

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

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

HELD ON

DAY 189

21 FEBRUARY 2014

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



<p style="text-align: right;">Page 22889</p> <p>1 [PROCEEDINGS ON 21 FEBRUARY 2014] 2 [09:06] CHAIRPERSON: The Commission resumes. 3 General Naidoo, you're still under oath. 4 GENERAL NAIDOO: Still under oath, ja. 5 CHAIRPERSON: Mr Semenya. 6 MR SEMENYA SC: Thank you, Chair. 7 General, we were to address the issues that you deal with 8 in paragraph 44 of your statement, exhibit JJJ108. 9 GENERAL NAIDOO: That is correct, Chair. 10 MR SEMENYA SC: When you got to the JOC 11 you were with Major-General Mpbembe, Annandale and you went 12 to attend the briefing session of the trade unions. 13 GENERAL NAIDOO: That is correct, Chair. 14 MR SEMENYA SC: Can you recall who was 15 representing the trade unions? 16 GENERAL NAIDOO: There were the 17 presidents of both trade unions, NUM as well as AMCU and 18 other office bearers of both, I am not familiar with all of 19 them. 20 MR SEMENYA SC: And what was the purpose 21 of that meeting? 22 GENERAL NAIDOO: The purpose of the 23 meeting was to get feedback on their visit to the koppie 24 and an indication of what was the way forward in terms of 25 that intervention that was undertaken.</p>	<p style="text-align: right;">Page 22891</p> <p>1 next day. And went further to also engage Lonmin 2 management on what he referred to as some sort of re- 3 integration process that workers had to undergo because 4 they had been away from work in terms of occupational 5 health and safety. They needed some retraining. 6 MR SEMENYA SC: What was the impression 7 of what he was telling you? 8 GENERAL NAIDOO: Chair, we were convinced 9 that there were certain – a genuine indication that this 10 matter could be resolved peacefully and the situation that 11 we currently were faced with could be over. 12 MR SEMENYA SC: Why did you have that 13 impression? 14 GENERAL NAIDOO: Chair, the president of 15 AMCU was quite confident in terms of what he said. He did 16 not foresee any hurdles, major hurdles in terms of 17 achieving that and our discussion even went further to say 18 how would they lay down their arms. Would they come down, 19 leave it at the koppie or would they come through a line 20 and hand it over to the police. So there was that advanced 21 discussion, so there was nothing to lead us to believe that 22 it was not going to happen. 23 MR SEMENYA SC: Yes, in paragraph 47 you 24 deal with the events if tge 16th, you arrived at the JOC in 25 the morning, is that right?</p>
<p style="text-align: right;">Page 22890</p> <p>1 MR SEMENYA SC: Yes, and the report you 2 got from NUM is that they were not welcome. 3 GENERAL NAIDOO: That's correct, 4 Chairperson. AMCU indicated to us they were very well 5 received and they had a fruitful discussion or interaction 6 with the strikers. 7 MR SEMENYA SC: And NUM says to you they 8 will do all their best endeavour to assist the police in 9 their investigations. 10 GENERAL NAIDOO: That's correct, Chair. 11 MR SEMENYA SC: And AMCU, what do they 12 communicate with you? 13 GENERAL NAIDOO: AMCU, the president 14 indicated to us that he had a fruitful interaction with the 15 protestors to the point where he needed to finalise a few 16 items. I specifically can't remember what are the items 17 and he'd go back the following morning at 9 o'clock to 18 provide feedback on those issues to the strikers. 19 MR SEMENYA SC: This is now Mr Mathunjwa 20 speaking to you. 21 GENERAL NAIDOO: That is correct, Chair. 22 MR SEMENYA SC: And what else does he 23 say? 24 GENERAL NAIDOO: Chair, he further 25 indicated to us that there would be happiness or joy the</p>	<p style="text-align: right;">Page 22892</p> <p>1 GENERAL NAIDOO: That is correct. 2 MR SEMENYA SC: And to get a briefing 3 from General Annandale on how the deployments are to happen 4 that day. 5 GENERAL NAIDOO: The situation for the 6 day. 7 MR SEMENYA SC: That briefing is 8 assisted, you tell us, by Lieutenant-Colonel Scott. 9 GENERAL NAIDOO: He was presenting the 10 operational plan. 11 MR SEMENYA SC: With the understanding 12 that the undertaking by AMCU would be realised and the 13 strikers would lay down their weapons and disperse. 14 GENERAL NAIDOO: We worked on that 15 premise, Chairperson. 16 MR SEMENYA SC: You again went and were 17 deployed at forward holding area 1. 18 GENERAL NAIDOO: That is correct. 19 MR SEMENYA SC: With 20 Special Task 20 Force under your command – under the command of Lieutenant- 21 Colonel Gaffley. 22 GENERAL NAIDOO: That is correct. 23 MR SEMENYA SC: 25 National Intervention 24 unit members - 25 GENERAL NAIDOO: That is correct.</p>

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1 MR SEMENYA SC: - under the command of
 2 Colonel Modiba.
 3 GENERAL NAIDOO: Correct, Chair.
 4 MR SEMENYA SC: 21 Tactical Response Team
 5 members under the command of Lieutenant-Colonel Claasen.
 6 GENERAL NAIDOO: That is correct.
 7 MR SEMENYA SC: 32 canine members under
 8 the command of Lieutenant-Colonel Mopedi.
 9 GENERAL NAIDOO: That is correct.
 10 MR SEMENYA SC: 14 mounted unit members
 11 under the command of Lieutenant-Colonel Stapelberg.
 12 GENERAL NAIDOO: That is correct.
 13 MR SEMENYA SC: 8 Public Order police
 14 members with you.
 15 GENERAL NAIDOO: That's correct.
 16 MR SEMENYA SC: 3 detectives.
 17 GENERAL NAIDOO: That's correct.
 18 MR SEMENYA SC: Why the detectives?
 19 GENERAL NAIDOO: Chair, we had foreseen
 20 that when the laying down of arms would occur we would have
 21 a process of securing those arms and processing because we
 22 had over the days prior several criminal acts that were
 23 committed and possibly with some of these arms that were
 24 going to be laid down. So both the crime scene personnel
 25 as well as the detectives would be responsible for securing

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1 exhibits and processing them for forensic analysis and
 2 further investigation of those crimes that were committed.
 3 MR SEMENYA SC: 4 local criminal record
 4 centre members.
 5 GENERAL NAIDOO: That's the crime scene
 6 personnel.
 7 MR SEMENYA SC: As well as 5 medics and 2
 8 fire fighters.
 9 GENERAL NAIDOO: Yes, Sir.
 10 MR SEMENYA SC: Why the fire fighters?
 11 GENERAL NAIDOO: From the experience that
 12 we've had previously the protestors made use of fire as one
 13 of the tactics in terms of burning of premises, burning of
 14 vehicles, etcetera. And we had to have that in reserve
 15 should a need arise for us to deal with a situation like
 16 that.
 17 MR SEMENYA SC: Okay and then there was a
 18 briefing by Colonel Isaacs.
 19 GENERAL NAIDOO: That was at the JOC,
 20 Chair.
 21 MR SEMENYA SC: What was the information
 22 that he was communicating?
 23 GENERAL NAIDOO: Colonel Isaacs indicated
 24 that whilst we had this hope of the laying down of arms
 25 there was resistance from within the group at the koppie to

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1 the laying down of the arms.
 2 MR SEMENYA SC: And the type of
 3 resistance that was mentioned?
 4 GENERAL NAIDOO: I cannot specifically –
 5 but he just indicated that there elements within the – who
 6 were not happy about the laying down of the arms or
 7 surrendering of the arms.
 8 MR SEMENYA SC: Any member of the police
 9 team where you were who would have foreseen the death of 34
 10 people?
 11 GENERAL NAIDOO: At that stage no, Chair.
 12 MR SEMENYA SC: Death of anyone?
 13 GENERAL NAIDOO: Not at all, Chair.
 14 MR SEMENYA SC: Injury to anyone?
 15 GENERAL NAIDOO: Well during a dispersion
 16 process, as I indicated yesterday, there was a possibility
 17 that people would probably be injured, but at that stage
 18 there was no dispersion action that was foreseen. And we
 19 were at that stage not foreseeing such injury.
 20 MR SEMENYA SC: And as you told us
 21 yesterday you were content that three paramedics would be
 22 adequate to address that contingency.
 23 GENERAL NAIDOO: That's correct, Chair.
 24 MR SEMENYA SC: Okay but then it was
 25 decided, you tell us, to put a contingency plan in place

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1 should the strikers fail to lay down their weapons and
 2 disperse as was promised.
 3 GENERAL NAIDOO: That is correct, stage
 4 2.
 5 MR SEMENYA SC: What would have been
 6 stage 2?
 7 GENERAL NAIDOO: It was a show of force
 8 and the pre-positioning of the razor wire to protect the
 9 police resources at the negotiation front.
 10 MR SEMENYA SC: Who gave that type of
 11 briefing about stage 2?
 12 GENERAL NAIDOO: Colonel Scott, as part
 13 of his briefing, did indicate what stage 2 would entail.
 14 MR SEMENYA SC: Okay. We have had and
 15 seen some of the plans, we don't need to go there, General,
 16 what have been, though, the purpose of the barbed wire?
 17 GENERAL NAIDOO: It was to create a safe
 18 zone for the police. We had seen on Monday how the
 19 protestors turned into police lines and caused a lot of
 20 chaos and damage, injuries, killing of people. We also had
 21 the media who were positioned just behind the police lines.
 22 We had to also think of, should any incident occur, their
 23 safety. We still had that responsibility.
 24 MR SEMENYA SC: Yes and you say you
 25 deployed to your positions and as the situation could

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1 possibly escalate there was a plan to secure weapons should
 2 it be laid by the Special Task Force and the NIU.
 3 GENERAL NAIDOO: That is correct.
 4 MR SEMENYA SC: Those were placed a
 5 kilometre away from where the negotiations were happening
 6 and where the strikers were gathered.
 7 GENERAL NAIDOO: That was the immediate
 8 response area 1.
 9 MR SEMENYA SC: Yes. Again why the
 10 Special Task Force?
 11 GENERAL NAIDOO: The Special Task Force
 12 was primarily to secure weapons which were already
 13 surrendered or in the event of smaller groups taking refuge
 14 at inaccessible areas they would have to tactically go in
 15 and disarm such groups.
 16 MR SEMENYA SC: And the team that was
 17 doing the negotiations at koppie 1, you deal with those
 18 under paragraph 52 of your statement.
 19 GENERAL NAIDOO: Affirmative.
 20 MR SEMENYA SC: Is that right?
 21 GENERAL NAIDOO: That is correct.
 22 MR SEMENYA SC: You would have as a first
 23 line the Public Order personnel.
 24 GENERAL NAIDOO: That's correct, Chair.
 25 MR SEMENYA SC: You'd have behind them

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1 the TRT.
 2 GENERAL NAIDOO: That is correct.
 3 MR SEMENYA SC: Positioned more or less
 4 100 metres behind.
 5 GENERAL NAIDOO: That is correct, Chair.
 6 MR SEMENYA SC: And they were to provide
 7 rear protection to Nyalas.
 8 GENERAL NAIDOO: That is correct, Chair.
 9 MR SEMENYA SC: And also be part of the
 10 show of force to discourage any action by the strikers.
 11 GENERAL NAIDOO: That is correct, Chair.
 12 MR SEMENYA SC: You remained only with
 13 the canine, the mounted unit, detectives, crime scene
 14 investigators, medical rescue personnel, fire fighters and
 15 a section of POP, you saw vehicles at the forward holding
 16 area 1.
 17 GENERAL NAIDOO: That is correct, Chair.
 18 MR SEMENYA SC: The deadline of
 19 [inaudible] came and passed.
 20 GENERAL NAIDOO: That's correct, Chair.
 21 MR SEMENYA SC: Becoming very clear to
 22 you that the promise had not come to be.
 23 GENERAL NAIDOO: That is correct, Chair.
 24 MR SEMENYA SC: That is of the strikers
 25 laying down their weapons and surrendering those.

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1 GENERAL NAIDOO: That is correct, Chair.
 2 MR SEMENYA SC: You were then informed
 3 via radio by Brigadier Pretorius that a further briefing of
 4 commanders would occur at 2 o'clock at forwarding holding
 5 area 1.
 6 GENERAL NAIDOO: Chair, it was actually
 7 at 2:30, it was my typing error there.
 8 MR SEMENYA SC: And at 2:30 all
 9 operational commanders, the negotiating group came to the
 10 forward holding area 1.
 11 GENERAL NAIDOO: That is correct, Chair.
 12 MR SEMENYA SC: And those who were at
 13 forward holding area 2 also came through.
 14 GENERAL NAIDOO: That is correct, Chair.
 15 MR SEMENYA SC: And you all got a
 16 briefing from Colonel Scott.
 17 GENERAL NAIDOO: That is correct, Chair.
 18 MR SEMENYA SC: This is the briefing that
 19 was done over the computer, is that right?
 20 GENERAL NAIDOO: He used a notebook, yes.
 21 MR SEMENYA SC: And it is a briefing
 22 relating to a tactical option of now forcibly removing the
 23 arms from those who refuse to surrender those.
 24 GENERAL NAIDOO: That's to disperse and
 25 disarm, that's correct, Chair.

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1 MR SEMENYA SC: Can you just, in your own
 2 words, tell us did you understand what that stage entailed?
 3 GENERAL NAIDOO: Yes, Chairperson.
 4 MR SEMENYA SC: Were there grey areas in
 5 your mind about its efficacy to achieve the goals that you
 6 had intended?
 7 GENERAL NAIDOO: No, Chair.
 8 MR SEMENYA SC: And all the commanders
 9 understood what was expected of each of them and their
 10 teams?
 11 GENERAL NAIDOO: They were all given an
 12 opportunity to clarify any point they were not sure of,
 13 Chair.
 14 MR SEMENYA SC: Colonel Scott came there
 15 with Brigadier Pretorius.
 16 GENERAL NAIDOO: That is correct, Chair.
 17 MR SEMENYA SC: And your role in this
 18 operation was really to provide support, correct?
 19 GENERAL NAIDOO: That's correct, Chair.
 20 MR SEMENYA SC: Which may entail
 21 releasing fire trucks, medics or other support functions to
 22 whoever required those.
 23 GENERAL NAIDOO: That's correct, Chair.
 24 MR SEMENYA SC: And you said it's usual
 25 during dispersal action that people tend to get injured

<p style="text-align: right;">Page 22901</p> <p>1 whether by running and falling or where rubber bullets or 2 the use of teargas is used. 3 GENERAL NAIDOO: That is correct, Chair. 4 MR SEMENYA SC: And as you earlier told 5 us your canine unit was to conduct a sweep of the area 6 after dispersal to find any weapons, especially firearms 7 which may have been discarded in the bushes and rocks. 8 GENERAL NAIDOO: That is correct, Chair. 9 MR SEMENYA SC: They were also to ensure 10 that no strikers were hid in the area or also providing an 11 escort service. 12 GENERAL NAIDOO: For the emergency 13 personnel, Chair. 14 MR SEMENYA SC: Right and the mounted 15 unit would be used to identify if any persons or weapons 16 were lying hidden in areas that were difficult to access. 17 GENERAL NAIDOO: In the veld. It was 18 quite a broad veld. 19 MR SEMENYA SC: In the veld. And against 20 paragraph 56 you say the negotiation group was to be 21 reinforced with units from the reserve groups and the 22 operation was then agreed to commence at 15:30. 23 GENERAL NAIDOO: That is correct, Chair. 24 MR SEMENYA SC: And to achieve that, 25 after the briefing, deployments went to forward area 1, NIU</p>	<p style="text-align: right;">Page 22903</p> <p>1 MR SEMENYA SC: MMM1 would be the one 2 with prepositioning of the cars. 3 CHAIRPERSON: Sorry, that's MMM1, yes. 4 And the koppie 3 one is MMM2. 5 MR SEMENYA SC: I'm indebted to you, 6 Chair. 7 CHAIRPERSON: Thank you, thank you, Mr 8 Semenya. 9 MR SEMENYA SC: With reference to these 10 exhibits are you able to indicate where you are now, closer 11 to the electricity sub-station? 12 GENERAL NAIDOO: Yes, Chair. I think 13 along block 7 from about E till possibly H or I on the road 14 that's indicated there. 15 CHAIRPERSON: Oh, so we go along column 7 16 and then we down H and I, is that right? 17 [09:26] Sorry did you say E to I? 18 GENERAL NAIDOO: Chair, from block E. 19 CHAIRPERSON: I see. 20 GENERAL NAIDOO: Until I it was a long 21 column of 25 plus vehicles. 22 CHAIRPERSON: I see. 23 MR SEMENYA SC: And as the exhibit will 24 show that would have been where the forward holding 1 area 25 was?</p>
<p style="text-align: right;">Page 22902</p> <p>1 - STF and TRT personnel also. 2 GENERAL NAIDOO: That is correct, Chair. 3 MR SEMENYA SC: And the briefing was then 4 completed. 5 GENERAL NAIDOO: That is correct, Chair. 6 MR SEMENYA SC: Against paragraph 57 you 7 say you then briefed all your commanders as well as canine 8 personnel on the decision which was to be executed in terms 9 of the morning briefing and placed them on a state of 10 readiness to support a negotiating team which would 11 initiate the dispersal process. 12 GENERAL NAIDOO: That is correct, Chair. 13 MR SEMENYA SC: You then moved your 14 entire reserve force except the mounted unit to just before 15 the electricity sub-station. Perhaps here, with the 16 permission of the Chair, you would find before you two 17 Google map documents which may be marked exhibit MM for 18 mother, mother, mother MMM1 and 2 – 19 CHAIRPERSON: Is that signifying 20 agreement? 21 MR SEMENYA SC: Yes, Chair. 22 CHAIRPERSON: Which is mm, mm 1 and mm 2? 23 We've got one which indicates the greater squatter camp and 24 we've got another which indicates what I suspect is koppie 25 2. Now which is MMM1 and which is MMM2?</p>	<p style="text-align: right;">Page 22904</p> <p>1 GENERAL NAIDOO: That is correct, Chair. 2 MR SEMENYA SC: Are we able to get the – 3 CHAIRPERSON: There is a vehicle, the 4 bottom right hand corner of this map which is marked FHAI, 5 FHA1. 6 GENERAL NAIDOO: That's correct, Chair. 7 CHAIRPERSON: Is that where the forward 8 holding area was? 9 GENERAL NAIDOO: It's where the forward 10 holding area, so we were just off the forward holding area 11 on the road, Chair. 12 CHAIRPERSON: Yes. Thank you. 13 MR SEMENYA SC: Perhaps, Chair, for the 14 benefit of those in attendance, we would just have the 15 exhibit displayed on the screens. 16 CHAIRPERSON: FHA1 I think isn't it. 17 That's MMM2 we're seeing at the moment. We want MMM1. 18 MR SEMENYA SC: That's the one, General, 19 we have right and you tell us you would have been at the 20 rear response area 1. 21 GENERAL NAIDOO: That is correct, Chair. 22 MR SEMENYA SC: Which would, unlike the 23 forward holding area 1 this would be about a kilometre to 24 the koppie? 25 GENERAL NAIDOO: That is correct, Chair.</p>

<p style="text-align: right;">Page 22905</p> <p>1 MR SEMENYA SC: Okay, and you indicated 2 on the grid as column 7 along the vertically column EF2H. 3 GENERAL NAIDOO: It could even be too I, 4 it was a long column of vehicles, yes, Chair. 5 MR SEMENYA SC: And you are in vehicles 6 at the time? 7 GENERAL NAIDOO: That is correct, Chair. 8 MR SEMENYA SC: The mounted police you 9 say, were to deploy from the forward holding area into the 10 veldt directly to koppie 1, a terrain which could not be 11 traversed by normal vehicles. 12 GENERAL NAIDOO: That is correct, Chair. 13 MR SEMENYA SC: Are you able to indicate 14 that with reference to MMM2? 15 GENERAL NAIDOO: Yes, Chair, it will be 16 block I 5 and 6. 17 MR SEMENYA SC: MMM1, yes. 18 CHAIRPERSON: I was on the wrong 19 diagram, the wrong description. Where exactly is it now, 20 are we looking now? 21 GENERAL NAIDOO: It is the mounted unit, 22 Chair. 23 CHAIRPERSON: Yes. 24 GENERAL NAIDOO: It was I block 5 and 6, 25 that would be the entry points for the mounted unit.</p>	<p style="text-align: right;">Page 22907</p> <p>1 within your field of vision? 2 GENERAL NAIDOO: We could not see, 3 although we were quite close to them, we could not see it 4 at all. 5 MR SEMENYA SC: And you say you hear over 6 the radio there is frequent communication between Brigadier 7 Calitz and Colonel Vermaak? 8 GENERAL NAIDOO: That is correct, Chair. 9 MR SEMENYA SC: And you hear Brigadier 10 Calitz issuing various commands over the radio? 11 GENERAL NAIDOO: Correct, Chair, he was 12 directing personnel to apply various methods to repel an 13 attack, yes. 14 MR SEMENYA SC: You cite for example that 15 he would be directing the water cannons to move in a 16 particular direction. 17 GENERAL NAIDOO: Chair, yes he was 18 calling the water cannons to move forward. 19 MR SEMENYA SC: And your impression from 20 where you were was that the dispersal action has commenced? 21 GENERAL NAIDOO: That is correct, Chair. 22 Our expectation was that at 15:30 the dispersal action will 23 commence, it was a little after 15:30, the time I indicate 24 there was based on the last time I looked it was at 15:30. 25 So I estimated how long it would be when I heard this</p>
<p style="text-align: right;">Page 22906</p> <p>1 CHAIRPERSON: Yes, I see, thank you. 2 MR SEMENYA SC: What would have rendered 3 that terrain not manoeuvrable? 4 GENERAL NAIDOO: Chair, it was veld and 5 ditches and bush. So it was difficult for vehicles, 6 especially standard sedan or bakkies, maybe the more, the 7 Casspirs, the terrain as more suitable. So in order to 8 effectively sweep that terrain the mounted unit was 9 envisaged to do that sweeping. 10 MR SEMENYA SC: Okay, and you tell us 11 against paragraph 59 of your statement. "That between 12 15:40 and 15:45 thereabouts you heard on the radio that the 13 negotiation group report that they were under attack". 14 GENERAL NAIDOO: That is correct, Chair. 15 MR SEMENYA SC: How was this communicated 16 over the radio? 17 GENERAL NAIDOO: We were listening to 18 Brigadier Calitz narrating and directing and indicating 19 that the crowd was moving towards the negotiation group. 20 This was after the, after we heard the discussions on the 21 roll out of the barbed wire and he was talking to his 22 various commanders to repel or to block off the group that 23 was coming or trying to get through the police lines from 24 the conversations that we gathered. 25 MR SEMENYA SC: But all of this is not</p>	<p style="text-align: right;">Page 22908</p> <p>1 conversation on the radio. 2 MR SEMENYA SC: And you say you did not 3 expect to hear sounds of gunfire? 4 GENERAL NAIDOO: Definitely not, Chair. 5 CHAIRPERSON: Can I ask you something 6 else first before you move onto that. From where you were 7 placed could you see that Mr Mathunjwa was back at the 8 koppie, could you see his vehicle back at the koppie and 9 then subsequently leaving? 10 GENERAL NAIDOO: No, Chair. Chair, I was 11 informed by the JOC that Mr Mathunjwa would be coming to me 12 or coming up that way and that I should intercept and speak 13 to him because of, but he never came through the forward 14 holding area where we had a road block. He obviously took 15 another route. 16 CHAIRPERSON: The point is you couldn't 17 see, from where you were you couldn't see him? 18 GENERAL NAIDOO: I had no visual. 19 CHAIRPERSON: Thank you. 20 MR SEMENYA SC: You're saying that the 21 hearing of gunfire, you were not expecting. 22 GENERAL NAIDOO: No, Chair. 23 MR SEMENYA SC: Just describe if you can 24 what you hear? 25 GENERAL NAIDOO: With, after the issuing</p>

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1 of commands by Brigadier Calitz with regard to, we heard a
 2 few stun grenades and we heard activity of vehicles moving.
 3 Obviously we would not have heard the firing of rubber
 4 because of, it does not make a loud detonation and a little
 5 after the conversation whilst the conversation was on we
 6 heard a shot volley of live ammunition and that's the
 7 unexpected gunfire which we heard.
 8 MR SEMENYA SC: How loud was that?
 9 GENERAL NAIDOO: It was quite loud
 10 because as the crow flies we were not too far away from
 11 where these things happen. So it was quite loud it was.
 12 MR SEMENYA SC: And lasting how long?
 13 GENERAL NAIDOO: A few seconds, it was
 14 not a continuous thing. It's just a few seconds, there
 15 were a volley and a few stuttered shots after that as well.
 16 MR SEMENYA SC: And you and your group
 17 you were still at forward, at the immediate response area
 18 1?
 19 GENERAL NAIDOO: That is correct, Chair.
 20 MR SEMENYA SC: And you hear Lieutenant
 21 Colonel Vermaak who was in the helicopter indicate that
 22 people were down at koppie 1?
 23 GENERAL NAIDOO: That is correct, Chair.
 24 MR SEMENYA SC: How is that communicated
 25 to you?

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1 GENERAL NAIDOO: He communicated via the
 2 radio indicating that there are people down that we should
 3 get medical assistance for them.
 4 MR SEMENYA SC: What did you understand
 5 that to mean, that there were people down?
 6 GENERAL NAIDOO: People down, Chair, as I
 7 indicated yesterday, this does occur during dispersal
 8 actions when people are stampeding and fleeing that they
 9 fall, they injure themselves etcetera.
 10 MR SEMENYA SC: There's a mental picture
 11 that you had?
 12 GENERAL NAIDOO: That's correct, Chair.
 13 CHAIRPERSON: You say you heard this
 14 over the radio?
 15 GENERAL NAIDOO: On the radio, Chair.
 16 CHAIRPERSON: Did you hear everything
 17 said over the radio at that point?
 18 GENERAL NAIDOO: He was, yes, at that
 19 stage the two voices that we heard on the continuous stream
 20 was Brigadier Calitz and Lieutenant Colonel Vermaak.
 21 CHAIRPERSON: Yes no, on this particular
 22 point could you hear everything that Colonel Vermaak said?
 23 GENERAL NAIDOO: Yes, Chair.
 24 CHAIRPERSON: Alright.
 25 MR SEMENYA SC: And that the veld was set

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1 alight and you had to deploy the fire trucks?
 2 GENERAL NAIDOO: He did indicate that the
 3 strikers have set the veld alight and the fire trucks
 4 should deal with it, yes.
 5 MR SEMENYA SC: And then immediately
 6 active the reserve group and you moved towards koppie 1,
 7 how do you do this, are you able to indicate perhaps with
 8 the aid of exhibit MMM1.
 9 GENERAL NAIDOO: Yes, Chair. We, the
 10 convoy had begun to move slowly forward along the road on
 11 block 7. At 7C you would see a little road on the right
 12 hand side, that's before the fire, power station. We
 13 turned into that road. However we proceeded half way down
 14 that road and we found that we could not, because that was
 15 the most direct route for us to take to get to where they
 16 indicated injured people were. However half way down, just
 17 before the, or about three quarter way down, passed the
 18 power station we found that we could not traverse that
 19 point. So the column had to turn around.
 20 MR SEMENYA SC: Can you still say with
 21 reference to the grid?
 22 GENERAL NAIDOO: The part where we could
 23 not traverse is in D6, Chair.
 24 MR SEMENYA SC: Okay and then you go
 25 back, back where?

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1 GENERAL NAIDOO: We go back to the road
 2 on block 7.
 3 MR SEMENYA SC: Yes.
 4 GENERAL NAIDOO: And proceed until A7,
 5 there's a road that's indicated there.
 6 MR SEMENYA SC: Yes.
 7 GENERAL NAIDOO: And we go along block A6
 8 around the power station.
 9 MR SEMENYA SC: Who are you with this
 10 time?
 11 GENERAL NAIDOO: It's the K9 and the
 12 medics and the fire.
 13 MR SEMENYA SC: Why the K9, why they
 14 accompany you?
 15 GENERAL NAIDOO: As I indicated earlier,
 16 Chair, I was specifically instructed to protect the
 17 emergency services when deploying them in the operational
 18 area. The only capacity that I had currently under my
 19 command was the K9 unit.
 20 MR SEMENYA SC: So you continued saying
 21 against paragraph 62 of your statement "that due to the
 22 fact that your group had soft skinned sedans and bakkies
 23 you had to use the road around the electricity substation
 24 to pass what is now known as koppie 3 to move towards
 25 koppie 1".

<p style="text-align: right;">Page 22913</p> <p>1 GENERAL NAIDOO: That is correct, Chair.</p> <p>2 MR SEMENYA SC: General, can you give us</p> <p>3 a mental picture of what it is that you see in your vehicle</p> <p>4 on your way to koppie 3?</p> <p>5 GENERAL NAIDOO: Chair, as we came around</p> <p>6 the power station on block A6 and A5 –</p> <p>7 MR SEMENYA SC: That is on exhibit?</p> <p>8 GENERAL NAIDOO: MMM1. We came along to</p> <p>9 a road which ran into the direction of koppie 1 which is,</p> <p>10 if memory serve me right, it's either in block 4A or 5A,</p> <p>11 somewhere there, I can't see it distinctly. It could be</p> <p>12 5A. That road runs directly to koppie 1.</p> <p>13 MR SEMENYA SC: Okay.</p> <p>14 GENERAL NAIDOO: And as we came around we</p> <p>15 heard gunfire, I indicated heavy gunfire because it was not</p> <p>16 one it was several shots.</p> <p>17 MR SEMENYA SC: In what direction now?</p> <p>18 GENERAL NAIDOO: It was in the direction,</p> <p>19 on the top of block A4 to B3 in that direction. We</p> <p>20 proceeded along this road and we were here, Chair, and we,</p> <p>21 the gun fire came from this area.</p> <p>22 CHAIRPERSON: You have to describe that</p> <p>23 in words. This and that doesn't mean much on the</p> <p>24 transcript.</p> <p>25 GENERAL NAIDOO: Sorry, Chair.</p>	<p style="text-align: right;">Page 22915</p> <p>1 MR SEMENYA SC: Yes.</p> <p>2 GENERAL NAIDOO: And then with the</p> <p>3 smaller group of five vehicles I proceeded in a formation</p> <p>4 towards the direction of the gunfire where I had seen SAPS</p> <p>5 personnel.</p> <p>6 MR SEMENYA SC: Okay. Again help us</p> <p>7 appreciate what it is that you see, how much of koppie 3</p> <p>8 and it's surrounds are you able to see?</p> <p>9 GENERAL NAIDOO: Chair, at that stage we</p> <p>10 could see a top, just the top of a rock. We, otherwise</p> <p>11 there was dense bush surrounding this particular dome, it</p> <p>12 was visible just above the tree line and the vegetation was</p> <p>13 quite dense.</p> <p>14 CHAIRPERSON: Would I be correct in</p> <p>15 saying that koppie 3 is, most of koppie 3 is block B3?</p> <p>16 GENERAL NAIDOO: B3, yes. That was where</p> <p>17 most of the activity was.</p> <p>18 CHAIRPERSON: Is that koppie 3?</p> <p>19 GENERAL NAIDOO: B3 –</p> <p>20 CHAIRPERSON: Koppie 3 I think also</p> <p>21 extends into some of the other blocks as well but the major</p> <p>22 part of koppie 3 is in block B3 on the map?</p> <p>23 GENERAL NAIDOO: That is correct, Chair.</p> <p>24 CHAIRPERSON: Thank you.</p> <p>25 MR SEMENYA SC: And to describe –</p>
<p style="text-align: right;">Page 22914</p> <p>1 CHAIRPERSON: Please describe with</p> <p>2 fairly particularity in words what you've just shown us on</p> <p>3 the screen. So that it's recorded in the transcript.</p> <p>4 GENERAL NAIDOO: I will, Chair. On</p> <p>5 blocks B3 I think would be the larger parts of where we,</p> <p>6 the direction we heard the shooting from, I indicate that</p> <p>7 because at that stage we also observed SAPS personnel in</p> <p>8 that area.</p> <p>9 MR SEMENYA SC: Let's break that down a</p> <p>10 little bit. What type of gun fire do you hear?</p> <p>11 GENERAL NAIDOO: Chair, in my opinion it</p> <p>12 was somebody using automatic weapons because it was</p> <p>13 staccato volley of shots, not you know several semi</p> <p>14 automatic firearms firing at the same time. It's quite</p> <p>15 distinctive.</p> <p>16 MR SEMENYA SC: And at what intervals do</p> <p>17 you hear this?</p> <p>18 GENERAL NAIDOO: At quite regular, very</p> <p>19 short intervals, in a space of a few minutes we heard it</p> <p>20 quite regularly.</p> <p>21 MR SEMENYA SC: And what do you do once</p> <p>22 you hear that?</p> <p>23 GENERAL NAIDOO: Chair, I asked the main</p> <p>24 body of the reserve group to hold at the area referred to</p> <p>25 on the map as B, sorry A5, thereabouts, thereabouts.</p>	<p style="text-align: right;">Page 22916</p> <p>1 CHAIRPERSON: There's a little bit in A3</p> <p>2 but most of it's in B3.</p> <p>3 GENERAL NAIDOO: Chair, the main part of</p> <p>4 the koppie or the main, the dome that was visible is in B3,</p> <p>5 that is correct. However it's a got this scattered,</p> <p>6 scattered rock formation and trees which spills over to A3</p> <p>7 as well.</p> <p>8 CHAIRPERSON: Yes, and I think there's</p> <p>9 probably even a little bit in A2.</p> <p>10 GENERAL NAIDOO: That's correct.</p> <p>11 CHAIRPERSON: But you indicated that you</p> <p>12 were, I think you showed us –</p> <p>13 GENERAL NAIDOO: Here.</p> <p>14 CHAIRPERSON: Where you were when you</p> <p>15 proceeded.</p> <p>16 GENERAL NAIDOO: Yes, on the road, Chair.</p> <p>17 CHAIRPERSON: And you indicated the</p> <p>18 block you were in. Which was that, that was A4?</p> <p>19 GENERAL NAIDOO: That's correct, Chair.</p> <p>20 CHAIRPERSON: A4, is that correct?</p> <p>21 GENERAL NAIDOO: The main group we left</p> <p>22 at A5, Chair.</p> <p>23 CHAIRPERSON: A5, yes.</p> <p>24 GENERAL NAIDOO: And the smaller group of</p> <p>25 five vehicles were at A4.</p>

<p style="text-align: right;">Page 22917</p> <p>1 CHAIRPERSON: A4 and you indicated the 2 spot in A4 I think it was, was it A5 you, it was just below 3 the green line, it was just near the top of the block in 4 the middle as far as I recall that you showed us on the 5 screen, what was that? 6 GENERAL NAIDOO: I was, Chair, indicating 7 the direction that we headed towards. 8 CHAIRPERSON: I see, I see. 9 MR SEMENYA SC: When you see, as you say 10 a group of police officials at the koppie, how far in 11 distance are you now? 12 GENERAL NAIDOO: The, Chair, the koppie 13 or the policemen? 14 [09:45] MR SEMENYA SC: Where were the policemen, 15 sorry. 16 GENERAL NAIDOO: The policemen were to 17 the right of the koppie coming in a westerly direction 18 towards the koppie. 19 MR SEMENYA SC: i.e. Moving from what 20 would have been, where koppie 1 is situated towards where 21 koppie 3 is? 22 GENERAL NAIDOO: That's correct. Moving 23 from the direction of block C, possibly 3 to the direction 24 of B3. 25 CHAIRPERSON: Just orient us a bit</p>	<p style="text-align: right;">Page 22919</p> <p>1 GENERAL NAIDOO: Yes, Chairperson. From 2 the equipment and gear that they had on they were from the 3 National Intervention Unit. 4 MR SEMENYA SC: Okay, and you said you 5 would have been what distance from koppie 3 and the bush 6 area? 7 GENERAL NAIDOO: Under 200 metres, Sir, 8 when I stopped, Chair. 9 MR SEMENYA SC: Under 200 metres when you 10 stopped. 11 GENERAL NAIDOO: Yes, Chair. 12 MR SEMENYA SC: What do you see around 13 the koppie at that time? 14 GENERAL NAIDOO: Chair, we had a special 15 task force armoured vehicle, Casper at the koppie itself on 16 B3 and – 17 CHAIRPERSON: B3, when you just say B3 18 regard being had to the fact that the greater part of 19 koppie 3 is in B3, just to say B3 is where the Casspir was 20 isn't very helpful. What you've shown is really the bottom 21 left-hand corner of that block B3, is that correct? More 22 or less up against the – what looks like trees that are 23 there. Is that correct? 24 GENERAL NAIDOO: That's correct, Chair, 25 about a little more than halfway down that block of B3,</p>
<p style="text-align: right;">Page 22918</p> <p>1 further, can you tell us where north is on this map because 2 you know left and right depends on the direction in which 3 the person who's left hand or right hand being referred to, 4 is facing? But if we stick to north, south, east and west, 5 where is north on this map? 6 GENERAL NAIDOO: On the top. This is 7 north and south is this direction. 8 MR CHASKALSON SC: Chairperson, if I can 9 just point out there is a north marker in the top right- 10 hand corner. It's slightly off centre. 11 CHAIRPERSON: Oh thank you, I hadn't seen 12 that. That really answers my question, thank you. 13 MR SEMENYA SC: And the line of police 14 officials you see are you able to indicate what distance 15 they are from you? 16 GENERAL NAIDOO: I think, Chair, more 17 than 100 metres, I was somewhere here, I was somewhere at 18 B4 moving to B3 and they were – moved passed C3, I think 19 almost in B3. 20 MR SEMENYA SC: And how large, small a 21 group are they would you say there? 22 GENERAL NAIDOO: It was a large number of 23 policemen, it could be approximately 100. 24 MR SEMENYA SC: Are you able to identify 25 which units they would fall under?</p>	<p style="text-align: right;">Page 22920</p> <p>1 just at the tree line, the Special Task Force Casspir 1. 2 MR CHASKALSON SC: Sorry to interrupt, 3 Chairperson, but there is a zoomed in gridded map which 4 would make these identifications much easier to follow on 5 the record. I wonder if we could use that instead, MM2, 6 MMM2. 7 CHAIRPERSON: Now just in case I've 8 missed it, can you tell us where north is on this one. I 9 can't see a north marker on this map. Can you tell us 10 where north is, Mr Chaskalson? 11 MR CHASKALSON SC: My assessment of north 12 would be running from the bottom left of this map through 13 to the top right. So the top right-hand corner would be 14 north. 15 CHAIRPERSON: Does this help you, 16 General, can you, using this map can you tell us with 17 greater particularity, as it were, where the Casspir with 18 the STF people was? 19 GENERAL NAIDOO: Chair, yes the Casspir, 20 as it's clearly visible in the exhibit MMM2 is in block F4. 21 It was stationary at that point. 22 CHAIRPERSON: For the benefit of those 23 who have to read this later, it's a camouflaged vehicle. 24 There are a number of white vehicles here, but this one is 25 very cleverly camouflaged, you have to look very carefully</p>

<p style="text-align: right;">Page 22921</p> <p>1 at the block to see. If you see the shape then you'll see 2 a light greyish – how would you describe the colour? 3 GENERAL NAIDOO: Mottle green. 4 CHAIRPERSON: Mottle green. Okay, that's 5 the STF Casspir that's camouflaged, thank you. 6 MR SEMENYA SC: I'm still seeking to have 7 you help us understand what is within your field of vision. 8 GENERAL NAIDOO: So yes there was also a 9 water canon which was being escorted by Nyala which was a 10 little in front of the position where the Casspir is 11 currently standing. I'd say the water canon was around D4. 12 MR SEMENYA SC: Around D4. 13 GENERAL NAIDOO: Moving in a westerly 14 direction. 15 MR SEMENYA SC: Towards the left of the 16 picture. 17 GENERAL NAIDOO: That is correct, Chair. 18 MR SEMENYA SC: The veld fires. 19 GENERAL NAIDOO: The veld fires were 20 directly behind the Nyala and on our approach. 21 MR SEMENYA SC: Are you able to see 22 whether there are people in koppie 3 as you were there? 23 GENERAL NAIDOO: No, Chair, as I 24 indicated that from our point we could only see dense bush, 25 green shrubbery and the grass that was at some areas where</p>	<p style="text-align: right;">Page 22923</p> <p>1 GENERAL NAIDOO: Chair, yes. As I 2 indicated they were more or less in the centre between 3 blocks A2 and 3, moving in this direction, but they were a 4 little more off the map at that stage. 5 MR SEMENYA SC: And those are the ones 6 you identify as the members of the TRT. 7 GENERAL NAIDOO: That's correct. They 8 had their berets on, that's clearly visible. 9 CHAIRPERSON: You said they were moving 10 in this direction, would you please put in words what this 11 direction means? 12 GENERAL NAIDOO: They were moving from 13 the west, Chair, at the centre of blocks A and 2 in a 14 easterly direction. 15 MR SEMENYA SC: Okay, and the shooting 16 that you hear, which direction is that coming from? 17 GENERAL NAIDOO: Chair, the shooting was 18 coming from the easterly direction, as I indicated in the 19 vicinity of blocks B3, more or less, yes. 20 MR SEMENYA SC: Your impression at the 21 time is that who is firing? 22 GENERAL NAIDOO: My fear was that the 23 police were engaging with people with firearms because 24 there seemed to be an exchange of gunfire. 25 MR SEMENYA SC: What you also observe</p>
<p style="text-align: right;">Page 22922</p> <p>1 it wasn't burning, a little higher. 2 MR SEMENYA SC: Okay, if you go back to 3 the statement, paragraph 63, you already tell us the line 4 of police you see, you identify with, their uniform being 5 members of the NIU. 6 GENERAL NAIDOO: That is correct, Chair. 7 MR SEMENYA SC: I see you have it as TRT 8 on 63 or – 9 GENERAL NAIDOO: Chair, no that was – 10 MR SEMENYA SC: A different – 11 GENERAL NAIDOO: That would be a 12 different group, Chair. 13 MR SEMENYA SC: Okay, where is that 14 group? 15 GENERAL NAIDOO: That group on the map – 16 MR CHASKALSON SC: I think for this one, 17 one needs to go back to MMM1. 18 GENERAL NAIDOO: That's correct. 19 Although, Chair, the MMM1 doesn't really show that area, 20 but I would say from the direction of A3, ja halfway or in 21 the middle of A2 and 3 more or less that direction, coming 22 towards the koppie 1. 23 MR SEMENYA SC: So coming left of the 24 picture, almost opposite direction to that direction where 25 the NIU is coming from.</p>	<p style="text-align: right;">Page 22924</p> <p>1 happening there, you describe in paragraph 64, you see 2 people dispersing in westerly direction. Is that right? 3 GENERAL NAIDOO: That's correct, Chair. 4 People were dispersing along blocks A2 in a westerly 5 direction, a large number of people. 6 MR SEMENYA SC: More or less? 7 GENERAL NAIDOO: A couple of 100 people, 8 Chair. A couple of hundred people, I could not say 9 specifically how many. 10 MR SEMENYA SC: Are they being stalked or 11 what is happening to them? 12 GENERAL NAIDOO: No, Chair, the TRT that 13 was approaching from the west were in a filtering line and 14 at some instances I even saw the strikers going through the 15 filtering line, so they were not hindered in any way for 16 dispersal. 17 MR SEMENYA SC: And in paragraph 65 you 18 say as you hear the gunfire you ordered the fire and 19 medical personnel and detectives to hold back behind the 20 electricity sub-station and then you proceeded with K9. 21 GENERAL NAIDOO: Chair, yes. I just want 22 to correct that I indicate here the detectives, it was not 23 the detectives, they were still at the forward holding area 24 in paragraph 65. 25 CHAIRPERSON: Are you saying that the</p>

<p style="text-align: right;">Page 22925</p> <p>1 detectives – the word should be deleted from your paragraph 2 65?</p> <p>3 GENERAL NAIDOO: That is correct, Chair. 4 CHAIRPERSON: So "I ordered the fire and 5 medical personnel" and then we strike out "and detectives." 6 Is that right?</p> <p>7 GENERAL NAIDOO: That's correct, Chair. 8 CHAIRPERSON: To hold back behind the 9 electricity sub-station.</p> <p>10 GENERAL NAIDOO: That's correct, Chair. 11 CHAIRPERSON: Thank you. 12 MR SEMENYA SC: Now you were at a point 13 where you were under 100, what distance from the koppie 14 when you were out of the vehicle?</p> <p>15 GENERAL NAIDOO: Under 200 metres. 16 MR SEMENYA SC: And you say at this 17 distance you cannot see if there are people inside the 18 koppie.</p> <p>19 GENERAL NAIDOO: Not at all. We could 20 not see anybody in the brush in front of us. 21 MR SEMENYA SC: And what was the reason, 22 you tell us, for you moving to that koppie now as opposed 23 to koppie 1? 24 GENERAL NAIDOO: Chair, yes it concerned 25 us because we had to move past the area known as koppie 3</p>	<p style="text-align: right;">Page 22927</p> <p>1 GENERAL NAIDOO: I asked the members that 2 were there to hold their line as we had stopped and I moved 3 to the right of koppie 3 which is in the direction of the 4 centre of B3 on exhibit MMM1 where I had seen the NIU 5 personnel.</p> <p>6 MR SEMENYA SC: Okay, and as you say in 7 paragraph 69 you see the water canons, you see the Special 8 Task Force vehicles were already circling the area.</p> <p>9 GENERAL NAIDOO: That is correct, Chair. 10 MR SEMENYA SC: Then you tell us that the 11 strikers appear to be entrenched between rocks and trees at 12 koppie 3, but please walk with us as you see that. Are you 13 able to determine how many strikers are there? 14 GENERAL NAIDOO: Chair, no. At that 15 stage we were under the impression that there were a few 16 strikers entrenched there as envisaged in the scenario of 17 the dispersal that were firing at police. So we had no 18 idea on the numbers.</p> <p>19 MR SEMENYA SC: Your impression though. 20 GENERAL NAIDOO: Looking at the terrain, 21 etcetera we thought a smaller group of people with firearms 22 were possibly entrenching themselves there to refuse to 23 disperse or to surrender their arms. Number wise there 24 could have been between five to 25 to 10 or 15, we were not 25 sure. We couldn't see.</p>
<p style="text-align: right;">Page 22926</p> <p>1 to get to koppie 1 with the emergency service personnel. 2 As I indicated, I was responsible to ensure that they get 3 safely to what we now know as scene 1. I could not 4 guarantee that safety while there was discharge of firearms 5 and should even one of the personnel, the emergency 6 personnel get hit by a stray bullet or be directly shot at 7 it would obviously cause problems because we had given an 8 undertaking to secure these personnel.</p> <p>9 MR SEMENYA SC: And you go to koppie 3 to 10 do what there? 11 GENERAL NAIDOO: Chair, yes it was 12 obvious I needed to determine why the shooting was taking 13 place. I could see SAPS personnel there and we needed to 14 address the issue of the shooting so that we could clear 15 the routes for the emergency vehicles.</p> <p>16 MR SEMENYA SC: And how close do you get 17 to the koppie? 18 GENERAL NAIDOO: Approximately 150, as I 19 said under 200 metres we stopped our vehicles. 20 MR SEMENYA SC: You stop and you get off 21 the vehicles – 22 GENERAL NAIDOO: We stopped the vehicles 23 in a line and the personnel, yes, got out of the vehicles, 24 Chair. 25 MR SEMENYA SC: And where do you move to?</p>	<p style="text-align: right;">Page 22928</p> <p>1 MR SEMENYA SC: Okay then you approach 2 the koppie with Sergeant Harmse. 3 GENERAL NAIDOO: That's correct, Chair. 4 He was the crew of the vehicle that was alongside mine. 5 MR SEMENYA SC: And where is the line of 6 NIU personnel this time? 7 GENERAL NAIDOO: Chair, they were on B3 8 at the fringe of koppie 3. Mostly they had taken up cover 9 behind rocks and trees, etcetera.</p> <p>10 MR CHASKALSON SC: Sorry to interrupt 11 again, but here MMM2 really be of much more assistance. 12 GENERAL NAIDOO: Correct, Chair. 13 MR SEMENYA SC: If you locate yourself 14 and then tell us what you can see. 15 GENERAL NAIDOO: Chair, yes. We moved in 16 the area of I2 and 3 in that area that's most of the NIU 17 had taken up position and there was, as I've indicated, a 18 very long line, some of them are still visible in 19 photographs and I1 and 2 as well.</p> <p>20 MR SEMENYA SC: And where in relation to 21 this are you? 22 GENERAL NAIDOO: Chair, I moved, I would 23 say the commander there now, he was at I2 I would say 24 approximately and I went out to him. 25 MR SEMENYA SC: And you and Colonel</p>

<p style="text-align: right;">Page 22929</p> <p>1 Modiba and his team are, you say, where in relation to this 2 MMM2?</p> <p>3 GENERAL NAIDOO: On MMM2, as I indicated, 4 approximately by I2, Colonel Modiba was under cover there 5 behind one of the rocks and I went up to them and I 6 crouched next to them to establish what was happening.</p> <p>7 MR SEMENYA SC: Are you able to tell by 8 this time what size group of strikers are in the koppie?</p> <p>9 GENERAL NAIDOO: No, not at all, Chair. 10 By the time I get to Colonel Modiba all I could see was a 11 few people that lay at the foot of the koppie which was in 12 block F3 of exhibit MMM2. That was the only strikers I 13 could see at that stage.</p> <p>14 MR SEMENYA SC: Okay are those the ones 15 you deal with in paragraph 68 of your statement?</p> <p>16 GENERAL NAIDOO: Chair, no, that was 17 before we even arrived at that place. We have arrested 18 three strikers who were in the veld as we approached. We 19 found them in the middle of the veld. They were armed and 20 we promptly arrested them and put them into a vehicle.</p> <p>21 CHAIRPERSON: Can we see the place where 22 that happened on exhibit MMM2?</p> <p>23 GENERAL NAIDOO: Which, Chair?</p> <p>24 CHAIRPERSON: What you described in 25 paragraph 68 was arresting three strikers who were armed.</p>	<p style="text-align: right;">Page 22931</p> <p>1 approximately 150 metres away from the bushes and rocks 2 where they took cover behind their vehicles whilst I moved 3 forward with Sergeant Harmse and the dog unit." Now the 4 place where you brought your unit to a halt, approximately 5 150 metres away from the bushes, can we see this place on 6 MMM2?</p> <p>7 GENERAL NAIDOO: Yes, Chair. MMM2 that's 8 the vehicle that's in H5, the right-hand side vehicle was 9 the vehicle that I was in. We brought it to a halt there, 10 it didn't move until the end of the – when I left the scene 11 after the incident. So that would be the marker.</p> <p>12 CHAIRPERSON: Thank you.</p> <p>13 GENERAL NAIDOO: So that would be the 14 marker.</p> <p>15 MR SEMENYA SC: And then you deal with 16 paragraph 71 of your statement. Is that right?</p> <p>17 GENERAL NAIDOO: That is correct, Chair.</p> <p>18 MR SEMENYA SC: What do you say is 19 happening now?</p> <p>20 GENERAL NAIDOO: Chair, when the vehicles 21 came to a halt and I went with the sergeant from the dog 22 unit I was moving, as I indicated, towards the I2 and 3. 23 Then we had dust puffing around our feet or just in front 24 of us. I realised that it was bullets that were striking 25 the ground.</p>
<p style="text-align: right;">Page 22930</p> <p>1 GENERAL NAIDOO: That is correct, Chair.</p> <p>2 CHAIRPERSON: Now can see the place where 3 that took place on exhibit MMM2?</p> <p>4 GENERAL NAIDOO: Chair, yes. It was just 5 after the pylon, so I think it would be in the vicinity of 6 H6 approximately because that's the direction that we were 7 moving when we discovered the people in the grass. 8 [10:05] The grass was even more than an ankle, a little 9 higher than ankle to knee high.</p> <p>10 MR SEMENYA SC: When you see them, you 11 saw them at what distance?</p> <p>12 GENERAL NAIDOO: We were quite close to 13 them, Chair. They suddenly came up from the grass, 14 actually surprised us.</p> <p>15 MR SEMENYA SC: So the grass was how 16 high, more or less?</p> <p>17 GENERAL NAIDOO: As I said, it varied 18 from ankle to about knee high.</p> <p>19 MR SEMENYA SC: Okay. In paragraph 71.</p> <p>20 GENERAL NAIDOO: Chair?</p> <p>21 MR SEMENYA SC: Sorry.</p> <p>22 CHAIRPERSON: Sorry, before you carry on 23 with that, can we see the spots to which you refer in Para 24 70 where you say "due to the fact the gunfire was ongoing 25 on koppie 3, I brought my personnel to a halt in a line,</p>	<p style="text-align: right;">Page 22932</p> <p>1 MR CHASKALSON SC: Sorry, we've got the 2 wrong grid up on the screen. It's MMM3 that should be up.</p> <p>3 CHAIRPERSON: I think you will find it's 4 MMM2, Mr Chaskalson?</p> <p>5 MR CHASKALSON SC: 2.</p> <p>6 CHAIRPERSON: We haven't got a MMM3 yet, 7 presumably that's a privilege that still awaits us.</p> <p>8 MR SEMENYA SC: Yes you say you are now 9 close to Colonel Modiba.</p> <p>10 GENERAL NAIDOO: Yes, Chair, I was moving 11 from block 5H in the direction of I2 and 3 where the NIU 12 were situated and as I moved in that direction, just after 13 I left the vehicle I indicated that there were bullets 14 striking the ground in front of me. Sergeant Harmse was 15 about two paces behind me.</p> <p>16 MR SEMENYA SC: This is now when you 17 realised that there are shots fired close to where you are 18 with the dust –</p> <p>19 GENERAL NAIDOO: That's correct, Chair.</p> <p>20 MR SEMENYA SC: Okay what do you then do?</p> <p>21 GENERAL NAIDOO: Well I continue moving 22 in the direction of I2 and 3. I know that the members that 23 were under cover at the vehicles, behind me did return some 24 fire. I heard shooting from them.</p> <p>25 MR SEMENYA SC: Sorry, let's say that –</p>

<p style="text-align: right;">Page 22933</p> <p>1 these are now the K9 members.</p> <p>2 GENERAL NAIDOO: The remainder of the K9</p> <p>3 members who were in G5, I think approximately, yes. G5 and</p> <p>4 F6.</p> <p>5 MR SEMENYA SC: What, according to you,</p> <p>6 are they reacting to?</p> <p>7 GENERAL NAIDOO: My impression was that</p> <p>8 they were returning fire to whomever was firing at us.</p> <p>9 MR SEMENYA SC: In what direction was</p> <p>10 that?</p> <p>11 GENERAL NAIDOO: It was in the direction</p> <p>12 of the koppie in the brushes.</p> <p>13 MR SEMENYA SC: How much of fire did they</p> <p>14 discharge in response?</p> <p>15 GENERAL NAIDOO: I could not count how</p> <p>16 many rounds, but there were given a couple of rounds given,</p> <p>17 more than five for instance.</p> <p>18 MR SEMENYA SC: With what weapons?</p> <p>19 GENERAL NAIDOO: I would say the R5s.</p> <p>20 MR SEMENYA SC: And you say that the</p> <p>21 members of the NIU under the command of Colonel Modiba</p> <p>22 indicate to you that they confronted armed strikers.</p> <p>23 GENERAL NAIDOO: That is correct.</p> <p>24 Colonel Modiba's men indicated that as they were conducting</p> <p>25 the sweep from koppie 1 and as they reached what is now</p>	<p style="text-align: right;">Page 22935</p> <p>1 running in a westerly direction.</p> <p>2 GENERAL NAIDOO: That is correct, he was</p> <p>3 clearly visible running on the rock and he had on his left</p> <p>4 hand a long barrel firearm because we could see the</p> <p>5 direction, from the direction he was running, it was on the</p> <p>6 left side.</p> <p>7 MR SEMENYA SC: And how far from you is</p> <p>8 this striker?</p> <p>9 GENERAL NAIDOO: Chair, it was more than</p> <p>10 a couple of hundred metres. It was more than 200, 300</p> <p>11 metres.</p> <p>12 MR SEMENYA SC: And how do you make out</p> <p>13 that it's a long barrelled firearm that he's having.</p> <p>14 GENERAL NAIDOO: Chair, it was clearly</p> <p>15 distinguishable by its shape and I was not the only person</p> <p>16 who saw it. There are other members who saw it also at the</p> <p>17 same time, indicated look there's a chap with a firearm.</p> <p>18 MR SEMENYA SC: And you say you assessed</p> <p>19 the situation and realised that there are several miners,</p> <p>20 about five or six lying on the rocks above the police</p> <p>21 officials.</p> <p>22 GENERAL NAIDOO: Yes, Chair. At the</p> <p>23 position where Colonel Modiba was we had a line of sight</p> <p>24 where we could see at the base of the main koppie which is</p> <p>25 indicated in F3, at the top corner of F3 on exhibit MMM2.</p>
<p style="text-align: right;">Page 22934</p> <p>1 known as koppie 3 they were confronted by armed strikers</p> <p>2 and they had fired at the strikers.</p> <p>3 MR SEMENYA SC: Did they explain how much</p> <p>4 fire they used as warning shots?</p> <p>5 GENERAL NAIDOO: No numerical indication,</p> <p>6 they just indicated that they did fire several warning</p> <p>7 shots, but it did not deter the attackers.</p> <p>8 MR SEMENYA SC: And what do you see next?</p> <p>9 GENERAL NAIDOO: Chair, yes. From the</p> <p>10 position we had a clear view of the main koppie, the main</p> <p>11 rock, the large rock. I saw several strikers running along</p> <p>12 on the top of the koppie, running in the direction of</p> <p>13 exhibit MM2 from F2 possibly in the direction of E2.</p> <p>14 MR SEMENYA SC: By several strikers you</p> <p>15 have what number?</p> <p>16 GENERAL NAIDOO: Between three and five</p> <p>17 strikers, Chair.</p> <p>18 MR SEMENYA SC: Are you having sight of</p> <p>19 the hundreds of others that we now know where –</p> <p>20 GENERAL NAIDOO: Chair, no. We still had</p> <p>21 no idea of how many people were in the bushy area or in the</p> <p>22 koppie.</p> <p>23 MR SEMENYA SC: And you say that one of</p> <p>24 those three to five that you see run up and down you could</p> <p>25 tell he was in possession of a long barrelled firearm</p>	<p style="text-align: right;">Page 22936</p> <p>1 There were approximately five or six strikers that were</p> <p>2 lying there.</p> <p>3 MR SEMENYA SC: What do you mean they are</p> <p>4 lying there?</p> <p>5 GENERAL NAIDOO: Chair, they were doing</p> <p>6 just that. They were lying there, could have been shot, I</p> <p>7 assumed that they had been shot because the indications</p> <p>8 from Colonel Modiba's people were that they had shot in</p> <p>9 that direction.</p> <p>10 MR SEMENYA SC: And they are how far from</p> <p>11 you at this point?</p> <p>12 GENERAL NAIDOO: Approximately 200 metres</p> <p>13 or so.</p> <p>14 MR SEMENYA SC: Still.</p> <p>15 GENERAL NAIDOO: Yes, at the base of the</p> <p>16 koppie.</p> <p>17 MR SEMENYA SC: And as you say in</p> <p>18 paragraph 73 –</p> <p>19 CHAIRPERSON: Before we get to 73 perhaps</p> <p>20 it would be appropriate to take a comfort break at this</p> <p>21 point. Ten minutes.</p> <p>22 [COMMISSION ADJOURNS COMMISSION RESUMES]</p> <p>23 [10:34] CHAIRPERSON: The commission resumes.</p> <p>24 General, you're still under oath.</p> <p>25 GENERAL NAIDOO: Still under oath, Chair.</p>

<p style="text-align: right;">Page 22937</p> <p>1 CHAIRPERSON: Mr Semenya. 2 MR SEMENYA SC: In paragraph 73 you say, 3 General, you then were, realised that it was getting dark 4 and the sun was going down. 5 GENERAL NAIDOO: That's correct, Chair. 6 MR SEMENYA SC: And it would not be wise 7 to continue remaining there under cover of darkness that 8 would endanger you and other police officers there. 9 GENERAL NAIDOO: That's correct, Chair. 10 MR SEMENYA SC: And you were also not 11 going to be able to deploy medical personnel whilst the 12 situation was volatile. 13 GENERAL NAIDOO: That is correct, Chair. 14 MR SEMENYA SC: Okay. And then you 15 instructed your personnel to re-form the line so that you 16 could continue to move forward in a sweeping action to 17 clear the rocks as the NIU had been before the shooting. 18 GENERAL NAIDOO: That is correct, Chair. 19 MR SEMENYA SC: And tell us what you say 20 in paragraph 35 of your statement, General. 21 GENERAL NAIDOO: Chair, yes, as I 22 indicated the NIU had been sweeping as per the original 23 plan and as we moved forward I joined the NIU line with the 24 intention of getting to ensure that the scene was secure. 25 When we got to the second line of rocks which is, if you</p>	<p style="text-align: right;">Page 22939</p> <p>1 MR SEMENYA SC: At this time are you able 2 to tell how many people are inside the koppie? 3 GENERAL NAIDOO: I could only see two 4 people that were visible, that were behind a rock and there 5 was a tree in front of the rock. 6 MR SEMENYA SC: And as you say that the 7 bullet fired from that direction narrowly missed you and 8 struck the rocks around you. 9 GENERAL NAIDOO: That's correct. The, 10 just to my front right on MMM3, sorry MMM2, I would say F3 11 on the corner or just a quarter way on the top line, we 12 were somewhere there that, I would say more or less the 13 position. 14 MR SEMENYA SC: Okay, and how do you 15 respond to this? 16 GENERAL NAIDOO: I immediately returned 17 fire with two rounds from my pistol, the 9 millimetre 18 pistol at the individual I could see that was firing or had 19 a firearm in his hand that was firing at us. 20 MR SEMENYA SC: You could clearly see 21 that? 22 GENERAL NAIDOO: I could see the 23 individual. He was partially obscured by the tree but he 24 was clearly visible, and the person that was behind him. 25 MR SEMENYA SC: And you tell us that</p>
<p style="text-align: right;">Page 22938</p> <p>1 look at MMM2, it's the rock in F3, which was just at the 2 base of the main koppie. It was a smaller rock. 3 MR SEMENYA SC: Okay, and – 4 COMMISSIONER HEMRAJ: Sorry, General, did 5 you say F2 or 3? 6 GENERAL NAIDOO: F3, Chair. 7 MR SEMENYA SC: Now you are approximately 8 50 metres. 9 GENERAL NAIDOO: From, Chair, 50 metres 10 from? 11 MR SEMENYA SC: I'm on paragraph 75 of 12 your statement. 13 GENERAL NAIDOO: Okay, Chair. Chair, 14 yes, as we got onto that rock, after we've passed the 15 bodies on the right, we came under fire. There was 16 approximately two shots that were fired at us from the, 17 somewhere in the direction of E3 in the bush, directly 18 below us. 19 MR SEMENYA SC: And us, you're talking 20 about how many police officers there? 21 GENERAL NAIDOO: We were a line of NIU. 22 On my left there were approximately three or four police 23 officials, including Sergeant Harmse of the dog unit. 24 There were several more on my right but there were more. I 25 can't remember the exact number.</p>	<p style="text-align: right;">Page 22940</p> <p>1 several other NIU members also simultaneously returned the 2 fire in the direction of where those shots came from? 3 GENERAL NAIDOO: That is correct, Chair. 4 MR SEMENYA SC: Several would mean how 5 many of the NIU also respond to this attack? 6 GENERAL NAIDOO: Approximately two or 7 three. 8 MR SEMENYA SC: How much fire do they 9 discharge in that direction, if you can - 10 GENERAL NAIDOO: I would say more than 11 five each. I can't remember the exact number because they 12 were using a rifle. 13 MR SEMENYA SC: Using? 14 GENERAL NAIDOO: They were using an R5 15 rifle. 16 MR SEMENYA SC: Okay. And you say that 17 the firing from inside the koppies stopped? 18 GENERAL NAIDOO: It stopped immediately, 19 yes Chair. 20 MR SEMENYA SC: And when the NIU line 21 reached the rocks where shots had emanated from, they did 22 not find anybody there? 23 GENERAL NAIDOO: No, Chair. When the 24 firing occurred, as soon as our firing stopped, the NIU 25 line moved to engage but there was nobody there to engage,</p>

<p style="text-align: right;">Page 22941</p> <p>1 yes Chair.</p> <p>2 MR SEMENYA SC: And do you at this time</p> <p>3 have an appreciation of the number of strikers on the</p> <p>4 koppie?</p> <p>5 GENERAL NAIDOO: Chair, we still had the</p> <p>6 same impression, that there were pockets, few in number</p> <p>7 that were taking refuge there and resisting the disarmament</p> <p>8 and dispersal action.</p> <p>9 MS MATTHEWS: But you could not, sorry,</p> <p>10 but you could not see them at that stage?</p> <p>11 GENERAL NAIDOO: As I indicated the ones</p> <p>12 that I've seen now that were moving were these two. That</p> <p>13 was the ones that I could see.</p> <p>14 MR SEMENYA SC: And the two individuals</p> <p>15 who were arrested, how were those arrested?</p> <p>16 GENERAL NAIDOO: Chair, the two</p> <p>17 individuals, paragraph?</p> <p>18 MR SEMENYA SC: That's the last sentence</p> <p>19 of paragraph 75 of your statement.</p> <p>20 GENERAL NAIDOO: Chair, they were</p> <p>21 arrested in a later action. I just mentioned it there,</p> <p>22 after we had, went over the rock onto the other side they</p> <p>23 were arrested by personnel.</p> <p>24 MR SEMENYA SC: Okay.</p> <p>25 CHAIRPERSON: And they were in possession</p>	<p style="text-align: right;">Page 22943</p> <p>1 MR SEMENYA SC: And those that you see</p> <p>2 with arms were promptly disarmed and were arrested and</p> <p>3 secured?</p> <p>4 GENERAL NAIDOO: That is correct, Chair.</p> <p>5 MR SEMENYA SC: The line then moved</p> <p>6 forward focusing on the high ground as you say that was the</p> <p>7 area most of the shooting on the police was coming from?</p> <p>8 GENERAL NAIDOO: That is correct, Chair.</p> <p>9 MR SEMENYA SC: Why do you say so?</p> <p>10 GENERAL NAIDOO: Chair, if you remember,</p> <p>11 as I indicated that as we approached the koppie, if, when I</p> <p>12 was with the K9, we indicated that there was shooting at</p> <p>13 the police. It was in the region just indicated</p> <p>14 approximately in the region of E to F3, possibly, ja</p> <p>15 possibly 3 in the brush line and that meant we had to go</p> <p>16 over the little rock and the big rock in order to access</p> <p>17 the terrain where the shooting was taking place.</p> <p>18 MR SEMENYA SC: And you say you saw</p> <p>19 several of the strikers running away?</p> <p>20 GENERAL NAIDOO: That's correct, Chair.</p> <p>21 MR SEMENYA SC: But you did not pursue</p> <p>22 them?</p> <p>23 GENERAL NAIDOO: No Chair. In terms of</p> <p>24 the plan, those who dispersed and left their arms,</p> <p>25 obviously we would not engage.</p>
<p style="text-align: right;">Page 22942</p> <p>1 of firearms?</p> <p>2 GENERAL NAIDOO: That is correct, Chair.</p> <p>3 CHAIRPERSON: And you say one of them</p> <p>4 admitted that he'd fired at the police?</p> <p>5 GENERAL NAIDOO: Chair, yes, there was a</p> <p>6 case open on that matter and he has admitted to firing on</p> <p>7 the police.</p> <p>8 MR SEMENYA SC: Okay. And in your</p> <p>9 forward movement to the first bodies amongst the rocks, you</p> <p>10 observed on your arrival, you discovered that only two of</p> <p>11 the strikers were shot and killed?</p> <p>12 GENERAL NAIDOO: That is correct. The</p> <p>13 others, approximately three or four they were lying between</p> <p>14 the bodies of the shot strikers, obviously seeking refuge</p> <p>15 there.</p> <p>16 MR SEMENYA SC: You couldn't tell how</p> <p>17 these were killed?</p> <p>18 GENERAL NAIDOO: They had been shot.</p> <p>19 They had visible gunshot wounds.</p> <p>20 MR SEMENYA SC: Now, do you have an</p> <p>21 appreciation of the number of strikers in the koppie?</p> <p>22 GENERAL NAIDOO: That has not changed of</p> <p>23 the first impression that there were small pockets of</p> <p>24 resistance. Thusfar we'd only seen not more than five</p> <p>25 strikers, five, seven strikers.</p>	<p style="text-align: right;">Page 22944</p> <p>1 MR SEMENYA SC: In what direction are</p> <p>2 they running to now?</p> <p>3 GENERAL NAIDOO: In a westerly direction,</p> <p>4 from the E2 on exhibit MMM2 moving in the direction of</p> <p>5 west, so I'd say E2 moving into D1 and 2, in that</p> <p>6 direction.</p> <p>7 MR SEMENYA SC: Okay. And when you</p> <p>8 reached the top of the high ground on the large rock, you</p> <p>9 held the line of police personnel back to first check if</p> <p>10 the area was safe?</p> <p>11 GENERAL NAIDOO: That is correct, Chair.</p> <p>12 MR SEMENYA SC: And you discover?</p> <p>13 GENERAL NAIDOO: Chair, yes, we held the</p> <p>14 line back because suddenly coming over the line of rock</p> <p>15 onto the other side could have also been detrimental, as we</p> <p>16 have indicated firing was coming from the other side of the</p> <p>17 rock. But as we cautiously approached and checked the</p> <p>18 level plateau we saw several strikers, about three or four,</p> <p>19 lying in crevices on the plateau.</p> <p>20 MR SEMENYA SC: What do they have with</p> <p>21 them?</p> <p>22 GENERAL NAIDOO: They all were armed with</p> <p>23 traditional weapons, pangas, spears, sharpened pieces of</p> <p>24 iron, kieries, etcetera.</p> <p>25 MR SEMENYA SC: And what did you do about</p>

<p style="text-align: right;">Page 22945</p> <p>1 that matter?</p> <p>2 GENERAL NAIDOO: I confronted them</p> <p>3 together with the members from the NIU and we instructed</p> <p>4 them to drop their weapon and we removed them individually</p> <p>5 one by one, passed them down the line with the NIU</p> <p>6 personnel that were coming up the rock so that they could</p> <p>7 be secured.</p> <p>8 MR SEMENYA SC: And they were using cable</p> <p>9 ties, are these often used?</p> <p>10 GENERAL NAIDOO: The cable ties, the</p> <p>11 temporary cuffs, yes, it's used for mass arrests, it's part</p> <p>12 of the standard police equipment.</p> <p>13 MR SEMENYA SC: And once the high ground</p> <p>14 was secured?</p> <p>15 GENERAL NAIDOO: Chair, yes, we came over</p> <p>16 the rock and we, we now had a fight of the bushes in front</p> <p>17 of us, bushes in exhibit MMM2. I indicated in D3, C3, B3</p> <p>18 in that direction.</p> <p>19 MR SEMENYA SC: Okay. And you say from</p> <p>20 your side of the, and the NIU team there was no more firing</p> <p>21 happening that time?</p> <p>22 GENERAL NAIDOO: After the incident I</p> <p>23 referred to in paragraph 75, no, from my group there was no</p> <p>24 further firing, Chair.</p> <p>25 MR SEMENYA SC: But then you hear</p>	<p style="text-align: right;">Page 22947</p> <p>1 MR SEMENYA SC: Now you then deal with</p> <p>2 calling on a number of strikers in the hundreds. When do</p> <p>3 you then say the group is as large as that?</p> <p>4 GENERAL NAIDOO: Chair, as we came down</p> <p>5 the rock indicated in E3 of exhibit MMM2, you would see we</p> <p>6 link up with the public order police members, there were</p> <p>7 approximately three or four public order police members</p> <p>8 that were there, and we were facing dense brush which is</p> <p>9 indicated in MMM2 from C3, B3 and a little bit of C4 and</p> <p>10 B4. We were facing that direction. We could see that</p> <p>11 there were people there. We would see some of them, we</p> <p>12 could not see how many and we had a line that was facing</p> <p>13 that area, the same line that came over the rocks and</p> <p>14 linked up with the public order police and the members</p> <p>15 began shouting to the strikers to come out, put down your</p> <p>16 arms and things like that. Most of them were speaking in</p> <p>17 vernacular as well.</p> <p>18 MR SEMENYA SC: And you say there is also</p> <p>19 POP members who were present at the scene now?</p> <p>20 GENERAL NAIDOO: There were approximately</p> <p>21 three or four members when I was at that initial stage,</p> <p>22 yes.</p> <p>23 MR SEMENYA SC: How does the, how do the</p> <p>24 strikers react to the command that they surrender?</p> <p>25 GENERAL NAIDOO: Initially they were</p>
<p style="text-align: right;">Page 22946</p> <p>1 sporadic fire coming from the other side.</p> <p>2 GENERAL NAIDOO: Yes, a little further</p> <p>3 off, not directly in front of us, but on the outer.</p> <p>4 MR SEMENYA SC: In a westerly direction</p> <p>5 from where you were positioned?</p> <p>6 GENERAL NAIDOO: More westerly, yes.</p> <p>7 MR SEMENYA SC: What distance more or</p> <p>8 less?</p> <p>9 CHAIRPERSON: Can you indicate on, sorry</p> <p>10 Mr Semenya, can you indicate on exhibit MMM2 from where</p> <p>11 this fire was coming?</p> <p>12 GENERAL NAIDOO: I would say, Chair,</p> <p>13 approximately in block A or further off the map, A1 to</p> <p>14 further off the map, I could not say specifically.</p> <p>15 CHAIRPERSON: Thank you.</p> <p>16 MR SEMENYA SC: How much of firing is</p> <p>17 happening, if you estimate?</p> <p>18 GENERAL NAIDOO: Chair, it was sporadic,</p> <p>19 not continuous gunfire, you know a couple of pops here and</p> <p>20 a pop there. So that's why I referred to it as sporadic,</p> <p>21 Chair.</p> <p>22 MR SEMENYA SC: But you did not feel</p> <p>23 under any particular threat from that fire?</p> <p>24 GENERAL NAIDOO: No, not necessarily,</p> <p>25 Chair, given the distance of the shots.</p>	<p style="text-align: right;">Page 22948</p> <p>1 reluctant to come out from behind the rocks and the brush.</p> <p>2 That's why we could not really see how many. I know one of</p> <p>3 the public order police members fired a rubber round in the</p> <p>4 direction between the rocks. This seems to encourage them</p> <p>5 to come out. They came out with, some of them with their</p> <p>6 hands raised and visible, some of them still had their arms</p> <p>7 in their hands, the traditional weapons, Chair.</p> <p>8 MR SEMENYA SC: And what was your</p> <p>9 response to that?</p> <p>10 GENERAL NAIDOO: As they came out in</p> <p>11 twos, threes or ones, we confronted them and had them drop</p> <p>12 their weapons as well as blankets because according to the</p> <p>13 intelligence we received that they concealed most of their</p> <p>14 weapons under their blankets, so we had them drop their</p> <p>15 blankets and weapons and move forward to a clearing which</p> <p>16 is indicated in MMM2. I think the best indication is C2.</p> <p>17 MR SEMENYA SC: Yes. And they then came</p> <p>18 out, they were disarmed and arrested and secured?</p> <p>19 GENERAL NAIDOO: They were arrested</p> <p>20 because of the large numbers, we could not cuff everybody</p> <p>21 so we had them lying on the area in the resting position at</p> <p>22 C2. There were a few, especially those that we arrested</p> <p>23 with firearms, etcetera, who were cuffed because they were</p> <p>24 being supervised by individual members who executed their</p> <p>25 arrests because of the process in terms of them.</p>

<p style="text-align: right;">Page 22949</p> <p>1 MR SEMENYA SC: And obviously the Canters 2 were later called who were, who later ferried those who 3 were arrested? 4 GENERAL NAIDOO: That is correct. Chair, 5 we held the arrested persons on the block C2 of exhibit 6 MMM2 until the arrival of the Canters which were large 7 trucks and they were loaded and taken off site to be 8 processed and detained. 9 MR SEMENYA SC: And you say once the area 10 was secured then you ordered the medical and fire personnel 11 to move in and to tend to the many injured people who were 12 there? 13 GENERAL NAIDOO: That is correct, chair. 14 MR SEMENYA SC: That is done under the 15 escort of the K9 unit that was there? 16 GENERAL NAIDOO: That's correct, Chair. 17 MR SEMENYA SC: And then you inform and 18 you report to JOC on what had occurred. 19 [10:53] You do that through your phone as well as the 20 radio? 21 GENERAL NAIDOO: Chair, yes that was the 22 first I was able to get back to the JOC. Previously 23 because of the radio traffic as well as the movement that 24 we were busy executing. So I had to inform them of the 25 situation we had on hand.</p>	<p style="text-align: right;">Page 22951</p> <p>1 GENERAL NAIDOO: That is correct, Chair. 2 MR SEMENYA SC: Do you recall who you 3 instructed to do this? 4 GENERAL NAIDOO: The K9 was under the 5 instruction of Lieutenant Colonel Mopedi, Chair. I did 6 phone him and I think called him on the radio as well. 7 MR SEMENYA SC: And it gets reported back 8 to you that the indications are that there are 13 people 9 who have passed on and 15 injured of the strikers. 10 GENERAL NAIDOO: That is correct, Chair. 11 MR SEMENYA SC: And then the crime scene 12 experts later that evening found a further body? 13 GENERAL NAIDOO: That's correct, Chair, 14 in the crevices in one of the rocks. 15 MR SEMENYA SC: Bringing the number to a 16 total of 14. 17 GENERAL NAIDOO: That's correct, Chair. 18 MR SEMENYA SC: And then as you were 19 sweeping the area you found a large number of dangerous 20 weapons such as pangas, assegais and axes as well as 21 knobkerries and pieces of steel. 22 GENERAL NAIDOO: Correct, Chair. 23 MR SEMENYA SC: Now you say in addition, 24 these protestors found in possession of firearms with 25 members requesting gunshot residue testing to be done on</p>
<p style="text-align: right;">Page 22950</p> <p>1 MR SEMENYA SC: And then you call the 2 crime scene experts under the command of Captain Mohlaki? 3 GENERAL NAIDOO: That is correct, Chair. 4 MR SEMENYA SC: And the detectives under 5 the command of Captain Ngoko. 6 GENERAL NAIDOO: That is correct, Chair. 7 MR SEMENYA SC: To take over the scene 8 and to process it? 9 GENERAL NAIDOO: That's correct, Chair. 10 MR SEMENYA SC: You then meet up with 11 Brigadier Calitz? 12 GENERAL NAIDOO: The first time since the 13 commencement of the movement, yes, Chair. 14 MR SEMENYA SC: You both quickly assess 15 the situation. 16 GENERAL NAIDOO: That's correct, Chair. 17 MR SEMENYA SC: With a focus at securing 18 and transporting those who have been arrested? 19 GENERAL NAIDOO: That's correct, Chair. 20 MR SEMENYA SC: Those were then escorted 21 by the TRT personnel? 22 GENERAL NAIDOO: That is correct, Chair. 23 MR SEMENYA SC: Your instruction to the 24 K9 members was that the sweeping scene in terms of the plan 25 and then to count the fatalities and those injured?</p>	<p style="text-align: right;">Page 22952</p> <p>1 these suspects, the reading of your statement may convey 2 two senses, please tidy it up for us, how many firearms in 3 all are found? 4 GENERAL NAIDOO: At scene 2, Chair we 5 found three firearms in total, I refer to the same 6 firearms earlier in my statement. 7 MR SEMENYA SC: Okay. 8 CHAIRPERSON: How many firearms all 9 together were found at scene 2? 10 GENERAL NAIDOO: Three firearms, Chair. 11 CHAIRPERSON: Three firearms? 12 GENERAL NAIDOO: That is correct. 13 CHAIRPERSON: Three and were all three 14 found in possession of people? 15 GENERAL NAIDOO: That is correct, Chair. 16 CHAIRPERSON: So the two that you 17 referred to earlier – 18 GENERAL NAIDOO: Yes. 19 CHAIRPERSON: One of whom admitted 20 firing at the police must have been I take it, by 21 inference, the person who fired at you amongst other 22 things? 23 GENERAL NAIDOO: We're not sure who 24 fired, Chair. 25 CHAIRPERSON: By inference I take it.</p>

<p style="text-align: right;">Page 22953</p> <p>1 It may not be a correct inference, there was a third 2 firearm found as well? 3 GENERAL NAIDOO: That is correct, Chair. 4 CHAIRPERSON: You say in possession of 5 someone? 6 GENERAL NAIDOO: Yes. 7 CHAIRPERSON: I see. 8 GENERAL NAIDOO: Chair, if I may add 9 we've, two of these firearms were licensed firearms and one 10 was an unlicensed firearm. 11 COMMISSIONER HEMRAJ: And at the time 12 they were found they were actually carrying them on the 13 person or were they in their hands or where were they 14 actually? 15 GENERAL NAIDOO: Two of them were found 16 on their person when searching, the third one was a person 17 who was shot on his leg and he was lying on the firearm 18 when the members approached him to turn him over just to 19 ascertain the nature of his injuries then they discovered 20 the firearm pushed, you know into the leaves and stuff 21 under him, yes. 22 MR SEMENYA SC: If you look at exhibit L 23 slide 264. Does that look familiar? 24 GENERAL NAIDOO: Chair, yes it was the 25 firearms that were recovered at scene 2.</p>	<p style="text-align: right;">Page 22955</p> <p>1 firearms and the prisoners. 2 GENERAL NAIDOO: That's correct, Chair. 3 MR SEMENYA SC: So that the parameter to 4 allow those crime scene personnel to do their work? 5 GENERAL NAIDOO: That is correct, Chair. 6 MR SEMENYA SC: Just as, if I interrupted 7 here, General, there were visuals shown of security at the 8 scene who were not members of the South African Police 9 Service? 10 GENERAL NAIDOO: That is correct, Chair. 11 MR SEMENYA SC: Were you able to know who 12 those were? 13 GENERAL NAIDOO: Chair, as I indicated 14 initially I had a small number of medical personnel that 15 were with the SAPS to respond to the need for medical 16 assistance. Obviously with the escalation and the tragic 17 incident where the number of people that were injured and 18 killed, the requirement for medical assistance escalated 19 very drastically. So the company that was contracted to 20 provide the medical assistance mobilised and brought in a 21 large number of support staff, medical support staff and 22 they were brought in escorted by security that was employed 23 by Lonmin. 24 MR SEMENYA SC: And JOC then says to you 25 to return to the forward holding area 1 to meet with IP</p>
<p style="text-align: right;">Page 22954</p> <p>1 MR SEMENYA SC: And then you say in the 2 statement there "those who were arrested were secured in 3 trucks and they were taken for processing". 4 GENERAL NAIDOO: That is correct, that 5 was led by Brigadier Calitz. 6 MR SEMENYA SC: And those injured were 7 taken to the hospitals. 8 GENERAL NAIDOO: Chair, yes the medics 9 had then arrived and under a escort and had begun assessing 10 the people that were injured or killed. 11 MR SEMENYA SC: Perhaps at this very 12 point – 13 CHAIRPERSON: Going back to the firearms 14 just for a moment. You say two of them were licensed, we 15 see in slide 264 exhibit L, the two licensed pistols. 16 GENERAL NAIDOO: Yes. 17 CHAIRPERSON: Is it your understanding 18 that the licensee in respect of each of those pistols was 19 the person in whose possession they were found? 20 GENERAL NAIDOO: I am not sure, Chair, 21 but I'm sure that we can establish that. 22 MR SEMENYA SC: And you say that the 23 crime scene was then evacuated by uniformed personnel. 24 GENERAL NAIDOO: That's correct, Chair. 25 MR SEMENYA SC: Except those guarding the</p>	<p style="text-align: right;">Page 22956</p> <p>1 personnel. 2 GENERAL NAIDOO: That is correct, Chair. 3 I had to facilitate the IPID team taking over the scene. 4 MR SEMENYA SC: That you did? 5 GENERAL NAIDOO: Well it didn't go 6 exactly as planned, Chair. 7 MR SEMENYA SC: Explain. 8 GENERAL NAIDOO: Chair, I moved to, back 9 to forward holding area 1 to meet the IPID team so that we 10 could do a handover of the scene. Whilst I was still 11 waiting for them the JOC reported to me that just a few 100 12 metres behind me, I'm not sure if it's visible on, yes, I 13 was waiting on MMM1 if we look at, I waited at forward 14 holding area 1 which is J7, I was waiting at the 15 intersection there and the technical officers which was 16 indicated to be under attack was J5, it was a few 100 17 metres behind me. Chair, the JOC indicated to me that they 18 received a report that they were attacking, the strikers 19 were attacking the office and they were setting a light 20 vehicles, etcetera. I responded, I had the section of 21 Public Order Police that were in a soft vehicle with me and 22 we responded because it was just a few hundred metres 23 behind us and we were the available personnel to respond to 24 it. We got there and together with the mine security 25 managed to secure the premises, they had burnt</p>

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1 approximately four motor vehicles well we managed to push
 2 out other vehicles out of the way.
 3 MR SEMENYA SC: Okay, and then that place
 4 was then secured?
 5 GENERAL NAIDOO: Chair, yes I left the
 6 Public Order Police people on the scene with the mine
 7 security and I returned to the forward holding area to
 8 discover that the IPID team had already proceeded directly
 9 to the scene with one of our detectives. I want to make a
 10 correction, Chair, at number 90, at scene 1.
 11 MR SEMENYA SC: So that setting should
 12 read 1?
 13 CHAIRPERSON: [inaudible, microphone
 14 off].
 15 GENERAL NAIDOO: There was no scene 13.
 16 CHAIRPERSON: There weren't 13. So
 17 scene 1.
 18 GENERAL NAIDOO: Scene 1, Chair.
 19 CHAIRPERSON: Scene 1, thank you.
 20 MR SEMENYA SC: That was the first time
 21 you see what happened at the big koppie, I mean at scene 1
 22 rather?
 23 GENERAL NAIDOO: Chair, that's correct,
 24 because I joined IPID at scene 1, it was the first time
 25 that I arrived at scene 1 since the incident or first time

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1 I had ever been to scene 1 ever.
 2 MR SEMENYA SC: And you get reports of
 3 what happened there?
 4 GENERAL NAIDOO: Chair, yes Mr Motaung of
 5 IPID was there with the investigators and we had the crime
 6 scene personnel led by Captain Mohlaki and the detectives
 7 led by Captain Ngoko who took us through the scene from the
 8 first body through to the last body in the entire incident.
 9 MR SEMENYA SC: And that takes quite a
 10 while and you leave for the JOC quite late that night?
 11 GENERAL NAIDOO: That's correct, Chair,
 12 it was quite late before finished with the last body and
 13 obviously quite dark, ja.
 14 MR SEMENYA SC: Later that night the
 15 National Commissioner arrives.
 16 GENERAL NAIDOO: That's correct, Chair,
 17 when the, by the time I got to the JOC, yes she had just
 18 arrived.
 19 MR SEMENYA SC: She gets a report and a
 20 briefing of what transpired.
 21 GENERAL NAIDOO: Chair, yes I had to,
 22 when I arrived go and report what I had to report in terms
 23 of the incident to the National Commissioner as well as the
 24 Provincial Commissioner and a few other senior officers
 25 from Head Office.

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1 MR SEMENYA SC: The exhibits we have
 2 indicate that you would have made a cell phone call to
 3 Brigadier Pretorius against indicated time of 16:44 and 35
 4 seconds, does that accord with your knowledge?
 5 GENERAL NAIDOO: Chair, it's probably the
 6 first call that I made to the JOC to report the incident,
 7 that I would say approximately, yes.
 8 MR SEMENYA SC: And she too then called
 9 you back as well according to the records.
 10 GENERAL NAIDOO: Chair, yes, from the, we
 11 were communicating continuously in terms of the assistance
 12 and the support and everything else that was required,
 13 Chair.
 14 MR SEMENYA SC: Did you speak to General
 15 Annandale as well?
 16 GENERAL NAIDOO: At some stage yes, I,
 17 when I had phoned Brigadier Pretorius I spoke to him on her
 18 telephone.
 19 MR SEMENYA SC: What is the conversation?
 20 GENERAL NAIDOO: Pretty much the same,
 21 relaying to him exactly what had been found at scene 2 so
 22 that it could be reported to the JOC.
 23 MR SEMENYA SC: There is another cell
 24 phone call indicated against time 16:55:37 you talking to
 25 Brigadier Van Zyl.

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1 GENERAL NAIDOO: That is correct.
 2 MR SEMENYA SC: What was the conversation
 3 about?
 4 GENERAL NAIDOO: Trying to get hold of
 5 the detectives in the rush I had left the vehicle so I did
 6 not have numbers with me to call the relevant people. He
 7 was the provincial head of detectives and was at the JOC
 8 representing the detectives.
 9 MR SEMENYA SC: Your statement, General,
 10 can we touch on some aspects which are not contained
 11 therein. Firstly let us talk about Roots. You were part
 12 of the team that was at Roots?
 13 GENERAL NAIDOO: That is correct, Chair.
 14 I attended the session at Roots.
 15 MR SEMENYA SC: You in fact are one of
 16 the people who signed some of the call ups that, for people
 17 to come to Roots?
 18 GENERAL NAIDOO: The original call up for
 19 the participants of Roots from I think the end of August to
 20 the first week in September, that's correct, Chair.
 21 MR SEMENYA SC: What was the purpose of
 22 congregating people at Roots?
 23 GENERAL NAIDOO: Chair, twofold. One of
 24 them was that we, the people that were involved in the
 25 operation were a large number of people coming from all

<p style="text-align: right;">Page 22961</p> <p>1 over the country and had by then, the President had 2 announced the appointment of this Commission and we 3 obviously had to make sure that the information that would 4 be required for this Commission was on hand and it would 5 become so much more difficult to access information once 6 people have dispersed. We had completed our deployment at 7 Marikana on that, the 25th which I think was a Saturday and 8 the intention was that people would return to their various 9 provinces and stations. So we wanted before people went 10 away that we had secured this information and had it 11 available as required. That's the first reason. The 12 second reason obviously the SAPS had appointed a team to 13 represent it at the Commission and we had to ensure also 14 for that team that we had prepared sufficient information 15 to be able to brief that team when they met us.</p> <p>16 MR SEMENYA SC: And how was the 17 information collated?</p> <p>18 GENERAL NAIDOO: Chair, we originally 19 called Commanders or people who were in charge of various 20 areas with the understanding that immediately after the 21 incident they would have had a hot debriefing with their 22 members to ascertain what happened and who did what, 23 etcetera and the idea was on that basis that we would 24 compile two documents. One would be a presentation which 25 we'd be able to narrate what occurred or what transpired</p>	<p style="text-align: right;">Page 22963</p> <p>1 MR SEMENYA SC: Can I? 2 CHAIRPERSON: You may. We'll take the 3 tea adjournment. 4 MR SEMENYA SC: Thank you, Chair. 5 [COMMISSION ADJOURNS COMMISSION RESUMES] 6 [11:40] CHAIRPERSON: The Commission resumes. 7 General, you're still under oath. Mr Semenya. 8 MR SEMENYA SC: Thank you, Chair. Thank 9 you, Chair. Before break General, we were discussing 10 Roots. What was your role there? 11 GENERAL NAIDOO: Chair, with the 12 exception of arranging the logistical side of it, the 13 venue, etcetera, I, together with the people that were with 14 me at scene 2 had to indicate to the compilers of the 15 presentation and the narrative exactly what had transpired 16 from our side. 17 MR SEMENYA SC: And how many of the 18 sessions that were held there did you attend personally? 19 GENERAL NAIDOO: I was at all sessions, 20 but we didn't have a plenary session. There were breakaway 21 where we would go and sit as a group and prepare whatever 22 we were going to submit to them and then go to the 23 compilers and give them that. And obviously look at the 24 drafts that they presented to us, make corrections, so it 25 was not just one big meeting, Chair.</p>
<p style="text-align: right;">Page 22962</p> <p>1 from the beginning of the operation until the day of the 2 16th and the second one was to complete a narrative or a 3 written document which would support that. Because 4 obviously the presentation does not contain all the words 5 and the detailed information that's required in order to 6 have a party understand what is being said.</p> <p>7 MR SEMENYA SC: And all this happens 8 under the direction of who?</p> <p>9 GENERAL NAIDOO: Chair, we realised that 10 if we had to do it, we meaning, officers and members that 11 were involved in the incident we may not be as critical or 12 as objective because we have our own perceptions. So we 13 brought in a facilitator from our legal services at head 14 office who had no knowledge of what transpired, etcetera 15 and then we brought in a team under the command of Colonel 16 Visser who works in our organisational development section 17 who are quite competent in compiling of reports and 18 presentations.</p> <p>19 MR SEMENYA SC: And that effort resulted 20 in what we now know as exhibit L.</p> <p>21 GENERAL NAIDOO: That is correct, Chair.</p> <p>22 MR SEMENYA SC: There are other two areas 23 that I would need to attend to, Chair, you normally –</p> <p>24 CHAIRPERSON: Do you want to do so after 25 tea?</p>	<p style="text-align: right;">Page 22964</p> <p>1 MR SEMENYA SC: Okay. The other subject 2 on which I ask that you explain to us is a standing order 3 262 plan, the written plan. How is that completed, 4 compiled, what information does it have? 5 GENERAL NAIDOO: Chair, yes a standing 6 order 262 plan is normally compiled with regard to crowd 7 management issues. So normally a public order police 8 official who has got experience would be utilised there to 9 plan for activities which we are knowing in advance. That 10 there's going to be a particular march or a particular 11 demonstration or a protest where we have meetings in terms 12 of the regulation Gathering Act. The Section 4 meeting 13 with the organisers, the local authorities and ensure that 14 sufficient resources and other instructions are in place 15 such as traffic authorities to deal with traffic 16 congestion, etcetera. And that would become the broad plan 17 that facilitates what security issues would be dealt with 18 by the police in terms of a particular event.</p> <p>19 MR SEMENYA SC: Okay and –</p> <p>20 CHAIRPERSON: That's what happens in the 21 case of notified meetings.</p> <p>22 GENERAL NAIDOO: Yes, generally.</p> <p>23 CHAIRPERSON: You're not suggesting are 24 you that standing order doesn't apply and the need for a 25 plan doesn't exist in the case of non-notified meetings</p>

<p style="text-align: right;">Page 22965</p> <p>1 which last for a long time or long notified gatherings that 2 last for a long time raise crowd management and other 3 security problems and issues. 4 GENERAL NAIDOO: No, Chairperson, that's 5 not what I'm suggesting. 6 MR SEMENYA SC: And still, General, 7 public order management standing operating procedures will 8 still remain in place. 9 GENERAL NAIDOO: Chair, yes the plan 10 broadly indicates to the role-players, especially the SAPS, 11 their role and responsibility, as I indicated, one of the 12 key role-players we normally have in these kinds of 13 operations is the traffic and as well as emergency 14 services. And it broadly describes what's going to happen 15 and what the agreements with the organisations of the 16 particular event or march and then how we would deploy in 17 terms of that. But it does say in that plan you are going 18 to disperse a crowd like this or you will execute an arrest 19 like that. It's not to that detail, it's much broader. 20 MR SEMENYA SC: You have also told us 21 that you, in the past, commanded the multi disciplinary 22 units. 23 GENERAL NAIDOO: That is correct, Chair. 24 MR SEMENYA SC: Now the stage 3 operation 25 in Marikana 16 August 2012, how would you describe that?</p>	<p style="text-align: right;">Page 22967</p> <p>1 had firearms or other things. 2 MR SEMENYA SC: And what elements of the 3 public order management elements of that operation would 4 have been done by the tactical unit? 5 GENERAL NAIDOO: Chair, the dispersal 6 action was obviously a public order police unit's 7 responsibility. But there was foreseen or projected that 8 there might be elements who might not disperse, who might 9 seek refuge in accessible areas which the crowd management 10 deployment would not be able to manage from the Nyalas. 11 And it was indicated there that the Tactical Response Team, 12 the Special Task Force and the National Intervention Unit 13 would then apply their skills because in some of their 14 training they are normally used to extract suspects from 15 hiding from difficult access places, Chair. 16 MR SEMENYA SC: The other subject I 17 thought we would could deal with, General, concerns Warrant 18 Officer Myburgh. 19 GENERAL NAIDOO: Yes, Chair. 20 MR SEMENYA SC: What was your role there? 21 GENERAL NAIDOO: Chair, I'm not sure 22 sergeant or Warrant Officer Myburgh was a canine handler or 23 a dog handler that was performing duties on the 16th under 24 my command. 25 MR SEMENYA SC: Yes, do you know anything</p>
<p style="text-align: right;">Page 22966</p> <p>1 GENERAL NAIDOO: Chair, that's a typical 2 hybrid operation. I indicated hybrid because it was not a 3 purely crowd management operation. We had forces, tactical 4 forces in there to support and do certain activities which 5 were not directly linked to the dispersal of big crowd. So 6 it was not just a standing order 262 type of operation. 7 MR SEMENYA SC: And that which Colonel 8 Scott was doing at 14:30 with the commanders, what was 9 that? 10 GENERAL NAIDOO: I would probably 11 describe that more as an execution plan because it's down 12 to the detail in saying vehicle so and so would be at that 13 particular location, vehicle so and so would deploy this 14 resource and would move in that direction. So yes it was 15 more a execution plan. 16 MR SEMENYA SC: Would that normally be 17 done in writing? 18 GENERAL NAIDOO: Not necessarily, I think 19 the format that he had served its purpose because the role 20 players involved didn't require the detailed planning, they 21 required a specific indication on the utilisation. But the 22 other part of the execution is normally covered by their 23 standard operating procedures such as how do you execute a 24 dispersal. Or how would you execute an arrest of people 25 that were taking cover in a particular place whether they</p>	<p style="text-align: right;">Page 22968</p> <p>1 about the account he gives in relation to an incident in 2 scene 2, koppie 3? 3 GENERAL NAIDOO: That's correct, Chair. 4 On the 1st of October when the first of the Commission took 5 place the SAPS brought in most members that were involved 6 in the incident to be available should the Commission 7 require them to clarify any points during the inspection in 8 loco. We had all the members held at our Phokeng office, 9 available should the Commission require a particular point 10 clarified or explained further than what the crime scene 11 people could explain. And it was during this time in the 12 discussion that Mr Myburgh, I think sergeant Myburgh 13 indicated to Lieutenant-Colonel Vermaak who is the 14 commander of the North West Air Wing that he, during his 15 deployment at koppie 3, scene 2 had witnessed a particular 16 incident. The incident being that whilst he was deployed 17 to search the rocks and busy areas for injured and wounded 18 people as well as for weapons he had witnessed or he had 19 seen a member who he says belonged to the National 20 Intervention Unit who had approached another course. He 21 said he had heard a bang and when he turned around he saw 22 this particular member holstering his firearm, a 9mm 23 pistol. He indicated that he did not remember or could not 24 remember the face of the member, neither could he remember 25 the name which would have been visible on his name tag. He</p>

<p style="text-align: right;">Page 22969</p> <p>1 then heard the member saying that this person deserved to 2 die. Those were his words. He indicated this to 3 Lieutenant-Colonel Vermaak at Phokeng on the 1st. We were 4 at the inspection in loco. After we arrived back from the 5 inspection in loco to Rustenburg we were engaged in a long 6 meeting with the National Commissioner and other principals 7 in terms of certain requests from our legal team. After 8 the meeting had broken up I indicated to the Provincial 9 Commissioner that there was a very disturbing report that 10 we had received. I received this report from Brigadier 11 Calitz who had in turn been informed by Lieutenant-Colonel 12 Vermaak. The Provincial Commissioner indicated, yes it was 13 serious and we had to see what is exactly happening. And 14 as I indicated, it was early hours of the 2nd when we 15 finished the meeting. Once the meeting adjourned we called 16 for Sergeant Myburgh to come to the venue where we were 17 having the meeting and the National Commissioner, the 18 Provincial Commissioner and myself gave him an opportunity 19 to narrate what we had heard through the other role 20 players. The sergeant explained to us exactly what was 21 relayed via Brigadier Calitz to me and it was obviously a 22 very serious incident. And the National Commissioner 23 instructed the Provincial Commissioner to deal with the 24 matter because it was a serious matter. The Provincial 25 Commissioner agreed and then appointed the Deputy</p>	<p style="text-align: right;">Page 22971</p> <p>1 GENERAL NAIDOO: Yes, Chair. 2 MR SEMENYA SC: Tell us. 3 GENERAL NAIDOO: Chair, at the same time 4 when we have decided to have the session at the Roots at 5 the end of August and the beginning of September we were 6 informed at the first day when we were at Roots that there 7 was a task team set up by the National Commissioner to 8 review the policy situation with regard to the incident and 9 report to her. I think they were under the leadership of 10 Major-General Geldenhuys of our legal services. He was the 11 more senior officer there and there were Brigadier 12 Mkhwanazi and a few other officials, I don't have all the 13 names, who wanted to interview members of the South African 14 police that were involved in the incident of the 16th. 15 MR SEMENYA SC: Do you know if notes were 16 taken or – 17 GENERAL NAIDOO: Yes, I suppose there 18 were, but it was not obvious, a secretary taking notes. 19 CHAIRPERSON: You were one of the people 20 who was interviewed were you? 21 GENERAL NAIDOO: That is correct, Chair. 22 MR SEMENYA SC: Okay. 23 CHAIRPERSON: So you say some of the 24 members of the task team, or whatever description one can 25 give to them were making notes of what you were saying.</p>
<p style="text-align: right;">Page 22970</p> <p>1 Provincial Commissioner who's in charge of crime detection 2 in the North West Province, Major-General Soomani, to go 3 and interview Sergeant Myburgh. And to take his statement 4 down with the idea of getting the facts down in writing in 5 order to deal with the matter. Once she has obtained the 6 statement, the investigation, obviously I could not be 7 involved in because I had been at scene 2 myself. So 8 otherwise as he's commander on that day I would have had to 9 first investigate and submit a report to her. The 10 statement was submitted to the Provincial Commissioner and 11 I think the matter was reported or his statement was 12 submitted to this Commission as well as IPID. That's the 13 knowledge I have in terms of that particular issue. 14 MR SEMENYA SC: And the disclosure is 15 made for the first time after the establishment of the 16 Commission, the commencement of the period for the 17 Commission. 18 GENERAL NAIDOO: That is correct, even 19 Sergeant Myburgh indicates that the first person that he 20 spoke to about this incident was Lieutenant-Colonel 21 Vermaak. He refers to him as the white male from the North 22 West Air Wing. 23 MR SEMENYA SC: Okay and there was a 24 special task team to which Brigadier Mkhwanazi was a 25 member, do you know about it?</p>	<p style="text-align: right;">Page 22972</p> <p>1 GENERAL NAIDOO: Yes, I would say they 2 did have paper, I didn't specifically note somebody taking 3 notes, etcetera. 4 CHAIRPERSON: There was a secretary we 5 know, whether that secretary was taking notes – 6 GENERAL NAIDOO: I didn't see a secretary 7 specifically. 8 MR SEMENYA SC: General, lastly you and I 9 in preparing for your evidence dealt with a publication 10 around Marikana that we thought we're going to introduce or 11 produce before the Commission. Do you have it with you 12 now? 13 GENERAL NAIDOO: No, Chair, I didn't 14 bring it with me. I have it in my vehicle. 15 MR SEMENYA SC: All right. 16 CHAIRPERSON: What is it? Is it close 17 by? If we give you five minutes adjournment can you get 18 it? 19 GENERAL NAIDOO: Chair, my car is down 20 the road. I have the key in my pocket. 21 CHAIRPERSON: It sounds like a ten minute 22 adjournment. 23 GENERAL NAIDOO: Much longer, I think, 24 Chair. 25 CHAIRPERSON: Well can someone who's got</p>

<p style="text-align: right;">Page 22973</p> <p>1 a car here not drive you to your car and come back? Mr 2 Pretorius, I think among his many talents, he's a chauffeur, 3 so he can take you. 4 GENERAL NAIDOO: Okay, Chair, I can do 5 that. 6 CHAIRPERSON: All right, so we'll adjourn 7 for as long as it takes, which I hope it won't be very 8 long. 9 [COMMISSION ADJOURNS COMMISSION RESUMES] 10 [12:20] CHAIRPERSON: The commissioner resumes. 11 General, you're still under oath. Mr Semenya? 12 MR SEMENYA SC: Thank you, Chair. 13 General, we wrap up can we quickly deal with two aspects. 14 The one is the amount of public order management challenges 15 that are obtaining now in the North West are you familiar 16 with that? 17 GENERAL NAIDOO: Yes, Chairperson. 18 MR SEMENYA SC: Tell us. 19 GENERAL NAIDOO: Chairperson, over the 20 last four to six weeks the North West has once again had 21 many crowd management challenges linked firstly to service 22 delivery issues in the North West municipalities and 23 secondly the three platinum mines, that's Lonmin, Impala 24 and Anglo are also once again on strike still asking for 25 the same demand which was made during August 2012, for the</p>	<p style="text-align: right;">Page 22975</p> <p>1 hours off duty continuously with only essential or critical 2 issues where we're allowing rest days. 3 CHAIRPERSON: Can you tell us what 4 percentage of the unrest do you refer to, is service 5 delivery related and what percentage is industrial related 6 or related to things like the emoluments of the workers? 7 GENERAL NAIDOO: Chair, I can't really 8 give you a figure, although I can go and conduct some 9 research and ensure that the Commission gets it. But 10 currently we have 80 to 100 000 miners who are on strike 11 and the scenario being very similar to what we experienced 12 after the 10th of August 2010, complaints of intimidation, 13 etcetera. This was a planned strike, protected strike 14 which we had sat with the organisers of the strike and had 15 agreements in terms of certain things but obviously we do 16 get your breaches and we get the complaints of 17 intimidation, etcetera and we've acted on them. But the 18 service delivery – 19 CHAIRPERSON: I take it there is a big 20 difference though between an unprotected strike – 21 GENERAL NAIDOO: That's correct. 22 CHAIRPERSON: Where attempts are made to 23 enforce it by violence and intimidation? 24 GENERAL NAIDOO: Yes. 25 CHAIRPERSON: On the one hand and a</p>
<p style="text-align: right;">Page 22974</p> <p>1 12 500 and those wage negotiations are ongoing. 2 MR SEMENYA SC: More or less 3 approximately how many of these are you having to deal 4 with? 5 GENERAL NAIDOO: Mainly we are handling 6 more two or three incidents, I'm sure we can give you more 7 accurate statistics but daily we're having incidents of 8 public violence and crowd management. 9 MR SEMENYA SC: Financial implications? 10 GENERAL NAIDOO: Just to give an 11 indication, with the existing capacity that we have in the 12 North West Province as well as supplementary assistance 13 from units from other provinces we have paid in the last 14 four plus weeks more than a million rand of overtime to our 15 personnel in the province alone. They have not actually 16 been on rest days. Barely been on rest days because of the 17 demand for public order policing. 18 MR SEMENYA SC: And the demand on the 19 shifts required to be done by individuals? 20 GENERAL NAIDOO: Chair, yes normally we 21 would have them either working a five day working week and 22 being on standby for weekend events. So they would work a 23 normal 40, 48 hours a week. Currently since the 24 commencement of the unrest, both labour and service 25 delivery they have been working 12 hours on duty and 12</p>	<p style="text-align: right;">Page 22976</p> <p>1 protected strike where the strikers have got to the 2 relevant certificate from the CCMA. 3 GENERAL NAIDOO: Very big difference, 4 Chair, and obviously much easier to manage but obviously we 5 need the resources to be able to ensure that there's 6 stability because there has been the sporadic incidents 7 which require our attention on a 24 hour basis. But 8 percentage wise without research I would not be able to 9 tell you, although I can go and conduct research. 10 CHAIRPERSON: I interrupted you, you 11 were moving on to talk about service delivery protests. 12 GENERAL NAIDOO: Yes, Chair. The service 13 delivery protests are very sporadic although they seem to 14 be focused in the Madibeng municipality on the news but 15 there are other municipalities also experiencing the same 16 type of strikes which are linked to issues of water, 17 sanitation. 18 CHAIRPERSON: You say strikes, they're 19 not really strikes. 20 GENERAL NAIDOO: Sorry, protests. 21 CHAIRPERSON: They're protests. 22 GENERAL NAIDOO: That's correct. 23 CHAIRPERSON: Gatherings I would assume 24 with people protesting at the gathering, holding placards 25 and that sort of thing. Presenting petitions perhaps?</p>

<p style="text-align: right;">Page 22977</p> <p>1 GENERAL NAIDOO: Yes, Chair. Chair, the 2 strike was at one municipality where the municipal staff 3 also started participating. But yet you're correct, it is 4 a protest where roads are barricaded, municipal property 5 damaged, burnt, private homes belonging to councillors and 6 other municipal officials being destroyed, burnt. 7 Intimidation, cars burnt of people that belong to 8 particular institutions. But statistically without 9 research I won't be able to give you.</p> <p>10 MR SEMENYA SC: The second area is that 11 there is criticism that you at forward holding area one you 12 ought not have to moved to koppie 3 without the command of 13 Brigadier Calitz.</p> <p>14 GENERAL NAIDOO: Chair –</p> <p>15 MR SEMENYA SC: What's your reaction?</p> <p>16 GENERAL NAIDOO: In terms of my 17 responsibility for the deployment of tactical units for a 18 particular thing there would normally be an instruction to 19 engage. However in this instance the deployment that we 20 had was responsible for provision of emergency services, 21 medical and fire and there's an international expectation 22 everywhere where when such situations arise that we would 23 respond as the authorities appropriately to ensure that 24 people receive the treatment and services they require and 25 it was quite clearly, quite clear in the radio conversation</p>	<p style="text-align: right;">Page 22979</p> <p>1 vehicles are coming under attack as well.</p> <p>2 COMMISSIONER HEMRAJ: General, can you 3 guide us with an indication as to where the footage is 4 about the stoning?</p> <p>5 GENERAL NAIDOO: Chair, I think our legal 6 team can, because it's one of the footages that was 7 indicated to me, I've seen it when I mentioned the issue it 8 was, but we do have a footage on that. So I'm sure we can 9 make that available to the Commission.</p> <p>10 MR SEMENYA SC: Can we at a certain 11 handle that, it may be in re-examination, Commissioner, if 12 –</p> <p>13 COMMISSIONER HEMRAJ: Of course, Mr 14 Semenya.</p> <p>15 CHAIRPERSON: As long as we get the 16 information sooner rather than later. Now we're going to 17 have an adjournment so that the witness can go and fetch a 18 document or a publication. You haven't reached that yet, 19 this is going to be the last item, the last topic in your 20 examination-in-chief?</p> <p>21 MR SEMENYA SC: With the permission if 22 it's also marked MMM3.</p> <p>23 CHAIRPERSON: Yes, certainly. MMM3 how 24 do we describe it?</p> <p>25 MR SEMENYA SC: It's an extract of, the –</p>
<p style="text-align: right;">Page 22978</p> <p>1 that Brigadier Calitz was not aware of this until Colonel 2 Vermaak raised the issue and raised the need for the 3 emergency services to respond.</p> <p>4 MR SEMENYA SC: Allied to that is the 5 criticism that perhaps if the emergency services had 6 arrived at scene 1 earlier they could have done some 7 lifesaving intervention.</p> <p>8 GENERAL NAIDOO: Chair, that is possibly 9 true and this is why we had to move forward to respond to 10 the information that people had been injured. However it's 11 critical and there's other instances where the emergency 12 services personnel will not deploy if we can't ensure their 13 security. For instance in the current scenario we had the 14 backup medical emergency personnel that were activated who 15 were responding to scene 1 who were stoned and this caused 16 also a delay in their response. We have seen footage of 17 the, as these vehicles are responding they were being 18 stoned by the crowd at the Nkaneng settlement. Later that 19 evening the scene that I entered, I attended to where the 20 vehicles were being burnt by the strikers or the 21 protestors, the fire brigade refused to attend to it 22 because the situation, they say we cannot guarantee their 23 safety. So I think the key element, I agree that we need 24 to respond as urgently as possible to these requests but we 25 are being hampered by the issue that these emergency</p>	<p style="text-align: right;">Page 22980</p> <p>1 CHAIRPERSON: Extract from -</p> <p>2 MR SEMENYA SC: A book Marikana –</p> <p>3 CHAIRPERSON: From Alexander et al 4 Marikana, a view from the mountain and a case to answer. 5 You've given us the cover, back to front covers I think, is 6 that correct and pages 110 to 115.</p> <p>7 MR SEMENYA SC: Indeed, Chair.</p> <p>8 CHAIRPERSON: So it's front and back 9 cover, covers and pages 110 to 115, yes.</p> <p>10 MR SEMENYA SC: Can I then point your 11 attention, General, to page 115 of that extract. Perhaps 12 even more convenient –</p> <p>13 CHAIRPERSON: I'm sorry Mr Chaskalson 14 could you help me on this, sorry to interrupt, Mr Semenya, 15 this footage of the stoning of the emergency vehicles. I 16 don't think it's been shown to the Commission, am I 17 correct?</p> <p>18 MR CHASKALSON SC: Chairperson, not 19 unless it's contained, unless I'm unaware of its presence 20 on a video that has been shown. I'm certainly not aware of 21 that footage.</p> <p>22 CHAIRPERSON: Is it available or has it 23 been made available to us on the police hard drive?</p> <p>24 MR CHASKALSON SC: Mr Chairperson, maybe 25 there's something we can sort out with SAPS after the</p>

<p style="text-align: right;">Page 22981</p> <p>1 adjournment today and if it's, if we can identify it within 2 the exhibits we will, if we can't it can be reduced and 3 turned into an exhibit. 4 CHAIRPERSON: Yes, you see there may be 5 practical problems if it only comes in re-examination 6 because the people may want to cross-examine on it. So it 7 doesn't look as if you're going to start your cross- 8 examination today. So it may well be that if the footage 9 can be identified and be considered appropriate for it to 10 be put before the Commission it can be shown on Monday 11 morning before you start your cross-examination. That's 12 just a suggestion but any way I'm sure it's a matter that 13 can be subject to agreement between the SAPS legal team and 14 the evidence leaders, is that correct, Mr Semenya? 15 MR SEMENYA SC: Yes, yes. 16 CHAIRPERSON: Can we now get to 17 Professor Alexander's book. 18 MR SEMENYA SC: We are. Perhaps so that 19 we can understand the answer that is given here. Can we 20 start reading from page 114. The interviewer there – 21 CHAIRPERSON: Can I say something, Mr 22 Semenya, we're aware of this book and we're aware of other 23 books as well, another book that's been written, in fact 24 two other books that have been written on Marikana. The, 25 we, I asked the evidence leaders to contact Professor</p>	<p style="text-align: right;">Page 22983</p> <p>1 because I was already hiding. I was arrested because I was 2 hiding. You were shot at if you put up your hands. 3 Interviewer, so you did not put your hands. Mine worker, I 4 did not put up my hands. I was taken by a gentleman who 5 was off Indian ancestry, he held me and when I tried to 6 stand up I was hit with his guns and he stopped them. He 7 stopped them and that was how my life was spared". Do you 8 know who, this is reference to the person with Indian 9 ancestry. 10 GENERAL NAIDOO: Chair, unfortunately I 11 think on that deployment I was the only person of Indian 12 ancestry, we had three Indian police officials but one was 13 at crime intelligence and the other one obviously not at 14 the scene and the other one was at the National 15 Intervention Unit deployed at another spot. 16 MR SEMENYA SC: Do you recall this event 17 though? 18 GENERAL NAIDOO: It's possible during the 19 disarmament process as I indicated the NUI line moved 20 forward and we were arresting suspects. There were 21 suspects I indicated at the top of the rocks that we did 22 arrest and the issue that comes to mind, that's raised here 23 is we hear all the accounts where people are indicating 24 that the miners were raising their hands, or they had their 25 weapons in their hands etcetera. In this particular</p>
<p style="text-align: right;">Page 22982</p> <p>1 Alexander to see whether the persons who are interviewed, 2 whose interviews are printed in the book can be identified 3 and if their evidence is important they should come here 4 and give evidence and the answer that I'm informed we were 5 given was that Professor Alexander cannot remember the 6 names of the person and no note was made of their names and 7 their identity cannot be revealed because he physically 8 can't do it, he doesn't have the information that is 9 available. In those circumstances we of course weren't, 10 the evidence leaders as I understand it weren't able to 11 trace these mine workers. So the evidence has not been 12 able to be put before us, tested in cross-examination. So 13 we merely have the account which are published in the book. 14 But nevertheless insofar as it's material, it may be 15 relevant we must obviously look at it. 16 MR SEMENYA SC: At the bottom of page 114 17 appears the following "interviewer, tell me I understand 18 that people were killed from this kraal when the police 19 were saying that they had made widows, people including 20 yourself ran towards those rocks over there, where the 21 others who ran in this direction." The mine worker, "says 22 like I said everyone was running to safety. I did not 23 really see if people ran in this direction or not. It was 24 when I was on those rocks that I noticed that some had run 25 into the nearby houses but I couldn't see them very well</p>	<p style="text-align: right;">Page 22984</p> <p>1 instance we found these three or four people lying in a 2 crevice in the rock at the top and they had in their hands 3 the assegais and pangas, etcetera and as they were getting 4 up obviously they were getting up with those weapons in 5 their hands. The tactical procedure for that, the members 6 of the NIU move forward shouting drop your weapons and 7 knocking these weapons off their hands using their firearm. 8 So that they could be disarmed because the procedure for 9 disarming a person or to arrest a person is to make sure 10 firstly that they don't move with any weapon that they 11 possibly had. So it could be that particular incident 12 which was indicated here. 13 CHAIRPERSON: What the mine worker says 14 is, "he, that's presumably you, meaning the gentleman of 15 Indian ancestry he held me, when I tried to stand up I was 16 hit with guns, any one," did you hold anybody at that 17 stage? 18 GENERAL NAIDOO: Chair – 19 CHAIRPERSON: That were trying to stand 20 up or before he stood up? 21 GENERAL NAIDOO: Chair, that's why I 22 could only think of that particular incident because I had 23 assisted the chap, they were in a crevice and needed to get 24 out. So I did assist approximately three of them to get 25 out but we obviously had these weapons that had to be</p>

<p style="text-align: right;">Page 22985</p> <p>1 dropped first. Because it would be foolhardy to –</p> <p>2 CHAIRPERSON: Yes, I understand, so in</p> <p>3 other words you did hold –</p> <p>4 GENERAL NAIDOO: I did hold two or three</p> <p>5 of them.</p> <p>6 CHAIRPERSON: And help them stand up?</p> <p>7 GENERAL NAIDOO: That's correct.</p> <p>8 CHAIRPERSON: But what he says is, "when</p> <p>9 I tried to stand up I was hit with guns," and you stopped</p> <p>10 them. Now while you were helping these two people was</p> <p>11 either of them hit with guns?</p> <p>12 GENERAL NAIDOO: They normally use the</p> <p>13 front of the firearms to knock the weapons out of their</p> <p>14 hands, Chair. You see the personnel were carrying rifles.</p> <p>15 So obviously they had to use both their hands in order to,</p> <p>16 so they normal procedure, they would use the butt, the</p> <p>17 barrel of the rifle to push away weapons, etcetera.</p> <p>18 CHAIRPERSON: Is that what happened with</p> <p>19 the two people whom you were helping to stand up?</p> <p>20 GENERAL NAIDOO: Yes, as I indicated,</p> <p>21 Chair, the members were shouting at them to drop their</p> <p>22 weapons and move forward and they knocked the weapons out</p> <p>23 of their hands.</p> <p>24 CHAIRPERSON: I see, and what the person</p> <p>25 says he and that's you, stopped them, did you stop people</p>	<p style="text-align: right;">Page 22987</p> <p>1 genuinely under the impression that while you were helping</p> <p>2 him stand up you were holding him, that the others who were</p> <p>3 in fact, as you say trying to dislodge the weapons from</p> <p>4 their hands could either of them come under the impression</p> <p>5 genuinely, honestly that they were being hit with guns and</p> <p>6 that you were in fact stopped them.</p> <p>7 GENERAL NAIDOO: Chair, obviously the</p> <p>8 tactical movements that are there is intended to</p> <p>9 disorientate a suspect so that they don't actually use the</p> <p>10 weapons they may have firstly, and secondly it was shortly</p> <p>11 before there was a shooting incident just below where these</p> <p>12 people were hiding. So these factors could have</p> <p>13 contributed to that understanding, Chair.</p> <p>14 CHAIRPERSON: So do I understand you to</p> <p>15 say that it could well be that this anonymous mine workers</p> <p>16 whose identity we've been unable to ascertain could have</p> <p>17 honestly believed that while you held him and while he was</p> <p>18 trying to stand he was being hit with guns and you stopped</p> <p>19 him, you've given your explanation as to what actually</p> <p>20 happened, is that correct?</p> <p>21 GENERAL NAIDOO: Chair, I communicate</p> <p>22 what I did, actually what they thought it would be very</p> <p>23 difficult for me to say.</p> <p>24 COMMISSIONER HEMRAJ: But in the</p> <p>25 disarming with the rifle of the weapons is it possible that</p>
<p style="text-align: right;">Page 22986</p> <p>1 from hitting a mine worker who was, whom you were holding?</p> <p>2 GENERAL NAIDOO: Not necessarily, Chair.</p> <p>3 CHAIRPERSON: "Hit with guns," to quote</p> <p>4 from the interview.</p> <p>5 GENERAL NAIDOO: I didn't physically say</p> <p>6 stop. I moved forward and helped him obviously they had</p> <p>7 difficulty getting out of the crevice that they were hiding</p> <p>8 in. So I merely, I had my firearm in one hand so I just</p> <p>9 assisted with the other hand.</p> <p>10 CHAIRPERSON: So you didn't do anything</p> <p>11 to stop them being hit.</p> <p>12 GENERAL NAIDOO: I didn't tell the</p> <p>13 members stop hitting, etcetera but they were busy disarming</p> <p>14 –</p> <p>15 [12:40] CHAIRPERSON: Was it necessary to get</p> <p>16 them, to tell them to stop or stop them in any way?</p> <p>17 GENERAL NAIDOO: Not necessary, as I</p> <p>18 indicated, Chair, it, the procedure that when you are</p> <p>19 securing a suspect or in this case, who is armed that you</p> <p>20 would make sure that their access to any possible weapon</p> <p>21 which may endanger life is taken out of the equation before</p> <p>22 these people move and these suspects were lying with their</p> <p>23 weapons in their hands.</p> <p>24 CHAIRPERSON: To be fair, could either</p> <p>25 of the suspects you're talking about have been under the</p>	<p style="text-align: right;">Page 22988</p> <p>1 one or other suspects was actually hit with the barrel of</p> <p>2 the rifle?</p> <p>3 GENERAL NAIDOO: Chair, yes, I mean we</p> <p>4 just knocked the weapons of their hands. So could have</p> <p>5 knocked their hands instead of the weapons, that could have</p> <p>6 happened, yes.</p> <p>7 CHAIRPERSON: Is that the end of your</p> <p>8 examination-in-chief of this witness?</p> <p>9 MR SEMENYA SC: It is, it is, Chair,</p> <p>10 thank you.</p> <p>11 CHAIRPERSON: It's now 20 to 1. I</p> <p>12 understand the question of the video clip showing the</p> <p>13 stoning of emergency vehicles is something that's standing</p> <p>14 over. But if there a discreet topic that you can usefully</p> <p>15 embark upon so we don't waste the 20 minutes which is still</p> <p>16 available?</p> <p>17 MR CHASKALSON SC: Chairperson, I'm not</p> <p>18 sure that I could dispose of anything discreet in what is</p> <p>19 now really 15 minutes and I'm under strict instructions</p> <p>20 from at least one Commissioner to say no.</p> <p>21 CHAIRPERSON: I shall have to speak to</p> <p>22 the local police about that Commissioner and see what can</p> <p>23 be done to deal with that behaviour but anyway. It sounds</p> <p>24 in the circumstances it's no point in our proceeding unless</p> <p>25 there's a topic that you can dispose of by 1 o'clock and</p>

1 that you tell me is you can't do. Alright. So on that
2 unsatisfactory note we will adjourn until 9 o'clock on
3 Monday morning.

4 [COMMISSION ADJOURNED]

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