gedryf, op daardie stadium 6 suksesvol, en daar was ook 'n hele paar honderd rondtes 7 gebruik en 'n paar arrestasies. Ek dink daar was 'n 8 ondersoek ook gewees daarna. 9 Ander gevalle waar ons draad moes gebruik het, 10 meer onlangs, - 11 CHAIRPERSON: Were there any fatalities? 12 BRIGADIER CALITZ: Ekskuus tog, Mnr – 13 COMMISSIONER: Any fatalities – anybody 14 dead? 15 BRIGADIER CALITZ: Nee, nee, Mnr die 16 Voorsitter. 17 CHAIRPERSON: Anybody injured? 18 BRIGADIER CALITZ: Toe ons gebruik gemaak 19 het van die rubber op daardie stadium en die traangas, die 20 mense omgedraai, terug beweeg en ons was able om hulle op 21 te volg, op verskeie plekke bymekaar te maak en dan te 22 arresteer. 23 CHAIRPERSON: So the less than lethal 24 force was successful in dispersing the group. 25 BRIGADIER CALITZ: Very successful, ja.</p>

<p style="text-align: right;">Page 17091</p> <p>1 Meer onlangse voorbeelde waar ons draad gebruik het was met 2 die afsterwe van die AWB leier, waar daar ook twee partye 3 was tydens die begrafnis en die reëlings daar, van 4 Potchefstroom af, Ventersdorp, val ook onder my beheer. 5 Daar het ons ook gebruik gemaak van lemmetjiesdraad om 6 partye uit mekaar uit te hou, suksesvol so. Nie nodig 7 gehad om enige geweld te gebruik, dispersion actions nie, 8 die draad was voldoende gewees daar. As ek so vinnig moet 9 dink aan voorbeelde – 10 MR SEMENYA SC: No, that's alright. Can 11 you give us an idea though, the sizes of crowds that were 12 in these unrest situations? 13 BRIGADIER CALITZ: Die meeste onrus 14 voorvalle groepeer die mense in hulle honderde. Veral 15 wanneer paaië toe gepak word, wanneer hulle ontevrede is 16 met een of ander ding wat gebeur waar die regering - ag, 17 nie regering nie, waar die gemeenskap nie tevrede is met 18 antwoorde wat hulle kry nie. Gewoonlik wat gebeur in my 19 tipe omgewing, in my tipe werk is dat hulle pak 'n pad toe 20 en sou daar aankom, dan sal ons sien die hele pad – so daar 21 het jy 'n paar honderd mense. Dan gewoonlik wat ons doen 22 is ons kry ons defence line, plek na dit, gee vir ons vir 23 die mense 'n waarskuwing. Partykeer werk dit, ander kere 24 gebruik ons dispersement tactics en dan is dit suksesvol en 25 hulle gaan uit mekaar, maar 'n paar honderd in die gevalle</p>	<p style="text-align: right;">Page 17093</p> <p>1 MR SEMENYA SC: If you are able to 2 remember, how long is this course? 3 BRIGADIER CALITZ: Mnr die Voorsitter, 4 nee, nee, ek gaan moet jok as ek – maar dit is 'n paar 5 weke. 6 CHAIRPERSON: I didn't hear, if you told 7 us, what year was that course? 8 BRIGADIER CALITZ: My riot crowd 9 management, I think it was '87 – 10 CHAIRPERSON: That is under the old 11 dispensation? 12 BRIGADIER CALITZ: Dit is korrek, ja. 13 MR SEMENYA SC: And then you did a junior 14 commander's course level 1, counter-insurgency course, 15 contingency officer's course, candidate officer's course, 16 and a hostage negotiation course. 17 BRIGADIER CALITZ: Dit is korrek, Mnr die 18 Voorsitter. 19 MR SEMENYA SC: What does the last 20 entail, the hostage negotiation course? 21 BRIGADIER CALITZ: Mnr die Voorsitter, 22 dit is miskien wat die woorde sê, ek is 'n gekwalifiseerde 23 hostage negotiator. Ek was aktief betrokke tot ek 24 bevelvoerder – eenheidsbevelvoerder geword het in 1997, 25 maar voor dit was ek aktief betrokke as 'n hostage</p>
<p style="text-align: right;">Page 17092</p> <p>1 waar dit meer ernstig is, soos die Vryburg voorval, was dit 2 omtrent 'n 1 000, 1 500. Ons weet Ventersdorp was 'n paar 3 duisend. So daar was groot, groot, gevalle. Meer rustige 4 gevalle was die Wêreldbeker. Twee baie, baie prominente 5 beplannings wat ons gedoen het was toe Engeland teen 6 Amerika gespeel het, wat daardie stadium in oorlog 7 dreigemente was, so dit was ook 'n groot gedeelte om 8 verskillende groepe uit mekaar uit te hou. 9 MR SEMENYA SC: And you set out in 10 paragraph 13 your various special courses you took in your 11 career as a police officer, starting with your basic 12 training, riot and crowd management. 13 BRIGADIER CALITZ: Ja, Mnr die 14 Voorsitter, basic training is basies as konstabel. Daarna 15 het ons riots en crowd management, dit is die ou taal toe 16 ons riot unit was. Deesdae ook maar orde kursusse. 17 MR SEMENYA SC: What does that entail? 18 BRIGADIER CALITZ: Dit is basies die 19 grondslag van Openbare Orde Polisiëring. Dit is van al die 20 aksie modes waardeur jy gaan, to isolate, to encircle, to 21 block, so al dis jou aksie modes, asook dan hoe om met al 22 die verskillende tipes wapens te werk – die uitwerking van 23 rubber, die uitwerking van traangas, die uitwerking van – 24 en dan ook verskillende formasies. Hoe ons opereer met ons 25 voertuie in verskillende operasies.</p>	<p style="text-align: right;">Page 17094</p> <p>1 negotiator. Ons het verskillende voorvalle waar gyselaar 2 situasie hom voor gedoen het. Ek was, myself, betrokke – 3 ek dink my getal was op 32 of 33 suksesvolle gevalle wat 4 ons hanteer het, waar ons dit geslaag het om hom suksesvol 5 te hanteer. Daarna het die werkslading van 'n eenheid 6 bevelvoerder bietjie veel geword, want jy moet 100% aandag 7 kan gee om suksesvol te wees in gyselaar onderhandeling. 8 So die werk daar, en toe het ek aktief begin onttrek, meer 9 in 'n raadgevende hoedanigheid, maar nie soseer meer self 10 betrokke nie. 11 MR SEMENYA SC: And the SWAT course, what 12 did that entail? 13 BRIGADIER CALITZ: Dit is later – dit is 14 wat die woorde SWAT voor staan is Special Weapon and 15 Tactics. So dit is soos die TRT wat vandag bestaan, soos 16 ek gesê het, in die openbare orde polisiëring het ons 17 reaksie eenhede gehad. Toe het ons by Bospoort, waar ek 18 ook dan die [onhoorbaar] bevelvoerder was van hierdie SWAT 19 kursusse aangebied. Dit is meer taktiese benadering. Jou 20 huis penetrasie, jou benadering tot 'n voertuig, benadering 21 tot 'n gyselaar situasie, hoe om takties persone te 22 benader, hoe om suksesvol en onder die nodige dekking 23 suksesvol te wees en die nodige arrestasies uit te voer met 24 die minimum fatalities. 25 MR SEMENYA SC: Advanced internal safety</p>

<p style="text-align: right;">Page 17095</p> <p>1 course?</p> <p>2 BRIGADIER CALITZ: Dit is wat in die ou</p> <p>3 dae – dis die gevorderde Binnelandse beveiliging kursus.</p> <p>4 Dit is 'n opvolg op wat u gevra het van die riot course.</p> <p>5 So dit is die interne Binnelandse beveiliging kursus. Dit</p> <p>6 is meer 'n intensiewe kursus oor die presies wat dit sê,</p> <p>7 die interne binnelandse beveiliging van die land self.</p> <p>8 Inligting insamel, die verwerking daarvan, die kyk na</p> <p>9 statistieke, asook die uitvoering van operasies, die</p> <p>10 beplanning van operasies, die opvolg daarvan, en die</p> <p>11 uitvoering.</p> <p>12 MR SEMENYA SC: You mention other</p> <p>13 courses, but can I ask you to explain to us the one, the</p> <p>14 intensive course in negotiation.</p> <p>15 BRIGADIER CALITZ: Intensive course in</p> <p>16 negotiation is nie hostage negotiation nie, dit is 'n</p> <p>17 kursus wat ons gedoen het deur Professor Manie Spoelstra.</p> <p>18 Ek het ongelukkig nie die jaartal nie. Dit is – ek het 'n</p> <p>19 gevorderde diploma in onderhandeling gedoen, waar Professor</p> <p>20 Spoelstra ons verder gevat het in onderhandelings tegnieke</p> <p>21 en presies dit wat ek gesê het, ek het aktief onttrek, maar</p> <p>22 ek kon darem die lede bystaan in enige</p> <p>23 onderhandelingsproses. Dit is jou fynere kunsies, hoe om –</p> <p>24 ek wil amper sê met 'n persoon se verstand, mind, te werk,</p> <p>25 die body language, hoe mense, daai tipe van aksie.</p>	<p style="text-align: right;">Page 17097</p> <p>1 ook te kry vir dienste gelewer.</p> <p>2 MR SEMENYA SC: Now, let us, before going</p> <p>3 into the events of Marikana understand in a typical POP</p> <p>4 environment, how many years of service have you done in</p> <p>5 total? Public Order Police assignments in your career?</p> <p>6 BRIGADIER CALITZ: Ten tye van Marikana,</p> <p>7 Mnr die Voorsitter?</p> <p>8 MR SEMENYA SC: Yes.</p> <p>9 BRIGADIER CALITZ: Van '92, as my</p> <p>10 wiskunde my nie in die steek, seker 19 jaar ondervinding as</p> <p>11 openbare orde polisiëring, waarvan 'n groot deel daarvan as</p> <p>12 bevelvoerder was.</p> <p>13 MR SEMENYA SC: And now as head of ORS</p> <p>14 Provincial, what is the capacity of Public Order Policing</p> <p>15 in the province?</p> <p>16 BRIGADIER CALITZ: My huidige kapasiteit</p> <p>17 personeel wat onder my tans in Openbare Orde Polisiëring is</p> <p>18 so 385. Dit sluit in die hele personeel. Dit is jou – ek</p> <p>19 het drie eenhede – ek weet nie of ek kan uitbrei op – drie</p> <p>20 eenhede, Potchefstroom, Rustenburg en Mafikeng met dan sub-</p> <p>21 eenhede by Klipgat, Klerksdorp en Vryburg. So ek het</p> <p>22 basies drie groot eenhede en dan drie sub-eenhede wat hulle</p> <p>23 ondersteun.</p> <p>24 MR SEMENYA SC: More or less the number</p> <p>25 of experience that you have in the province in Public Order</p>
<p style="text-align: right;">Page 17096</p> <p>1 MR SEMENYA SC: And also the POP</p> <p>2 operational commander training, what did that entail?</p> <p>3 BRIGADIER CALITZ: POP operational</p> <p>4 commander training is die afkorting wat ons seker al baie</p> <p>5 hier gehoor het, en dit is die OCT, dit is die kursus wat</p> <p>6 ons gedoen het. Soos jy vorder in jou range as</p> <p>7 bevelvoerder, kan jy nie net bly by die riot control wat jy</p> <p>8 geleer het nie, maar as bevelvoerder moet jy gaan op</p> <p>9 hierdie operational commander training. Dit is waar hulle</p> <p>10 ons dan verder leer om detail operasionele beplanning op te</p> <p>11 stel, die uitvoering van die beplanning, en hoe om al die</p> <p>12 rolspelers intern en ekstern bymekaar te trek, en dan 'n</p> <p>13 suksesvolle beplanning te doen, soos byvoorbeeld die</p> <p>14 Wêreldbeker wat ek dan in beheer was van so 'n operasie en</p> <p>15 die beplanning.</p> <p>16 MR SEMENYA SC: And in paragraph 15, you</p> <p>17 tell us about your achievements and decorations that you</p> <p>18 received over the period of 20 years.</p> <p>19 BRIGADIER CALITZ: Dit is korrek, Mnr die</p> <p>20 Voorsitter.</p> <p>21 MR SEMENYA SC: And so are the</p> <p>22 commendations that are outlined in paragraph 16 of your</p> <p>23 statement, at FFF107, is that right?</p> <p>24 BRIGADIER CALITZ: Dis reg, Mnr die</p> <p>25 Voorsitter, ek was bevoorreg om 'n paar toekennings daar</p>	<p style="text-align: right;">Page 17098</p> <p>1 Policing, if you take the total members? Senior ones that</p> <p>2 is.</p> <p>3 BRIGADIER CALITZ: Mnr die Voorsitter, as</p> <p>4 ek vat van die offisiere wat daar is total number, dit gaan</p> <p>5 baie jare wees. Ek dink per offisier, ek het redelike ou</p> <p>6 offisiere. Ons het nie 'n probleem nie. Ons het iets wat</p> <p>7 ons wil ontwikkel wat ons noem 'n exit strategy, want baie</p> <p>8 van die mense het ingekom en is nog steeds daar, so die</p> <p>9 experience is baie. So 19, 15 jaar, 16 jaar, dit is</p> <p>10 omtrent die ondervinding wat elke offisier op hierdie</p> <p>11 stadium het wat onder my bevel het, ja.</p> <p>12 MR SEMENYA SC: That is the average?</p> <p>13 Average number of years?</p> <p>14 BRIGADIER CALITZ: Ja, daar is wat meer</p> <p>15 het. Ek het daar gekom en van hulle reeds daar gekry in</p> <p>16 1992.</p> <p>17 MR SEMENYA SC: Any of those who were in</p> <p>18 Marikana at the relevant time of our investigation?</p> <p>19 BRIGADIER CALITZ: Van die offisiere wat</p> <p>20 goeie ondervinding het wat ek jare mee saam werk. Ek dink</p> <p>21 die eerste een is Kolonel Vermaak. Ek het Kolonel Vermaak</p> <p>22 gekry as 'n eenheidsbevelvoerder op Klerksdorp toe ek in</p> <p>23 1992 op Potchefstroom gekom het, so ek en hy werk saam. Hy</p> <p>24 het – ek kan nie sê by verre nie, maar ek glo 'n meer</p> <p>25 Openbare Orde Polisiëring ondervinding op daardie stadium</p>

<p style="text-align: right;">Page 17099</p> <p>1 tot ten tye wat hy na die lug vleul toe gegaan het.</p> <p>2 MR SEMENYA SC: Averaging about how many</p> <p>3 years of experience?</p> <p>4 BRIGADIER CALITZ: Ek skat omtrent – op</p> <p>5 omtrent 20. Hy het so in die middel van – hy het vir die</p> <p>6 laaste ses, sewe jaar het hy na die lug vleul oorgeskuif as</p> <p>7 bevelvoerder, en hy was ook die eerste toets projek as a</p> <p>8 non-pilot wat oorgegaan het, waar hy ook baie suksesvol is.</p> <p>9 Die ander was Kolonel Merafe, wat my eenheidsbevelvoerder</p> <p>10 op Rustenburg is. Ek het hom gekry, nie as 'n</p> <p>11 eenheidsbevelvoerder nie, ek het hom bevorder tot op die</p> <p>12 vlak van eenheidsbevelvoerder, wat ook baie competent is,</p> <p>13 en ek skat hy het ook so 15, 17 jaar plus. Kolonel Pitsi</p> <p>14 wat saam met my was ook op die dag. Hy is tans nie meer by</p> <p>15 ons nie, hy's by Klipgat, maar hy het ook omtrent so 15</p> <p>16 jaar plus. Dis so vinnig wat ek kan aan dink. Mense wat</p> <p>17 nie direk saam met my gewerk het nie, maar wat ek baie goed</p> <p>18 ken is Kolonel Makubela, wat in beheer was van my barbed-</p> <p>19 wire section. Kolonel Makubela is tans die</p> <p>20 eenheidsbevelvoerder van Johannesburg wat seker die meeste</p> <p>21 events hanteer in die hele land en ek dink hy het ook in</p> <p>22 die omgewing van omtrent 18 jaar POPs ondervinding. Dit is</p> <p>23 die offisiere wat ek so vinnig kan aan dink.</p> <p>24 MR SEMENYA SC: Now, what are the</p> <p>25 standard operating procedures that are taught members of</p>	<p style="text-align: right;">Page 17101</p> <p>1 BRIGADIER CALITZ: Ja, nee, elke lid tot</p> <p>2 op die grondvlak, 'n konstabel sal dit verstaan. Dit word</p> <p>3 in hulle in gedril en dit is deel van ons elke dag se</p> <p>4 bestaan. As ek op 'n toneel, byvoorbeeld, kom waar 'n pad</p> <p>5 toe gepak is, Mnr die Voorsitter, kan ek nie vir elke</p> <p>6 outjie sê, "Gaan daar, doen dit," nie, so as ek 'n opdrag</p> <p>7 gegee het, disperse, weet elkeen presies – ons noem dit 'n</p> <p>8 force continuum, wat hy doen, beslis so.</p> <p>9 MR SEMENYA SC: And do they know</p> <p>10 circumstances under which they should operate under</p> <p>11 command?</p> <p>12 BRIGADIER CALITZ: Mnr die Voorsitter,</p> <p>13 ja, ek dink dit is baie duidelik. Ek dink die skrywe van</p> <p>14 die nasionale kommissaris is weer onder die lede se aandag</p> <p>15 gebring. Op 'n stadium was dit gewees waar die baie</p> <p>16 moeilik was wat rubber en haelgeweer heeltemal onttrek was,</p> <p>17 en ek moet sê dit was vir ons 'n onaangename tyd want jy</p> <p>18 het jou mense blootgestel en jy het nie veel gehad tussen</p> <p>19 dit nie.</p> <p>20 [15:24] Dit was reggestel op, ek dink dis Julie 2012, as</p> <p>21 ek nou reg onthou, deur die Nasionale Kommissaris, en</p> <p>22 daardie skrywe is pertinent met elke lid weer in detail</p> <p>23 behandel, en in die skrywe sê dit dat elke lid moet opdrag</p> <p>24 afvuur van, dit is van pirotegnies. Pirotegnies is nou jou</p> <p>25 peper – ag, jou "stun grenades," jou traangas, so geen lid</p>
<p style="text-align: right;">Page 17100</p> <p>1 the Public Order Police in their training, what are they</p> <p>2 trained to do?</p> <p>3 BRIGADIER CALITZ: Op 'n gewone Openbare</p> <p>4 Orde Polisiëring kursus, ek sal nie sê ek is 'n ekspert,</p> <p>5 die instruktors onder ons, maar hulle het verskeie fases</p> <p>6 en verskeie vlakke waardeur hulle gaan. As dit moontlik</p> <p>7 kan ons 'n training manual, en dan kan ek dit presies</p> <p>8 deurgee, maar dit is van grondvlak tot op bestuursvlak waar</p> <p>9 die lede dan opgelei word. Eerstens is jou formasies op</p> <p>10 die grond, die wetgewing self, ons policy dokumente, ons</p> <p>11 het 'n – wel, op hierdie stadium het ons 'n draft national</p> <p>12 instruction 262 wat daaruit gevolg het. So alles wat</p> <p>13 daarin vervat word is dan wat ons na die Public Order</p> <p>14 Polisie lede toe basies gee. Hulle het hoër toleransie</p> <p>15 vlak wat ons oplei. So van Vispol af, wat 'n gewone</p> <p>16 visible polisiëring polisie stasie werk, kan ek maar amper</p> <p>17 sê, doen jy dan 'n spesiale kursus en as jy slaag word jy</p> <p>18 dan nou Openbare Orde Polisiëring lid, maar dis baie</p> <p>19 intensief en baie intens. Fiksheid, formasies, soos ek sê,</p> <p>20 uit die voertuig uit, in 'n voertuig, met skuld formasies,</p> <p>21 ons het formasies met - vas, ons het verskeie arrestasie</p> <p>22 tegnieke, daai tipe van operasionele – meer operasioneel.</p> <p>23 MR SEMENYA SC: What we're trying to</p> <p>24 establish is if you said to POP members, you are going to</p> <p>25 disperse a crowd, do they understand what that entails?</p>	<p style="text-align: right;">Page 17102</p> <p>1 kan dit uit eie inisiatief uit gebruik nie, glad nie. So</p> <p>2 enige "crowd management" beginsels moet onder opdrag wees.</p> <p>3 MR SEMENYA SC: In fact we have that as</p> <p>4 exhibit S, clause 3.1 of that exhibit, correct?</p> <p>5 BRIGADIER CALITZ: As jy verwys na die</p> <p>6 skrywe van die Nasionale Kommissaris, ja, mnr die</p> <p>7 Voorsitter.</p> <p>8 MR SEMENYA SC: Now can we start dealing</p> <p>9 with your statement at paragraph 17? Now this relates to</p> <p>10 the events in Marikana.</p> <p>11 COMMISSIONER HEMRAJ: Mr Semenya, is the</p> <p>12 witness going to deal with his experience in dealing with</p> <p>13 operations where other units are involved, apart from just</p> <p>14 POPS?</p> <p>15 MR SEMENYA SC: We can touch on those.</p> <p>16 Brigadier, did you hear the question? Have you in the</p> <p>17 past, other than in Marikana, been part of operations,</p> <p>18 Public Order Policing operations which involved other</p> <p>19 tactical units?</p> <p>20 BRIGADIER CALITZ: Mnr die Voorsitter,</p> <p>21 ja, ek dink die mees onlangste een, die grootste een wat</p> <p>22 ons hanteer het was die Wêreldbeker. Ons was in 2007, was</p> <p>23 ek gelukkig gewees om deel te wees van die groep wat na Rio</p> <p>24 De Janeiro in Amerika afgevaardig was en namens die Suid-</p> <p>25 Afrikaanse Polisie wat die Pan American Games gedoen het,</p>

<p style="text-align: right;">Page 17103</p> <p>1 so ons het baie "ge-interact" met verskillende, van hulle 2 fasette van ander aspekte, net as die "crowd management" 3 personeel. Ons het teruggekom en daardie selfde beginsels 4 is hier toegepas. Met die Wêreldbeker het ons byvoorbeeld 5 nie net met Openbare Orde Polisiëring gewerk nie; ons het 6 saam met al die eie, dit is eksterne "role players" ook 7 gewerk. Dit sluit in die lugmag, die weermag, Departement 8 van "Home Affairs," "Customs," en dan ons eie het ons 9 "tactical response teams," ons het met die Spesiale Taakmag 10 'n baie nou verband gehad, lugmag met lug steun, verskeie 11 ondervinding. Dit was die spesifieke Wêreldbeker, en ek 12 was ook in beheer gewees van, voor die Wêreldbeker, die 13 Konfederasiebeker, het ek dieselfde gedoen en na die 14 Wêreldbeker was ek ook die "OPS commander" gewees van die 15 AFCON Games, so hulle het my vir al drie daardie groot, 16 waar ek met al die departemente saamgetrek het en dan die 17 beplannings gedoen het in die omstandighede, ja.</p> <p>18 MR SEMENYA SC: Yes, maybe we can deal 19 with this at this moment already. If you said to your POP 20 members they must form a basic line, will they know what it 21 is?</p> <p>22 BRIGADIER CALITZ: POP members, hulle sal 23 dit verstaan, mnr die Voorsitter, alhoewel "basic line" is 24 meer 'n taktiese term. Dit is meer 'n term wat die 25 Tactical Response Teams gebruik, maar in die Openbare Orde</p>	<p style="text-align: right;">Page 17105</p> <p>1 van al die besluite en al die aksies wat geneem word, die 2 oorhoofse bevelvoerder.</p> <p>3 In die geval van 'n operasionele bevelvoerder, 4 waar ek aangestel is, dit is gewoonlik 'n persoon wat 5 ondervinding het operasioneel, Openbare Orde Polisiëring, 6 takties, maar iemand wat iets kan konsolideer en seker maak 7 dat die verskeie magte, kan ek maar sê, beheer kan word, of 8 uitgevoer, die take uitgevoer kan word. Maar die taak van 9 die operasionele bevelvoerder is hy maak dan seker dat hy 10 onder hom groepbevelvoerders het – die woord is "platoon 11 commanders," maar in die geval van Marikana praat ons van 12 groepbevelvoerders, omdat 'n operasionele bevelvoerder, dit 13 is onmoontlik om oor 'n afstand van twee of drie of vier 14 kilometer lug, grond, alles waar te neem, of dan self 15 besluite te neem oor iemand op 'n ander plek. So jou 16 groepbevelvoerders kry dan wat ons noem 'n "detailed 17 briefing" wat dan gegee word aan 'n parade, meer jou 18 bevelvoerders, nie aan 'n groter groep in 'n parade, meer 19 aan die bevelvoerders self. Daar word vrae gevra; daar 20 word 'n interaksie en hulle kry voorstelle en ons vat die 21 terug na die JOC, tot almal verstaan en ons stem saam wat 22 gedoen moet word.</p> <p>23 Die groepbevelvoerders word dan getaak, sou dit 24 kom op die dag dat dit moet uitgevoer word, sal die 25 groepbevelvoerders dan na hulle onderskeie lede toe gaan,</p>
<p style="text-align: right;">Page 17104</p> <p>1 Polisiëring praat ons van 'n "dispersing line," meer as 'n 2 "basic line." "Basic line" word gebruik vir die TRTs, dis 3 'n "command" wat deur die bevelvoerders gegee is omdat 4 hulle werk in, wat ons noem in Engels, 'n "buddy system," 5 een persoon kan nie vooruitgaan, dit is om die mense 6 bymekaar te hou.</p> <p>7 MR SEMENYA SC: Help us understand how an 8 operation gets carried out? What is the connection between 9 the JOC, the overall commander, the operational commander, 10 the unit commanders, section commanders, platoon 11 commanders, and down to the sections?</p> <p>12 BRIGADIER CALITZ: Mnr die Voorsitter, ek 13 dink as ons van Marikana kan praat, ek dink dit is 'n goeie 14 – die JOC wat ons dan ook praat van die "overall commander" 15 wat die CJOC is, "the commander JOC," dis waarvoor dit 16 staan, is basies 'n groep van senior "management" wat dan 17 in die, 'n lokaal sit wat geïdentifiseer is so na as 18 moontlik aan waar ook al die probleem was, in hierdie geval 19 die perseel wat ons gehad het. Die beplannings, die 20 vergaderings, die terugvoer, basies alles wat ons kan doen 21 kom daar bymekaar en word daar gekonsolideer en saamgevat. 22 Van daar af word die takings gegee spesifiek aan 'n 23 "overall commander," wat dan die oorhoofse bevelvoerder is, 24 waar hy soseer nie uitgaan op die grond nie, maar soseer 25 die mense onder sy bevel. Hy vat dan verantwoordelikheid</p>	<p style="text-align: right;">Page 17106</p> <p>1 pelotonne, en daar sal 'n "detailed briefing" vir die lede 2 gegee word, wat dan bespreek word met die lede. Die 3 groepbevelvoerders is ook verantwoordelik om te kyk na al 4 die toerusting. Daar gaan die radio's getoets word. Hulle 5 gaan kyk dat almal vuurwapens is, al die goed in plek, so 6 al daardie toerusting, kan ek maar sê, word geïnspekteer op 7 die parade self. Daar word dan ook gekyk dat die lede se 8 sakboekies wat elkeen by hom het, of 'n dagboek, of die is, 9 gewoonlik word die lede aan-diens geïnspekteer. Ons maak 10 seker dat die lede vry is van enige beserings, dat hulle 11 nugter is, dat hulle uniform, eenvormigheid, dat dit reg 12 lyk.</p> <p>13 Van daar gaan hulle terugkom na die JOC toe, of 14 na die operasionele bevel toe, en hulle gaan vir ons die 15 versekering gee dat alle lede onder sy bevel "ge-brief" is 16 en dat daar geen probleme is nie. Indien daar enige 17 probleme sou wees of iets wat nie reg is nie, sou dit 18 teruggekom het na my toe. My verantwoordelikheid is dit om 19 weer aan die oorhoofse operasionele bevelvoerder te 20 rapporteer.</p> <p>21 Die lede self dan, die pelotonne, breek dan in 22 wat ons noem in seksie verband op. As jy sien, u verwys na 23 "exhibit S," die Nasionale Kommissaris praat van die bevel 24 kan gegee word op 'n seksie "commander" vlak, of dan 25 pelotonbevelvoerder vlak. Die seksiebevelvoerder vlak is</p>

<p style="text-align: right;">Page 17107</p> <p>1 soos ons vandag gesien het, elke voertuig het 'n seksie. 2 Dit is onmoontlik om 'n peloton per voertuig te gee. So 3 jou, elke voertuig, soos 'n Njala of 'n bakkie, het dan 'n 4 seksie waar dit in beweeg, en daardie seksiebevelvoerder, 5 hy vat dan die verantwoordelikheid van daardie agt lede, of 6 12 lede, onder sy bevel. Indien enigiets fout gaan, sal hy 7 dit dan rapporteer aan die pelotonbevelvoerder, en so 8 eskaleer dit op en af. 9 Kommunikasie-gewys is dit presies dieselfde; ons 10 maak seker dat die radiokommunikasie af is en terug, en dan 11 alle radiokommunikasie gaan deur die JOC. So indien 'n 12 persoon iets sou rapporteer, sou hy JOC toe rapporteer. In 13 die JOC het ons dan wat ons noem iemand wat 'n "record 14 keeper" is. So hy hou dan 'n VB by, 'n voorvalleboek van 15 alle moontlike insidente. 16 MR SEMENYA SC: Okay, in paragraph 17 you 17 begin to deal with the events in Marikana. There you tell 18 us that you received a call on the 11th of August 2012 19 around 10AM, a call from Major-General Naidoo. 20 BRIGADIER CALITZ: Dit is reg, mnr die 21 Voorsitter. 22 MR SEMENYA SC: You describe Major- 23 General Naidoo as the Deputy Provincial Commissioner 24 Operations Officer in North West. 25 BRIGADIER CALITZ: Alhoewel ek hom so</p>	<p style="text-align: right;">Page 17109</p> <p>1 die doel dat ons verhoogde sigbaarheid in die omgewing het, 2 dat die dreigende geweld – gewoonlik werk dit as ons 3 verhoogde sigbaarheid en patrollies in die omgewing het om 4 die mense dan te ontmoedig, en dit help ook vir, indien 5 daar 'n insident is, om dan te rapporteer aan ons wat 6 gebeur. 7 MR SEMENYA SC: The following day you 8 also received a call from Major-General Naidoo informing 9 you that the situation is getting out of control. 10 BRIGADIER CALITZ: Dit is korrek, mnr die 11 Voorsitter. 12 MR SEMENYA SC: And what did you do about 13 that? 14 BRIGADIER CALITZ: Ek was nog steeds in 15 Potchefstroom op daardie stadium. Ek was oppad Mafikeng 16 toe. Ek kan miskien net sê op daardie stadium het ek ook 17 waargeneem as die "acting cluster" en "acting" 18 stasiekommissaris in Mafikeng. Ek het uitgehelp daar ook 19 en in my pos waar ek is, so oppad Mafikeng toe het Generaal 20 Naidoo vir my gesê as ek net gou 'n draai kan maak by 21 Marikana en gaan seker maak wat daar aangaan, want hulle 22 het aan hom gerapporteer dat die situasie het geëskaleer. 23 Ons weet van die sekuriteitspersone wat dan gedood en die 24 ander mense wat beseer is, en ek het dadelik in my voertuig 25 geklim en ek was oppad soontoe, het ek my "commander" op</p>
<p style="text-align: right;">Page 17108</p> <p>1 beskryf het, dit is sy huidige pos, maar op daardie stadium 2 was hy die waarnemende Provinsiale Kommissaris ook. 3 MR SEMENYA SC: And his call to you that 4 day was to ask that you assist in relation to containing 5 the unrest situation that was developing in Marikana. Is 6 that right? 7 BRIGADIER CALITZ: Dit is korrek, mnr die 8 Voorsitter. 9 MR SEMENYA SC: What do you do with that 10 request? 11 BRIGADIER CALITZ: Mnr die Voorsitter, hy 12 het aan my meegedeel dat daar opbouende onrus gaan, besig 13 is om plaas te vind by Marikana. Wat ek gedoen het is my 14 eenheidsbevelvoerder geskakel in die gebied, wat dan 15 Luitenant-Kolonel Merafe is. Luitenant-Kolonel Merafe is 16 verantwoordelik vir, ons noem dit "clusters," so dis die 17 Rustenburg "cluster," die Mmakau "cluster," en die Brits 18 "cluster." So die val onder sy gebied en ek het hom opdrag 19 gegee omdat my Openbare Orde Polisiëring, weens my "limit" 20 getal mense wat ek het werk ons flexi ure. Ons werk op 21 inligting, so as ons weet daar is 'n optog more en dan 22 begin die ouens op 'n later stadium, so die flexi ure wat 23 ons werk. In hierdie geval het ek vir hom 'n opdrag gegee 24 en gesê hy moet sy mense so "deploy" dat dit 24 uur kan 25 dek, met ander woorde 'n dagskof en 'n nagskof, juis vir</p>	<p style="text-align: right;">Page 17110</p> <p>1 die grond geskakel; ek dink dit was Kaptein Sefike op 2 daardie stadium, en ek het verneem waar is hulle en waar ek 3 met hulle in verbinding kon tree. 4 MR SEMENYA SC: On your arrival in 5 Marikana at Lonmin you met with the mine security there, 6 did you not? 7 BRIGADIER CALITZ: Nie net hulle nie, ek 8 het aangekom en daar is 'n prominente kruising wat die 9 middel basies in die mynkompleks is, waar verskeie 10 sekuriteitsvoertuie asook my polisievoertuie, Openbare Orde 11 Polisiëring, asook van VISPOL, Kolonel Masisa van die 12 stasiekommissaris se voertuie was. So daar het ek 13 aangetref Kaptein Sefike en mnr Sinclair van die – ek het 14 nou die naam vergeet – Lonmin, ekskuus, van Lonmin, en ek 15 het vir hulle onmiddellik gevra waar kan ons gaan sit en 16 gesels, het hulle 'n JOC. Hulle het aan my aangedui nee, 17 en ek het toe vir hulle gesê en voorstel gemaak maar kan 18 ons nie net na 'n perseel toe gaan dat ons die ding kan 19 konsolideer nie. 20 CHAIRPERSON: What time was that? What 21 time did you arrive on Sunday the 12th at the Lonmin Mine? 22 BRIGADIER CALITZ: Mnr die Voorsitter, ek 23 dink ek het omtrent so 2 uur gearriveer die middag. Ek is 24 so 12 uur weg, omtrent so 2 uur, ja. In daardie tyd terwyl 25 ek die inligting gekry het, het ek op my selfoon solank ook</p>

<p style="text-align: right;">Page 17111</p> <p>1 - maar ek dink ek, me jumping the gun, het ek ook vir die 2 NATJOC laat weet van die probleem en 'n versoek vir hulle 3 gestuur. 4 MR SEMENYA SC: The report that you get 5 through that contact is the report relating to the deaths 6 that happened on Sunday? 7 BRIGADIER CALITZ: Dit is korrek, mnr die 8 Voorsitter. 9 MR SEMENYA SC: Any other information 10 that you were given around this unrest? 11 BRIGADIER CALITZ: Mnr die Voorsitter, 12 daar was ook 'n e-pos wat aan my gestuur was deur die 13 stasiebevelvoerder, wat ek dan "ge-relate" het, ek dink die 14 e-pos is ook, is verwys bietjie later in my verklaring, 15 rondom die beweringe tussen AMCU en NUM, van die een party 16 wat beweer die ander party intimideer hulle, en die een 17 party wat beweer die ander party het op hulle geskiet. Op 18 daardie stadium was daar geen feite tot my beskikking. So 19 dit was die inligting wat ek gehad het. Daarom het ek vir 20 hulle gesê laat ons 'n JOC stig en ek het in die JOC dan 21 het ek van die mynsekuriteit, die polisie, en hulle CCTV, 22 sodat ons al die inligting wat tot, daardeur tot beskikking 23 was in 'n voorvalleboek kan begin noteer dat ons kan sien 24 wat is feite. 25 MR SEMENYA SC: And after the setting up</p>	<p style="text-align: right;">Page 17113</p> <p>1 Voorsitter, ek dink dit is, daar is 'n bewysstuk ingegeë. 2 Ek is nie seker nie – 3 MR SEMENYA SC: Ja, if you – 4 BRIGADIER CALITZ: - die VB, waarin 5 spesifiek my inskrywing in die voorvalleboek is wat ek gesê 6 het alle inligting wat inkom, dit is nou van 7 misdaadintelligensie, sekuriteit, beweringe van AMCU, 8 beweringe van Lonmin, sodat ons alles kan begin boekstaaf 9 en daaruit begin 'n prentjie bou om te sien wat is waar, 10 waaraan moet ons aandag gee, en waar spesifiek ek die mense 11 kan plaas op die "key" punt areas wat dan geïdentifiseer 12 word. 13 MR SEMENYA SC: For the record, that 14 would be exhibit FFF25 where those notes are taken, 15 correct? 16 BRIGADIER CALITZ: Dis korrek, mnr die 17 Voorsitter. 18 MR SEMENYA SC: And you've already told 19 us what is contained in paragraph 23 about the use of the 20 board and what gets written on it, and the information 21 reflected on it. Am I right? 22 BRIGADIER CALITZ: Dit is korrek, mnr die 23 Voorsitter. 24 MR SEMENYA SC: Can you explain why you 25 gave the instruction that appears in paragraph 24 that all</p>
<p style="text-align: right;">Page 17112</p> <p>1 of the JOC, as you tell us, what were your instructions to 2 the people there? 3 BRIGADIER CALITZ: Toe ons by die JOC 4 kom, dit was 'n klein vertrekke waar hulle dan hulle TV 5 monitors opgehad het, en daar was 'n groot kaart op die een 6 kant van die muur, mnr die Voorsitter, waar hy dan vir ons 7 verduidelik het die drie problematiese areas. Hy het dit 8 verduidelik as die Karee, die Wonderkop hostels, en ek dink 9 dis Eastern Plat. Dit is hulle drie groot brandpunte wat 10 hulle het. Ek het toe vir Kolonel Masisa opdrag gegee, die 11 stasiekommissaris, dat in die JOC sal ons 24 uur skofte 12 moet hê, en ek het ook opdrag gegee dat dit soos 'n JOC, 13 met ander woorde 'n bord moet aanlê op, ons noem dit 'n 14 gevegsbord. Op die gevegsbord sal dan al die bevelvoerders 15 se kontak details wees, sou enigiemand die perseel besoek 16 met kontaknommers, telefoonnommers, en dan personeel. Op 17 daardie stadium het ek al aangevra op 'n e-pos na 18 hoofkantoor toe vir personeel want ek het geweet op daardie 19 stadium ek het nie genoeg mense om aan te hou met 24 uur - 20 die lede moet ook rus – en toe het ek vir hulle gevra hulle 21 moet op die spesifieke bord dan begin notas sou, soos wie 22 die mense aankom, dat ons kan behoorlike kontrole hou. 23 MR SEMENYA SC: And the instructions to 24 keep all notes, you gave that as well? 25 BRIGADIER CALITZ: Ja, mnr die</p>	<p style="text-align: right;">Page 17114</p> <p>1 members were to remain in their post until relieved by the 2 next shift? What informed that instruction? 3 BRIGADIER CALITZ: Mnr die Voorsitter, 4 dit is met die minimum personeel wat ek op daardie stadium 5 tot my beskikking gehad het, het ek geweet die lede is moeg 6 en die wat ek deur die NATJOC aangevra het, het nie 7 onmiddellik gearriveer nie. So die NATJOC het vir my laat 8 weet dat hulle sal vir my ekstra "resources" stuur, maar 9 ons het op daardie stadium nie geweet hoe laat hulle 10 arriveer nie. Die inligting was dat hulle sou 22h00 11 daardie aand arriveer, so ek het vir my, die dagskof gesê 12 wat normaalweg 4 uur, 7 uur afgaan, byt vas en bly op julle 13 poste. Dit is die "key points," dis die Karee, die 14 Wonderkop, en die – want ons het dreigemente op daardie 15 stadium gehad dat hulle wil byvoorbeeld die satelliet 16 polisieostasie langs NUM kantore brand, so dit is wat ons op 17 daardie stadium gedoen het. 18 MR SEMENYA SC: And just give us an 19 understanding of this NATJOC, what structure is that? 20 BRIGADIER CALITZ: NATJOC, soos ek vroeër 21 getuig het, mnr die Voorsitter, NATJOC is gebaseer by 22 Valhalla Lugmagbasis, Snake Valley, soos hy bekendstaan. 23 Dit is gestig met die Wêreldbeker, toe het hy mooi gevorm. 24 Dit is 'n perseel drie keer, vier keer groter as hierdie 25 perseel, waar dan alle toerusting is. Elke departement in</p>

<p style="text-align: right;">Page 17115</p> <p>1 die land het 'n verteenwoordigende sitplek daar. So van 2 Departement van, Defence, Air Force, Home Affairs, Customs, 3 elke departement se uitvoerende personeel sit by die NATJOC 4 en sou daar enige versoeke inkom van die provinsies af, wat 5 ek dan, in verband met mannekrag of toerusting of wat ook 6 al hulle probleem is, dan besluit hulle by die NATJOC onder 7 mekaar daar dit is die probleem, hulle evalueer die 8 probleem en van daar af begin dit met 'n telefoniese 9 gesprekvoering. Ek het gekommunikeer met 'n Brigadier 10 Garnett. Hy was die persoon in beheer van die NATJOC, en 11 dan my "emails" wat ook dan onmiddellik van die Sondag nog 12 voor ek gearriveer het, is dan ook na hom toe gestuur met 13 'n presiese uitlegging en hulle het onmiddellik terug 14 gereageer na my toe en gesê hulle gespreek dit en dit sal 15 aandag geniet, en die "resources" en mannekrag gaan 16 arriveer.</p> <p>17 MR SEMENYA SC: And the deployment of 18 resources outside provinces, who is in charge of those?</p> <p>19 BRIGADIER CALITZ: Dit is net die NATJOC. 20 Daarom het ek nie met my kollega in Gauteng geskakel, 21 Brigadier Whitman, en vir hom gesê luister, stuur gou vir 22 my mense oor nie. Die NATJOC is die enigste outoriteit wat 23 dan mense kan stuur uit Mpumalanga, KwaZulu Natal, en hulle 24 hou dan ook rekord deur middel van daardie Provinsiale 25 Kommissaris wat dan "resources" stuur. So hulle beheer</p>	<p style="text-align: right;">Page 17117</p> <p>1 1 tot 3, dit was gedoen deur die misdaadintelligensie 2 offisier van Marikana Polisiestastie, Kaptein Govender. So 3 hulle het die inligting, dit is wat die polisiestastie 4 gerapporteer is en dit is wat hulle dan vanaf die 10de, 5 11de al begin rapporteer het aan die "cluster commander." 6 Maar soos dit opgehou het, het hulle dit ook aan my 7 gerapporteer en die eerste geleentheid wat ek dit gekry 8 het, minute later het ek dit dan deurgegee aan die NATJOC.</p> <p>9 MR SEMENYA SC: And in that communication 10 NATJOC is advised the following, "That emanating from the 11 march that took place on Friday, 2012-08-10, the situation 12 has thus become violent in that employees of Lonmin who 13 were from work at approximately 20h00 on Friday evening 14 were attacked and assaulted by a group of employees 15 suspected to be AMCU members.</p> <p>16 BRIGADIER CALITZ: Dit was die inligting 17 tot ons beskikking op daardie stadium, mnr die Voorsitter.</p> <p>18 MR SEMENYA SC: And the report goes, "The 19 area was patrolled intensively where it returned to normal. 20 However, during the patrols, members heard gunshots being 21 discharged somewhere in the informal settlement of 22 Wonderkop Extension 2." Correct?</p> <p>23 BRIGADIER CALITZ: Dis korrek, mnr die 24 Voorsitter.</p> <p>25 MR SEMENYA SC: Continues to say, "No</p>
<p style="text-align: right;">Page 17116</p> <p>1 basies al die "movements," as ek sê, die beweging wat 2 plaasvind in die land.</p> <p>3 MR SEMENYA SC: And the request you made 4 to NATJOC would then have to have certain specific 5 information; the nature of the situation, the threats that 6 are experienced, etcetera, so as to advise NATJOC what 7 resources would be required to meet which particular 8 condition. Is that right?</p> <p>9 BRIGADIER CALITZ: Ja, mnr die 10 Voorsitter. Ek dink die NATJOC, alhoewel bewus van wat in 11 elke provinsie aangaan, is dit tog met enige situasie vir 12 hulle moontlik om vir hulle die prentjie so wyd as moontlik 13 te skets. So ons probeer vir hulle sê dit is my mannekrag, 14 dit is hoe ek my mannekrag aangewend het, op hierdie 15 stadium 24 uur, dat ons nie meer het nie, my "resources." 16 Ek gee ook my voertuie deur, u weet, die toestand van wat 17 ons het, en hulle sal dan van hulle kant af dit aanvul met 18 die inligting tot, wat ons vir hulle deurgee, tot 19 beskikking.</p> <p>20 MR SEMENYA SC: And in paragraph 27 you 21 tell us about the crime intelligence report that you had 22 received. Who did that come from?</p> <p>23 [15:44] BRIGADIER CALITZ: Dit is 'n "email," ek 24 het hom in "italic," dit is nie my inligting nie, mnr die 25 Voorsitter. Daardie in paragraaf 27, paragrafe 1 tot 4, of</p>	<p style="text-align: right;">Page 17118</p> <p>1 victims of any assault or reports were received of any 2 victims being injured by gunshot was reported to the 3 station."</p> <p>4 BRIGADIER CALITZ: Dis korrek, mnr die 5 Voorsitter.</p> <p>6 MR SEMENYA SC: I'll read it as it 7 appears, Brigadier. Paragraph 2 then reads, "At around 8 6h00 on Saturday, 2012-08-11, a group of plus-minus 3 000 9 employees gathered again near the Wonderkop Stadium to have 10 a meeting." Correct?</p> <p>11 BRIGADIER CALITZ: Korrek.</p> <p>12 MR SEMENYA SC: Continues to say, 13 "Subsequently, after the meeting at approximately 8h30, 14 there was suspicion that the group was to attack the NUM 15 offices at Wonderkop."</p> <p>16 BRIGADIER CALITZ: Korrek, mnr die 17 Voorsitter.</p> <p>18 MR SEMENYA SC: "On their way through the 19 hostel it appears that they met a group of NUM members, 20 resulting in a confrontation. Shots were fired and two 21 employees of Lonmin were injured."</p> <p>22 BRIGADIER CALITZ: Korrek, mnr die 23 Voorsitter.</p> <p>24 MR SEMENYA SC: The report continues, 25 "Both were shot in the back near the spinal area. The</p>

<p style="text-align: right;">Page 17119</p> <p>1 victims were taken to Andrew Saffy Hospital for attention.”</p> <p>2 BRIGADIER CALITZ: Andrew Saffy, yes, mnr</p> <p>3 die Voorsitter.</p> <p>4 MR SEMENYA SC: Paragraph 3 then reads,</p> <p>5 “At about 11:30, whilst the victims were visited at Andrew</p> <p>6 Saffy Hospital, Lieutenant Sepeng, the duty officers were</p> <p>7 informed that there were two other victims with gunshot</p> <p>8 wounds admitted at hospital the previous night.”</p> <p>9 BRIGADIER CALITZ: Dis korrek, mnr die</p> <p>10 Voorsitter.</p> <p>11 MR SEMENYA SC: “It’s alleged that these</p> <p>12 two victims were subsequently shot around 20h00 on Friday</p> <p>13 night.” That’s how it reads. I’m sure the English is not</p> <p>14 correct, but that’s how it reads.</p> <p>15 BRIGADIER CALITZ: Dit is soos ek dit</p> <p>16 ontvang het van die stasie af.</p> <p>17 MR SEMENYA SC: Paragraph 4 then reads –</p> <p>18 CHAIRPERSON: Sorry to interrupt. Do you</p> <p>19 know anything more about those two other victims, or is all</p> <p>20 you now what is contained in this paragraph?</p> <p>21 BRIGADIER CALITZ: Mnr die Voorsitter, op</p> <p>22 daardie stadium, dit is al wat aan ons gerapporteer was,</p> <p>23 ja. Ons het geen verdere –</p> <p>24 CHAIRPERSON: I’m interested to know</p> <p>25 whether these two other victims who were shot were members</p>	<p style="text-align: right;">Page 17121</p> <p>1 statement that you arrive at the JOC where there is Major-</p> <p>2 General Mpembe, Lieutenant-General Mbombo, and Major-</p> <p>3 General Naidoo, correct?</p> <p>4 BRIGADIER CALITZ: Dis korrek, mnr die</p> <p>5 Voorsitter.</p> <p>6 MR SEMENYA SC: What time do you place of</p> <p>7 your arrival at the JOC?</p> <p>8 BRIGADIER CALITZ: Mnr die Voorsitter, ek</p> <p>9 sal moet gaan kyk. Dis rondom, ek dink dis vroegoggend, so</p> <p>10 6 uur. 6 uur, 7 uur, dis vroegoggend.</p> <p>11 MR SEMENYA SC: And with the arrival you</p> <p>12 then brief them on the developments up to that time.</p> <p>13 BRIGADIER CALITZ: Dit is korrek, mnr die</p> <p>14 Voorsitter. Die inligting wat deur ons gegee is, asook wat</p> <p>15 mnr Sinclair aan ons meegedeel het rondom waar die</p> <p>16 problematiese areas in daardie gebied is.</p> <p>17 MR SEMENYA SC: And you say the</p> <p>18 contingency plan was to be extended with Major-General</p> <p>19 Mpembe as the overall commander and yourself as the</p> <p>20 operational commander.</p> <p>21 BRIGADIER CALITZ: Ja, mnr die</p> <p>22 Voorsitter, op daardie stadium was, ek dink as ek reg is,</p> <p>23 Brigadier Seboloke was die “acting cluster commander”</p> <p>24 oorhoofs en Kolonel Merafe, as ek reg is, was die</p> <p>25 operasioneel, so as ons as seniors ingekom het, het die PK</p>
<p style="text-align: right;">Page 17120</p> <p>1 of NUM who were trying to go to work, or whether they were</p> <p>2 not members of NUM, perhaps rock drill operators who were</p> <p>3 somehow participating in the unprotected strike. But if</p> <p>4 you don’t know the answer to that then I must ask somebody</p> <p>5 else.</p> <p>6 BRIGADIER CALITZ: Ek glo ons kan dit</p> <p>7 kry, mnr die Voorsitter.</p> <p>8 MR SEMENYA SC: But that’s information</p> <p>9 given you by crime intelligence. Is that right?</p> <p>10 BRIGADIER CALITZ: Ja, dit is die</p> <p>11 misdaadintelligensie offisier by die polisiestasie self,</p> <p>12 Kaptein Govender.</p> <p>13 MR SEMENYA SC: And it’s communicated to</p> <p>14 you through Captain Govender. Is that right?</p> <p>15 BRIGADIER CALITZ: Dit is Kaptein</p> <p>16 Govender, dit is reg, mnr die Voorsitter.</p> <p>17 MR SEMENYA SC: The report then says</p> <p>18 under paragraph 4, “Two cases of attempted murder has been</p> <p>19 registered, see Marikana CAS67 and 68/08/2012. The</p> <p>20 identity of the suspects is not known at this stage. No</p> <p>21 cartridges were found at the scene.” Is that how it reads?</p> <p>22 BRIGADIER CALITZ: Dit is soos ek dit</p> <p>23 ontvang het, mnr die Voorsitter.</p> <p>24 MR SEMENYA SC: You then continue to deal</p> <p>25 with the events of the following Monday and you say in your</p>	<p style="text-align: right;">Page 17122</p> <p>1 dan gevra Generaal Mpembe oorhoofs en myself operasioneel,</p> <p>2 om dit verder dan te voer.</p> <p>3 MR SEMENYA SC: And after you give them</p> <p>4 the briefing you did around what you knew at the time and</p> <p>5 what would have been told to you by Mr Sinclair and the</p> <p>6 Lonmin Security, you then left to meet the management of</p> <p>7 Lonmin.</p> <p>8 BRIGADIER CALITZ: Ja, mnr die</p> <p>9 Voorsitter, ek ken nie die persone. Ek weet nie of dit die</p> <p>10 bestuur van Lonmin is, maar ons is na 'n vertrek daar naby</p> <p>11 waar daar drie persone is wat met ons basies die inligting</p> <p>12 gedeel het en dan het ons van die polisie se kant af ook</p> <p>13 gesê watse mense ons het, dit net basies 'n gesprek gehad,</p> <p>14 ja.</p> <p>15 MR SEMENYA SC: Do you still recall who</p> <p>16 on the Lonmin side was present?</p> <p>17 BRIGADIER CALITZ: Ongelukkig ken ek nie</p> <p>18 die name nie, nee.</p> <p>19 MR SEMENYA SC: What was discussed in</p> <p>20 that meeting?</p> <p>21 BRIGADIER CALITZ: Mnr die Voorsitter, as</p> <p>22 ek – ek het nou nie notas. Ek het, dit was basies van</p> <p>23 hulle kant af waar hulle bespreek het die AMCU se eise. Ek</p> <p>24 onthou pertinent ook dat hulle gesê het dat AMCU was op</p> <p>25 daardie stadium nie 'n geregistreerde of erkende (as die</p>

<p style="text-align: right;">Page 17123</p> <p>1 woorde korrek is) unie by hulle nie, maar dat dit NUM is.</p> <p>2 Dan was daar een van die persone wat gesê het maar hulle</p> <p>3 het so ver gegaan om vir AMCU 'n kantoor beskikbaar te</p> <p>4 gestel en dat hulle insit, ek dink nie op besluitneming</p> <p>5 nie, maar dat hulle insit op, met hulle vergaderings.</p> <p>6 Hulle het ook gesê dat die eise, ek dink dit was op daardie</p> <p>7 stadium R12 500, dat daar was 'n "wage agreement" in plek –</p> <p>8 VOORSITTER: 'n Loonooreenkoms wat geldig</p> <p>9 was vir 'n sekere tydperk nie, was dit?</p> <p>10 BRIGADIER CALITZ: Ekskuus tog, mnr die</p> <p>11 Voorsitter?</p> <p>12 VOORSITTER: 'n Loonooreenkoms –</p> <p>13 BRIGADIER CALITZ: 'n Loonooreenkoms.</p> <p>14 VOORSITTER: - wat geldig was of in</p> <p>15 werking was vir 'n sekere tydperk. Het hulle dit genoem?</p> <p>16 BRIGADIER CALITZ: Dit is, ja. Hulle het</p> <p>17 gepraat van die ooreenkoms wat in plek is en dat NUM die</p> <p>18 unie is wat dan met dit ooreengekom het. So hulle het gesê</p> <p>19 dat AMCU nie 'n unie is wat dan kan onderhandel daaroor nie</p> <p>20 omdat dit klaar in plek was.</p> <p>21 VOORSITTER: Het hulle gesê wat die</p> <p>22 tydperk was van gelding van hierdie loonooreenkoms wat</p> <p>23 hulle van gepraat het?</p> <p>24 BRIGADIER CALITZ: Mnr die Voorsitter, ek</p> <p>25 onthou nie daar nie, maar later, later het ek verneem deur</p>	<p style="text-align: right;">Page 17125</p> <p>1 VOORSITTER: So definitief, u is nie</p> <p>2 daarvan in kennis gestel nie?</p> <p>3 BRIGADIER CALITZ: Nee. Nee, mnr die</p> <p>4 Voorsitter.</p> <p>5 MR SEMENYA SC: And then you go back to</p> <p>6 the JOC after your meeting with Lonmin personnel, correct?</p> <p>7 BRIGADIER CALITZ: Dis korrek, mnr die</p> <p>8 Voorsitter.</p> <p>9 MR SEMENYA SC: But you also were</p> <p>10 accompanied back by Mr Sinclair.</p> <p>11 BRIGADIER CALITZ: Ja, mnr Sinclair,</p> <p>12 asook die generale het dan saam met ons teruggegaan na die</p> <p>13 kontrolekamer wat ons dan gebruik het as die JOC op daardie</p> <p>14 stadium.</p> <p>15 MR SEMENYA SC: That's where the CCTV</p> <p>16 monitors were operated from?</p> <p>17 BRIGADIER CALITZ: Dit is korrek, mnr die</p> <p>18 Voorsitter.</p> <p>19 MR SEMENYA SC: What are you shown there?</p> <p>20 BRIGADIER CALITZ: Mnr Sinclair was</p> <p>21 ingelig deur, ek is nie seker wie is die persoon nie, of</p> <p>22 dit 'n mnr Botes was of een van sy ander personeellede, dat</p> <p>23 hulle het opgemeld daar is 'n groter groep, twee "distinct"</p> <p>24 groepe. Die groter groep het op die koppie vergader. Ek</p> <p>25 dink die getalle wat hulle genoem het was 2 tot 3 000, as</p>
<p style="text-align: right;">Page 17124</p> <p>1 Kolonel McIntosh, oor hy die generaal daar was, dat dit 'n</p> <p>2 twee-jaar tydperk was, maar ek, dit is nie op daardie</p> <p>3 vergadering, dit het later eers tot my beskikking gekom.</p> <p>4 Ek was op die foon, ek het ook die aankoms van die ander</p> <p>5 lede en die operasionele tydperk die heelyd gemonitor, so</p> <p>6 ek was in en uit, so ek kan nie vir u sê presies die hele</p> <p>7 strekking nie. Ons het ook bespreek die optog wat ek dink</p> <p>8 die Vrydag was, die onwettige optog, en die saakdossier wat</p> <p>9 daar aangelê was en die inligting rondom dit, die aansoek</p> <p>10 wat gebring was, daardie tipe van – deur Kolonel Merafe.</p> <p>11 Ek het hy het die, daardie inligting gedeel met hulle. Dis</p> <p>12 wat ek kan onthou van die vergadering.</p> <p>13 VOORSITTER: Het hulle vir u genoem dat</p> <p>14 hulle 'n hofaansoek gebring het die Vrydagmiddag –</p> <p>15 BRIGADIER CALITZ: Nee, ek –</p> <p>16 VOORSITTER: - vir 'n interdik teen die</p> <p>17 staking?</p> <p>18 BRIGADIER CALITZ: Nee, nee, nee, nie 'n</p> <p>19 hof – die aansoek vir die optog.</p> <p>20 VOORSITTER: Nee, nee, nee, ek weet.</p> <p>21 Nee, ek weet. Ek praat van iets anders. Het hulle genoem</p> <p>22 dat hulle aansoek gedoen het by die Arbeidshof vir 'n</p> <p>23 interdik teen die stakers?</p> <p>24 BRIGADIER CALITZ: Nee, mnr die</p> <p>25 Voorsitter. Nee, ek dra nie kennis daarvan nie.</p>	<p style="text-align: right;">Page 17126</p> <p>1 ek my verklaring reg het, en dan is daar ook 'n kleiner</p> <p>2 groepie wat weggebreek het van die groter groep af en hulle</p> <p>3 het agter 'n pyplyn gesit. Nou hulle het ons gewys op die</p> <p>4 CCTV, op daardie stadium het ons nie die gebied geken nie,</p> <p>5 so ons het basies 'n pyplyn gesien met die mense wat dan</p> <p>6 basies agter die pyplyn in 'n hurkende posisie kyk na die</p> <p>7 Karee "plant," kan ek maar sê. Die inligting volgens die</p> <p>8 sekuriteit van Lonmin was dat hulle was bang daardie mense</p> <p>9 intimideer die werkers omdat dit gaan oor 'n staking en die</p> <p>10 mense wat nie deelneem aan die staking nie. Hulle het ons</p> <p>11 ook meegedeel dat op die brug naby die pyplyn waar die</p> <p>12 mense gesit het, was klaar sekuriteitpersoneel en hulle hou</p> <p>13 die mense dop. So hulle was verseker dat die mense soontoe</p> <p>14 gaan. Dit is wat ons op die CCTV kameras gesien het.</p> <p>15 MR SEMENYA SC: These groups of strikers,</p> <p>16 what do they have in their possession?</p> <p>17 BRIGADIER CALITZ: Daar is gerapporteer</p> <p>18 aan ons dat die groter groep het verskeie tradisionele</p> <p>19 gevaarlike wapens, ek dink ek het dit gemeld hierso in my</p> <p>20 verklaring, knopkieries, assegaai, pangas, ander "sharp</p> <p>21 homemade weapons," dit is wat gerapporteer was uit die veld</p> <p>22 uit, asook die groep van 200 wat weggebreek het dan, wat</p> <p>23 hulle ook dan bewapen was met onderskeie van daardie</p> <p>24 wapens.</p> <p>25 MR SEMENYA SC: Approximate distance of</p>

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1 one group to the other?
2 BRIGADIER CALITZ: Ek het mnr Sinclair
3 gevra, omdat ons nie geweet het waar is die afstand nie toe
4 Generaal Mpmembe soontoe gaan en ons het, moes hulle
5 inbring, toe het hy gesê dit is so sewe tot agt kilometer
6 verskil tussen die twee, die koppie en die pyplyn.
7 MR SEMENYA SC: Would this be a
8 convenient stage, Chair, to take the day's adjournment?
9 CHAIRPERSON: Yes, certainly. We will
10 resume tomorrow morning at 9 o'clock. The Commission will
11 now adjourn.
12 [COMMISSION ADJOURNED]
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