

# 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 273

13 AUGUST 2014

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1 [PROCEEDINGS ON 13 AUGUST 2014]  
 2 [09:48] CHAIRPERSON: The Commission resumes a  
 3 bit later than we had anticipated, but there were  
 4 logistical practical problems in relation to the  
 5 presentation that we're going to have this morning. Today  
 6 we're going to have a presentation by the families of the  
 7 deceased persons, that's all 44 as I understand it, the 34  
 8 who were killed on the 16th plus the 10 who were killed in  
 9 the period starting on the 12th.

10 But before we do that I want to say that today is  
 11 the second anniversary of six of the people whose deaths  
 12 we're investigating – Mr Langa, Mr Monene, Mr Lepaaku –  
 13 Monene and Lepaaku of course were members of the police  
 14 service – Mr Sokanyile, Mr Mati and Jokanisi. So I ask you  
 15 please to stand and observe a minute silence and let us  
 16 pray that their souls may rest in peace and that light  
 17 perpetually may shine upon them.

18 Thank you. May we also express the hope that the  
 19 families and loved ones of the persons whom we're  
 20 commemorating today will receive consolation and strength  
 21 as we undergo the painful process of reliving in a sense  
 22 their deaths. Who is going to do the main presentation, Mr  
 23 Budlender?

24 MR BUDLENDER SC: Well, can I explain  
 25 what the procedure will be, Chair? As you've mentioned we

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1 are going to have presentations about the people who lost  
 2 their lives from the 12th to the 16th of August 2012 and the  
 3 procedure will be that we will first hear in chronological  
 4 order about the people who lost their lives whose families  
 5 are not part, are not represented by the SERI team, and  
 6 having heard from them we'll then hear about all of the  
 7 people whose families who are presented by the SERI team.

8 The procedure will be that in each instance the  
 9 presentation will be made by a lawyer for the family, who  
 10 will be accompanied by a member of the family, and there  
 11 are slide presentations to which they will speak.

12 There are unfortunately certain family members  
 13 who are not available today and so we will not have  
 14 presentations today in respect of the following people  
 15 whose family members are not available today. They are Mr  
 16 Langa, Mr Mancotywa, Mr Jijase, Mr Xalabile, Mr Ngweyi, Mr  
 17 Sokanyile, Mr Mtshazi, Mr Jokanisi, Mr Mati and Mr Twala,  
 18 and we hope there will be an opportunity for them to make  
 19 presentations in due course.

20 So that by way of preliminary, Chairperson,  
 21 members of the Commission, and we're now ready to proceed.

22 CHAIRPERSON: I understood that Ms Baloyi  
 23 wished to make a statement on behalf of the police before  
 24 we commence. Is that correct, Ms Baloyi?

25 MR BUDLENDER SC: I think that will be

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1 before the SERI team starts, Chair.

2 MS BALOYI: Chairperson, it is indeed –

3 CHAIRPERSON: Alright, at the appropriate  
 4 time you'll indicate when –

5 MS BALOYI: Indeed so, thank you, Chair.

6 CHAIRPERSON: Thank you. Yes, so who's  
 7 going to on behalf of SERI –

8 MR BUDLENDER SC: So the first person is  
 9 the late Mr Fundi. Could I ask – and Mrs Fundi and her  
 10 lawyer should go in the witness area. Don't you want to  
 11 sit with her? As you wish, okay.

12 MR NTSONKOTA: Thank you, Chair, and  
 13 members of the Commission. If I may just place myself on  
 14 record, my name is Thando Ntsonkota, on behalf of Mrs Fundi  
 15 and her family.

16 Mrs Fundi has prepared a comprehensive statement,  
 17 Chair, in which she sets out the biographical and family  
 18 details of her late husband, Mr Hassan Fundi, and the  
 19 devastating effect that his death has had on her personally  
 20 and her family.

21 The evidence leaders have prepared a brief  
 22 presentation which I have been requested to present on  
 23 behalf of Mrs Fundi and her family. Mr Hassan Fundi was  
 24 brutally murdered on the 12th of August 2012 by a group of  
 25 strikers around Wonderkop Hostel at Lonmin's Western

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1 Platinum Mine.

2 Mr Fundi was born in Malawi in 1965. He was the  
 3 eldest of seven siblings. There are three children born of  
 4 the marriage between Mr and Mrs Fundi. The children's  
 5 names are Mohammed, who's aged 24, Tsepo, aged 21, and  
 6 Amina, aged 11. Mr Fundi had other three children born of  
 7 his first marriage in Malawi and their names are Willie,  
 8 Tamara and Kumo, whose further particulars are to Mrs Fundi  
 9 unfortunately unknown. These children are all over the age  
 10 of 21 and were not supported by Mr Fundi.

11 At the time of his death Mr Fundi was 47 years of  
 12 age and worked at Lonmin as a security officer. He was  
 13 also a longstanding member of the National Union of  
 14 Mineworkers.

15 Mr Fundi is described as being a very quiet  
 16 person, down to earth and soft-spoken. He was a reserved  
 17 person and a dedicated Muslim.

18 How Mrs Fundi came to hear of the news of her  
 19 husband's death - it was on Sunday the 12th of August 2012  
 20 while she was attending a Jama Masjid where she was  
 21 assisting in making the arrangements for the Eid  
 22 celebrations. Upon returning to her home she was informed  
 23 of her husband's death by colleagues of Mr Fundi from  
 24 Lonmin.

25 The effect of Mr Fundi's death on his family – Mr

<p style="text-align: right;">Page 34855</p> <p>1 Fundi's family struggled financially to bury him as they 2 are Muslims and needed to do so within 24 hours of his 3 passing away. Lonmin pays out bereavement monies seven 4 days after death, but unfortunately in this particular case 5 the family could not wait for that money and had to get 6 donations from the Muslim community, friends and 7 neighbours, in order to bury Mr Fundi. 8 Since his passing away Mrs Fundi and her children 9 have been undergoing trauma counselling. Mrs Fundi is 10 struggling to cope with her husband's death and she is 11 currently on medication. She has been placed on incapacity 12 leave since his death. We all know that she has been 13 attending the Commission practically daily since its 14 commencement. 15 Mrs Fundi says that when Mr X gave evidence she 16 finally got to hear of the exact circumstances of her 17 husband's death. Until then she had no idea of how Mr 18 Fundi met his untimely and devastating end. 19 The questions that Mrs Fundi has for the 20 Commission – she and her family are hoping to receive 21 answers to the following questions. First, she wants to 22 find out why was her husband killed in such a brutal and 23 barbaric fashion. 24 Second, she wants to know why her husband was 25 left exposed by his employer.</p>	<p style="text-align: right;">Page 34857</p> <p>1 CHAIRPERSON: So KKKK1 is a statement 2 prepared by Mrs Fundi. Thank you very much. 3 MR NTSONKOTA: Thank you, Chair. 4 MR BUDLENDER SC: Thank you, Chair. The 5 next person on the list should be Mr Mabelane, but his 6 family's legal representative has another commitment and 7 will be here by 12, so we stand that down and the same in 8 relation to the late Mr Mabebe. So the next person on the 9 list is the family of the late Warrant Officer Lepaaku. 10 MR GUMBI: Yes, Chairperson, I was going 11 to make a presentation on behalf of the family of the 12 Warrant Officer Lepaaku, but my instructions so far is that 13 Ms Lepaaku is on her way to this Commission, so I've been 14 instructed to stand her presentation down – 15 CHAIRPERSON: Very well. 16 MR GUMBI: - and then when her family – 17 we'll proceed immediately when she arrives here. 18 CHAIRPERSON: Yes. 19 MR GUMBI: And then we proceed with her 20 presentation. 21 CHAIRPERSON: We'll stand the 22 presentation in respect of Lepaaku down for the moment, and 23 when you are ready to proceed you can tell me and then 24 we'll slot it in at a later stage in the course of the day. 25 MR GUMBI: I'll do that, Chairperson,</p>
<p style="text-align: right;">Page 34856</p> <p>1 Third, she wants to know why the pictures of her 2 husband were distributed on the internet so soon after his 3 passing away, and by whom. 4 She hopes that after the Commission has completed 5 its work there will be a process of reconciliation and not 6 only the findings. That's the presentation on behalf of 7 Mrs Fundi and her family. Thank you, Chair. 8 CHAIRPERSON: Thank you very much. Does 9 Mrs Fundi herself wish to say anything? 10 MRS FUNDI: No Sir, thank you. I think 11 my statement will say the lot. 12 MR NTSONKOTA: Yes Chair, Mrs Fundi has 13 prepared a comprehensive statement, as I mentioned in my 14 opening remarks, which we – 15 CHAIRPERSON: I take it some of the other 16 widows would have done the same, so shall we use the 17 letters quadruple K – 18 MR NTSONKOTA: I'm not quite sure what 19 the – 20 CHAIRPERSON: No, I take it they should 21 be exhibits, you see. So if the next exhibits will be 22 quadruple K and if, I don't know whether she's the only 23 person but we'll call her statement KKKK1 and if there are 24 other statements then they can be part of the same series. 25 MR NTSONKOTA: I'm indebted to the Chair.</p>	<p style="text-align: right;">Page 34858</p> <p>1 thank you. 2 MR BUDLENDER SC: Chair, the next person 3 is the late Lieutenant Monene. 4 MS MASEBE: Chairperson, my name is 5 Takalani Masebe. For the record, I represent the family of 6 Warrant Officer Tsietsi Monene. Chairperson, the family is 7 represented here by Mrs Elizabeth Monene Mahubane, who is 8 the sister of Warrant Officer Monene. 9 Chairperson, Warrant Officer Tsietsi Hendrick 10 Monene was born on the 1st of April 1965. He resided at 11 Number 1575 Proper Street Section B in Kangala, Gauteng 12 Province. He was married in 1989 to Ms Johanna Peladi 13 Monene. 14 Warrant Officer Tsietsi Hendrick Monene had the 15 following children; a son who's 27 years old, Katlego 16 Makwe, a son Gabriel Monene, who's 26 years old, a son 17 Gaugelo Monene, 21 years old, Balesa Monene, who is his 18 daughter, 19 years old, Tisetso Monene, who's 14 years old, 19 is a son. Lesego Motimunye, who's two years old, is also a 20 son. He has left his mother, Mrs Priscilla Masi Monene, 21 who's currently 77 years old. 22 Mrs Elizabeth Mahubane Monene is the sister to 23 Warrant Officer Tsietsi Hendrick Monene. She has been 24 attending the sittings of this Commission since its 25 inception and she gives information relating to the</p>

<p style="text-align: right;">Page 34859</p> <p>1 deceased to the Commission and to the family's legal 2 representatives.</p> <p>3 This is the description of Warrant Officer 4 Tsietsi Monene. Warrant Officer Tsietsi Monene was a 5 family man who loved his family. He always did his utmost 6 best to care for his family. He was also a responsible 7 community members and a loyal police officer. He 8 endeavoured to serve his community and the country as a 9 whole with compassion and diligence. Warrant Officer 10 Tsietsi Monene was also a Christian and a member of the 11 Uniting Reformed Christian Church.</p> <p>12 Warrant Officer Tsietsi Monene joined the South 13 African Police Service on 1 December 1990. He rose among 14 the ranks until he became a warrant officer. At the time 15 of his death he was stationed at KwaMhlanga Public Order 16 Policing Unit, which is based at KwaMhlanga Police Station. 17 He had an unbroken service of 22 years. At the time of his 18 death he had no pending criminal cases or departmental 19 disciplinary hearing cases.</p> <p>20 Warrant Officer Tsietsi Monene was a breadwinner 21 to his seven dependants and to his wife.</p> <p>22 [10:07] He also supported his extended family when the 23 need arose. He also offered emotional support to his 24 extended family. Warrant Officer Monene was deployed to 25 Marikana on the 13th of August 2012. On that particular</p>	<p style="text-align: right;">Page 34861</p> <p>1 Warrant Officer Monene and why was Warrant Officer Monene 2 killed so brutally? And further, the family of Warrant 3 Officer Monene would like to find out whether the 4 perpetrators of this heinous crime will be prosecuted.”</p> <p>5 Thank you very much, Chairperson, that is the presentation 6 on behalf of the Monene family.</p> <p>7 CHAIRPERSON: Thank you very much. Do 8 you – the statement will then be handed in as exhibit 9 KKKK2, is that correct?</p> <p>10 MS MASEBE: Thank you, Chairperson.</p> <p>11 CHAIRPERSON: Thank you.</p> <p>12 MR GUMBI: Yes, Chairperson –</p> <p>13 MS MASEBE: Chairperson, it seems Ms 14 Elizabeth Monene Makhubane would like to say something to 15 the Commission.</p> <p>16 CHAIRPERSON: Of course if you wish to 17 say something we'd be happy to hear it. What would you 18 like to say to us?</p> <p>19 MRS MONENE: Thank you, Chairperson. 20 Although today, the 13th of August, it's a dark day to the 21 Monene family and then we'll never celebrate this day and 22 what I would like to say is my deepest sympathy to all the 23 people that were killed in Marikana. Let the Almighty 24 bless us and we have to get closure for what happened in 25 Marikana. Thank you very much.</p>
<p style="text-align: right;">Page 34860</p> <p>1 morning he called his family members, including his wife 2 and sister, to inform them that he will be attending to a 3 public order operation at Marikana in the Rustenburg area. 4 On 13 August 2012 at about 16H00 the widow, Mrs Phalati 5 Johanna Monene received a telephone call from the South 6 African Police chaplain who told her to come home 7 immediately as her husband had been seriously injured at 8 Marikana. She drove home, where she met the chaplain who 9 informed her of his death. She called immediate family 10 members and informed them of the death. On 16 August 2012 11 the widow, Mrs Monene, the brother of the deceased Mr 12 Samuel Monene and Mrs Monene *Makhubane, that is Mrs 13 Elizabeth, identified his body at Phokeng Government 14 Mortuary. Warrant Officer Monene was a breadwinner to his 15 family and since his departure his family is suffering 16 financially. He is also supportive of his extended family 17 emotionally. He was also supportive of his extended family 18 emotionally and his departure has left a huge gap to his 19 whole extended family. His mother is suffering from 20 cardiovascular diseases which the family believes is the 21 direct result of his death. The Monene family has mandate 22 Ms Elizabeth Monene Makhubane to attend Commission on their 23 behalf. She has stated to us, that is the legal team, that 24 she would like us to find questions, to find answers to the 25 following questions from the Commission. Who killed</p>	<p style="text-align: right;">Page 34862</p> <p>1 CHAIRPERSON: Thank you very much.</p> <p>2 MR BUDLENDER SC: Thank you, Chair. Mrs 3 Lepaaku has now arrived, so we can proceed to her.</p> <p>4 CHAIRPERSON: Mr Gumbi?</p> <p>5 MR GUMBI: Yes, Chairperson, she has just 6 arrived now. Thank you very much, Chairperson. For the 7 record again, my name is Louis Gumbi. I represent the 8 family of the late Warrant Officer Lepaaku who was killed 9 on this day, that is the 13th of August 2012 at Marikana. I 10 will make a representation in the third person. All what 11 is contained in this representation was made by the wife of 12 the late Warrant Officer Lepaaku –</p> <p>13 CHAIRPERSON: Sorry to interrupt you. 14 There's a document then that you'll hand in or hand over to 15 the evidence leaders.</p> <p>16 MR GUMBI: Yes.</p> <p>17 CHAIRPERSON: It will be KKKK3 and it's a 18 statement regarding Warrant Officer Lepaaku.</p> <p>19 MR GUMBI: Yes.</p> <p>20 CHAIRPERSON: But you're going to read it 21 out to us.</p> <p>22 MR GUMBI: Yes, Chairperson, Ms Lepaaku – 23 for record, Chairperson, the late Warrant Officer Ronnie 24 Lepaaku was born on the 23rd of January 1967. On the 13th 25 of August 2012 when he was brutally killed by armed</p>

<p style="text-align: right;">Page 34863</p> <p>1 protesters near the railway line he was 45 years old and  2 I'm going to deliver his presentation on behalf of the  3 Lepaaku family and the widow, Ms Shuna Lepaaku 05-29 will  4 do that, I will do that on her behalf.</p> <p>5 "I am Shuna* Lepaaku, the wife and the widow of  6 the late Warrant Officer Lepaaku and I reside at Mabopane  7 location, Pretoria, Gauteng Province. I married the late  8 Warrant Officer Lepaaku on the 7th of May 1996. Our  9 marriage was blessed with three children, that is  10 Tsolofetso, 22 year old son, Botselo 17 year old son and  11 Disetso, five year old daughter. My husband was employed  12 as a member of the South African Police Services as a  13 police officer since 1998 until he was killed on duty on  14 the 13th of August 2012. He was brutally killed by the  15 striking miner son the 13th of August 2012 at Lonmin  16 Marikana mine, North-West Province. When he was killed,  17 the late Warrant Officer Lepaaku had 24 years' experience  18 as a police officer. You will see that when you look  19 exhibit FFF6, that is a tribute to the late Warrant Officer  20 Lepaaku. He was stationed at Klipgat police station as a  21 member of the public order police unit, North-West  22 Province. On the 13th of August 2012 he was deployed to  23 Marikana under the command of Lieutenant-Colonel Merafi and  24 General Mpmembe respectively.</p> <p>25 In his career as a police officer he received the</p>	<p style="text-align: right;">Page 34865</p> <p>1 his death my late husband earned a salary of plus-minus  2 R8 000 per month. I have three children with him. I have  3 already mentioned that before, that is Tsolofetso, 20 year  4 old son, Botselo 17 year old son and Disetso, five year old  5 daughter. He also took care of his sibling, that is his  6 mother, his three sisters and a brother, including me as a  7 wife.</p> <p>8 Dealing with his role in the family, my husband  9 was the sole breadwinner in the family. My husband was  10 taking care of my children's daily financial needs until  11 his death. He also took care of the financial needs of his  12 mother, three sisters and a brother.</p> <p>13 Dealing with news of his death, on the 12th of  14 August 2012 my late husband informed me that he will be  15 deployed to Marikana mines and attend to striking miners.  16 On the 13th of August 2012, that was Monday, when he  17 departed to Marikana he promised me that he will come back  18 late as usual. On that day while I was watching 7:30PM TV  19 news bulletin it was reported that two police officers had  20 been hacked to death by armed striking miners near the  21 railway line. I saw my wounded husband on TV being carried  22 away from the scene to hospital by his colleagues. I tried  23 to call him but his cell phone rang unanswered. I waited  24 until the SAPS chaplain arrived at my home and broke the  25 saddest news that my husband was killed by armed striking</p>
<p style="text-align: right;">Page 34864</p> <p>1 following SAPS medals. In 1998 he received SAPS 10 years'  2 loyal service medal, in 2005 he received SAPS 10 years'  3 commemoration medal, in 2008 he received SAPS 20 years'  4 loyal service medal. He had no record of disciplinary  5 steps taken against him until his death on the 13th of  6 August 2012.</p> <p>7 My late husband was a member of the Zion  8 Christian Church, ZCC, and a secretary of the church male  9 organisation called Masogane. He was a good church  10 follower who loved God with all his heart. My husband was  11 a very hard worker. His career as a police officer was  12 very important to him and he enjoyed his job. Even though  13 he spent lots of hours working, he always made sure that  14 he'd take time for his family and he was always there when  15 needed. My late husband was well loved by his friends,  16 colleagues and the entire Lepaaku family. He was very  17 generous and kind-hearted. He and I were meant to be  18 together and I am so thankful that we met. I will never  19 forget all of the wonderful times that he and I spent  20 together. He was always there for me when I needed him and  21 I knew I could count on him. My husband was the most  22 supportive and loving husband and a father and I will miss  23 him so much. His memory will live on in our heart for as  24 long as we live.</p> <p>25 Dealing with a number of his dependants, during</p>	<p style="text-align: right;">Page 34866</p> <p>1 miners near the railway line and he died on his way to  2 hospital. The SAPS explained to me that my husband was  3 killed while the police were trying to disperse armed  4 striking miners.</p> <p>5 The effect of his death on the family. News of  6 his brutal killings, killing of my late husband, sent  7 shockwaves and caused major trauma throughout the entire  8 family and his colleagues who witnessed his killing by  9 strikers on the 13th of August 2012 near the railway line.  10 I miss him, I miss him a lot and I can't keep up with my  11 daily duties as a single unemployed parent. His 17 year  12 old son was very close to him and is taking a big strain on  13 growing without a father. His five year old daughter is  14 also traumatised and she kept on saying that one day her  15 father will come back from work. His mother is still sad  16 about the death of her firstborn child who took care of her  17 and his siblings. I am struggling as a single unemployed  18 mother and I can't provide my children with their daily  19 needs like their late father who was employed by the SAPS.</p> <p>20 News flash about Marikana Commission serves as a  21 reminder how my husband was killed by miners on this date,  22 that is the 13th of August 2012 near the railway line. I  23 personally lost the best part of my life. He was my soul  24 mate and the entire family miss him on a daily basis.</p> <p>25 Submission to the Marikana Commission. I believe</p>

<p style="text-align: right;">Page 34867</p> <p>1 that the Commission will reveal how and why my husband was  2 killed by armed protesters near the railway line. I  3 believe that those responsible for the killing of my  4 husband will face the full might of the law and the  5 Commission will make a recommendation for their criminal  6 prosecution. Those are our submissions on behalf of the  7 Lepaaku family.</p> <p>8 CHAIRPERSON: Thank you. Thank you, Mr  9 Gumbi.</p> <p>10 MR GUMBI: I don't know, Chairperson,  11 whether Ms Lepaaku would like to make any submission before  12 the Commission. If she feels comfortable about that I will  13 allow her to do that, if she's not feel comfortable about  14 that –</p> <p>15 CHAIRPERSON: What I propose doing is not  16 to call upon the members to come up to speak because some  17 of them may not wish to do so.</p> <p>18 MR GUMBI: Yes.</p> <p>19 CHAIRPERSON: They may feel overcome by  20 the circumstances but if somebody wants to make a statement  21 then obviously I'll allow them to do so.</p> <p>22 MR GUMBI: Yes, Chairperson.</p> <p>23 CHAIRPERSON: So perhaps you, perhaps we  24 could ascertain, does she wish to say something or is  25 prepared to, is she content to – that what's been read out</p>	<p style="text-align: right;">Page 34869</p> <p>1 Before I read that statement into the record, Chair, I  2 think I should start off by giving context to this  3 submission that I will read into the record. Chairperson,  4 you will recall that sometime last year an application was  5 made to present this evidence by way of presentation.  6 Looking at the presentation or the contents of the  7 presentation, the SAPS raised with the legal  8 representatives of these particular families the concerns  9 about some of the contents and in particular expressed the  10 view that some of the statements require cross-examination  11 or verification in other ways. Having recorded those  12 concerns, we did reach some agreement with the SERI team  13 about some of the areas of concern that we raised –</p> <p>14 CHAIRPERSON: I asked you to endeavour –  15 MS BALOYI: Yes.  16 CHAIRPERSON: - to reach agreement.  17 MS BALOYI: You did, Chair.  18 CHAIRPERSON: That the presentation could  19 be put before the Commission.  20 MS BALOYI: Yes.  21 CHAIRPERSON: And I'm glad that –  22 MS BALOYI: We did, Chair.  23 CHAIRPERSON: - finally agreement has  24 been reached.  25 MS BALOYI: Yes. We did, Chair, reach</p>
<p style="text-align: right;">Page 34868</p> <p>1 on her behalf should stand as her statement to the  2 Commission? So she's happy that the statement that was  3 read out should stand as her statement, thank you very  4 much.</p> <p>5 MR GUMBI: Those are our submissions on  6 behalf of the family of the late Warrant Officer Sello  7 Ronnie Lepaaku. Thank you very much, Chairperson and  8 Commissioners.</p> <p>9 CHAIRPERSON: Thank you.</p> <p>10 MR BUDLENDER SC: Thank you, Chair. The  11 next person is the late Mr Jokanisi.</p> <p>12 CHAIRPERSON: The statement prepared in  13 respect of Mr Jokanisi then will be KKKK4.</p> <p>14 MS LEWIS: Mr Chair, Mr Jokanisi is one  15 of our clients and so I'm not sure, before we begin,  16 whether Ms Baloyi wishes to place something on record.</p> <p>17 MS BALOYI: Indeed, Chair, it is  18 appropriate that at this point I record the position of the  19 SAPS.</p> <p>20 CHAIRPERSON: Yes, yes.</p> <p>21 MS BALOYI: Thank you, Chair.  22 Chairperson, we have prepared on behalf of the SAPS a  23 written submission that records the position of the SAPS  24 about the presentation that is to be made by, on behalf of  25 the family by the legal representative briefed by SERI.</p>	<p style="text-align: right;">Page 34870</p> <p>1 this and as a result the original presentation was amended.  2 However, there were remaining areas that we couldn't agree  3 on and it is in respect of only those areas that we have  4 prepared the submission and what we have elected to do,  5 with your permission, Chair, was that we would read the  6 position of the SAPS in advance instead of raising concerns  7 as each slide and as family is discussed and I proceed to  8 read that into the record, Chair.</p> <p>9 CHAIRPERSON: Please proceed.</p> <p>10 MS BALOYI: Thank you, Chair. "The SAPS  11 recognises the wish of the families of the deceased persons  12 represented by SERI to present before the Commission  13 statements on their grief arising from the loss of  14 relatives, the financial and emotional consequences of such  15 loss and their need to use the process afforded by the  16 Commission as part of their healing process." Chairperson,  17 we refer here specifically to the persons that were killed  18 on the 13th in the altercation with the police and the 34  19 that were killed on the 16th. "The families have elected to  20 present their evidence in the form of a PowerPoint  21 presentation and, as a result, such evidence as is  22 contentious will not be tested in cross-examination in the  23 normal course. Some of the material contained in the  24 presentation is, 1. hearsay evidence which is not  25 corroborated by any of the evidence before the Commission</p>

<p style="text-align: right;">Page 34871</p> <p>1 so far; 2. expression of opinions on questions that the 2 Commission must decide and 3. character evidence, some of 3 which appears to be intended to present that none of the 4 striking employees participated in wrongdoing during the 5 period covered by the Commission's terms of reference. 6 We submit that the accounts or statements that 7 fall in the above three categories, 1. fall outside of the 8 personal knowledge of the various persons whose accounts 9 are embodied in the presentation, 2. are irrelevant and/or 10 inadmissible and/or that that which is relevant is not 11 tested in cross-examination. That no direct objection is 12 taken to each of such accounts or statements, is not to be 13 construed as an acceptance by the SAPS of their 14 correctness, nor that they should bear any probative value 15 here they are not supported by other independent and 16 admissible evidence. 17 [10:27] Chairperson, we will in due course, when we make 18 our legal submissions, our submissions, deal with the 19 specific aspects of the slides that are of concern to the 20 SAPS. That is the end of our statement, Chair. 21 CHAIRPERSON: Yes, thank you. The 22 comments made by the South African Police Service will be 23 noted and considered at the end of the evidence in 24 argument. Obviously we will hear, as you point out, we'll 25 receive argument from the SAPS and I'm sure we will receive</p>	<p style="text-align: right;">Page 34873</p> <p>1 Ledingwane's presentation instead of Mr Yokanisi and then 2 immediately after that we'll proceed with ours. Thank you. 3 CHAIRPERSON: Yes let's proceed in that 4 fashion. Ms Wheeldon, are you going to present the 5 statement on behalf of the family of the late Mr John 6 Ledingwane? 7 MS WHEELDON: Yes I am, Chair. If I may 8 place myself on record, my name is Miriam Wheeldon from the 9 Legal Resources Centre and we represent the family of John 10 Ledingwane. We are instructed by John's grandfather, Mr 11 Shadrack Golakele Ledingwane who's the head of the family. 12 He is a disabled pensioner and indicated that – he declined 13 to attend today, he felt that he would be too distressed by 14 the presentation and asked instead we present on his behalf 15 and – 16 CHAIRPERSON: The statement that you're 17 going to read out will become exhibit KKKK5. 18 MS WHEELDON: Okay. 19 CHAIRPERSON: Is that correct? You have 20 a separate statement. 21 MS WHEELDON: We have already submitted a 22 statement into evidence, his statement which – 23 CHAIRPERSON: No, but I think let's have 24 all the presentations here and if there's a bit of 25 repetition it's not a problem. It will be convenient for</p>
<p style="text-align: right;">Page 34872</p> <p>1 argument also from members of the family whose statements 2 you've referred to, but all I'm doing at the moment is 3 noting what you've said. 4 MS BALOYI: Thank you, Chair. 5 MS LEWIS: Mr Chair, our presentations 6 are all together as one power point presentation and so for 7 the sake of convenience and time saving I'm wondering 8 whether it wouldn't be better before we begin for the 9 presentation of Mr Ledingwane who is represented by the 10 Legal Resources Centre to be presented before our 11 presentation proceeds. Chair, that's the first point and 12 then the second just so that I don't have to interject 13 again, our clients have asked that our learned friend, Ms 14 Motloenya and I sit in front with them when we read the 15 presentation. So, Chair, I'm sure the Commission wouldn't 16 have an objection to that and then my learned friend and I 17 will just move to the front before we begin. 18 CHAIRPERSON: Of course not, it's 19 important that the statements to be made by the members of 20 the families are presented in a way that they want them to 21 be presented and I'm sure you and your colleague will be 22 able to do so effectively from the place that you've 23 indicated. 24 MS LEWIS: Thank you. So, Chair, I'm 25 wondering whether we could proceed then with Mr</p>	<p style="text-align: right;">Page 34874</p> <p>1 us and for everybody to have all these statements together 2 in the same place, in that part of the record which 3 contains the exhibits. 4 MS WHEELDON: Okay, Chair, but I'm not 5 reading out the statement, I'm reading out the power point 6 presentation. 7 CHAIRPERSON: Well I regard the power 8 point presentation as in effect a statement made by the 9 families concerned. 10 MS WHEELDON: Chair, John Ledingwane was 11 24 years old when he was killed on the 16th of August 2012. 12 He was born in Rustenburg on 22 April 1988, the second of 13 five children. He lived with his mother and father until 14 his father passed away in 1993. He and his siblings were 15 then raised by their mother until she passed away in 2010. 16 After the death of their mother the children remained 17 together in the family home. In 2011 John's elder sister 18 passed away leaving behind a three year old daughter. It 19 was at this point that John assumed the full financial 20 responsibility for his two younger brothers, his sister and 21 his niece. John met his partner, Bertha Nana Rapo at the 22 Anglican church they both attended in 2007. They had a son 23 in 2009 that passed away when he was 3 months old. In 2010 24 they had a daughter, Tsenolo. Mr Ledingwane, Shadrack 25 Ledingwane describes John as a loving and sweet boy who</p>

<p style="text-align: right;">Page 34875</p> <p>1 enjoyed going to the Anglican church in Potsaneng where he  2 was a server. John's uncle, Tsidi Letsoleng remembers him  3 as talkative and friendly. Bertha, John's girlfriend  4 recalls his great sense of humour and how he would spend  5 his Sundays reading the newspapers. She says he was a  6 loving, responsible man who took care of his family with  7 everything he had. John was very close to their daughter,  8 Tsenolo who would for John to tuck her into bed at night  9 before falling asleep. John was the sole breadwinner in  10 the family. He had six dependants at the time of his death  11 and they included, or they were his daughter Tsenolo Sasha  12 Rapo who was two years old, his niece Ria Leboga Kopana  13 Ledingwane who was four, his sister, Kenaniyo Ledingwane  14 who was eight, his brother, Regomoditswe Guest Ledingwane  15 of 15. His brother, Mohanise Joseph Ledingwane 19 and he  16 also assisted his grandfather Shadrack financially. John  17 matriculated at Rakgatla High School at Wonderkop. He did  18 well in his matric and wished to study further, but because  19 of his financial constraints he had to find work. He had  20 been working in the K4 engineering division at the Karee at  21 Lonmin mine for about five years. He received a basic  22 salary of R4675 and a housing allowance of R1850. John's  23 last day of work was 11 August 2012. He then began  24 attending meetings at the mountain. He would leave in the  25 morning and return home in the evenings and would park his</p>	<p style="text-align: right;">Page 34877</p> <p>1 and she's been advised that it will not be renewed. John's  2 daughter, Tsenolo was two years old at the time of his  3 death. Now four she cannot remember him, but calls out his  4 name when a car similar to the one he drove passes in the  5 street. Mr Ledingwane remains distressed about the loss of  6 John and is haunted by the memory of his bloodied body at  7 the mortuary. His health has deteriorated and he's been  8 put on treatment for his blood pressure.</p> <p>9 All Mr Shadrack Ledingwane asks is that the truth  10 surrounding his grandson's passing is revealed in the  11 Commission. Almost two years into the Commission the  12 family is no closer to understanding why John was killed.  13 John is known as body O at scene 1. His death is not  14 explained by the SAPS account of the deaths at scene 1.  15 His body was found on the south-west corner of the kraal,  16 diagonally across and about 100 metres away from the site  17 of the TRT volley at scene 1. His post mortem reports show  18 that he was probably immediately incapacitated by the R4 or  19 R5 bullet wound that killed him entering the left side of  20 his neck and exiting his back. John does not fit the SAPS  21 description of the militant, armed, mutied up group that  22 SAPS killed at scene 1. He did not carry any weapons to  23 the mountain. There are no weapons on or near his body in  24 the video and photographs taken by the SAPS LCRC members.  25 His post mortem results reveal that he had not participated</p>
<p style="text-align: right;">Page 34876</p> <p>1 car outside the Wonderkop hostel. On 16 August he left for  2 the mountain to receive feedback. When on 16 August, well  3 on 16 August John did not arrive to collect Bertha from  4 work and did not return home. His car remained where he  5 had left it. The family heard reports of the shootings  6 from members of the community and in the media and feared  7 for the worst. On Friday 17 August the Daily Sun newspaper  8 published photographs of the deceased. John's grandfather  9 recognised John from his clothing. The family went to the  10 Phokeng police station and were directed to the mortuary.  11 Mr Ledingwane was allowed in and saw about 25 bodies on the  12 floor, but John's was not amongst them. On Saturday 18  13 August John's girlfriend and his uncle went again to  14 Phokeng mortuary where they were shown post mortem  15 photographs of John by members of the SAPS, but were not  16 allowed to view the bodies. On Monday 20 August 2012 they  17 returned again to Phokeng mortuary where Mr Ledingwane  18 identified John's body. Since John passed away his aunt  19 Lebogan Botsaleng has tried to support the family to the  20 best of her ability. John's little sister, Kenaniyo and  21 niece Ria Leboga live with her in the Mafikeng. His  22 brothers still stay in the house and they're both at  23 school. John's partner, Bertha supports their daughter  24 Tsenolo with the help of her mother. Bertha is a contract  25 worker, the contract will terminate in three month's time</p>	<p style="text-align: right;">Page 34878</p> <p>1 in the rituals on the mountain as there was no evidence of  2 scarification on his body. Thank you, Chair.</p> <p>3 CHAIRPERSON: Thank you, Ms Wheeldon.  4 Perhaps it would be convenient before the presentations  5 begin on behalf of the families for whom they appear if we  6 took the first comfort break at this stage.</p> <p>7 MS LEWIS: Yes thank you, Chair.</p> <p>8 [COMMISSION ADJOURNES COMMISSION RESUMES]  9 [10:57] CHAIRPERSON: The Commission resumes.  10 Who is going to present – I take it we are now going to  11 hear a statement on behalf of the family of the late Mr  12 Jokanisi. Is that correct?  13 MS MOTLOENYA: Yes, Chair.  14 CHAIRPERSON: You are going to present  15 it?  16 MS MOTLOENYA: Yes, Chair, together with  17 Ms Lewis.  18 CHAIRPERSON: Thank you.  19 MS MOTLOENYA: Chair, at the outset I  20 just want to state for the record that the initial  21 statements were taken from the family members, some were in  22 the Eastern Cape and some when the Commission started in  23 October of 2012. So the family members might not  24 necessarily be the people who actually deposed to the  25 statements. However, we have shown all the family members</p>



<p style="text-align: right;">Page 34879</p> <p>1 and they do agree that it accurately reflects how the 2 families feel and they adopt the statements. 3 CHAIRPERSON: In each case it's a 4 statement on behalf of the family – 5 MS MOTLOENYA: It is, Chair. 6 CHAIRPERSON: - of the deceased person 7 concerned. 8 MS MOTLOENYA: Yes, Chair. Then Chair, 9 first we're starting with Mr Semi Jokanisi. On behalf of 10 Mr Jokanisi's family is Mr Lunga Jokanisi who is the 11 brother to Semi Jokanisi. 12 CHAIRPERSON: May I ask you a question? 13 I should have asked you before you started. Are we going 14 to have separate statements in respect of each deceased 15 person [microphone off, inaudible] or are we going to have 16 a joint statement on behalf of all the deceased persons? 17 The microphone isn't on. Are we going to have a separate 18 statement in respect of each of the deceased persons, in 19 which case each statement can be given a separate exhibit 20 number, or do you have one statement on behalf of all the 21 families on whose behalf you appear? 22 MS MOTLOENYA: We have separate 23 statements, Chair, but it's one presentation. 24 CHAIRPERSON: No, I understand. So in 25 other words we're now going to have KKKK6, which is the</p>	<p style="text-align: right;">Page 34881</p> <p>1 five minor children. In addition he assisted his father to 2 support his seven siblings, his nephew and me. Semi bought 3 the groceries for the family. He also assisted with other 4 household needs. Prior to his death he built a house not 5 far from our home for his children. 6 Semi called during the strike and spoke to his 7 father, seeking advice as to whether he should come home or 8 not. His father, thinking that the strike would end soon, 9 told him to stay at Marikana and not to come home to the 10 Eastern Cape. His father was in Lusikisiki at the time. 11 After this he did not call anymore. We could not reach him 12 on his phone. He never mentioned being on the koppie. We 13 expected the strike to end through negotiations. We did 14 not expect or even think that he would die as a result of 15 the strike. 16 On 17 August 2012 we heard from our neighbour, Mr 17 Pats Mabato who works at Marikana, that Semi had not been 18 seen. His father tried phoning him in order to tell him to 19 come back home but could not reach him telephonically. 20 Later that day Mr Mabato phoned and informed us that Semi 21 had died. He had gone to the mortuary and he found Semi's 22 body there. An employee of TEBA also came to inform us of 23 Semi's death. They saw how Semi was injured. I was told 24 that my son was killed by the police. It was painful to 25 hear this.</p>
<p style="text-align: right;">Page 34880</p> <p>1 statement regarding the late Mr Jokanisi. Oh sorry, I beg 2 your pardon, I already put it in. Then we stood down for – 3 so he's already before us. So KKKK6 is, we'll reserve for 4 the next statement. 5 MS MOTLOENYA: Yes, Chair. Semi Jokanisi 6 was 29 years old at the time of his death and he hailed 7 from Lusikisiki in the Eastern Cape. Semi was not a 8 violent person and he was a churchgoer. He went to church 9 at American Gospel Church. Semi was not politically 10 active, but spoke of his rights as a worker and abuses at 11 the mine. He complained about his meagre salary. Semi 12 would come home at least four times a year and called every 13 week at least twice. He requested to speak to me on many 14 occasions when he called. I therefore spoke to my son 15 often. 16 Semi had five minor children, Ndiko Phomela, 17 Iyabonga Xexeca, Enami Sqeshle, Okanaba Sqeshle and Tabiso 18 Molise. He is also survived by his mother, Joyce Jokanisi, 19 his nephew and seven siblings. Semi was not married. 20 MS LEWIS: "Semi left for Marikana in 21 2007. His father arranged for him to get work there. He 22 stayed in a hostel. It had the basic services such as 23 water and other utilities. Semi assisted his father, 24 Goodman Jokanisi, who is employed by Lonmin PLC, with the 25 maintenance of the family. He supported and maintained his</p>	<p style="text-align: right;">Page 34882</p> <p>1 Some of Semi's colleagues from Marikana came to 2 attend his funeral. When I heard of Semi's death I 3 collapsed and fainted. I had been going to doctors 4 regularly ever since. They have diagnosed me as suffering 5 from depression and have prescribed medication which I am 6 taking. I'm still not well, but I can now each on my own. 7 I have chest pains. We have not been provided with 8 counselling services. I am sick and I have been using my 9 own money to consult doctors. 10 I am of the view that the government must make 11 monthly payments of an amount equivalent to the salary that 12 Semi earned. The money will not bring him back, but it 13 will certainly assist his minor children who will now have 14 to grow up without their father's love and support. 15 I want the wrongdoers to be brought to justice, 16 in particular the police." 17 Chair, the next statement will be presented on 18 behalf of Mr Anele Mdizeni. 19 CHAIRPERSON: That will then be KKKK6, 20 statement re. Mr Mdizeni. 21 MS LEWIS: Yes, thank you, Chair. Chair, 22 I'm sorry, before we move on to Mr Mdizeni, Mr Jokanisi 23 would like to say something and I think before he speaks I 24 should also add that Semi was killed on the 13th of August 25 2012, two years ago today.</p>

<p style="text-align: right;">Page 34883</p> <p>1 CHAIRPERSON: Yes, we in fact observed a 2 minute silence – 3 MS LEWIS: Yes. 4 CHAIRPERSON: - in his memory and memory 5 of the others who died that day. 6 MS LEWIS: Indeed. 7 CHAIRPERSON: Just remind me, of the 8 three strikers who were killed on that day, remember one 9 was killed in the field, one was killed over the river and 10 the third was killed in an informal settlement. Which of 11 the three was he? 12 MS LEWIS: Mr Jokanisi was the man who 13 was killed on the field. 14 CHAIRPERSON: Thank you. 15 MS LEWIS: Thank you, Chair. And I'm 16 informed that I misunderstood, Mr Jokanisi does not wish to 17 make a statement. 18 CHAIRPERSON: [Microphone off, inaudible] 19 understand the statements have been made on behalf of the 20 family. The remarks about the counselling and the state of 21 health of the person who made the statement, those are 22 remarks that were made almost two years ago. We don't know 23 what the present position is. It may be necessary, if the 24 problems to which she refers are of an ongoing nature it 25 may be helpful if you can provide a supplementary statement</p>	<p style="text-align: right;">Page 34885</p> <p>1 while he was working in Marikana. He started working for 2 Lonmin in 2005. He assisted with the general upkeep of the 3 household. He sent us R2 000 per month for these purposes. 4 Anele's older brother, Vuyisane Mdizeni, is a 5 miner in Mpumalanga. He currently works on the mine in 6 Secunda. He also contributed to the upkeep of the 7 household. 8 I spoke to my husband daily during the strike. 9 He told me that he had no money because there was a strike 10 and said no work, no pay. Before 16th of August 2012 he 11 told me that people were shot and killed during the strike. 12 My husband also told me that he constantly attended 13 discussions for salary increments but he did not say where 14 he did this. 15 I was constantly worried for his life during the 16 strike, especially after I heard that some people had been 17 killed. I was not happy with his involvement in the 18 strike. He had complained about his salary and the fact 19 that he would work overtime but would not be paid in full. 20 He said all Lonmin workers were on strike, but did not give 21 any further details. 22 He said they were on strike to engage Lonmin on 23 salary increments, but Lonmin refused to talk to them and 24 sent the police to workers instead. I did not think the 25 police would kill my husband in Marikana.</p>
<p style="text-align: right;">Page 34884</p> <p>1 which doesn't have to be read out, but which can be added 2 to the exhibit so that we have an up-to-date version of the 3 position. 4 MS LEWIS: Thank you, Chair, we'll do 5 that. If we could go now to slide number 13. 6 MS MOTLOENYA: Chair and Commissioners, 7 on behalf of the Mdizeni family we have Luvuyo Mveli who is 8 the cousin to Mr Tembelahe Mati. I'm sorry, who is the 9 cousin to Anele Mdizeni, sorry. 10 "Mr Anele Mdizeni was 29 years of age at the time 11 of his death. He hailed from Elliotdale in Eastern Cape. 12 Anele Mdizeni was an easygoing person who loved 13 his work and his family. He never liked violence. He 14 always wanted to be successful one day and wanted a better 15 life for his children. He visited home two or three times 16 a year. He phoned us every weekend. He was meant to 17 return home for his annual leave and to build a house. 18 Anele is survived by his wife, Unathi Mdizeni, 19 three children, Asisi Pondoyisile, Ababa Lodjadjji and a 20 son, Leobona, who was unborn at the time of his death" - 21 CHAIRPERSON: He was born after his 22 father died. 23 MS MOTLOENYA: Indeed, Chair – "a mother, 24 and a sister. My husband left home in 2004 in search of 25 employment. He lived in Wonderkop informal settlement</p>	<p style="text-align: right;">Page 34886</p> <p>1 I could not reach my husband telephonically from 2 the 16th of August 2012. I called the people that he lived 3 with and enquired about his whereabouts. They told me that 4 they did not know where he was. Eventually on the 18th of 5 August 2012 someone from TEBA in Umtata came home to report 6 my husband's death. The man from TEBA parked his car 7 outside our home and called for the elder male in the 8 family, Mr Zwelibambele, and told him about my husband's 9 death. He said my husband was killed on the 16th of August 10 2012 at Wonderkop. No one from Lonmin called us to inform 11 us of Anele's death. 12 Anele's brother, Dumisani Mdizeni, went to 13 Marikana to identify his body. He found that his face was 14 darker than his normal complexion, swollen and had grass on 15 his head. No one explained what this meant. I was not 16 told how many bullet wounds he had. I did not receive a 17 post mortem report explaining what caused his death. I 18 only received one when the Commission had started. 19 At the memorial service we were told that Lonmin 20 would organise for his body to be transported to the 21 Eastern Cape. Indeed his body was transported to 22 Elliotdale where he was buried. 23 The effect of the death – we are extremely 24 saddened by Anele's death. It has caused us a lot of pain. 25 We are also fearful about how we are going to survive</p>

<p style="text-align: right;">Page 34887</p> <p>1 without his support. I want the government to take 2 responsibility for our children's education and complete 3 the house which Anele had begin to build. We feel that the 4 government should take over Anele's financial 5 responsibilities in the family."</p> <p>6 CHAIRPERSON: Thank you, is that the 7 statement on behalf of the Mdizeni family?</p> <p>8 MS MOTLOENYA: That is, Chair.</p> <p>9 CHAIRPERSON: Is there anything you're 10 going to add, Ms Lewis? No. Does the member of the family 11 wish to say anything?</p> <p>12 MS MOTLOENYA: No, Chair.</p> <p>13 CHAIRPERSON: Thank you. Then we move to 14 the next one. The next one I take it is the family of the 15 late Mr Mkhonjwa.</p> <p>16 MS LEWIS: That's correct, Chair.</p> <p>17 CHAIRPERSON: KKKK7.</p> <p>18 MS LEWIS: Yes, thank you.</p> <p>19 MS MOTLOENYA: Chair and Commissioners, 20 the family member who is here is Asanda Pakati, who is the 21 sister-in-law to Mr Makhosandile Mkhonjwa. The person who 22 deposed to the statement is Nokanele Pakati.</p> <p>23 CHAIRPERSON: Carry on. The comments I 24 made to Ms Lewis a moment ago in regard to the updating of 25 the statement that she read, I think I should just say it</p>	<p style="text-align: right;">Page 34889</p> <p>1 well-known in the village, a very loving and humble man. 2 He loved to buy us all gifts when he came home. 3 Makhosandile visited home twice in a year and phoned a lot. 4 Makhosandile is survived by his wife Nokanele 5 Pakati, his two children Asnalo Ongce, and his mother. 6 MS LEWIS: "Makhosandile left Bizana for 7 Johannesburg in 2008. He then found a job at Lonmin in 8 Marikana. I cannot recall when he started working for 9 Lonmin. He lived in Bokomoso informal settlement where he 10 erected a shack on his own residential stand. He lived in 11 appalling conditions without any basic services. 12 Makhosandile was not the first miner in the family. His 13 father also worked in the mines and supported his family, 14 just like his son. 15 Makhosandile was the sole breadwinner in the 16 family. He was in the process of building a house for us 17 when he was killed. He paid for the school fees and 18 uniforms for our elder child. He also paid for our medical 19 care. 20 During the strike Makhosandile phoned me in the 21 afternoon each day after the strike. He told me that the 22 reason he was involved in the strike was to improve his 23 employment conditions. He told me that he worked very hard 24 but was paid very little. He was however worried about the 25 risk of losing his job. He was concerned about his safety</p>
<p style="text-align: right;">Page 34888</p> <p>1 now and not have to repeat it every time. In the case of 2 all the statements that we've received and are going to 3 receive where we particularly deal with the situation at 4 the time the statements were made the financial problems 5 that would be experienced, the health problems and so 6 forth, if there is material which is relevant which brings 7 the story up to date obviously we'd appreciate receiving it 8 and just in writing, it doesn't have to be presented 9 formally but can be added at the end of the exhibit which 10 represents the statement from that particular family.</p> <p>11 MS LEWIS: We will do that, Chair.</p> <p>12 CHAIRPERSON: And obviously that applies 13 also if for example the Fundi family or one of the other 14 families of the other seven people who died in the period, 15 I understand three of the people who died in this period 16 are covered by what you're presenting to us, as in fact was 17 the case with Mr Jokanisi, but as far as the other seven 18 are concerned, the same obviously applies. Please proceed.</p> <p>19 MS MOTLOENYA: Thank you, Chair. 20 Nokanele Pakati who deposed to the statement was married to 21 Makhosandile Mkhonjwa in terms of customary law. 22 Makhosandile Mkhonjwa died at the age of 28 and he comes 23 from Mbizana in Eastern Cape. 24 About Makhosandile Mkhonjwa – he liked to do 25 handy work. He would fix anything that was broken. He was</p>	<p style="text-align: right;">Page 34890</p> <p>1 after several people had died and he was worried about the 2 strike. 3 On the 15th of August 2012 he said there was a 4 heavy police presence at the strike. He said the workers 5 were promised that an agreement may be reached soon. I was 6 worried about the strike but I understood that it was for a 7 good cause as the workers wanted a wage increase in order 8 to improve their living conditions. 9 He said that the union – I don't know which trade 10 union – and 15 police officers told the workers that a deal 11 in respect of the wage demand would be made soon and 12 workers were invited to a meeting on the 16th of August 13 2012. That was the last time I spoke to my husband. 14 On the 16th of August 2012 I went to 15 Makhosandile's uncle, Mr Mkhonjwa from our village, who 16 previously worked for Lonmin and asked for Lonmin's 17 telephone number. On the 17th of August 2012 Mr Mkhonjwa 18 told me that he was informed by people who were in Marikana 19 that my husband had not been seen. 20 On Saturday the 18th of August 2012 a person from 21 TEBA visited our home in Mbizana and told us that my 22 husband had been killed in the shootings in Marikana. TEBA 23 organised transport for us to go to Marikana to view the 24 body and attend a memorial service. On the 22nd of August 25 2012 my mother-in-law and my husband's uncle and I flew</p>

1 from the East London Airport to Johannesburg and we were  
2 transported to Marikana.  
3 [11:17] In Marikana we went to the mortuary and requested  
4 to view his whole body but we were only allowed to view his  
5 face. At the mortuary we were given my husband's  
6 bloodstained clothes. We were not shown a post-mortem  
7 report. We have not yet performed any ritual, this still  
8 needs to be done. The mourning clothes that I'm wearing  
9 need to be taken off in February 2013, where a cleansing  
10 ceremony will have to be held. I will need a car and  
11 groceries for this cleansing ceremony. My husband's  
12 colleagues who attended the funeral informed us that most  
13 workers alleged that police sprayed teargas and shot and  
14 killed the workers, including my husband. All the workers  
15 who attended the funeral said they did not see how my  
16 husband was killed as they were sprayed with teargas and  
17 could not see. They were shot at in the fog of confusion  
18 which caused a stampede.

19 I was devastated by this news, I was hurting.  
20 His mother is still mourning the death of Makhosandile's  
21 father who died four months before August 2012. I am lost  
22 without my husband. I do not know what I will eat tomorrow  
23 and in the future. How am I going to build a house, send  
24 the children to school and support his siblings? I do not  
25 know where help will come from. His pregnant had a

1 miscarriage as a result of the shock and the stress that  
2 she was under.  
3 I want the Commission to find out what happened  
4 on the day. The police are people that are respected and  
5 trusted in society to protect us. Why did they shoot  
6 people who had a wage dispute with the employer? It is by  
7 God's grace that we have something to eat at the end of the  
8 day. While the Commission is still busy with the inquiry  
9 we still have those questions. We have no closure and what  
10 is even worse is that we have nothing to eat."

11 CHAIRPERSON: Thank you.

12 MS LEWIS: Thank you, Chair. Chair, I  
13 believe, I think the next presentation will be on behalf of  
14 Mr Nokamba and it begins at slide 73.

15 CHAIRPERSON: Very well. Exhibit KKKK8  
16 will be the statement re Mr, regarding Mr Nokamba.

17 MS LEWIS: Yes, and Chair, just while  
18 we're waiting for the family, for the family member, Mr  
19 Nokamba was killed at scene 2, he is body I.

20 MS MOTLOENYA: Chair and Commissioners,  
21 we have Mrs Nosake Nokamba who is Mr Nokamba's widow and  
22 she is the person who deposed to this statement.

23 "Ntandazo Nokamba was killed and died at the age  
24 of 36. He hailed from Libode in the Eastern Cape. I am  
25 Nosake Nokamba, the wife to Ntandazo Nokama who was killed

1 in the Marikana tragedy. I live in Libode in the Eastern  
2 Cape. Ntandazo loved soccer. He coached a soccer team, 11  
3 year old boys. The boy who scored the most goals would get  
4 soccer boots from him. He also loved animals, though he  
5 did not own any. He is survived by his wife, Nosake  
6 Nokamba. They had five children, Koseba, Siziphiwo,  
7 Liyabona, Zozebini and Elam, together with his mother,  
8 Keqani Maqaba Mandla.  
9 Ntandazo left for Marikana in 2006 to look for a  
10 job. He would come home three times a year and would phone  
11 three times a day. He did not talk about politics or  
12 working conditions at Lonmin. Ntandazo was our  
13 breadwinner. He bought us groceries, clothes and all other  
14 household essentials. He also paid school fees and bought  
15 clothes for the children. During the strike Ntandazo used  
16 to phone me at six o'clock in the morning to tell me he was  
17 going to participate in the strike. He would phone again  
18 after 10 o'clock in the evening when he came back from the  
19 strike. Ntandazo did not feel good about the strike  
20 because people were getting killed.

21 We, his family, were worried about the strike but  
22 I did not think he would be killed in the strike. We  
23 thought he would get a wage increase. Normally people do  
24 not get killed in a wage dispute. He called on the 16th of  
25 August 2012 and asked about the children. He said that he

1 would call again after returning from the koppie. I  
2 expected his call but it did not come.

3 On the 16th of August 2012 in the evening  
4 Ntandazo's brother, Molokwana Nonqaba, phoned Ntandazo  
5 after seeing the video footage of the shootings that took  
6 place on the 16th of August 2012. However, his phone was  
7 switched off. Molokwana says he could not sleep that  
8 night, wondering if Ntandazo was fine.

9 On Friday the 17th of August 2012, Molokwana  
10 continued to call Ntandazo but his phone was still off. He  
11 then phoned his cousin, Zawulani, who worked in Marikana  
12 and asked about Ntandazo. Zawulani informed Molokwana that  
13 he last saw Ntandazo at the strike. Zawulani said Ntandazo  
14 left early on Friday, the 17th of August 2012. Molokwana  
15 said he was confused because he had tried calling Ntandazo,  
16 to no avail, but he believed Ntandazo was alive because  
17 Zawulani said he was seen on the morning of the 17th of  
18 August 2012.

19 On the 18th of August 2012, Ntandazo's brother-in-  
20 law Xolile phoned Ntandazo's other cousin, Nonkosi Mandla,  
21 and told her about Ntandazo's death. Nonkosi then told  
22 everyone in the family. It is always said that a man does  
23 not cry but Molokwana cried. He says that the pain was  
24 unbearable.

25 After hearing about Ntandazo's death we flew from

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1 East London to OR Tambo International Airport and were  
2 transported to Rustenburg. We were provided with  
3 accommodation by DEBA\*07-36. After DEBA's transport, which  
4 was supposed to fetch us from Libodi to Mthatha, did not  
5 come, we hired a car to transport us to Mthatha and this  
6 cost us R500. DEBA did not refund us the R500 despite the  
7 fact that it refunded other families.

8 Ntandazo's mother went to the mortuary and  
9 identified his body. At the mortuary, corpses were piled  
10 like they were not human bodies. Blood was still coming  
11 out of the corpses. Whilst at Marikana and being  
12 transported, and before transporting his body to the  
13 Eastern Cape, we went to pray at the koppie and spoke to  
14 Ntandazo's spirit. We took his body to the koppie and to  
15 his dwelling in Marikana and informed his spirit, in terms  
16 of our customs, that we were taking his body and his spirit  
17 home to the Eastern Cape. Ntandazo's colleagues attended  
18 the funeral and told us the workers were on a strike over a  
19 wage dispute and that workers were killed by the police. I  
20 am of the view that if Lonmin had agreed to speak to the  
21 miners they would still be alive today. I also think that  
22 the National Union of Mineworkers failed the workers  
23 because it did not represent the interests of the workers.  
24 As a family, we do not know who is going to support us and  
25 raise the children like Ntandazo would. The only income we

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1 every week. He was supposed to come home for his annual  
2 leave only a week after the day on which he died. My son  
3 was young and peaceful. He loved gospel songs, especially  
4 'Dikokele Jehovah.' Mr Sompeta is survived by his  
5 daughter, Sinawungethu, his mother Nomawabo Mabengu  
6 Sompeta. His father had passed on, on the 22nd October  
7 2012. His sister, Nomkisa Sompeta, his two brothers Nigelo  
8 and Uluthando, his nieces Kamva and Jolata and his nephew  
9 Lelethu."

10 MS LEWIS: "Sompeta went to Marikana to  
11 look for a job on his own in 2006. I had never been to  
12 Marikana or seen where he lived. He told me that he lived  
13 in a hostel in Marikana. I only went to Marikana for the  
14 first time after his death. My son was the breadwinner.  
15 He supported his father, sister, his two brothers, his two  
16 nieces, his nephew and me. Every month we received money  
17 for groceries and clothes from him. He was in the process  
18 of building us a house, which he would have continued  
19 working on when he came home for his annual leave. His  
20 father was once a mineworker and supported us just like my  
21 son did. My son used to give us money for his father's  
22 medical care. His father passed away two weeks ago, now  
23 there is no-one to take care of us and support us.

24 Even during the strike my son found the time to  
25 phone us. He told us that there was a strike at Lonmin. I

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1 now have is Ntandazo's mother's pension money.  
2 We want the Commission to get the truth of what  
3 happened to my husband. He had only come to Johannesburg  
4 to work so that he could support his children. If there  
5 was a disagreement regarding the wages and if the employer  
6 was unhappy with the behaviour, then the mine should have  
7 fired them so they could return home to their families. We  
8 want to know how and why he died. Is it a culture in South  
9 Africa for someone who wants a raise to be killed?"

10 CHAIRPERSON: Thank you.

11 MS LEWIS: Thank you, Chair. The next  
12 presentation will be on behalf of Mr Mzukisi Sompeta.

13 CHAIRPERSON: The statement will be  
14 KKKK9.

15 MS LEWIS: Thank you, Chair. Chair, Mr  
16 Sompeta was killed at scene 1. He is body G at scene 1.

17 MS MOTLOENYA: Mr Sompeta's statement was  
18 deposed to by Nomawabo Sompeta. Here at the Commission,  
19 the Sompeta family is represented by Ncumisa Sompeta who is  
20 Mr Sompeta's sister. Mzukisi Sompeta was killed and died  
21 at the age of 37. He is from Lusikisiki in the Eastern  
22 Cape. Nomawabo Mabengu Sompeta who deposed to the  
23 statement is a pensioner and is the mother to Mzukisi  
24 Sompeta.

25 "My son visited home twice a year. He phoned us

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1 told him to come back but he said that he could not leave  
2 his fellow-workers. He did not talk much about the strike  
3 itself but said that they were sitting on a koppie. He  
4 said the strike was about the workers' demand for a salary  
5 increment. He also did not mention or talk about the  
6 police. He told me that he would switch his phone off  
7 during the day.

8 My elder daughter, Nomkisa Sompeta, received a  
9 call from Pat Mabatho who is our neighbour. Mr Pat Mabatho  
10 informed Nomkisa that Mzukisi had been killed in Marikana.  
11 Mzukisi's brothers, Temba and Zingisa Sompeta went to  
12 Marikana. They observed a bullet wound in the chest of my  
13 son. We were told that he was shot by the police at the  
14 koppie. When we washed his clothes we saw bloodstains on  
15 the T-shirt and the fabric was also damaged. His jersey  
16 had holes from the back and a hole which looked like a  
17 bullet hole in the chest. His colleagues from Marikana  
18 attended his funeral. All of his colleagues had good  
19 things to say about it. None of them was able to tell us  
20 how he died. We are deeply hurt about Mzukisi's death. We  
21 do not know where to turn. He was the one who provided for  
22 us. We have no-one else who will be able to provide for us  
23 financially.

24 I want to attend the Commission of Inquiry  
25 because I want to hear for myself what my son did and to

<p style="text-align: right;">Page 34899</p> <p>1 whom, since he was only requesting a salary increased. If  2 Lonmin agreed to meet with the workers, the killings would  3 have been avoided. I also want to know whether whoever is  4 found to be responsible for my son's death will be able to  5 compensate my family."</p> <p>6 CHAIRPERSON: Thank you.</p> <p>7 MS LEWIS: Thank you, Chair. I believe  8 that the family member doesn't wish to add – oh, Chair, I'm  9 sorry. She does wish to say something.</p> <p>10 CHAIRPERSON: What does she want to tell  11 us?</p> <p>12 MS SOMPETA: I wish to say to Lonmin, if  13 Lonmin would have fired my brother instead of doing what  14 they've done and what happened to my brother caused the  15 death of my brother. His health deteriorated after this.  16 My father's health deteriorated after this, his heart  17 stopped and now we're dependant on my mother who is  18 unemployed. My mother is dependant on the pension money  19 that she gets. My father was helping, together with my  20 brother. They would buy clothes and food for us. Thank  21 you.</p> <p>22 CHAIRPERSON: Thank you, thank you very  23 much for that statement.</p> <p>24 MS LEWIS: Thank you, Chair. The next  25 presentation is on behalf of Thobisile Zibambeke and it</p>	<p style="text-align: right;">Page 34901</p> <p>1 My husband started working at Marikana in 2009. He found  2 work at Marikana on his own.  3 [11:37] We have a history of migrant mineworkers in the  4 family. My husband's father and grandfather used to work  5 in the mine. Thobisile was a responsible man and the  6 breadwinner of our family. He supported our family and our  7 extended family. As the sole breadwinner of the family  8 Thobisile bought groceries, clothes and school uniforms for  9 the school going children. He used to send us monthly  10 allowances and now we have no one to do so. Thobisile also  11 supported my older child who was not his biological child  12 and whom I had before I married Thobisile. At the time he  13 was currently completing grade 12. My husband was going to  14 assist him with a tertiary education. I don't know what is  15 going to happen to him now. Without Thobisile's support I  16 don't have the means for my child to continue with his  17 studies. It is true that most, if not all parents build a  18 house for their families. My husband was no exception. He  19 intended to build us a house, but he was killed before he  20 could realise his dream. Even during the strike Thobisile  21 continued to keep close contact with us. He called me when  22 the strike commenced and informed me about the strike. He  23 was very concerned about the strike and participating in  24 it. On Tuesday the 14th of August 2012 he gave me his  25 banking details like his pin code and the name of the bank.</p>
<p style="text-align: right;">Page 34900</p> <p>1 begins at slide 84.</p> <p>2 CHAIRPERSON: That will be exhibit  3 KKKK10.</p> <p>4 MS LEWIS: Thank you. Chair, Mr  5 Zibambeke was killed at scene 1. He is body C.</p> <p>6 CHAIRPERSON: Thank you.</p> <p>7 MS MOTLOENYA: Chair and Commissioners,  8 the statement was deposed to by Mrs Noktula Elzin Zibambeke  9 who is the widow of Mr Thobisile Zibambeke. Thobisile  10 Zibambeke was 39 years old at the time of his death. He  11 hailed from Lusikisiki in the Eastern Cape.</p> <p>12 "I am Noktula Zibambeke. I was married to  13 Thobisile Zibambeke who was killed at Marikana. I live in  14 Lusikisiki in the Eastern Cape. My husband liked football.  15 He was not a violent man. He liked phoning us when there  16 was a big soccer match. I enjoyed talking to him. He had  17 a reputation for being a spiritual person and for his love  18 for the church. Thobisile used to visit home approximately  19 five times a year. He phoned us every day and he would  20 send a call back message if he could not call. He really  21 kept very close contact with us. Mr Zibambeke is survived  22 by his wife, Noktula Zibambeke, his 10 children, Balisa  23 Zibambeke, Melikhaya Zibambeke, Unathi Zibambeke, Sibonelo  24 Zibambeke, Anele Zibambeke, Siko Mandaga, Asipe Mandaga,  25 Nandipha Mandaga, Nokubunga Makhuzo, Nonkhanyiso Moloana.</p>	<p style="text-align: right;">Page 34902</p> <p>1 It was as if he knew that he would be killed. My husband  2 also told me that he was concerned about the presence of  3 the police during the strike. He told me how the workers  4 gathered at the koppie. He informed that the strike was  5 about the workers' demand for a wage increase. Further he  6 said the workers had invited Lonmin to come and speak to  7 the workers about their grievances, but Lonmin had refused  8 to co-operate and refused to meet with them. My husband  9 informed me that some people had died. I became more  10 concerned and requested him to come home. He told me he  11 was unable to leave the strike as it was about his rights  12 as a worker. I last spoke to him on Thursday the 16th of  13 August 2012. I again had asked him to come back home until  14 the strike was over. He told that he could not just leave  15 the strike because he was fighting for his rights. He said  16 he was enforcing his rights as a worker. It was clear that  17 he felt strongly about this. My husband had often  18 complained about how hard he worked and how little he was  19 paid. He said his measly salary prevented him from giving  20 his children a decent life. He spoke of this all the time.  21 He did not phone me again, I became concerned.</p> <p>22 On the 17th of August 2012 I contacted his then  23 neighbour, Nobongile and asked her if she had seen my  24 husband. Nobongile told me that she had looked for my  25 husband to no avail. I thought he had been arrested, I did</p>

<p style="text-align: right;">Page 34903</p> <p>1 not think he was dead. Not once did I think that the  2 strike would lead to his death. Neighbours had started  3 coming to Lusikisiki to offer their sympathies having heard  4 that my husband's whereabouts were unknown. Nobongile and  5 her husband, Pumsele Mgekwa were looking for him at the  6 hospital, the police stations and the mortuary. Some  7 people told Nobongile that he had been arrested, his name  8 was not on any of the lists which Nobongile and Pumsele  9 read through. On the 22nd of August 2012 an employee of -  10 arrived at home and informed us that my husband had died in  11 Marikana. We were all devastated to learn of his death.  12 We asked Pumsele Mgekwa who works at Marikana to attend to  13 everything. He told us that my husband's body had three  14 wounds, but did not specify on which part of the body the  15 wounds were. Some of my neighbours' husbands – some of my  16 husband's colleagues attended his funeral, none of them  17 told us how my husband was killed. They simply told us  18 that he was killed by the police. I am unemployed and  19 dependant on my husband for financial support. I do not  20 know what I'm going to do. Thobisile has left behind ten  21 children, I do not work. How will I afford to take them to  22 school or to feed them? The grant money is not enough for  23 the upkeep of the household. I have started begging from  24 my neighbours for help. I am of the view that the  25 government must also compensate us for the loss we have</p>	<p style="text-align: right;">Page 34905</p> <p>1 [12:07] CHAIRPERSON: The Commission resumes. I  2 take it we're now moving to exhibit KKKK11, which is the  3 statement regarding Mr Noki. Is that correct?  4 MS LEWIS: That's correct, Chair.  5 CHAIRPERSON: Do we have a member of his  6 family here?  7 MS MOTLOENYA: We do, Chair. On behalf  8 of the Noki family we have got Snobuyo Noki who is Mr  9 Noki's cousin. The statement on behalf of the Noki family  10 was deposed to by Mr Noki's [inaudible] who is not with us  11 today.  12 CHAIRPERSON: Yes, as I say it's KKKK11,  13 I meant to. If I didn't, I say it now.  14 MS MOTLOENYA: Yes, Chair. Mr Noki was  15 one of the people who was killed at scene 1, Chair.  16 Mgcineni Mambush Noki died at the age of 30 years. He was  17 from Twalikululu in the Eastern Cape. Okay, you can go to  18 the next slide. "My brother was a happy man and he did not  19 like fights and never fought. He was always laughing and  20 smiling. He was very forgiving and he liked soccer.  21 He kept regular contact with me. He would phone  22 me about four times in a month. He came home three times  23 in a year, especially during holidays or when he took  24 leave. He also spent some of his time off work to visit  25 his wife and children in Carletonville. He promised that</p>
<p style="text-align: right;">Page 34904</p> <p>1 suffered owing to the conduct of the police. I would like  2 the government to pay for our children's education, build  3 us a home and give us subsistence payments for groceries  4 and other household needs. That is the statement, Chair.  5 CHAIRPERSON: Thank you.  6 MS MOTLOENYA: Mrs Zibambele does not  7 wish to state anything.  8 CHAIRPERSON: Thank you. What I said  9 previously about updating information also applies to any  10 social grant or anything of that kind that the families  11 have received since these statements were made. If, of  12 course, it appears that people who qualified for grants and  13 didn't get them then that's a matter that needs to be taken  14 up I trust by social workers. But in view of the  15 statements that have been made it's important that we  16 should have up to date information as to what the position  17 is today and as I say if there are any failures to award  18 grants to which the people are entitled then that's  19 something that we must know that so that something can be  20 done to rectify the position. We now move onto the next  21 deceased. I wonder whether we shouldn't take the tea  22 adjournment now and then we can have that presentation as  23 soon as the tea adjournment is over. I think we must try  24 to be back by 12 o'clock.  25 [COMMISSION ADJOURNS COMMISSION RESUMES]</p>	<p style="text-align: right;">Page 34906</p> <p>1 he would take leave in December and come with his wife to  2 visit us on the 13th of December 2012. I was looking  3 forward to seeing and spending some time with him.  4 Mr Noki is survived by his wife, Nolovuyo  5 Batapelo Lukwiti, his five children Kanya Ndleleni,  6 Ayabonga Sakhanya, Manyano Swen, Sandiso Kohlombe, Asise  7 Lekwetye, his sister Noluvese Noki, and his niece Sinoyolo  8 Noki.  9 In 2009 his cousin invited him to Marikana where  10 he found work at Lonmin. We have a history of migrant  11 mineworkers in the family. My brother was not the only  12 one, or first one to work in the mines outside the Eastern  13 Cape province. My cousin Matshodi Mbulelo Noki is also a  14 mineworker at Marikana. Our father was a mineworker too,  15 but he died when I was very young. My mom was pregnant  16 with Mgcineni when my father died.  17 Mgcineni had one child with Nolovuyo and four  18 other children out of wedlock, all of whom are below the  19 age of 18 at the time. He maintained his wife, his five  20 children, myself and his 16-year old niece.  21 During the strike and before the shootings I had  22 not been in touch with him telephonically. His wife  23 Nolovuyo informed me that on the 16th of August 2012 he  24 phoned her and said he was going to the koppie where they  25 usually gather with other striking workers. His wife said</p>

<p style="text-align: right;">Page 34907</p> <p>1 that she told him not to go to the koppie on the 16th of 2 August 2012 but he said that he had no choice but to go 3 because he was a leader appointed to represent the workers. 4 On the 17th of August 2012 I received a phone call 5 from my cousin Mbulelo Noki saying that there was a strike 6 and Mgcineni had been arrested and was held in police 7 custody. I phoned Matshodi Noki on Sunday the 19th of 8 August 2012 in the morning. He told me that my brother had 9 died in the strike. Unbeknown to me, during the evening of 10 18th of August 2012 an employee of TEBA spoke to Uncle Mtete 11 Zwelakhe and informed him of my brother's death. Since it 12 was late at night my uncle Zwelakhe was unable to call all 13 of the family members to tell us about my brother's death. 14 On the 19th of August 2012 in the morning family 15 members gathered to talk about my brother's death and how 16 they were going to tell me. Little did they know that 17 whilst they were gathering I had just called Mbulelo who 18 had just told me that my brother died. I started crying 19 and the elders and family members came to where I was. 20 They told me that Uncle Zwelakhe had heard the night before 21 and they were still preparing to tell me. They confirmed 22 that indeed my brother had died. I was hurting and still 23 am. I cried throughout the conversation. The pain was 24 unbearable. 25 Uncle Zwelakhe's state of health is very poor.</p>	<p style="text-align: right;">Page 34909</p> <p>1 It was not supposed to send the police to shoot them. The 2 police were not supposed to kill the workers over a wage 3 dispute. 4 I want the Commission to discover the truth about 5 why government killed the workers - if the police work for 6 the government then government killed them; why Lonmin did 7 not opt for other options, like giving the worker a wage 8 increase or dismissing them - I have never heard of workers 9 getting killed by police over a wage dispute; why my 10 brother was killed and how my brother died." 11 That is the end of Mr Noki's presentation. 12 CHAIRPERSON: Thank you. 13 MS LEWIS: Mr Chair, I believe that Mr 14 Noki's family member does wish to address the Commission. 15 CHAIRPERSON: Yes, thank you. What do 16 you have to tell us? 17 MR NOKI: Mr Chair, what bothers me the 18 most is that my brother should be seen as a killer. In 19 everything that was happening on the koppie he was the 20 leader there, now he is seen as someone who was leading the 21 workers astray to do something that is wrong. 22 What Mambush wanted on the koppie was the truth. 23 He died for the truth. The police prevented him from 24 exposing the truth, but I know here in South Africa people 25 don't want to hear the truth. The gentleman who testified</p>
<p style="text-align: right;">Page 34908</p> <p>1 He could not even tell of my brother's death. Instead he 2 let other family members tell me the sad news. 3 I did not view his body. The elders said that he 4 was badly injured and did not permit us to view his body. 5 I was told that his leg had been broken, his front teeth 6 removed and the face was flattened on the side. The head 7 had been damaged. 8 Many of his colleagues who attended his funeral 9 told us what happened and how the striking workers, 10 including my brother, were killed by the police. I did not 11 hear what they said. I was confused. My brother died in a 12 tragic and cruel way. My brother was buried on the 8th of 13 September 2012 in Mxandulu. 14 It was really painful to hear about my brother's 15 death. I have since seen a doctor at the very least three 16 times since his death. I was in a state of shock and was 17 stressed. 18 There is no one to look after us now that my 19 brother is dead. My two sisters are married and live in 20 their homes. I live here with my orphaned niece. We both 21 depended on Mgcineni. 22 I never thought that my brother would die in 23 Marikana, let alone that he would be shot by the police. I 24 blame Lonmin and the police for my brother's death. Lonmin 25 should have spoken to the workers or even dismissed them.</p>	<p style="text-align: right;">Page 34910</p> <p>1 here yesterday did not come out with the truth. The truth 2 is bitter here in South Africa. 3 What I want to tell the workers is for them to be 4 strong and not to turn back on their demands. The people 5 that died for the truth died for the hard work you are 6 doing on the mines. 7 The issue of Mambush bothers me. He's portrayed 8 in the Commission as a killer, whilst he only stood for the 9 rights of the people, of the workers. I urge the workers 10 to be strong and not turn back; don't be scared by the fact 11 that the police are killing you. Go forward. Be prepared 12 to die for the truth. Thank you. 13 CHAIRPERSON: Thank you. The next one I 14 take it is Mr – 15 MS MOTLOENYA: Nqongophele. 16 CHAIRPERSON: Yes, thank you. I couldn't 17 pronounce it correctly, but thank you for correcting it for 18 me. That will be, his statement in respect of him will be 19 KKKK12. The person whose cell phone is going off, please 20 turn it off and if it rings again I'll have to ask the 21 owner to leave the chamber. 22 MS MOTLOENYA: Chair and Commissioners, 23 on behalf of the Nqongophele family we have here Nombulelo 24 Ntonga who is Mr Nqongophele's widow. Mr Nqongophele was 25 killed at scene 1. Bongani Nqongophele died at the age of</p>



<p style="text-align: right;">Page 34911</p> <p>1 31. He came from Elliotdale in the Eastern Cape.  2 "My husband was a good man. He was a religious  3 and friendly person. He never liked fights and never  4 disappointed anyone. He did not like confrontations. We  5 loved each other very much.  6 He visited home mainly during the holidays in  7 December and during Easter. When he came home he loved  8 tending to the cattle and playing with the children. He  9 phoned us every day to check how we were doing. My late  10 husband was forced to drop out of school because of his  11 parents' ill health.  12 He is survived by his wife Nombulelo Ntonga  13 Nqongophele, his daughter Anga Ntonga, his mother, his  14 sister, eight nieces and nephews" – if we can go to the  15 next slide.  16 "He got a job at Lonmin last year. He had been  17 working there for approximately a year before his death. I  18 know that he built his own shack on someone's property at  19 Wonderkop informal settlement in Marikana, with no  20 electricity or running water.  21 My family and I live in a rondavel. We have no  22 access to basic services and electricity. We use a candle  23 for lighting and a paraffin stove and wood fire for  24 cooking. His income was vital to the sustenance of the  25 entire family, especially since he was the only member of</p>	<p style="text-align: right;">Page 34913</p> <p>1 18th of August 2012. Mr Thomas Billy Thonyana from TEBA in  2 Umtata came to the family home in Elliotdale to inform the  3 family about Bongani's death. Mr Thonyana spoke to  4 Bongani's sister Thandisa Nqandeka.  5 My mother-in-law, Bongani's brother Dumiso  6 Nqandeka and I travelled to Marikana to view his body and  7 attend the memorial service. No one ever bothered to  8 explain to us how he died. We just had to identify his  9 body at the mortuary. It was very painful to see him in  10 such an injured state.  11 Bongani was buried on the 1st of September 2012.  12 None of the people who attended and whom we spoke to saw  13 how he was killed.  14 I was very worried, devastated and felt severe  15 pain on hearing about my husband's death. When I heard the  16 news I was so shocked and devastated that I tried to take  17 my own life by drinking pesticide. His mother and sister  18 too were devastated. His mother had to consult a doctor  19 afterwards. His mother is still not well emotionally and  20 physically. She cried a lot and lost her voice. She has  21 developed chest hairs.  22 Since the government killed my husband it must  23 pay compensation to us. The government must bear all  24 Bongani's financial obligations in the family. The  25 compensation will not bring him back, but it will help</p>
<p style="text-align: right;">Page 34912</p> <p>1 the family with a job. He gave us a thousand rand per  2 month for groceries.  3 Bongani was responsible for paying school fees  4 for the following children in the family – Abongile  5 Nqandeka, and Vusipe Nqandeka. He had also just started  6 building us our own home.  7 On the 10th of August 2012 he phoned and told me  8 about the strike. I asked him to come home until the  9 strike was over. He said he could not leave the strike  10 because it was about getting improved salaries.  11 Nonetheless he was determined to fight for his rights as a  12 worker. He did not tell me specifically that they were  13 gathering at the koppie. He simply told me that they, the  14 workers, did not live in their homes anymore but they were  15 gathering in a particular place.  16 Between the 14th and 16th of August 2012 I spoke  17 to him. The last time I spoke to him was on the morning of  18 the 16th of August 2012. I tried phoning him after the 16th  19 of August 2012 but his cell phone was switched off.  20 On the 17th of August 2012 his sister Oneswa  21 Nqandeka also tried phoning him. Bongani's phone was  22 answered by a lady who worked with Bongani. The lady told  23 Oneswa that Bongani had been arrested for taking part in  24 the strike.  25 I heard about Bongani's death on Saturday, the</p>	<p style="text-align: right;">Page 34914</p> <p>1 alleviate poverty and fulfil Bongani's responsibilities in  2 the family.  3 Bongani was building a house and died before he  4 could finish building it. As such the government must  5 support the family as Bongani did. It must enable us to  6 finish building the house that he began building for us.  7 The entire family will now have to survive on my  8 mother-in-law's pension. I don't know how we're going to  9 survive without him.  10 We do not want the Commission to allow the  11 families to disappear into thin air. As the family of the  12 deceased we would like to attend all the proceedings of the  13 Commission. I expect the Commission of Inquiry to  14 investigate how and why my husband was killed. Bongani's  15 mother wants to know why Bongani had to be killed in such a  16 cruel manner. I want the Commission of Inquiry to remember  17 the families of the deceased mineworkers and hear about the  18 role played by the deceased mineworkers in supporting their  19 families."  20 CHAIRPERSON: Thank you.  21 MS MOTLOENYA: Mr Nqongophele does not  22 wish to say anything, Chair.  23 CHAIRPERSON: Thank you. So we now move  24 on to the family of Mr Thobile Mpumza. The statement  25 relating to him will be KKKK13. He I see is one of those</p>

<p style="text-align: right;">Page 34915</p> <p>1 who was killed at scene 2.</p> <p>2 MS MOTLOENYA: He is, Chair.</p> <p>3 MS LEWIS: That's correct, Chair, he was</p> <p>4 body C at scene 2.</p> <p>5 CHAIRPERSON: Yes, thank you.</p> <p>6 MS MOTLOENYA: On behalf of the Mpumza</p> <p>7 family we have Xolelwa Mpumza, who is Mr Mpumza's sister.</p> <p>8 Thobile Mpumza died at the age of 26. He was from Mount</p> <p>9 Ayliff in the Eastern Cape.</p> <p>10 "I am Xolelwa Mpumza. Thobile Mpumza was my</p> <p>11 brother. He was killed at Marikana. I live in Mount</p> <p>12 Ayliff in the Eastern Cape. My brother was quiet. He was</p> <p>13 not a talkative person and was not confrontational. He was</p> <p>14 very forgiving.</p> <p>15 His dependants – he has one child, Inga Mpumza,</p> <p>16 his sister, one niece Esona Mjomboni, four nephews Lethle</p> <p>17 Mjomboni, Oloetu Mpumza, Wanda Mpumza, Asangile Mjomboni."</p> <p>18 MS LEWIS: "My brother left for Marikana</p> <p>19 in 2009 when he was informed about job opportunities at</p> <p>20 Lonmin by our sister Francis Mpumza who works in Marikana.</p> <p>21 My brother was not the first migrant worker in our family.</p> <p>22 [12:27] My father was a mineworker too. Thobile worked</p> <p>23 for Lonmin until May 2011. He was dismissed in May 2011</p> <p>24 after taking part in an illegal strike. He was</p> <p>25 volunteering at Lonmin during the recent strike and he took</p>	<p style="text-align: right;">Page 34917</p> <p>1 now. I did not think that my brother would be killed. If</p> <p>2 Lonmin had agreed to talk to the workers the killings could</p> <p>3 have been avoided. I want to know what the Commission's</p> <p>4 findings will be. I want to know how we will get help.</p> <p>5 Who is going to take responsibility for his death, because</p> <p>6 he is the one who used to take care of us."</p> <p>7 Chair, Mr Thobile's sister does not wish to</p> <p>8 address the Commission.</p> <p>9 CHAIRPERSON: Thank you.</p> <p>10 MS MOTLOENYA: Next, Chair, we have the</p> <p>11 statement on behalf of the Mosebetsane family.</p> <p>12 CHAIRPERSON: That will be exhibit</p> <p>13 KKKK14. I see he was killed at scene 2.</p> <p>14 MS MOTLOENYA: He was killed at scene 2</p> <p>15 and it is body G, Chair.</p> <p>16 CHAIRPERSON: Thank you.</p> <p>17 MS MOTLOENYA: We have here, Chair, Ms</p> <p>18 Ntombizolile Mosebetsane who was Mr Mosebetsane's wife, now</p> <p>19 widow. Thabiso Mosebetsane died at the age of 49. He was</p> <p>20 from Matatiele in the Eastern Cape. The statement was</p> <p>21 deposited by Nomakepu Mosebetsane, who was Mr</p> <p>22 Mosebetsane's sister.</p> <p>23 "He visited home in the December holidays and he</p> <p>24 would call me at least once a month. His dependants, he</p> <p>25 has a wife three children, Kabelo, Thathiso, Tsepo and</p>
<p style="text-align: right;">Page 34916</p> <p>1 part as well. No-one will ever replace and carry out</p> <p>2 Thobile's responsibilities in the family. He raised us</p> <p>3 well, sent us to school and maintained us. My brother</p> <p>4 looked after us as best he could with the meagre means</p> <p>5 which he had. Thobile lived in an informal settlement</p> <p>6 where he rented a shack. He visited us three times a year</p> <p>7 and phoned daily.</p> <p>8 Between 14 and 15 August 2012 I did not receive</p> <p>9 any telephone calls from him. He never spoke to me about</p> <p>10 the strike. Elderly family members came home and told me</p> <p>11 about our brother's tragic death. I was informed that my</p> <p>12 sister Francis went to look for him after hearing that</p> <p>13 people were killed by the police on the 16th of August 2012.</p> <p>14 She discovered that he had been killed. She was told that</p> <p>15 he was shot by the police. She also went for the body</p> <p>16 viewing. When I viewed his body his face looked darker,</p> <p>17 despite the fact that he was light in complexion. His</p> <p>18 acquaintances came to attend the funeral but we did not</p> <p>19 talk to them. My brother's death broke my heart. It was</p> <p>20 very painful to hear that my brother died and how he died.</p> <p>21 After seeing the video footage of how the police killed the</p> <p>22 workers, I stopped watching television. I don't even</p> <p>23 listen to the radio. I am hurting. I am the only one left</p> <p>24 to look after our parents' home in Mount Ayliff. He saw to</p> <p>25 all of our needs. I don't know what we are going to do</p>	<p style="text-align: right;">Page 34918</p> <p>1 Chantelle and a mother, Nomateba. He started working at</p> <p>2 Lonmin in 2008. He lived in the Nkaneng informal</p> <p>3 settlement. He was the breadwinner. He provided us with</p> <p>4 all the things that we needed, including school fees for</p> <p>5 the children. I didn't speak to him during the strike but</p> <p>6 he told my sister Victoria Mosebetsane that they were on a</p> <p>7 strike demanding a wage increase. On the 21st of August</p> <p>8 2012 I received a call from Victoria and my brother's wife,</p> <p>9 Ntombizolile Mosebetsane, saying that my brother's</p> <p>10 whereabouts were unknown. Victoria had asked people, who</p> <p>11 said they didn't know where he was. They went to the</p> <p>12 police station and he could not be found. One man from</p> <p>13 Matatiele, Mtha, saw his body at the mortuary and went to</p> <p>14 tell his wife. They called my sister. Victoria and Mr</p> <p>15 Mtha went to view the body. They did not see wounds but</p> <p>16 his clothes had bloodstains from the back. They were not</p> <p>17 shown a post-mortem report. His colleague that attended</p> <p>18 the funeral said that they were on strike. They were</p> <p>19 members of AMCU and the strike was about a wage increase.</p> <p>20 We have held a night vigil and the tombstone</p> <p>21 unveiling as we are required to do in terms of our custom</p> <p>22 in order to lay Thabiso to rest. We felt severe pain when</p> <p>23 we heard about his death. My mother was even admitted to</p> <p>24 hospital. Thabiso's brother Jackson worked at the mines</p> <p>25 but he got injured and returned to the village. Thabiso</p>

<p style="text-align: right;">Page 34919</p> <p>1 was the only one that was working. We have lost our only 2 breadwinner. I want the children to be assisted with 3 school fees, et cetera. I want there to be food for the 4 family. I want his son, Katiso, to take his job. 5 In addition, we are required to do the cleansing 6 ceremony for Thabiso's son, Tsepo. In order to perform the 7 ceremony we are required to slaughter a cow. We don't have 8 money to buy a cow, which costs approximately R8 000. We 9 are thus unable to perform the ceremony. According to our 10 beliefs, if we don't perform the ceremony, Tsepo may 11 experience difficulties in his life. For example, he may 12 be unable to find a job. 13 It is important for us to attend the Commission 14 of Inquiry. We have heard in the public that victims of 15 the Marikana tragedy have themselves to blame. Now I am 16 beginning to see and hear that the workers were not 17 fighting, they wanted a wage increase. The Commission has 18 also helped us because it has enabled us to receive the 19 assistance of lawyers. This has enabled us to express how 20 we feel. This is important because it helps us to heal if 21 we know the truth and if we can tell the Commission about 22 our loved ones and how they deaths have affected us. It 23 helps us to accept the situation." 24 That is the presentation on behalf of Mr 25 Mosebetsane.</p>	<p style="text-align: right;">Page 34921</p> <p>1 to cook. He did not like soccer. He was a caring and 2 respectful person. He got along with elderly people. 3 Fezile was not married and he did not have children. His 4 dependants, he has a mother, Nolindile Samphendu, a brother 5 Thembinkosi Samphendu, a sister Ntombizolile Samphendu and 6 his niece Siza Samphendu. 7 Fezile left home for Marikana in November 2009. 8 In Marikana he stayed in the Mabomvini informal settlement 9 where he had his own shack. He obtained employment in 10 Marikana when Ntsikelelo, our brother, called him to 11 replace him in his position at Marikana as Ntsikelelo had 12 taken a job in Impala. Our elder brother Ntsikelelo and 13 our father Bekhelo still work at the mine. Fezile visited 14 home about twice a year and would return home whenever the 15 need arose. He would also call several times a week to 16 ensure that everything was fine and to talk about family 17 matters. 18 On the 15th of August 2012 Fezile called our 19 sister to inform her that he was striking but he did not 20 elaborate with further details. He did not make mention of 21 the events leading up to the 16th of August 2012 either. 22 Apart from the fact that he was on strike, he did not give 23 us any further details about the strike and his involvement 24 in it. Some of Fezile's colleagues called Ntsikelelo to 25 alert him that they could not find Fezile in the aftermath</p>
<p style="text-align: right;">Page 34920</p> <p>1 CHAIRPERSON: Thank you. 2 MS LEWIS: Mr Chairperson, Mr 3 Mosebetsane's family member has a statement which she would 4 like to be read to the Commission. 5 CHAIRPERSON: Certainly. 6 MRS MOSEBETSANE: I want to tell the 7 Commission that I have a last born child who is three years 8 old. I cannot even buy a doll for the child to play, but 9 there are people who can afford to buy buffalos at a price 10 of 18 million, although my husband was working hard and he 11 died for a better wage. Thank you, that is all. 12 CHAIRPERSON: Thank you very much. I 13 understand that the next deceased in respect of whom we're 14 going to receive a statement is Mr Samphendu who was killed 15 at scene 2. 16 MS MOTLOENYA: Indeed, Chair, it's body J 17 at scene 2. 18 CHAIRPERSON: That's right. And the 19 statement will be exhibit KKKK15. 20 MS MOTLOENYA: On behalf of the Samphendu 21 family we have Ntombizolile who is Mr Samphendu's sister. 22 Fezile David Samphendu died at the age of 24. He was from 23 Mqanduli in the Eastern Cape. The statement was deposed to 24 by Mr Samphendu's brother. 25 "Fezile liked to sing and to joke. He also loved</p>	<p style="text-align: right;">Page 34922</p> <p>1 of the police killings on 16th of August 2012. This alarmed 2 Ntsikelelo who then travelled to Marikana to investigate 3 for himself. Sadly, the place Fezile was found by 4 Ntsikelelo was the mortuary. 5 We are very hurt that Fezile was killed. He 6 provided for us financially. He bought us food and 7 clothes, he built us houses. We do not know what we are 8 going to do without him. The state can do nothing to 9 alleviate the sadness that we feel about Fezile's death and 10 the manner in which he was killed. However, it could 11 assist with school fees for the children, feeding the 12 family and ensuring the general upkeep of the housekeep 13 which will at least alleviate our suffering. 14 There is no doubt in our minds that we would like 15 the Commission to ensure that Fezile's story is told. My 16 family would like the Commission to get the truth about who 17 is to blame for my brother's death. We need answers so 18 that we can know who to claim from. We are not working, we 19 need jobs in order to survive." That concludes the 20 statement on behalf of the Samphendu family, Chair. 21 MS NTOMBIZOLILE SAMPHENDU: I am 22 Ntombizolile Samphendu. I am his sister, David Samphendu's 23 sister. The death of David has affected me. I was 24 discovered to be diabetic. His brother's child died, died 25 in Welkom. He was the first person to work in the</p>

<p style="text-align: right;">Page 34923</p> <p>1 government, he has been working there for one year. It  2 hurts me because the people who died in my home are the  3 breadwinners. Now we are dependant on my mother who gets  4 grant money. I wish to pass a message to the workers, I  5 want them to be strong and go forward with their demand for  6 their money. This is not somebody else's money that they  7 are demanding but it is their money that they worked for.  8 I want them to be strong and go forward and they should  9 know what they want and not forget the deceased. I also  10 wish to pass a message to all the families in Marikana that  11 they should accept the pain that was caused by the police  12 to us. I also want to pass a message to the Commission.  13 The Commission should be aware that because of the deaths  14 of our loved ones we don't have anything. We still are in  15 that position, we don't have nothing. Thank you.</p> <p>16 CHAIRPERSON: Thank you. The next  17 statement will be from the family of Mr –</p> <p>18 MS MOTLOENYA: Ngxande.</p> <p>19 CHAIRPERSON: Ngxande.</p> <p>20 MS MOTLOENYA: Yes, Chair.</p> <p>21 CHAIRPERSON: Who was killed at scene 2,  22 and the statement will be KKKK16.</p> <p>23 MS MOTLOENYA: Chair, on behalf of the  24 Ngxande family we've got Nonkululeko Ngxande who is Mr  25 Ngxande's widow. Mpumzeni Ngxande died at the age of 38.</p>	<p style="text-align: right;">Page 34925</p> <p>1 just before one o'clock for lunch. He told me he was in a  2 hurry because Mr Mathunjwa had just arrived. He didn't  3 even take five minutes and he said he had to go back  4 because he wants to hear what Mr Mathunjwa has to say.</p> <p>5 Later I heard the gunshots. I tried to go and  6 get closer to the incident but I couldn't. I heard the  7 police were shooting at the strikers so I waited there by  8 the road, looking for my husband. The workers passed but  9 he was not among them. I tried to ask other strikers if  10 they knew where he was. They said they didn't see him and  11 perhaps he was in the group that was arrested or had been  12 killed or maybe he ran off.</p> <p>13 I went back home the following morning. I  14 started looking for him in the hospital but he was not on  15 the list. Then I went to the police station but he was not  16 there. They gave me the names of four other police  17 stations which we went to in order to look for him, then we  18 came back.</p> <p>19 [12:47] On Saturday his uncle Phumzile carried on  20 searching for him. We went looking in Phokeng mortuary and  21 that's where we found him. He came to tell me that they  22 found my husband. I couldn't believe it, I was devastated.  23 I switched off. I am suffering, the whole family is  24 suffering. I am deeply hurt by all this. Life is also so  25 difficult without financial support. My husband was</p>
<p style="text-align: right;">Page 34924</p> <p>1 He was from Lujisweni, Nalini in the Eastern Cape.  2 "My name is Nonkululeko Ngxande. I live in  3 Lujisweni, Nalini. I am the wife of Mpumzeni Ngxande who  4 was killed at Marikana."  5 MS LEWIS: "He was a very quiet person  6 who did not like wrongdoings. Since he was the only one  7 working at home, he provided us with everything we could  8 ask for, taking our children to school. He also built a  9 home for us. He was fond of soccer. He would visit his  10 family every December holidays and during his leave."  11 MS MOTLOENYA: "His dependants, his wife  12 Nonkululeko Ngxande and his two children, Athandile Twaxi  13 and Abiwe Ngxande."  14 MS LEWIS: "He started working for Lonmin  15 in 2008. He lived in the Nkaneng informal settlement. I  16 lived with him most of the time. His uncle Phumzile was  17 also a migrant labourer. When they embarked on a strike he  18 was very positive, hoping that they will be given what they  19 were asking for which was the wage increase of R12 500.  20 They felt they deserved this because they worked very hard.  21 On the 16th of August 2012 he woke up and prepared himself  22 to meet other strikers on the koppie where they usually  23 gathered. He told me that the employers were meeting them  24 to negotiate. He was excited, hoping that the employer  25 would give them good news. He came home at around 12:40,</p>	<p style="text-align: right;">Page 34926</p> <p>1 everything to us. How are we going to move on with life?  2 Will our children be taken care of? I strongly blame his  3 employers for not listening to their employees. If they  4 met them halfway none of this would have happened. The  5 policemen failed this country on that day, I blame them a  6 lot. My husband was not a violent person, he did not  7 deserve to die like that. I want the Commission to find  8 out the reason for why the police acted in the way in which  9 they did." Mr Chair, the family member does not wish to  10 address the Commission.</p> <p>11 CHAIRPERSON: Yes. Thank you very much.  12 The next statement will be by a member of the family of Mr  13 Gwelani. He was killed, I understand, approximately 210  14 metres away from scene 1.</p> <p>15 MS MOTLOENYA: Yes, Chair.</p> <p>16 CHAIRPERSON: The statement relating to  17 him will be KKKK17. [Microphone off, inaudible] take an  18 adjournment. I see that the lady has collapsed and perhaps  19 we can take the adjournment now and resume again at quarter  20 to two and that someone will attend to her and that she'll  21 be alright.</p> <p>22 [COMMISSION ADJOURNS COMMISSION RESUMES]  23 [13:56] CHAIRPERSON: The Commission resumes.  24 The first question I must ask you is the lady who collapsed  25 before we adjourned, how is she now?</p>

<p style="text-align: right;">Page 34927</p> <p>1 MS MOTLOENYA: Chair, the lady who 2 collapsed has been taken to the hospital, together with 3 three other family members have also been taken to 4 hospital. So we've taken instructions from the clients and 5 some are in a position to continue for – 6 CHAIRPERSON: Before we get to the 7 questioning of continuing, those who've been taken to 8 hospital, do we have a report on their condition, how are 9 they? 10 MS MOTLOENYA: Not yet, Chair. 11 CHAIRPERSON: I see. 12 MS MOTLOENYA: Not yet. 13 CHAIRPERSON: I hope that they recover 14 quite soon. I hope they receive treatment fairly soon 15 which enables them to recover. I can understand it's a 16 very stressful experience for them and – 17 MS MOTLOENYA: Yes, Chair. 18 CHAIRPERSON: - our sympathy goes out to 19 them. It's very brave of them to come to present their 20 statements to us. So I was told during the adjournment 21 that you only want to proceed in respect of six of the 22 families. Is that correct? 23 MS MOTLOENYA: Indeed, Chair. 24 MS LEWIS: Chair, I'm sorry, I believe 25 that it's seven.</p>	<p style="text-align: right;">Page 34929</p> <p>1 CHAIRPERSON: Yes, and Mr Thelejane was 2 killed at scene 2. 3 MS LEWIS: He was body B. 4 CHAIRPERSON: I'd be grateful if we could 5 be informed when information becomes available as to the 6 condition of those who've gone to hospital. 7 MS LEWIS: We will do that, Mr Chair, 8 immediately. 9 CHAIRPERSON: Thank you. 10 MS MOTLOENYA: Mr Chair and 11 Commissioners, on behalf of the Thelejane family we have 12 with us Makopane Thelejane, who is Mr Thelejane's wife, now 13 widow. Thabiso Johannes Thelejane died at the age of 55. 14 "My name is Ms Thelejane. I am from Pabelong in 15 Matatiele in the Eastern Cape. My husband was Thabiso 16 Johannes Thelejane. He was killed at Marikana. 17 My husband Thabiso was a good man, well-known by 18 his co-workers and his employees. All my children loved 19 him a lot. He tried by all means to support his children. 20 His dependants – his wife, his two children 21 Diketso Thelejane and Xopano Thelejane, together with his 22 grandchild Atlehang Johnson Phori. 23 In October 2011 he decided to go and try find a 24 job in one of the mines. He called his friend Mr Lesotho 25 to help him find a job and that is how he got a job at</p>
<p style="text-align: right;">Page 34928</p> <p>1 CHAIRPERSON: Well who are the seven? 2 MS LEWIS: Mr Chair, it's the six – 3 CHAIRPERSON: Just give me the numbers on 4 the list. 5 MS LEWIS: - numbered 19 to 24. 6 CHAIRPERSON: Yes, these are six. 7 MS LEWIS: Yes. 8 CHAIRPERSON: [Microphone off, inaudible] 9 MS LEWIS: Sorry, it's 19 to 25, yes. 10 CHAIRPERSON: [Microphone off, inaudible] 11 MS LEWIS: That's correct, Mr Chair. 12 CHAIRPERSON: [Microphone off, inaudible] 13 MS LEWIS: Mr Chair, we might also be 14 going slightly out of order and so we just ask the 15 Commission to bear with us on that. Thank you. 16 CHAIRPERSON: So we're finished with the 17 Gwelani family, have we? 18 MS LEWIS: Ja, Mr Chair, I think we will 19 then actually commence with Mrs Thelejane. 20 CHAIRPERSON: I see, alright. So we're 21 finished with Mr Gwelani, so the next one, the statement 22 will be KKKK18, that's the statement in respect of Mr 23 Thelejane. 24 MS LEWIS: Correct, Mr Chair, and the 25 presentation begins at slide 239.</p>	<p style="text-align: right;">Page 34930</p> <p>1 Lonmin. He is the only migrant labourer in his family. 2 When he was at Marikana he lived in an RDP house 3 and I therefore stayed with him. 4 My husband was the only person who was supporting 5 us at home. He paid the school fees for his grandchildren. 6 He also provided for" – 7 CHAIRPERSON: Grandchild. 8 MS MOTLOENYA: For his grandchild, I beg 9 your pardon. "He also provided for our other needs. He 10 started attending the strike on Tuesday the 14th of August 11 2012 since he heard that the employers might meet with 12 them, but they never came. The following day there was 13 still no answer. 14 On Thursday the 16th of August 2012 at around 10AM 15 he left home to go to the koppie. During the preceding 16 days he had come home at 15:00PM. However, on the 16th of 17 August 2012 Mr Makoyo, who left with him that morning, 18 called his wife. I asked him if he had seen my husband. 19 He said that he may have been arrested because there were a 20 lot of people who had been arrested. 21 The following day after watching the news I began 22 searching everywhere for him. I went to the hospital, the 23 police cells, and then I went to the Phokeng Mortuary. 24 That is where I found his body. I went with Makoro and 25 Matsepang. I was able to identify his body. It was a very</p>

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1 disturbing scene. I am unable to tell the story of what I  
2 saw and I will never forget it.

3 My husband was our only breadwinner. He provided  
4 for all our needs. We are now suffering emotionally and  
5 financially. Our lives will never be the same.

6 I don't know who told my husband to go there  
7 because when he left he told me that they had been called  
8 and that there was going to be a meeting where they'd be  
9 given an answer, but the fact was that he didn't bother  
10 anyone. He went to the koppie just like the other  
11 strikers, carrying his stick, the stick that he carried  
12 everywhere he went. Can you call that illegal? Therefore  
13 I blame the police for their action. Killing human beings  
14 like that was unforgivable. This would also never have  
15 happened if Lonmin took up their responsibilities and  
16 listened to their employees. None of this would have  
17 happened. I blame them."

18 And that is the presentation on behalf of the  
19 Thelejane family.

20 CHAIRPERSON: Thank you. Mrs Thelejane  
21 wishes to make a statement herself.

22 MRS THELEJANE: I have [Microphone off,  
23 inaudible] difficulty. Since my husband died, who was  
24 employed at Lonmin. I normally follow him dressed in a  
25 white overall on his way to work because I stayed with him.

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1 But after the incident Lonmin alleges they don't know him.  
2 Until now his children are suffering.

3 When Lonmin handed over food packages to others  
4 in December my children were not given food packages. I  
5 want to know what he did. I believe that if he was the one  
6 who was in the wrong they could have dismissed him and sent  
7 him home.

8 I do not get any pay. His children also don't  
9 get any pay. The grandchild is the only one who receives a  
10 grant, which does not help us.

11 I have a problem with Lonmin. Since my husband  
12 was killed they do not know or care about what we eat, what  
13 my children eat and how we live. I always ask my attorneys  
14 to go and find out what the problem with my late husband  
15 is, what is happening. My lawyers have a difficulty with  
16 me because I am pushing them. When they go to Lonmin,  
17 Lonmin does not attend to them. It means that it seems as  
18 though Lonmin says that they do not know where my husband  
19 worked, whereas he worked at Lonmin. I want them to assist  
20 me now and tell me where he was employed. I know that he's  
21 an elderly person. I heard all the words which were used,  
22 describing how they were and what they did. Thank you.

23 CHAIRPERSON: Thank you. Mr Van As,  
24 that's one of the matters that we'd be grateful if you'd  
25 look into.

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1 MR VAN AS: I've made a note of that, Mr  
2 Chairman.

3 CHAIRPERSON: I also indicated to you in  
4 one of the adjournments that I would like you to inform us  
5 tomorrow, if you can, what arrangements, if any, have been  
6 made in relation to the education of the children of those  
7 who were killed. As I recall there was a statement by  
8 Lonmin just after the tragedy along those lines and it may  
9 well be that those matters have been attended to, but it's  
10 obviously information that we should have and I'm just  
11 putting on record that you undertook to obtain that  
12 information as soon as you could.

13 MR VAN AS: I'll do so, Mr Chairman.

14 CHAIRPERSON: Thank you.

15 MS MOTLOENYA: Chair and Commissioners,  
16 the next slide that we'll be showing is for the family of  
17 Janeveke Raphael Liau, which will be number 20 on the list.  
18 He was also killed at scene 2 and is body E, is known as  
19 body E in the Commission.

20 CHAIRPERSON: Yes, thank you. He was  
21 known as body E until we started calling people by their,  
22 the deceased by their names –

23 MS MOTLOENYA: Yes.

24 CHAIRPERSON: - in accordance with the  
25 dignity to which they're entitled even in death.

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1 MS MOTLOENYA: On behalf of the Liau  
2 family is Masebulai Liau.

3 CHAIRPERSON: The statement will be  
4 exhibit KKKK19.

5 MS MOTLOENYA: Yes, Chair. Masebulai  
6 Liau is the wife, or the widow of Mr Liau and she is the  
7 one who deposed to this statement.

8 MRS LIAU: Confirmed.

9 MS MOTLOENYA: Janeveke Raphael Liau died  
10 at the age of 47. He was from Dikolobeng Hamonyane at  
11 Maseru, Lesotho.

12 "My name is Masebulai Liau. Janeveke Liau was my  
13 husband. He was killed at Marikana. I live in Dikolobeng  
14 Hamonyane, Maseru, in Lesotho.

15 Janeveke was a very caring and selfless man. He  
16 loved his family and he took care of us. He used to come  
17 back home to see us every month. When he was at work he  
18 would call me every day after he knocked off.

19 His dependants – his wife Masebulai Liau, his  
20 four children Sebolai Liau, Mashloma Liau, Motsidisi Liau,  
21 Jane Liau, his late elder brother's wife and children."

22 MS LEWIS: "He started to work for Lonmin  
23 in 2003. He was the only person in the family to ever work  
24 for a mine. Janeveke was our only source of financial  
25 support in the family. He was not working and with the

<p style="text-align: right;">Page 34935</p> <p>1 money he would send home every month I would buy whatever 2 we needed in the house. 3 At the beginning of the strike he called me to 4 say that he was not going to work because they were on 5 strike as they wanted an increase in their salary. He 6 didn't explain much else about the strike and I couldn't 7 tell how he felt about the strike as he was far away and I 8 couldn't see him. I didn't even know they were on the 9 koppie until I came to Marikana at the memorial service. 10 All I knew was that he was not happy about the salary he 11 was earning and that they were on strike as a way to fix 12 that issue. 13 I first found out about his death on the 18th of 14 August from Mr Koloyi, a TEBA representative who came to my 15 house and asked me if I was aware of the strike that had 16 taken place where my husband worked. I told him I was 17 aware of it. He then informed me that my husband was among 18 those who had been killed as a result thereof, that he had 19 been shot and he was dead. 20 I came to claim his body with my brother-in-law. 21 However, when we arrived at the mortuary I was afraid to go 22 and look at his body, so his brother Paolo went in alone. 23 I never asked him how he looked and he didn't tell me 24 either. Even at the funeral I did not have the courage to 25 look at his body. I only saw his face.</p>	<p style="text-align: right;">Page 34937</p> <p>1 MS MOTLOENYA: That is so, Chair. 2 CHAIRPERSON: Thank you. Thank you, Mrs 3 Liau. 4 MS MOTLOENYA: Next, Chair, we will go to 5 the presentation of Mr Molefi Osiel Ntsoele, number 22 on 6 the list. Mrs Thalang Mohai is one of the people who 7 collapsed earlier, Chair. 8 CHAIRPERSON: I hope we'll get good news 9 about her in due course. So the next witness then is, well 10 the next deceased that we're dealing with is Mr Ntsoele, is 11 it? 12 MS MOTLOENYA: Indeed, Chair. 13 CHAIRPERSON: So statement in respect of 14 him will be marked KKKK20. 15 MS MOTLOENYA: On behalf of the Ntsoele 16 family we have Matebang Lucy Ntsoele, who is the widow, 17 Chair. Molefi Osiel Ntsoele died at the age of 40. He 18 comes from Hadibesi Semonkong, Maseru in Lesotho. 19 "My name is Matebang Ntsoele. I live in Hadibesi 20 Semonkong 120, Maseru in Lesotho. I am Molefi Ntsoele's 21 wife. My husband was killed at Marikana. 22 He was well-known and loved by our neighbours. 23 He was an approachable man and easy to talk to. He was a 24 hardworking man and he made a difference wherever he was. 25 Those who worked with him feel the space he has left</p>
<p style="text-align: right;">Page 34936</p> <p>1 I'm still affected by this. I'm deeply saddened. 2 I feel weak and helpless. My children are very sad and 3 disturbed by the loss of their father. I would have 4 thought that something as terrible" – 5 CHAIRPERSON: No, I would never have 6 thought. 7 MS LEWIS: "I would never have thought," 8 thank you, Mr Chair. "I would never have thought that 9 something as terrible as this could happen to him as a 10 result of a strike. I want to know how it came to be that 11 my husband was killed in such a cruel manner and I want to 12 know what will happen to those who killed him. 13 We were dependant on him for our every need. I 14 do not know how we'll manage to pay for the children's 15 education or buy them food and clothes because the money he 16 used to send would cover all of those things. 17 We were in the process of completing rooms which 18 we would lease to tenants so as to generate an income. The 19 rooms are incomplete. I do not know how I will complete 20 them on my own. I'm not working and our entire family 21 looked to him for support. There is no one else who can 22 help us." 23 CHAIRPERSON: I understand that Mrs Liau 24 doesn't wish to make a statement. 25 MS LEWIS: That's correct, Chair.</p>	<p style="text-align: right;">Page 34938</p> <p>1 behind. 2 His dependants are his wife, Matebang Ntsoele, 3 his four children Tsepang Ntsoele, Moramukoma Ntsoele, 4 Thukelo Ntsoele, Mapote Ntsoele. 5 Before he died my husband had been working for 6 Lonmin for about five years. He first left Lesotho looking 7 for work in 1996. He worked in the Free State for a while, 8 then he moved to the North West. 9 My husband was the breadwinner. He supported me 10 and our children, as well as his 86-year old mother and my 11 mother. He was responsible for everything in our family – 12 school fees for the children, groceries, clothes and 13 building our home. Every single thing we had he provided 14 for us. He wanted his children to have the best education, 15 so he made sure he took them to the best schools that he 16 could afford. 17 [14:15] When the strike started he told me he was not 18 going to work as they were all striking for better wages. 19 So I asked him to come home, but he told me that he didn't 20 have any money at that time and that he would come home as 21 soon as he had money to do so. For the duration of the 22 strike I did not watch television nor did I listen to the 23 radio. This was because I did not want to worry about his 24 safety, so whenever he called I would be relieved because I 25 knew that he was fine. He also never went into any detail</p>

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1 about the strike and we would talk about other things. My  
 2 son, Tsepang was also in contact with him. The last SMS  
 3 Tsepang sent to him on the 12th of August 2012 was to let  
 4 him know that we are fine and that he wanted to ask if he  
 5 should hire people to come and plaster the house. His  
 6 father responded to him on the 15th of August 2012 and told  
 7 him that it was fine for him to do so and that he was glad  
 8 that we are doing well. On the 16th of August 2012 at about  
 9 10am I called him because I was worried about him. He had  
 10 not been able to speak to me, but for a couple of days as  
 11 there were network problems due to the snowfall he didn't  
 12 pick up his phone, so I convinced myself that it meant that  
 13 the strike was over and that he was back at work. I did  
 14 not expect the strike to escalate to such an extent and to  
 15 last as long as it lasted nor did I expect it to result in  
 16 his death. I found out about the killings on the 17th of  
 17 August 2012 from one of his relatives who saw the news.  
 18 After being unable to contact him I went to look for him at  
 19 Marikana. Initially after getting the call I was told he  
 20 had been run over by a car. I couldn't understand how that  
 21 was possible. On Sunday the 19th of August 2012 Mr Galoyi  
 22 from Teba in Lesotho came to our house and told me that my  
 23 husband was among those who had been killed as a result of  
 24 the strike at the mine. He didn't explain to me how he  
 25 died.

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1 When I was brought to view his body they would  
 2 not allow me to see the rest of his body. They only let me  
 3 look at his head. He looked terrible, his skin was pitch  
 4 black and he had a wound on his head. We buried him on the  
 5 8th of September 2012. Those of his co-workers who came to  
 6 the funeral told me that he had been shot by the police.  
 7 Others told me that he was run over by a Hippo. I still do  
 8 not know how he died. I cannot even explain the pain I'm  
 9 going through, I would not wish to befall anyone. There's  
 10 a hole that has been left in my life. Even if this was  
 11 God's will I cannot find a way to understand how and why  
 12 this came to happen. I have lost interest in everything.  
 13 I am always thinking about him and what happened to him and  
 14 the pain is unbearable. His mother still doesn't  
 15 understand what happened. My mother has also been badly  
 16 affected by his death. We as a family are in trouble now.  
 17 I do not know how we will go on, I am really at a loss for  
 18 words. I cannot even think of a way to make ends meet. He  
 19 used to provide everything for us, we depended on his  
 20 income for everything. Now that he is gone it falls to me  
 21 to make a way to support my family. I do not know how I'll  
 22 be able to do this. I am so stressed, I wonder how I will  
 23 provide for my children and how I will put food on the  
 24 table or finish the buildings that are incomplete. I  
 25 cannot even pay the shepherds and I cannot take my children

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1 out of school to take care of the livestock. I am willing  
 2 to work to put food on the table and to make sure my  
 3 children are taken care of. I sometimes think if I had  
 4 something else to occupy my mind I would be better because  
 5 all I think about is all that needs to be done and what  
 6 happened to my husband. We were in the process of building  
 7 rooms to rent out to tenants in order to generate an income  
 8 in preparation for his retirement or in case he got injured  
 9 at work. All those plans have been stopped now because I  
 10 do not know where the money to continue will come from. I  
 11 am even more worried because Christmas is around the  
 12 corner. He would come home to buy the children food and  
 13 clothes. I do not know what I am going to do. I want to  
 14 know what happened to him and how it happened. I also want  
 15 to know who was responsible for his death. Those who are  
 16 responsible must pay for it. Lonmin must do for my family  
 17 what my husband used to do because he died at work. May  
 18 his soul and the souls of all the departed rest in peace.  
 19 Mrs Ntsoele would like to say something.

20 MRS NTSOELE: I am Matsapang Ntsoele. I  
 21 am in terrible pain of what happened to my husband due to  
 22 Lonmin because up till now we do not know what happened  
 23 that ended up with our husbands been killed. When our  
 24 husbands left home it was because of hunger and having not  
 25 sufficient clothes. They were even too scared to say

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1 because the Bible says everyone should reap what he sows.  
 2 I am surprised why Lonmin did what they did when they had a  
 3 problem with their employees over wages, why they let them  
 4 be killed. Even so to all the families who lost their  
 5 loved ones at Marikana God be with you and all the people  
 6 who are involved in this Commission God should give them  
 7 the wisdom, all of them to be able to resolve this matter  
 8 peacefully.

9 CHAIRPERSON: Thank you very much for  
 10 that.

11 MS MOTLOENYA: Next, Chair, we have a  
 12 presentation on behalf of the Monesa family.

13 CHAIRPERSON: The statement will be  
 14 exhibit KKKK21.

15 MS MOTLOENYA: On behalf of the Monesa  
 16 family we have Matabuseli Monesa. The statement was  
 17 deposited to by Mr Monesa's brother. Khawamare Elias Monesa  
 18 died at the age of 36. He was from Libode in Eastern Cape.  
 19 My name is Motalapule Monesa, I live in Butha-Buthe in  
 20 Lesotho. I am the brother of Elias Khawamare who was  
 21 killed at Marikana. My brother was always happy to be with  
 22 us. He used to come home to see his wife every month. He  
 23 was looking forward to being a father. He had planned to  
 24 build a house so that his wife and child could have a  
 25 proper home. His wife is not working, she is still



<p style="text-align: right;">Page 34943</p> <p>1 studying, so he took care of everything. He used to call  2 her every day at 7pm when he got back from his shift. His  3 dependants are his wife, Matabuseli Monesa. At the time  4 when the statement was taken she was nine months pregnant.  5 However, the child passed away after three days when it was  6 born. The brother Motalapule Monesa. He first started  7 working in the mines in 1999. He worked at Murray &amp;  8 Roberts then Grinaker and then Lonmin.  9 MS LEWIS: My brother supported his wife  10 and me. Our parents passed away when we were younger, so  11 we only had each other. The situation at home forced him  12 to go and look for work at the mines. I last spoke to him  13 on the 15th of August 2012. He told me that they were still  14 on strike because they work very hard but earned too  15 little. He told me that there fights, but he didn't  16 explain what he meant. He wasn't happy that he was not  17 working because he did not want his wife to worry or stress  18 about anything. He also said that despite their efforts  19 the mine refused to speak to them about the money they were  20 requesting. After we saw the shootings on television I  21 tried to call him, but he didn't answer his phone, so I  22 made my way to South Africa on the 18th of August 2012. I  23 started looking at the Wonderkop hospital. There were  24 other people there who had come to look for their loved  25 ones. Mr Maropeng from Lonmin took us to Phokeng mortuary</p>	<p style="text-align: right;">Page 34945</p> <p>1 made has since come out of hospital and hope is recovered –  2 oh that's the lady –  3 MS MOTLOENYA: That's the lady.  4 CHAIRPERSON: So she has come out of  5 hospital and she's recovered in one sense but she's still  6 obviously very grief-stricken by what happened. Thank you.  7 MS MOTLOENYA: My next presentation,  8 Chair, is for the family of Modisaotsile van Wyk Sagalala.  9 That's number 25.  10 CHAIRPERSON: The statement in respect of  11 Mr van Wyk Sagalala will be KKKK22. He was shot at scene 2  12 and died later in hospital.  13 MS MOTLOENYA: That's correct, Chair. Mr  14 Hendrik Sagalala who is here is the son to the late Mr  15 Sagalala. My name is David Sagalala. I live in [African  16 language] in the Rekong municipal district of the North  17 West. Modisaotsile Van Wyk Sagalala was my father, he was  18 killed at Marikana. My father was a good, caring man. He  19 was loved by his family and everyone else. When he was  20 home he would clean the yard and work in the garden. His  21 dependants are his wife, his child David Sagalala and his  22 grandmother. For as long as I can remember my father had  23 been working at the mines. My grandmother and I depended  24 on him for everything. Now that he is no longer here I do  25 not know how we're going to survive. He was the</p>
<p style="text-align: right;">Page 34944</p> <p>1 to look on the list of names to see if he had been brought  2 there. I found his name on the list of those who had been  3 taken to the Pretoria mortuary. They then informed me that  4 they would allow us to view the body later in the week.  5 His wife and our uncle also made their way to South Africa  6 in order to identify his body. They arrived on the 22nd of  7 August 2012. They were brought to the country by the  8 [inaudible] representatives. We were then allowed to view  9 his body on the 23rd of August 2012. When we saw him he had  10 a wound on his head and face. His hands were also broken.  11 It was a truly traumatic sight. His wife did not take the  12 news of his death well. She was hospitalised on the 9th of  13 September 2012 after his funeral and she has been in  14 hospital ever since. I want to know what happened to my  15 brother and I want to know exactly what events led to his  16 death. I want to know what will happen to those who killed  17 him. I want assistance for myself and my sister in law.  18 Mr Maropeng told my sister in law to let them know once the  19 baby is born so that they can see what they can do. But I  20 don't know how we will survive without my brother and how  21 his child will grown up without ever knowing his father.  22 Mr Chair, Mrs Monesa does not wish to address the  23 Commission.  24 CHAIRPERSON: Thank you. I take it that  25 the wife who was in hospital at the time the statement was</p>	<p style="text-align: right;">Page 34946</p> <p>1 breadwinner. He supported my grandmother, my mother and  2 me. He started building his dream home in preparation for  3 his retirement. I relied on him for everything as I'm not  4 working. It is really difficult for me to deal with this  5 great loss. He informed me that they were on strike when  6 it first began on the 10th of August 2012. He didn't tell  7 me much, but he said the reason they were on strike was  8 because of their wage dispute with the employer. Between  9 the 14th and the 15th of August 2012 he called to tell me  10 that things were changing in the area and that he did not  11 know how the strike would end. He did not mention anything  12 about the police presence. During the evening of the 15th  13 of August 2012 he told me that he did not know what  14 tomorrow would bring. I couldn't tell if he was afraid  15 that something bad would happen or not. During of 19th of  16 August 2012 I received a call from his landlady who  17 informed me that he had not come home on the 16th of August  18 2012. She said that she was going to look for him. She  19 searched for him in the hospitals and at the prison. She  20 eventually found his body at the mortuary on the 18th of  21 August 2012. That is when she called me to inform me that  22 my father had passed away. No one told me how he died. I  23 only saw his body on the night before the funeral. He had  24 a bullet wound in his chest. I found out from his  25 colleagues on the day of the funeral that the employer</p>

<p style="text-align: right;">Page 34947</p> <p>1 refused to speak to them to resolve the dispute and the 2 police got involved which is what led to the death of my 3 father and other people. I would like assistance in 4 completing the home my father had started building as well 5 as help in buying food and essentials as I depended on my 6 father for everything. I want to see where my father died 7 and how he died. I want those responsible for his death to 8 be arrested and brought to justice because everyone who 9 breaks the law must be held accountable. That is the 10 presentation on behalf of Mr Sagalala.</p> <p>11 MR SAGALALA: I am Hendrik Sagalala. 12 What I would like to say on behalf of the family is that we 13 are not happy at the way that Lonmin handled the situation. 14 I am the eldest in the family, I am the one left to look 15 after my father's house. Whilst I was at work my younger 16 brother was told about my father's injuries, that he was 17 injured. After he called me I then proceeded to Lonmin. 18 The way in which Lonmin handled me was unacceptable. They 19 gave me a lot of problems in order to identify and sign off 20 the body of my father. They eventually handed it over to 21 unknown people. Those people came to my father's house to 22 bury him, but we did not know where Lonmin got those people 23 from.</p> <p>24 [14:35] My grandmother is deeply hurt by the fact that 25 now she cannot even speak - they made me to be enemies with</p>	<p style="text-align: right;">Page 34949</p> <p>1 still remain on the list. Would it be possible for us to 2 take a very short adjournment so that we can just – we 3 weren't able to talk to them all after the lunch 4 adjournment to find out who was still feeling strong enough 5 to –</p> <p>6 CHAIRPERSON: Yes, let's take an 7 adjournment and when you're ready to tell me either that we 8 can carry on or not carry on, then you can come and see me 9 in the chambers we're occupying.</p> <p>10 MS LEWIS: Thank you.</p> <p>11 CHAIRPERSON: And we will then do what is 12 appropriate.</p> <p>13 MS LEWIS: Thank you.</p> <p>14 [COMMISSION ADJOURNS COMMISSION RESUMES] 15 [14:57] CHAIRPERSON: The Commission resumes. Ms 16 Lewis, you came to see us in chambers to report to us that, 17 I think you said seven of the families wish to make 18 statements this afternoon –</p> <p>19 MS LEWIS: That's correct, Mr Chair.</p> <p>20 CHAIRPERSON: - prepared to do so on 21 their behalf. Who is the next family?</p> <p>22 MS LEWIS: Mr Chair, I believe that 23 there's also an update about the condition of those family 24 members –</p> <p>25 CHAIRPERSON: We wanted that, yes please.</p>
<p style="text-align: right;">Page 34948</p> <p>1 my family, with my [indistinct] because the family says I 2 buried my father with strangers. I am not happy about that 3 because all his benefits, everything was given to those 4 unknown people. We were only given R9 000 each. We are 5 deeply hurt as a family for the mere fact that my father 6 worked for Lonmin for 32 years. What we are asking is if a 7 person dies on duty, is Lonmin not supposed to take 8 responsibility? That is what really hurt us. My father 9 was a priest. According to our culture, an elderly man is 10 not supposed to be buried at 12 because if you do that we 11 say he was buried like a dog. Even if we tried to address 12 the problem as it was our home, Mr Marupeng told us that we 13 should just let go and let the others take control of the 14 situation because we are children, there is nothing that we 15 can do.</p> <p>16 I am not happy about the whole situation and not 17 happy about my father's death. Lonmin did not treat me 18 well. Our names are listed at the mine and it was listed 19 that my father was married. His beneficiary was also 20 written. We as a family were sidelined, we do not know 21 what the problem is. That is all, thank you.</p> <p>22 CHAIRPERSON: Thank you.</p> <p>23 MS LEWIS: Mr Chair, I am informed that 24 there are a number of other people who do wish to present 25 their statements and we may be able to complete those who</p>	<p style="text-align: right;">Page 34950</p> <p>1 MS MOTLOENYA: Yes, Chair. Ms Ngxande 2 and Mrs Mpumza Mosebetsane and Mohai have been transferred 3 from the Lyttelton Clinic and have been taken to the 4 Tshwane district hospital, so I think they're going to get 5 further treatment there.</p> <p>6 CHAIRPERSON: I see. Well, I take it you 7 won't have, by the time we finish this afternoon you won't 8 have any further information but please tell us tomorrow 9 morning what is happening.</p> <p>10 MS MOTLOENYA: We will do so, Chair.</p> <p>11 CHAIRPERSON: And what their condition is 12 and how they are reacting to the treatment that they'll be 13 receiving.</p> <p>14 MS MOTLOENYA: We will do so, Chair.</p> <p>15 CHAIRPERSON: Alright. If you can, if 16 you're in communication with them, please convey our best 17 wishes to them and our thoughts that they recover as 18 quickly as they can.</p> <p>19 MS MOTLOENYA: Will do so, Chair. Chair, 20 next we continue the presentation for the family of Mr 21 Thembinkosi Gwelani, no. 13 on the list and he was killed 22 at scene 1.</p> <p>23 CHAIRPERSON: The statement in respect of 24 Mr Gwelani will be –</p> <p>25 COMMISSIONER HEMRAJ: We've done Mr</p>

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1 Gwelani.

2 CHAIRPERSON: Haven't we done him? I

3 thought we did him. The name and the face are both

4 familiar to me.

5 MS LEWIS: Mr Chair, we started but we

6 didn't get further than the name and –

7 CHAIRPERSON: Oh I see, alright. So

8 we've already allocated a number, exhibit number to his

9 statement but we haven't finished with it. Alright, so

10 that's KKKK17.

11 MS MOTLOENYA: On behalf of the Gwelani

12 family is Ntombikaya Gwelani who is the sister to Mr

13 Gwelani and she deposed to the statement. Thembinkosi

14 Gwelani died at the age of 27. He was from Makwaleni,

15 Lusikisiki in the Eastern Cape.

16 "My name is Ntombikaya Gwelani. I live in

17 Makwaleni, Lusikisiki in the Eastern Cape. Themba Gwelani

18 was my brother. He was killed at Marikana. Themba was a

19 very kind person and he didn't drink nor did he smoke. He

20 loved church. He also loved people. He didn't hold

21 grudges. He was the type of person who opted to resolve

22 altercations peacefully. It was hard to start a fight with

23 him because he was a happy person. His dependants, two

24 brothers, Mlungisi and Andile, two sisters Sekona and

25 Ntombikaya Gwelani, a niece Asiphe and a nephew Eza."

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1 MS LEWIS: "He left home in April 2012 to

2 go to Marikana in order to look for a job. He was our only

3 hope. We did not receive any social grant. He lived in

4 Nkaneng with his cousin, Musa Gwelani. He left home in

5 April 2012 and he hadn't yet visited home. Before the

6 strike he called us three times a week. During the strike

7 he called us every day. The last time he called was on the

8 15th of August. He didn't know much about the strike. He

9 only received updates from his cousin when he took food to

10 him on the mountain and after the gatherings. He was very

11 sad when the strike started because every day he would go

12 to the Lonmin entrance, hoping that they would employ him

13 but since the strike started he could not go.

14 Since he was not working there yet, he didn't

15 know much about anything. He knew that people were

16 gathering there as he used to take food to his cousin. He

17 told us about the increase of the police and he was very

18 concerned and scared. I only heard about his death from my

19 uncle, Musa's father, on Friday. He told me that Musa

20 called him and told him that my brother was also shot on

21 the 16th of August 2012 by the police. I did not think my

22 brother would be killed by the police. Musa, my cousin,

23 told me that my brother was bringing them some food.

24 On that day, the 16th of August 2012, things were

25 not the same as the other days. There was a lot of police

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1 Nyalas so he decided to stay and wait a little longer for

2 the situation to get a bit better. When the police started

3 shooting at them, Thembinkosi was shot in the head and Musa

4 tried to lift him but he couldn't and the police were fast

5 approaching, so he let him go and ran for his life. The

6 last time that Musa saw Thembinkosi was when he cradled him

7 in his arms at the place where he fell. I was away from

8 home so I couldn't believe it. I had to take a bus

9 immediately and get home. When my uncle told me again and

10 my cousin told me what really happened it saddened me

11 because he was so determined to help us with the situation

12 at home. He was shot in the back of his head. There was

13 only one bullet wound. They said he was badly injured.

14 They never explained exactly where his body was found."

15 And Mr Chair, we should have said at the outset

16 that Mr Gwelani was the man who was 210 metres away from

17 scene 1, body P. I'm not sure whether his sister wants to

18 say anything.

19 MS GWELANI: One thing that really hurts

20 me, Chairperson, is that they were referred to as

21 criminals, whereas the people who actually caused their

22 deaths are said to have been doing their work. I also want

23 to know why my brother was killed. Thank you, Chair.

24 CHAIRPERSON: Thank you.

25 MS MOTLOENYA: Next, Chair, we have a

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1 presentation on behalf of the Mati family for Tembelakhe

2 Mati. Mr Mati was killed on the 13th of August, Chair, and

3 he was the man that was found by the informal settlement.

4 On behalf of the Mati family we have –

5 CHAIRPERSON: His statement then will be

6 KKKK23.

7 MS MOTLOENYA: Thank you, Chair. We have

8 Mr Lanford Goxelo who is Mr Mati's cousin and he was the

9 person who deposed to the statement. Tembelakhe Mati died

10 at the age of 50. He was from Ntabankulu in the Eastern

11 Cape.

12 "I am Lanford Goxelo. I live in Ntabankulu in

13 the Eastern Cape. Tembelakhe Mati was my cousin. He was

14 killed at Marikana. Tembelakhe was a peaceful man, he did

15 not like confrontation or fights. He visited us three

16 times a year, especially when on leave and he would call

17 home daily or every second day. As dependants he has a

18 wife, Florence Mati, his six children, Mandisa, Nomfundiso,

19 Vuyisani, Elokazi, Asisipho, Siziphiwe, his mother and

20 three sisters.

21 He lived in the hostel in Marikana. His father

22 was also a mineworker. He was the only one employed in the

23 family. He provided for his family's needs, including

24 sending his children to school. Some of them were at high

25 school. He rented a room near the school as there was no

<p style="text-align: right;">Page 34955</p> <p>1 boarding house.</p> <p>2 He called me on the 12th of August 2012 and told</p> <p>3 me that there was a strike regarding wage increase demands.</p> <p>4 He was considering coming back home and said that if the</p> <p>5 salary was increased, the workers would go underground to</p> <p>6 work. He said NUM was dishonest because when workers</p> <p>7 demanded an increase, NUM did not tell them anything</p> <p>8 tangible, rather NUM was evasive.</p> <p>9 I did not speak to him again. I phoned him about</p> <p>10 on the 13th of August 2012 but his phone was off. I did not</p> <p>11 think that he was dead. I only heard about his death on</p> <p>12 the 17th of August 2012. He was found in the mortuary. He</p> <p>13 was taken by the SAPS to the mortuary. He had a gunshot</p> <p>14 wound in the buttocks. He was shot by the police on the</p> <p>15 13th of August 2012. He was seen being shot as he ran</p> <p>16 towards the informal settlement. The witness was the one</p> <p>17 who helped us to find Tembelahe. He was also shot and</p> <p>18 admitted to hospital. No-one came to the memorial service.</p> <p>19 His colleagues attended the funeral. They did not say</p> <p>20 anything except the Lonmin employee who phoned us.</p> <p>21 I feel severe pain. I never thought he would die</p> <p>22 in a strike. I thought the strike would end like any other</p> <p>23 strike. In addition, he was the only one employed and we</p> <p>24 all depended on him. There is no-one left to support the</p> <p>25 family. His wife and children have no money to pay rent.</p>	<p style="text-align: right;">Page 34957</p> <p>1 suggestion was he might have been stabbed by fellow</p> <p>2 workers, that's no longer being persisted in so you don't</p> <p>3 have to worry about that anymore.</p> <p>4 MATI FAMILY MEMBER: Thank you,</p> <p>5 Chairperson. Thirdly, he was killed whilst working in</p> <p>6 Lonmin in the North-West Province. I want to know,</p> <p>7 Chairperson, is it right for a post-mortem to be conducted</p> <p>8 whilst there is no-one from the family of that person?</p> <p>9 Lastly, I am hurt, very hurt. There's a list of children</p> <p>10 that appeared on the screen there. There's the last one</p> <p>11 born in 2004. As I'm seated in this Commission now, since</p> <p>12 I am at work, because I was working with my cousin at Anglo</p> <p>13 Platinum in Bleskop, we were going on leave during June and</p> <p>14 July, we were going together. When I arrived, every time I</p> <p>15 arrived coming back from this Commission, the child asked</p> <p>16 me questions, when is my father coming back? I have a</p> <p>17 difficulty in answering that question.</p> <p>18 Another question that I have is, in our country,</p> <p>19 the country in which we are, the strike went on for some</p> <p>20 days. I want to know what steps did my government, did our</p> <p>21 government take in this strike. I am here today, we are</p> <p>22 attending to this problem of our people being killed by the</p> <p>23 police. We want to know, as people living in this country</p> <p>24 in which we are, as families we are here to know the truth,</p> <p>25 we want to know, the person who is in charge of the whole</p>
<p style="text-align: right;">Page 34956</p> <p>1 They now have to borrow money for rent.</p> <p>2 We want to attend the inquiry to discover the</p> <p>3 truth about how people were killed for ourselves. We want</p> <p>4 the truth to be investigated. The Commission must uncover</p> <p>5 the truth about why people were killed over a wage</p> <p>6 dispute." I think that's the end of the presentation.</p> <p>7 MATI FAMILY MEMBER: Let me greet the</p> <p>8 Chairperson, Commissioners and all other people inside this</p> <p>9 hall. Chairperson, as the Mati family we did not come to</p> <p>10 the memorial service because Lonmin did not report the</p> <p>11 death of Tembelahe Mati. It was the workers who worked</p> <p>12 with him who did so. The question is the following, why is</p> <p>13 it that Lonmin, after the death of a person like Tembelahe</p> <p>14 who worked for them, had died, did not report – killed by</p> <p>15 the police – did not report to us?</p> <p>16 Secondly, in the Commission I have a problem that</p> <p>17 I am facing in connection with my cousin Tembelahe. There</p> <p>18 is the allegation that is being made here that he was</p> <p>19 stabbed by other workers but the post-mortem reveals that</p> <p>20 he had a gunshot.</p> <p>21 CHAIRPERSON: That allegation is no</p> <p>22 longer persisted in and it's been reported to us by the</p> <p>23 evidence leaders that he was shot. I'm not sure if he was</p> <p>24 shot in the buttocks but he was certainly shot, and so the</p> <p>25 previous story that he'd only been stabbed and the</p>	<p style="text-align: right;">Page 34958</p> <p>1 country, the President of the whole country, what is it</p> <p>2 that caused him not to come to us as families of the</p> <p>3 deceased? I hear that the cousin did not have, did not</p> <p>4 trust the organisation that represents the workers. The</p> <p>5 evidence was, the former leader of this union was seated</p> <p>6 there just as early as yesterday. He also gave evidence</p> <p>7 that one cannot really trust much because he is the person</p> <p>8 who made an order that the police should act and kill the</p> <p>9 workers.</p> <p>10 Lastly, Chairperson, I have to talk to – I'm</p> <p>11 actually addressing the workers here. Workers, your</p> <p>12 endeavours, I think it is going towards success because</p> <p>13 there was at least an answer. It shows that there was no</p> <p>14 reason for you to be killed. I worked in the mines for a</p> <p>15 very long time, I was at Anglo for 23 years. I have never</p> <p>16 seen in a strike where workers are demanding an increased</p> <p>17 wage where they were, where they got killed. In this</p> <p>18 strike the government was to take steps, was to enter,</p> <p>19 could not do so because the government is involved in this</p> <p>20 thing.</p> <p>21 Lastly, our land, our country it is now clear, it</p> <p>22 is not very clear, that darkness that is leading light.</p> <p>23 Thank you, sir.</p> <p>24 CHAIRPERSON: Thank you. Which is the</p> <p>25 next family on behalf of whom a statement is to be made?</p>

<p style="text-align: right;">Page 34959</p> <p>1 MS MOTLOENYA: On behalf of the Gadlela 2 family, it's number 16. 3 CHAIRPERSON: Number 16, thank you. 4 Their statement will be KKKK24. 5 MS MOTLOENYA: Thank you, Chair. Mr 6 Gadlela was killed at scene 2, Chair, and on behalf of the 7 Gadlela family is Mr Gadlela's wife, now widow, Betty 8 Gadlela. Stelega Merrick Gadlela died at the age of 50 and 9 he was from Swaziland. 10 [15:16] "My name is Bettie Gadlela. I live in Swaziland. 11 I am Stelega Gadlela's wife by customary law. 12 My husband was a Christian and a church leader in 13 our church at home. He was a man of peace, full of jokes 14 and just a happy soul. He did not like to fight and he did 15 not like confrontations. He used to like playing music 16 when he was home. He liked singing too. 17 His dependants – his wife Bettie Gadlela, his 18 mother Maria Gadlela, his 11 children Slengiwe, Nelisiwe, 19 Bekitemba, Samugelisiwe, Ishmael, Mthunsi, Mayensiwe, 20 Sindiso, Simeselo, Seluliwe, Sitlelelo. 21 He lived in an informal settlement. He started 22 working for Lonmin in 1989. He worked for Lonmin for 23 23 years. He would visit us often. He did not phone 24 regularly but he sent money home. 25 My husband came from a big poor family. He</p>	<p style="text-align: right;">Page 34961</p> <p>1 Memetula, on Thursday the 23rd of August 2012 to see the 2 body. He had a wound behind his right ear and on his right 3 rib. I saw the post mortem but I was confused. My husband 4 was light in complexion but when we saw him he was pitch 5 black. No one in my family could recognise him. He had 6 burn-like symptoms and a very bad odour, like he was 7 rotten. This was only a week after his death. I also did 8 not receive all his belongings, for example his two cell 9 phones and his gold chain. 10 I can't get his death out of my mind. His death 11 changed my life. With him alive I had the comfort to know 12 I could always rely on him for everything, but he is no 13 more. 14 When I received the news that my husband was 15 killed in the strike by the police it felt like a dream. 16 When days went by and I realised my husband was really dead 17 I tried to end my life with poison. My sister rescued me. 18 For rituals I had to stay at home for a month. I 19 must take off the mourning clothes in August 2013 and I 20 have to slaughter two cows and a goat. He was a pastor and 21 we have to hold a night vigil and he has not livestock. My 22 mother's mourning clothes must also be removed after six 23 months and we have to slaughter a goat. His mother did not 24 wear mourning clothes because we would have to buy a cow 25 because she's a sangoma. I would not have money to buy the</p>
<p style="text-align: right;">Page 34960</p> <p>1 supported his 11 children, his elderly mother and me. He 2 was paying his mother's medical bills and paying school 3 fees for his five children that are still at school. 4 On the 12th of August 2012 he told me that the 5 strike started on Friday. Someone had been killed and he 6 would not go to work. 7 On the 13th of August 2012 he phoned again. There 8 was noise and I could hear singing in the background and he 9 was on the koppie. I said he must come home. He said the 10 strike was about a wage increase and they needed a wage 11 increase. I told him that I needed money for one of the 12 children's school trips. He said he did not know if they 13 would be paid since they were on strike. He told me that 14 he could not come back home because he had to fight for his 15 rights. I tried to call him the whole day on the 14th of 16 August 2012. I tried the next day as well and the phone 17 was off. I tried calling him until the 18th of August 2012. 18 Every day his phone would be off. I started feeling sick 19 and I was not well emotionally. I could not cope. I was 20 confused. I heard on the news that people were dying. 21 On the 18th of August 2012 TEBA officials Mr 22 Mashini and Ms Makanya arrived at my house. It became 23 clear to me that my husband had died. I could not hear a 24 word that they said. I was emotionally void. 25 I came with Madyosi Gadlela, his brother, Tuli</p>	<p style="text-align: right;">Page 34962</p> <p>1 cow. We decided that she should not wear the mourning 2 clothes because I would not be able to afford to do the 3 ceremony and buy the cow. 4 His colleagues came in numbers. Under Swazi 5 culture I had to cover my head, kanga. I did not interact 6 with his colleagues. He had a lot of plans while he was 7 still alive. He was planning on building a house for his 8 family. I do not know how that is going to happen now. 9 I want to hear why my husband was killed. What 10 wrong did he do to the government or Lonmin? I'm not from 11 South Africa. How is the government going to assist me? 12 My husband was the sole breadwinner at home and now we are 13 left with nothing. I would like the government to at least 14 visit our families just to see the situation that we are 15 left in." 16 MS GADLELA: What I want to say to the 17 Commission, Chairperson, I am blaming Lonmin because my 18 husband was employed by them as their worker and when my 19 husband complained about the wage that it wasn't sufficient 20 for him to support his family, and then say they don't 21 recognise him, they don't know him. Thereafter Lonmin went 22 and called the police. 23 What is hurting in my life, Chairperson, is that 24 the police are part of the government of the country. They 25 are educated people. They took steps even if Lonmin told</p>

<p style="text-align: right;">Page 34963</p> <p>1 them these are faceless people and the police killed 2 despite their training and education. Why is it that the 3 police would kill in a country when they are properly 4 trained? Because it is believed that it is uneducated 5 people that do wrong things.</p> <p>6 I am saying this, Chairperson, because they, the 7 employees of Lonmin Mine, are something to laugh at to the 8 government of this country, because even the government 9 that is sitting in this Commission gave certain names that 10 are unknown to us to [inaudible, speaking simultaneously 11 with interpreter], that they are called makarapas, that 12 they were called as mineworkers and also refer to them as 13 criminals. I am not learned.</p> <p>14 It's hurting to me very much, hurting. I cannot 15 forget the death of my husband because he came to this 16 country to work, Mr Chairperson and for that he was killed, 17 killed for his own rights.</p> <p>18 Seated in this Commission I heard the evidence 19 that came from the leaders of the police, praising the 20 police for doing a very good job the way in which they were 21 trained. My question is the following; when they were 22 trained as policemen and received certificates therefore, 23 was it for the purposes of killing?</p> <p>24 Today the police are saying they acted in self- 25 defence when the workers on the mountain were attacking</p>	<p style="text-align: right;">Page 34965</p> <p>1 will keep on being gravel all the way. We saw the strike 2 that took place during this year. We did not have the hope 3 that it might get finished, but we saw your power, not 4 because of your wisdom, but because of the might of God.</p> <p>5 What I want the government to take note of is 6 that the government should get into the boots of the people 7 that [inaudible, speaking simultaneously with interpreter] 8 at Marikana and to do all the things that those people that 9 died at Marikana were going to do for their people, because 10 no one knows how long they were still going to live. Thank 11 you.</p> <p>12 CHAIRPERSON: Thank you. Which family is 13 now going to make a presentation to us?</p> <p>14 MS MOTLOENYA: Mr Chair, it would be for 15 Cebisile Yawa, so we skip that. It's number 15.</p> <p>16 CHAIRPERSON: Is it 15?</p> <p>17 MS MOTLOENYA: Yes. Mr Yawa was also 18 killed -</p> <p>19 CHAIRPERSON: The Yawa family.</p> <p>20 MS MOTLOENYA: Indeed, Chair.</p> <p>21 CHAIRPERSON: Thank you. KKKK25. Mr 22 Yawa was -</p> <p>23 MS MOTLOENYA: Was shot at scene 1.</p> <p>24 CHAIRPERSON: Yes, shot at scene 1 but 25 died in hospital.</p>
<p style="text-align: right;">Page 34964</p> <p>1 them. How many police remained on the mountain? Because 2 34 people who were workers of Lonmin remained on the 3 mountain.</p> <p>4 Coming to the other widows together with me, what 5 I want to say to them that today as we are laughable widows 6 of Marikana I have hope that God will carry us, even during 7 the difficulties that we are now facing, together with the 8 orphans that remained with us. Some do not even know their 9 fathers because of the police of this country.</p> <p>10 Coming to Mr Mathunjwa and the workers, Mr 11 Mathunjwa, you are now being accused. Anybody who is 12 seated here would not mention [she refers to the witness 13 stand] does not stand up without mentioning your name. I 14 want to give you the hope, Mr Mathunjwa, God will always 15 protect you wherever you are.</p> <p>16 Reading from the Bible it is said God is my 17 saviour even if I walk in the midst of death. God lays the 18 table before in the presence of my enemies and I have meals 19 with them whilst they are looking on. After two days from 20 today we are going to enter the [inaudible, speaking 21 simultaneously with interpreter] very difficult days 22 together with the workers and the widows. This is why I 23 say be strong, God is always on your side, Mr Mathunjwa. 24 What they are saying about you is something not unusual. 25 You will not walk on a road as a leader of the nation that</p>	<p style="text-align: right;">Page 34966</p> <p>1 MS MOTLOENYA: He died in hospital, 2 Chair. On behalf of the Yawa family is Mr Cebisile Yawa's 3 father, Andile Yawa, and he is the person who deposed to 4 the statement. Cebisile Yawa died at the age of 24 and he 5 was from Cala in the Eastern Cape.</p> <p>6 "I am Andile Yawa, Cebisile Yawa's father. I 7 live in the Eastern Cape. My son was killed in the 8 Marikana tragedy. He was very respectful and humble and he 9 took care of his family very well. He liked sports a lot 10 and he was liked in the village.</p> <p>11 His dependants - he had one child, Sisipo 12 Khomanisi, his father, his mother, four brothers, Mandla 13 Yawa, who is at Fort Hare University [in 2012], Thobali 14 Yawa, Siteleli Yawa, Mkuseli Yawa, and his sister Kuselwa 15 Yawa."</p> <p>16 MS LEWIS: "I was forced to stop working 17 due to my ill health. My son took over my job in the mine. 18 He went to Marikana in 2007. As far as I know Cebisile 19 went to the shack in the informal settlement in Karee. He 20 phoned us regularly, probably three times a week. He would 21 come back home to the Eastern Cape twice a year during the 22 Easter and Christmas holidays to visit us. Cebisile took 23 over my responsibilities. He was our only breadwinner.</p> <p>24 Cebisile phoned me on Wednesday the 15th of August 25 2012. During the conversation he informed me that workers</p>

<p style="text-align: right;">Page 34967</p> <p>1 were on strike because of a wage dispute. He told me that  2 he and other fellow workers from others shafts had gathered  3 at the koppie. They had invited their employer to come and  4 listen to their grievance and their demand for a wage  5 increase.</p> <p>6 I only heard about my son's death on the 19th of  7 August 2012. I heard from Mr Tholiti Masipi who lives in  8 Cala. Mr Masipi came to my house on the 19th of August 2012  9 to tell me the sad news. He told me he received a  10 telephone call from his son, Luwando Masipi, on the 18th of  11 August 2012. Luwando told him that Cebisile had died on  12 the 16th of August 2012 at Marikana. Luwando also works for  13 Lonmin in Marikana.</p> <p>14 On the 22nd of August 2012 I went to Marikana with  15 my two brothers. TEBA provided us with board and lodging.  16 On the 23rd of August 2012 my brothers and I went to view  17 Cebisile's body at the mortuary. We observed that my son  18 had a bullet wound in his abdomen and other wounds on his  19 left shoulder. We went to the koppie and shack to collect  20 his spirit. The events relating to how my son was actually  21 killed remain unclear. Some people from Marikana who  22 attended his funeral said that he was shot by the police.</p> <p>23 We feel devastated by Cebisile's death. I have a  24 constant sound in my ears of my children's cries. I never  25 thought that my son would be killed over a wage dispute.</p>	<p style="text-align: right;">Page 34969</p> <p>1 bad today and listening to the manner in which, the way he  2 spoke here yesterday because we are responsible for the  3 position that he is now holding today.</p> <p>4 The life of a person who is working in the mines  5 is so cheap, cheaper than even chewing gum because our  6 children were sold with braais and airtime, that a manner  7 has to be devised to kill people who are working in the  8 mines, but as it is it doesn't matter. They will live,  9 living nice and live with their children and their wives  10 and their brothers. Ours, the families, we live the  11 picture that has been shown here.</p> <p>12 Lonmin has divided the workers. I worked in the  13 mines, Chairperson, [inaudible, speaking simultaneously  14 with interpreter] a security officer to be a person that  15 [inaudible, speaking simultaneously with interpreter]. I  16 was working in the mines, digging in the grounds. There  17 was no difference between me and security because the  18 securities would be at the gates, stopping people who would  19 come and cause injury to me while working. Today there's  20 enmity between the workers and security because of what has  21 been caused by Lonmin, giving the impression that the  22 security is not mineworkers and ended up calling enemies,  23 people from outside after what had happened in the mine.</p> <p>24 I am experienced in the mines, Chairperson. All  25 these things that are there started as I was there. I got</p>
<p style="text-align: right;">Page 34968</p> <p>1 Cebisile's death therefore means that we are left without a  2 breadwinner. I don't know how we are going to survive.</p> <p>3 I want to find out from the Commission how did  4 our children die, and now that our children have died we  5 want to know what is going to happen to our families now."</p> <p>6 MR YAWA: Let me thank the Chairperson  7 and greet the people surrounding the Chairperson, the  8 Commissioners, and all the lawyers present and everyone in  9 this hall.</p> <p>10 The families that have been here have spoken  11 quite a lot, Mr Chairperson, but I am also grateful that  12 I've been given this chance to say what my feelings are  13 before this Commission, even if I was to die that my spirit  14 would rest in peace because I have mentioned what had been  15 hurting me to this Commission.</p> <p>16 What Lonmin did to us is very hurting,  17 Chairperson, to sit and actually sell our children's lives.  18 I am saying this because of my experience with the mines,  19 Mr Chairperson. I worked in the mines for a period of 30  20 years, long before the existence of these unions. Even  21 this man who was seated there yesterday had not reached  22 where he is now.</p> <p>23 [15:36] His organisation used to hold meetings under a  24 tree and we were paying 25 cents for membership. I was the  25 person who kept the funds, I was the treasurer. I feel so</p>	<p style="text-align: right;">Page 34970</p> <p>1 phthisis in the mines and I went to stay at home now well  2 over 10 years. My son went to come and work in the mines  3 because of realising the circumstances at home. I am  4 really hurt, Chairperson. It was of the manner in which I  5 listened to how the evidence [inaudible, speaking  6 simultaneously with interpreter] when I saw a woman dancing  7 before the police and praising them that they had done good  8 work by killing our children, and this is a person, a  9 female person, it is fine. Thank you, Chairperson.</p> <p>10 CHAIRPERSON: That's the Yawa family. Do  11 we now move over to the Yona family, number 17?</p> <p>12 MS MOTLOENYA: Yes, Chair, if they're  13 able to continue.</p> <p>14 CHAIRPERSON: Yes, their statement will  15 be KKKK26. This is Mr Bonginkosi Yona who was killed at  16 scene 1.</p> <p>17 MS MOTLOENYA: Yes, Chair. Chair, for  18 the Yona family we have Nandipa Kunusa who is Mr Yona's  19 widow. Bonginkosi Yona died at the age of 32. He was from  20 Maqashu in Lady Frere in the Eastern Cape.</p> <p>21 "My name is Nandipa Kunusa. I live in Maqashu,  22 Lady Frere. Bonginkosi Yona was my husband. He was killed  23 at Marikana.</p> <p>24 Bonginkosi was an honest person. He loved  25 soccer. We would go to the stadium together to watch</p>

<p style="text-align: right;">Page 34971</p> <p>1 matches. He was also a religious person. He would  2 convince me to go to church even when I did not feel like  3 going. People really trusted him. They would come to him  4 when they sought advice. He liked to tell jokes. He was  5 the pillar of my family.  6 His dependents are his wife, Nandipa Kunusa, his  7 two children Babalo and Mihle and his brother-in-law  8 Sibongile." It's actually his brother on the last slide  9 and not his brother-in law.  10 MS LEWIS: "In 2010 he started working  11 for Lonmin. We lived together in the Nkaneng informal  12 settlement in Wonderkop. He would go home every Easter and  13 December holidays. He worked very hard to support us. He  14 supported out two children, Babalo, who was five years old,  15 Mihle, who was three months, and his brother Sibongile, who  16 was 29 years old, and me.  17 He complained about NUM for not taking their  18 concerns seriously because all the workers wanted was a  19 wage increase of R12 500. Bonginkosi was very concerned  20 about the working conditions and the money that Lonmin  21 paid. He was also concerned about the fact that management  22 refused to meet with them. He was not politically active.  23 I don't remember much before 16th of August 2012.  24 He only told me that they were meeting with other  25 mineworkers to raise issues about their workplace. He</p>	<p style="text-align: right;">Page 34973</p> <p>1 the post mortem report since it was my brother-in-law who  2 was taking responsibility.  3 We will do the cleansing after six months. His  4 colleagues came to the funeral in a bus. It hurts me a  5 lot. I think about my baby boy Mihle. He did not get the  6 chance to meet his father. His father was killed when he  7 was just seven days old. It is a pain that no one can take  8 away.  9 I want to know who is responsible for my  10 husband's death. I blame the police. I blame Lonmin for  11 taking their workers for granted. The police should know  12 better; they cannot solve a situation by killing people.  13 Where was the teargas, the rubber bullets? I blame them  14 all. I'm a widow now because of them.  15 I'm here at the Commission of Inquiry to seek  16 justice. I don't care what happened that day, but what I  17 know for sure when my husband left the house every day was  18 that he carried his stick and a towel. When he comes back  19 he will come back with the same."  20 Mr Chair, his widow does not wish to make a  21 statement.  22 CHAIRPERSON: Thank you.  23 MS MOTLOENYA: Mr Chair and  24 Commissioners, an update on the family members who left  25 earlier, Mrs Mosebetsane has been admitted to hospital and</p>
<p style="text-align: right;">Page 34972</p> <p>1 mentioned the police presence but he didn't understand why  2 there were police present and not the mine management. I  3 never thought he would be killed by the police.  4 On Thursday after the shooting Faku, who is  5 Bonginkosi's friend, came to my shack to ask if my husband  6 was back. When I replied that he was not he briefed me  7 about the shooting and some people being arrested. Then he  8 tried to look for him that night but he did not find him.  9 The following morning I asked my neighbour  10 Matjesi to go with Faku. They looked in the hospital but  11 they did not find him. They went to the holding cell.  12 When they got there they found that his name was on a list  13 but no one responded when they tried to call him.  14 On Saturday Matjesi went to Botani where we were  15 told his name was on their list but he couldn't find him.  16 On Sunday my brother-in-law and Faku continued searching  17 for him and they finally found him in the Phokeng Mortuary.  18 I did not believe them. I switched off, not  19 knowing how I was going to live my life without my husband,  20 how I was going to look after our young children on my own.  21 They said his body had bullet wounds; I don't know how  22 many. They told me that there was a bullet wound in his  23 chest. I don't know where he was killed. His brother  24 Sibongile went to Marikana to view his body. He did not  25 check how many bullet wounds. I don't remember if we saw</p>	<p style="text-align: right;">Page 34974</p> <p>1 Mrs Nqande Mpumza and Mohai have been booked as outpatients  2 so they will be out as soon as they get treatment.  3 CHAIRPERSON: I see. Thank you very  4 much.  5 MS MOTLOENYA: And then Chair, if we can  6 go to number 24, a statement on behalf of Bongani Mdze.  7 CHAIRPERSON: That statement will be  8 exhibit KKKK21. Sorry, I couldn't read my own writing.  9 It's 27.  10 MS MOTLOENYA: Thank you, Chair. On  11 behalf of the Mdze family we've got his widow Nomisilelo  12 Felele.  13 CHAIRPERSON: I see he was one who was  14 shot at scene 1 but died later in hospital.  15 MS MOTLOENYA: Correct, Chair. Bongani  16 Mdze died at the age of 28. He was from Jabavu, Matatiele,  17 in the Eastern Cape.  18 CHAIRPERSON: If you're having trouble  19 with the slide you can just, if you've got a hardcopy of  20 the statement –  21 MS MOTLOENYA: I have a copy, so I'll  22 continue from there.  23 CHAIRPERSON: - or a copy on your  24 computer, just read it to us, please.  25 MS MOTLOENYA: The statement –</p>



<p style="text-align: right;">Page 34975</p> <p>1 CHAIRPERSON: And presumably arrangements 2 can be made later for the – 3 MS MOTLOENYA: Yes, Chair. 4 CHAIRPERSON: - relevant slide to be 5 inserted in the right place. 6 MS MOTLOENYA: Yes, Sir. The statement 7 was made by Mr Mdze's sister. 8 "My name is Matsepo Letsaba. I live in Jabavu in 9 Matatiele. I'm Bongani Mdze's sister. 10 Bongani was a very good person. He was my only 11 brother, a good father and husband. My brother was a 12 Christian. He was a very quiet man. My brother was 13 married in terms of customary law. He had one child, 14 Lusanda, who is two years old. He supported his family and 15 they lived in Nkaneng informal settlement in Wonderkop, yet 16 somehow he managed to send me money too. 17 My brother was about to start building a house 18 for his wife and his two-year old child. He was very 19 excited about the prospect of owning a home of his own. He 20 visited during the Easter and December holidays. He called 21 home at least three times a week. 22 His dependents are his wife, his child Lusanda, 23 and his sister Matsepo Letsaba. 24 In 2005 my brother started working for Lonmin. 25 We do not have a history of migrant labour in our family.</p>	<p style="text-align: right;">Page 34977</p> <p>1 back he told her the sad news. She then called us in 2 Matatiele and told us that my brother was dead. 3 We were scared to look at his body because we 4 were told he was badly injured. My husband told me that he 5 had a bullet wound on his chest through his back. We 6 received a post mortem report. 7 Xolani told us a little bit of the story of what 8 happened. He didn't mention exactly how my brother died 9 because he was found in the mortuary. We don't know where 10 he was killed. It was devastating. My brother is very 11 close to his family. He loved his wife and his daughter. 12 It's a pain that no one can take away. We are also 13 struggling to make ends meet and now I have to take my 14 brother's wife and his only child under my roof. 15 I came here to the Commission to seek justice. I 16 don't know if my brother was at fault. I'm watching the 17 videos but I don't find any reason why the police had to 18 shoot at the strikers. You cannot solve a situation by 19 killing people. The police should know better. 20 To Lonmin - they must take care of our families." 21 CHAIRPERSON: I can see she's very 22 distressed – 23 MS LEWIS: Yes. 24 CHAIRPERSON: - and clearly doesn't want 25 to make a statement herself. That is the last one for</p>
<p style="text-align: right;">Page 34976</p> <p>1 I was in contact with my brother during the 2 strike. He was very concerned about the turn the strike 3 had taken and told us about the killings that happened in 4 the previous days. He told us about the increase of police 5 and the Nyalas. He said the workers wanted to speak to the 6 employer but the employers never bothered to come and talk 7 to them. He told me that their gathering was to speak to 8 the employer and agree to the wage they were demanding and 9 nothing more. 10 I don't know much about them gathering on the 11 koppie. I know that he used to go to the koppie with 12 another guy from Lesotho who was killed. He did not 13 understand why the police were there instead of his 14 employer because they were not fighting anyone. They only 15 wanted better salaries, so he was very worried that the 16 police were there and armed. Not for one moment did I 17 think that my husband would be killed by the police. I was 18 worried that he could lose his job. 19 On Thursday after the shooting his wife called us 20 to say that he did not come back home. The following 21 morning I called her and told her to go search in the 22 hostels, so she did and asked the old man Baba Taele to 23 help her find him. They went to police cells and he wasn't 24 there, so she went back home and asked Taele to go to the 25 mortuary for her as she was scared to go. When Taele came</p>	<p style="text-align: right;">Page 34978</p> <p>1 today, is it? 2 MS LEWIS: Mr Chair, there's one more 3 from today and then an additional three for tomorrow 4 morning. 5 CHAIRPERSON: I understand we're having 6 more tomorrow. 7 MS LEWIS: Yes. 8 CHAIRPERSON: But you say there's one 9 more today. 10 MS LEWIS: I see that it's – 11 CHAIRPERSON: Which one is that? 12 MS LEWIS: That's Mr Jackson Lehupa. 13 CHAIRPERSON: Which number is that? 14 MS LEWIS: It's number 18. 15 CHAIRPERSON: Number 18, yes, I see. 16 MS LEWIS: Chair, I see that it's almost 17 4 o'clock. I wonder whether you wouldn't prefer to take 18 the adjournment? 19 CHAIRPERSON: I would actually prefer to 20 take the adjournment and we can have Mr Jackson Lehupa's 21 family first – 22 MS LEWIS: Yes. 23 CHAIRPERSON: - as the first family to 24 make a statement tomorrow morning. 25 MS LEWIS: Thank you.</p>

1 CHAIRPERSON: And we will then have an  
2 update in regard to the condition of those ladies who went  
3 to hospital, two of whom are now outpatients and one of  
4 whom has been admitted to hospital.

5 MS LEWIS: Correct, Chair.

6 CHAIRPERSON: So I hope we get good news  
7 about them and please send them our best wishes forward.

8 MS LEWIS: We will, Chair.

9 CHAIRPERSON: I've said that already, but  
10 please do it again. We now adjourn till 9 o'clock tomorrow  
11 morning.

12 [COMMISSION ADJOURNED]

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