

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

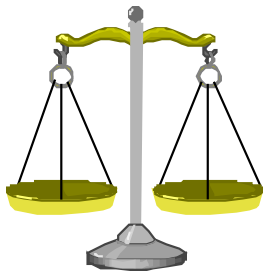
THE HONOURABLE MR JUSTICE FARLAM (RETIRED) - CHAIRPERSON
MR TOKOTA SC
MS HEMRAJ SC

HELD ON

DAY 246

20 JUNE 2014

PAGES 30988 TO 31012



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1 [PROCEEDINGS ON 20 JUNE 2014]
 2 [09:15] CHAIRPERSON: The Commission resumes.
 3 I'm sorry we are starting late but we had housekeeping
 4 matters to consider in chambers. I apologise to those who
 5 have been waiting here since 9 o'clock. Would you please
 6 remind the witness that he is still under oath.
 7 MR X: [s.u.o. through interpreter]
 8 MR X: That is correct, Chairperson.
 9 CHAIRPERSON: Mr Mathibedi?
 10 EXAMINATION BY MR MATHIBEDI SC (CONTD.):
 11 Thanks, Chair. Chair, if we could go to item 33, 239 of
 12 bundle, I mean the index bundle A.
 13 CHAIRPERSON: Housekeeping, do you want
 14 to put in more exhibits?
 15 MR MATHIBEDI SC: That's correct, Chair.
 16 CHAIRPERSON: Yes, what exhibits do you
 17 want me to mark?
 18 MR MATHIBEDI SC: It will be item 33,
 19 Chair.
 20 CHAIRPERSON: What, how must I describe
 21 it?
 22 MR MATHIBEDI SC: It's described as
 23 "Inspection in loco forensic affidavit of AP Viljoen dated
 24 31/07/2010" – 2013.
 25 CHAIRPERSON: Thank you. That will be

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1 October 2013. AAAA16 is the key to the photographs of the
 2 inspection in loco prepared by Warrant Officer Viljoen,
 3 that's item 36. Then AAAA17 is an affidavit of FPR van der
 4 Merwe dated 25 February 2014. That's item 37 of the
 5 bundle. Then we have AAAA18 which is a statement of – is
 6 this an affidavit or is this a statement? It must be an
 7 affidavit, surely? If it's not an affidavit I won't
 8 receive it. It must be an affidavit, surely. You can't
 9 just hand in statements. Warrant Officer Rowan Cronje, is
 10 it an affidavit?
 11 MR MATHIBEDI SC: [Microphone off,
 12 inaudible] affidavit.
 13 CHAIRPERSON: Sorry?
 14 MR MATHIBEDI SC: It's an affidavit.
 15 CHAIRPERSON: Yes, it is. I thought it –
 16 well, it should be. Affidavit of Warrant Officer Rowan
 17 Cronje, that's item 38 and that's AAAA18. Then we have a
 18 letter from General Phahlane, that will be AAAA19. Letter
 19 from General JK Phahlane dated 25 March 2014. And then
 20 finally we have triple – I did it again – AAAA20 which is
 21 item, no, no, 40 we don't need –
 22 MR MATHIBEDI SC: No, 40 we don't need,
 23 Chair.
 24 CHAIRPERSON: So those are all the
 25 exhibits so I've marked, I've written them in my book from

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1 triple, sorry, that will be AAAA13, is that correct, Ms
 2 Pillay?
 3 MS PILLAY: That's correct, Chair.
 4 CHAIRPERSON: So exhibit AAAA13 is the
 5 inspection in loco forensic affidavit of AP Viljoen dated
 6 the 31st of July 2013.
 7 MR MATHIBEDI SC: The next will be item
 8 34, Chair.
 9 CHAIRPERSON: How many exhibits
 10 altogether are you going to hand in? Mr Mathibedi -
 11 MR MATHIBEDI SC: [Microphone off,
 12 inaudible]
 13 CHAIRPERSON: Oh, so there's quite a lot
 14 of work to do. So AAAA14 is inspection in loco letter, is
 15 that right?
 16 MR MATHIBEDI SC: That's correct, Chair.
 17 CHAIRPERSON: Of Warrant Officer Viljoen,
 18 it's the same one we had last, in the previous exhibit
 19 dated the same day as the previous exhibit, that is to say
 20 31 July 2013. The next one will be triple A – sorry, I'm
 21 doing it all the time – AAAA15, that will be item 35, is
 22 that correct?
 23 MR MATHIBEDI SC: That's correct, Chair.
 24 CHAIRPERSON: That's the inspection in
 25 loco affidavit of Warrant Officer AP Viljoen dated the 1st

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1 AAAA13 to AAAA19, that's item 33 to 39 on the amended index
 2 to bundle A.
 3 MR MATHIBEDI SC: Item 36 –
 4 CHAIRPERSON: Mr Mathibedi?
 5 MR MATHIBEDI SC: Sorry, Chair, item 36
 6 AAAA16, if it could be key to photos and photos.
 7 CHAIRPERSON: To what photos?
 8 MR MATHIBEDI SC: Item 36 –
 9 CHAIRPERSON: Yes?
 10 MR MATHIBEDI SC: If you could name it
 11 "Key to photos and photos."
 12 CHAIRPERSON: Key to photographs and
 13 photographs.
 14 MR MATHIBEDI SC: That's correct.
 15 CHAIRPERSON: This is the exhibit which
 16 we looked at before we came into the, to hear the evidence
 17 of the witness, which is effectively a photograph album of
 18 45 photographs with a key.
 19 MR MATHIBEDI SC: That's correct, Chair.
 20 Thanks. Sir, I'm going to refer you to exhibit quadruple
 21 6, 16 sorry.
 22 CHAIRPERSON: Quadruple A.
 23 MR MATHIBEDI SC: Thanks. AAAA16, thanks
 24 Chair. Mr Mokotedi, will you help the witness with the
 25 exhibit?

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1 CHAIRPERSON: The exhibit I see is in
 2 Afrikaans. It reads, key to photographs MAS206/08/2012.
 3 Crime scene investigation team North-West, Phokeng.
 4 Criminal Record Centre Rustenburg number (inaudible) 13.
 5 Mr Mathibedi, a number of the photographs show the witness.
 6 I take it you don't want those shown?
 7 MR MATHIBEDI SC: Thanks, Chair.
 8 CHAIRPERSON: 31, 32, 33, 34, that's it.
 9 So we'll be careful not to show those.
 10 MR MATHIBEDI SC: Thanks, Chair.
 11 MR X: I see.
 12 MR MATHIBEDI SC: Sir, will you have a
 13 look at photo number 1?
 14 MR X: I see the first photo.
 15 MR MATHIBEDI SC: There's a person who is
 16 wearing dark or black clothing, can you see him?
 17 MR X: Yes, sir.
 18 MR MATHIBEDI SC: Can you, are you in a
 19 position to identify the gent, the person?
 20 MR X: That's me.
 21 MR MATHIBEDI SC: Are you –
 22 CHAIRPERSON: That's alright because we
 23 can't see his face. Perhaps we should put on record that
 24 according to the key, photograph 1 shows the beginning of
 25 the pointing out by someone who's described as an alleged

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1 MR MATHIBEDI SC: The 11th of which month
 2 and year, sir?
 3 MR X: The 11th month, on the 11th of the
 4 12th month. He arrived on the 11th of August, that is
 5 August.
 6 MR MATHIBEDI SC: Which –
 7 MR X: In the year 2012.
 8 MR MATHIBEDI SC: Thank you. Chair, I'm
 9 going to refer now to photos 31, 32, 33 and 34 and I would
 10 request that these photos not be published.
 11 CHAIRPERSON: Do you want me to rule or
 12 direct that these photographs not be broadcast, not be
 13 published in any way so that those in the overflow room
 14 won't see them and insofar as there's a broadcast of what
 15 is happening, they not be broadcast either. Is that what
 16 you want me to rule?
 17 MR MATHIBEDI SC: Thank you, Chair.
 18 CHAIRPERSON: I so rule.
 19 MR MATHIBEDI SC: Sir, will you have a
 20 look at photo number 31?
 21 CHAIRPERSON: I'm reminded that yesterday
 22 when a similar problem arose, I made an order that the
 23 cameras be turned off, so I make that order too.
 24 MR MATHIBEDI SC: Thanks, Chair. Do you
 25 have photo 31 before you, sir?

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1 witness. That's what the key says in respect of
 2 photographs 1 and 2.
 3 MR MATHIBEDI SC: Sir, are you familiar
 4 with the area where the photos were taken?
 5 MR X: That's the place where I'm
 6 staying, I know it.
 7 MR MATHIBEDI SC: What do you mean? I am
 8 referring to the particular place – where the photos were
 9 taken.
 10 MR X: I know the place.
 11 MR MATHIBEDI SC: Will you describe the
 12 place for us, sir?
 13 MR X: We are at the place where, that
 14 place, this is the place where we were operating from.
 15 MR MATHIBEDI SC: Operating what? What
 16 was operated from that place?
 17 MR X: This is where we were, the rituals
 18 were being conducted.
 19 MR MATHIBEDI SC: When were the rituals
 20 conducted?
 21 MR X: After the arrival of the inyanga.
 22 MR MATHIBEDI SC: Are you in a position
 23 to tell us, more or less give us the dates when the inyanga
 24 arrived?
 25 MR X: The inyanga arrived on the 11th.

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1 MR X: Yes, sir.
 2 MR MATHIBEDI SC: Are you depicted in
 3 that photo?
 4 MR X: I do appear on that photo.
 5 MR MATHIBEDI SC: Can you describe the
 6 clothing that you are wearing?
 7 MR X: I am wearing black.
 8 MR MATHIBEDI SC: Are you familiar with
 9 this spot where the photo was taken?
 10 MR X: I am.
 11 MR MATHIBEDI SC: Can you tell us what
 12 happened at that spot?
 13 CHAIRPERSON: Before we get there, I
 14 suppose -
 15 MR X: Two fires were lit there, Mr
 16 Chairperson.
 17 CHAIRPERSON: Alright. Before we get
 18 there perhaps I should put on record that according to the
 19 key, this is described, these photos 31 to 34 are described
 20 as showing a second point pointed out by the alleged
 21 witness, it's a translation of what appears in the key.
 22 MR MATHIBEDI SC: Sir, will you proceed
 23 and tell us what happened at this spot?
 24 MR X: Two fires were lit there, Mr
 25 Chairperson.

<p style="text-align: right;">Page 30996</p> <p>1 MR MATHIBEDI SC: For what purpose were 2 the fires lit? 3 MR X: The two fires that were lit, this 4 is where the rituals were conducted. 5 MR MATHIBEDI SC: Will you please go over 6 to page 35, sorry, photo 35. 7 [09:35] Which is described as showing, "Toon 'n 8 woltoutjie soos aan die takkies van 'n bos by die tweede 9 punt wat deur die beweerde getuie uitgewys aangetref is." 10 It shows a wool, rope of a wool as fastened on the trees. 11 Now if you look at that photo 35 it shows an oval 12 encirclement as shown on the screen. Can you see that? 13 CHAIRPERSON: Before we carry on, the key 14 says in respect of photo 35 "Toon 'n woltoutjie soos aan 15 die takkies van 'n bos by die tweede punt wat deur die 16 beweerde getuie uitgewys aangetref is," which means it 17 shows a skein of wool as it was shown on the branches of a 18 bush at the second point which was pointed out by alleged 19 witness. 20 MR MATHIBEDI SC: The object shown to 21 you, which is within the oval encirclement, are you in a 22 position to describe it? 23 MR X: Those were ropes hanging, these 24 were the ropes in which the sheets were fastened. 25 MR MATHIBEDI SC: When were the sheets</p>	<p style="text-align: right;">Page 30997</p> <p>1 fastened using these ropes? 2 MR X: The sheets were hanging from those 3 ropes. 4 MR MATHIBEDI SC: What kind of sheets are 5 you referring to, Sir? 6 MR X: These were the colourful sheets on 7 which the drawing of a lion appeared. They were not in one 8 colour. 9 MR MATHIBEDI SC: Sir, I'm going to refer 10 you to exhibit AAAA11. Do you have the exhibit before you, 11 Sir? 12 MR X: I do have it. 13 MR MATHIBEDI SC: Will you describe what 14 is depicted in the exhibit? 15 CHAIRPERSON: I think we had a 16 description of this exhibit yesterday when – 17 MR X: A lion appears there, Chair. 18 MR MATHIBEDI SC: Thanks, Chair. 19 COMMISSIONER HEMRAJ: Can you tell us how 20 many sheets there were and what they were used for? 21 MR MAHLANGU: The question is how many 22 were there? 23 MR X: These two sheets were, the two 24 sheep, S-H-E-E-P, were fastened with the two sheets, a 25 black and a white sheep, sheeps.</p>
<p style="text-align: right;">Page 30998</p> <p>1 CHAIRPERSON: The plural of sheep is 2 sheep. 3 MR MAHLANGU: Ja, actually that's sheep. 4 CHAIRPERSON: The plural of sheet is 5 sheets. 6 MR MAHLANGU: It showed two sheep, S-H-E- 7 E-P, fastened with a sheet, S-H-E-E-T. 8 MR MATHIBEDI SC: From where were the two 9 sheep obtained? 10 MR X: They were fetched from the 11 settlement, the shack settlement. 12 MR MATHIBEDI SC: And what happened to 13 the two sheep? 14 MR X: The two were put on the fires that 15 were lit, the two fires that were lit. 16 MR MATHIBEDI SC: By whom were they put 17 on the fire? 18 MR X: The traditional healer, the 19 inyanga. 20 MR MATHIBEDI SC: Are you in a position 21 to state whether the two sheep were alive or not at the 22 time that they were put on the fire? 23 MR X: They were wrapped in the sheets, 24 Mr Chairperson, alive. They were wrapped around the 25 sheets, alive.</p>	<p style="text-align: right;">Page 30999</p> <p>1 MR MATHIBEDI SC: What ultimately 2 happened to the two sheep? 3 MR X: They were fastened. 4 MR MATHIBEDI SC: We are at the stage 5 where they were put alive on top of the fire. What 6 happened thereafter? 7 MR X: As I say, they were fastened when 8 they were put on the fire alive. 9 MR MATHIBEDI SC: And what happened after 10 they were put on the fire alive? 11 MR X: From this exercise, Mr 12 Chairperson, some water, black water emerged and it was 13 then said the people that were to undergo the rituals, this 14 water was going to be used on them. I left the others who 15 were there. One of the two witchdoctors, that is the son 16 [or the boys, he refers to them] took me and others to the 17 river to go and be washed, to be cleansed. We went to the 18 river. We arrived at the river and undressed. The inyanga 19 stood in front of us. We went into the water naked. 20 MR MATHIBEDI SC: Will you proceed and 21 tell us what happened? 22 MR X: As I said, the witchdoctor stood 23 in front of us. As the water was flowing towards us the 24 traditional healer poured the water in front of us to come 25 with a stream. First he put muti into our mouths and while</p>

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1 standing in front of us, we washed. Our bodies became wet.
 2 We then emerged, went out. Some others than followed.
 3 There were many of us, Chairperson. We were coming out as
 4 there were many of us on this mountain. We came back with
 5 the person who had accompanied us to the water to be
 6 cleansed. We went back to the original place where the
 7 rituals were conducted and when we came back the mixture
 8 had been prepared, the mixture of the burnt sheep with the
 9 water that emerged from the sheep and the blood, and also
 10 fat. We were then told the secrets of the mountain end
 11 there, that they don't have to be taken out of the
 12 mountain, that men shall be turned into men, that rituals
 13 from the mountain shall be conducted, people would be cut,
 14 there would be cuttings on their bodies. The rules of the
 15 mountains, that the rules pertained also to being with
 16 women, to have, to be intimate with a woman, one would have
 17 to abstain for seven days, that one does not have to point
 18 at a person with a clenched fist, that one does not have to
 19 keep a stick raised, facing up, one does not have to walk
 20 where there is water, not to eat pork, not to eat sheep, no
 21 fish, not to wear a watch, no golden tooth, one shouldn't
 22 wear a tooth made of gold, no necklace. One was not to
 23 carry any money that is silver.
 24 MR MATHIBEDI SC: Sir –
 25 MR MPOFU: Chairperson, I didn't want to

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1 that you wanted to say? Because it appears there was an
 2 interjection.
 3 MR X: And that we were not to fire, to
 4 shoot before the police started shooting. That we were
 5 warned that we are not to shoot before the police did so
 6 because if we did so then we would be capable of being
 7 shot, but if we don't do that their police guns would not
 8 be able to shoot us.
 9 MR MATHIBEDI SC: Sir, later on in the
 10 evidence we will show a video clip showing the protesters
 11 whilst they were talking to General Mpembe on the 13th.
 12 MR X: Yes, Sir.
 13 MR MATHIBEDI SC: Were you present when
 14 General Mpembe had a discussion with the protesters on the
 15 13th?
 16 MR X: I was there, Sir.
 17 MR MATHIBEDI SC: We will play a video, a
 18 clip of a video showing the strikers squatting whilst
 19 talking to, some whilst talking to General Mpembe. Was
 20 that your observation?
 21 MR X: That was the instruction given to
 22 us by the traditional healer.
 23 MR MATHIBEDI SC: The clip also shows
 24 some of the strikers making a clicking sound using the
 25 weapons in their possession.

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1 interrupt the witness. I just wanted to raise a formal
 2 objection to the use of a term that represents racist and
 3 colonial past, that belittles African belief systems,
 4 witchdoctor –
 5 CHAIRPERSON: You mean the use of the
 6 word "witchdoctor," yes.
 7 MR MPOFU: Yes.
 8 CHAIRPERSON: Yes, Mr Mahlangu did
 9 correct himself.
 10 MR MPOFU: Ja, well –
 11 CHAIRPERSON: When he used it he then
 12 said traditional healer I think instead, but –
 13 MR MPOFU: Ja.
 14 MR MAHLANGU: Traditional healer.
 15 MR MPOFU: Just for the record, yes.
 16 CHAIRPERSON: Traditional healer, yes.
 17 MR MAHLANGU: Traditional healer, yes.
 18 CHAIRPERSON: You corrected yourself. I
 19 think –
 20 MR MAHLANGU: I did, Mr Chairperson –
 21 CHAIRPERSON: - stick to traditional
 22 healer if you –
 23 MR MAHLANGU: - and I'm sorry for using
 24 the word.
 25 MR MATHIBEDI SC: Sir, is there something

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1 MR X: Yes, this was a way, Sir, of
 2 hastening the effects of the muti that was given to us so
 3 that the police should also be in a hurry to shoot us.
 4 MR MATHIBEDI SC: Why did the strikers
 5 conduct themselves as I've described?
 6 MR X: We were doing this in order to
 7 encourage the police to hasten, shoot with rubber bullets.
 8 MR MATHIBEDI SC: The video clip will
 9 also show that General Mpembe gave the strikers an
 10 instruction to lay down their weapon and he was defied.
 11 Was that your observation?
 12 [09:54] MR X: In fact, Chairperson, we were told
 13 not to listen to the police.
 14 MR MATHIBEDI SC: Who told you not to
 15 listen to the police?
 16 MR X: The Nyanga.
 17 MR MATHIBEDI SC: Now you have described
 18 to the commission that you and some of the strikers went to
 19 the river where you washed.
 20 MR X: Yes, it is so.
 21 MR MATHIBEDI SC: Which day was it?
 22 MR X: On the 11th.
 23 MR MATHIBEDI SC: Now the instructions
 24 that you have mentioned, who came up with those
 25 instructions?

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1 MR X: This was during the conduction of
 2 the cutting rituals and they were given by the Nyanga.
 3 MR MATHIBEDI SC: Which day was that?
 4 MR X: This was on the 11th, the night
 5 when we started with the –
 6 MR MATHIBEDI SC: When were the
 7 instructions given?
 8 MR X: This was on the 11th, the cuttings
 9 were done on the head, on the shoulders and on the joints.
 10 MR MATHIBEDI SC: Sir, the question is
 11 when, at what stage were the instructions given?
 12 MR X: We were given this by the Nyanga
 13 on the 11th.
 14 MR MATHIBEDI SC: Do you remember at what
 15 stage were the instructions given? Do you understand the
 16 question, Sir?
 17 COMMISSIONER HEMRAJ: Might it not assist
 18 the witness if you clarify which instructions you're
 19 referring to, Mr Mathibedi?
 20 MR MATHIBEDI SC: Thanks, Chair. Sir,
 21 you've mentioned instructions amongst other of not having,
 22 not to have money, to divide the police officials, not to –
 23 to first wait for the police to fire. Now the question is
 24 at what stage were those instructions mentioned?
 25 MR X: These instructions, Mr

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1 when because according to the statements there were rituals
 2 conducted at various times. So you must make it clear to
 3 the witness what date you're talking about, what occasion
 4 you're talking about.
 5 MR MATHIBEDI SC: I'm referring to the
 6 date of the 11th. We looked last at the process that was
 7 followed of how the rituals were conducted.
 8 CHAIRPERSON: Was this at night when
 9 these rituals were conducted?
 10 MR X: On the 11th, we entered the river
 11 first, Chairperson.
 12 CHAIRPERSON: Yes, no, but I –
 13 MR X: We washed.
 14 CHAIRPERSON: Yes, I know you told us.
 15 I'm asking you was it at night or in the day time?
 16 MR X: Then the ritual started.
 17 CHAIRPERSON: I know that, you've told us
 18 that. What I'm asking you is was it at night or in the
 19 day?
 20 MR X: We slept on the mountain,
 21 Chairperson.
 22 CHAIRPERSON: You still haven't answered
 23 the question. The rituals, were they conducted at night or
 24 in the day?
 25 MR X: This was conducted at night.

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1 Chairperson, were given to us whilst the rituals were being
 2 conducted by the Nyanga telling us that we are not to shoot
 3 before the police do so.
 4 COMMISSIONER HEMRAJ: Can you tell us on
 5 which date this was?
 6 MR X: On the 11th, Chairperson.
 7 MR MATHIBEDI SC: How were the
 8 instructions relayed to the strikers?
 9 CHAIRPERSON: I'm not sure I understand
 10 that question. I don't know if the witness does. Perhaps
 11 you can reformulate it, put it more precisely.
 12 MR MATHIBEDI SC: You have testified
 13 about the instructions, how, by whom were the instructions
 14 relayed?
 15 MR X: The Nyanga.
 16 COMMISSIONER HEMRAJ: Were these
 17 instructions only relevant to those of you who underwent
 18 the rituals or were they to be communicated to everyone
 19 else?
 20 MR X: Only those that were on which the
 21 rituals were conducted, Chairperson.
 22 MR MATHIBEDI SC: Sir, would you proceed
 23 and tell us the whole process of how the rituals were
 24 performed at the koppie?
 25 COMMISSIONER HEMRAJ: You've got to say

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1 CHAIRPERSON: On the Saturday night of
 2 the 11th?
 3 MR X: That's correct, Chairperson.
 4 CHAIRPERSON: Thank you.
 5 MR MATHIBEDI SC: Sir, you have already
 6 told us about what happened at the river. Now we are back
 7 at the koppie, will you tell us what happened there? How
 8 the rituals were conducted.
 9 MR X: As I say this is where the rituals
 10 were conducted, the cuttings. We were naked as I said.
 11 COMMISSIONER HEMRAJ: Could you tell us
 12 how many of you were at the river when the rituals were
 13 conducted?
 14 MR X: We were in the region of 200.
 15 COMMISSIONER HEMRAJ: And when those
 16 rituals were completed, where did you go to?
 17 MR X: Chairperson, the night was over
 18 and then the morning after the conducting of the rituals we
 19 went down to the NUM offices.
 20 CHAIRPERSON: This is now the Sunday
 21 morning?
 22 MR X: Yes, on the 12th.
 23 MR MATHIBEDI SC: Sir, on the 11th after
 24 the rituals were completed at the river, where did the
 25 strikers proceed to?

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1 MR X: We went to the mountain.
 2 MR MATHIBEDI SC: Now you are back at the
 3 mountain, what happened at the mountain?
 4 MR X: I said on arrival at the mountain
 5 the other rituals were then conducted as I explained.
 6 MR MATHIBEDI SC: Now will you describe
 7 to us the rituals that were conducted at the mountain and
 8 how they were conducted and by whom?
 9 MR X: The Nyanga saw to it that each and
 10 every one had his own blade, razor blade. He would then
 11 conduct these cuttings above the eyes, up on the top of the
 12 head, their joints, all the joints of the body, below the
 13 nipples and above. Below the navel, on the sides of the
 14 hips and behind the knees, on the – first on the toes and
 15 on the front part of the – on the ankles.
 16 MR MATHIBEDI SC: After the cuttings were
 17 done, what happened?
 18 MR X: As I said, we then went down, went
 19 to the offices.
 20 MR MATHIBEDI SC: Sir, we are still at
 21 the koppie on the 11th. After the cuttings were done, then
 22 what happened?
 23 MR X: It's after the cuttings that I've
 24 explained. May I please be given a few minutes just to,
 25 nature calls, Sir.

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1 continue with his examination-in-chief.
 2 MR X: I'm better.
 3 MR MAHLANGU: Confirmed.
 4 CHAIRPERSON: Are you feeling better now,
 5 Mr X?
 6 MR X: I'm feeling better, Mr
 7 Chairperson.
 8 CHAIRPERSON: And you're able to proceed
 9 with your evidence?
 10 MR X: Yes, Sir.
 11 CHAIRPERSON: Right, very well Mr
 12 Mathibedi, you can continue.
 13 EXAMINATION BY MR MATHIBEDI SC (CONTD.):
 14 Thanks, Chair. Sir, earlier on you testified about a
 15 mixture that was made. Do you remember that?
 16 MR X: Yes.
 17 MR MATHIBEDI SC: What became of the
 18 mixture that was made?
 19 MR X: We were taken and a hole was dug
 20 at the mountain there.
 21 MR MATHIBEDI SC: Sorry, I'm referring to
 22 the mixture that was made from the water and the fat of the
 23 sheep.
 24 MR X: Chairperson, the mixture of the
 25 fat, the blood and the muti that was mixed together, this

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1 COMMISSIONER HEMRAJ: We'll take the tea
 2 adjournment. We'll take the first break, a comfort break
 3 at this stage. It's now 11:10 – no, please be quiet. I
 4 haven't finished speaking. We will take the first comfort
 5 break, it's now ten past ten, we will resume at 25 past.
 6 [COMMISSION ADJOURNS COMMISSION RESUMES]
 7 [10:38] CHAIRPERSON: The Commission resumes. We
 8 were told that the witness wasn't ready to continue at the
 9 time we were intending to return, but we are now informed
 10 that he is ready, which is why we've come back into the
 11 chamber. When the interpreters come back we will ask them
 12 to tell the witness he's still under oath, and Mr Mathibedi
 13 will continue with his evidence-in-chief. [Microphone off,
 14 inaudible] I'm sorry, we didn't send you a message to tell
 15 you that –
 16 MR MAHLANGU: I'm sorry, Chairperson.
 17 CHAIRPERSON: No, it's not your fault.
 18 We didn't send you a message to tell you that we'd
 19 received –
 20 MR MAHLANGU: Thank you, Sir.
 21 CHAIRPERSON: - an indication that the
 22 witness is ready to proceed.
 23 MR MAHLANGU: I really apologise.
 24 CHAIRPERSON: Would you please remind him
 25 that he's still under oath, and then Mr Mathibedi will

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1 was applied onto the cuttings that were made on our parts
 2 of the body.
 3 MR MATHIBEDI SC: When was that mixture
 4 made and applied to the cuttings on the bodies?
 5 MR X: After we had been cleansed, after
 6 we had washed with the intelezi, the muti.
 7 MR MATHIBEDI SC: Where and when was the
 8 cleansing with the intelezi made?
 9 MR X: There's a manner they use, they
 10 use certain ways, these men. Chairperson, I'm making an
 11 application that these people are now, my interpreter, that
 12 these people are working, using muti against me. I'm
 13 asking for permission, that I be granted permission also to
 14 see my sangoma. These people are using a lot of yeza
 15 against me.
 16 MR MATHIBEDI SC: Chair, I'm asking for a
 17 stand-down.
 18 CHAIRPERSON: Stand-down granted.
 19 [COMMISSION ADJOURNS COMMISSION RESUMES]
 20 [11:08] CHAIRPERSON: The Commission resumes.
 21 Yes, Mr Mathibedi?
 22 MR MATHIBEDI SC: Thanks, Chair. At this
 23 stage I'm asking for an application for a postponement to
 24 Monday due to the fact that Mr X is not feeling well.
 25 CHAIRPERSON: Well, it would obviously

1 not be appropriate to force him to give evidence if he's
2 not feeling well, so in the circumstances, with a fair
3 degree of reluctance because time in this Commission is
4 very important and we can ill afford to lose the time, but
5 in the circumstances I don't think I have an option. So
6 the application is granted; the Commission will adjourn and
7 resume at 9 o'clock on Monday.

8 MR MATHIBEDI SC: Thank you, Chair.

9 [COMMISSION ADJOURNED]

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