

# 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 37      25 JANUARY 2013      PAGES 3969 TO 4081

#### HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



© REALTIME TRANSCRIPTIONS

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



Page 3969

1 [PROCEEDINGS ON 25 JANUARY 2013]  
 2 [09:34] CHAIRPERSON: The Commission resumes.  
 3 MR POWER: Thank you, Chairperson,  
 4 honourable Commissioners. Just for the record, I'd like to  
 5 put my name on the record for the Legal Resources Centre.  
 6 My name is Michael Power, P-O-W-E-R. Thank you,  
 7 Chairperson.  
 8 CHAIRPERSON: Yes, I understand you're  
 9 junior to Mr Bizos, who's not able to be with us today.  
 10 You're appearing for the LRC today. Is that correct?  
 11 MR POWER: That is correct, Chairperson.  
 12 CHAIRPERSON: Alright, you're still under  
 13 oath to speak the truth. Ms Barnes, I understand you have  
 14 some further questions for the witness.  
 15 MS BARNES: I do, thank you, Chairperson.  
 16 MR TIP SC: Mr Chair, forgive me, just  
 17 before Ms Barnes continues, there was yesterday a small  
 18 slip in the interpretation of a bit of the evidence, and it  
 19 conveyed the wrong impression to the people in the  
 20 audience. You'll recall that at some stage the witness had  
 21 said that the lowest paid categories received a 10%  
 22 increase and that the higher categories had received a 9%  
 23 increase. In the interpretation it was reversed and there  
 24 was a little concern that it appeared that NUM was looking  
 25 after the higher paid workers rather than the lower paid

Page 3970

1 workers. If we could ask the interpreter, if they're in  
 2 agreement, just to make that correct for the benefit of  
 3 those in the auditorium.  
 4 CHAIRPERSON: Mr Mahlangu, you heard what  
 5 Mr Tip said. Have you got any comments?  
 6 MR MAHLANGU: Thank you, Mr Chairperson.  
 7 Mr Tip drew attention to this; Mr Hanabe was interpreting,  
 8 and I drew his attention to it. He has indicated to me  
 9 that he wrote, and I've got it in writing here, that he  
 10 wrote correctly lower group 10%, higher group 8%, but he  
 11 says it could have been a slip of the tongue in the  
 12 interpretation, and he apologises for that.  
 13 CHAIRPERSON: The evidence before us,  
 14 both oral evidence and in writing, is as Mr Tip has told us  
 15 in relation to the increase. The higher increase, 10% was  
 16 for the lower categories, and the lower increase, 9% was  
 17 for the higher categories. So whether that was a slip of  
 18 the tongue by the witness or a slip of the tongue, or a  
 19 mistake by the interpreter, is neither here nor there. The  
 20 point must be conveyed accurately so those in the  
 21 auditorium get the correct picture. So if you'd do that,  
 22 please, I'd be grateful. Right, that's the problem having  
 23 been sorted out. Ms Barnes, you're now going to proceed  
 24 with your cross-examination?  
 25 MS BARNES: Thank you, Chairperson. Good

Page 3971

1 morning, Sir.  
 2 MR GCILITSHANA: Good morning.  
 3 MS BARNES: Before I continue with my  
 4 questions, I'd just like to place on record that the Gavin  
 5 Hartford article that we referred to yesterday was  
 6 published in something called Ground Up, which is an online  
 7 magazine.  
 8 CHAIRPERSON: Ground Up?  
 9 MS BARNES: Ground Up, and then it is  
 10 apparent, it's become apparent that the Carol Paton article  
 11 that we referred to yesterday was also published, the  
 12 identical article was also published in the Mail & Guardian  
 13 and in Business Day, and we will get those precise dates  
 14 and we will place them on record when we raise the matter  
 15 again with Mr Sekwano in his evidence.  
 16 CHAIRPERSON: You did tell us yesterday  
 17 it was published in the Mining News. I noticed that in the  
 18 article itself the abbreviation IM appears. What does that  
 19 stand for?  
 20 MS BARNES: I'm not entirely sure,  
 21 Chairperson. I'll have to –  
 22 CHAIRPERSON: Right, when you give us all  
 23 the publication details of the article, you'll deal with  
 24 that as well.  
 25 MS BARNES: I will.

Page 3972

1 CHAIRPERSON: It looks to me as if IM is  
 2 an acronym for the journal in which the copy that you gave  
 3 us appeared, but anyway, that's something that will be  
 4 sorted out –  
 5 MS BARNES: We will clear that up. So I  
 6 just wanted to place that on record to the extent that I'm  
 7 able to at this stage, and I assume, Sir, that you having  
 8 said that you didn't see the article, you didn't see it  
 9 anywhere, even though I'm putting it to you now that it was  
 10 in fact rather more widely published than just the Mining  
 11 News magazine. Is that correct?  
 12 MR GCILITSHANA: Okay, I understand.  
 13 CHAIRPERSON: The question is, do you  
 14 read the Business Day normally?  
 15 MR GCILITSHANA: No, I don't read it  
 16 normally.  
 17 CHAIRPERSON: Do you read the Mail &  
 18 Guardian every week?  
 19 MR GCILITSHANA: No.  
 20 CHAIRPERSON: Not at all?  
 21 MR GCILITSHANA: At times when anything  
 22 that is referred to, as I indicate that normally there is,  
 23 we have got a specific media department that handles issues  
 24 of media. They handle those things. If maybe it's direct,  
 25 sometimes they will handle it with the general secretary

Page 3973

1 because it's of, it depends of what is the issue.  
 2 CHAIRPERSON: Yes, I understand your  
 3 question with dealing with publication, but the question I  
 4 think that Ms Barnes is interested in, is the question of  
 5 articles being brought to your attention, or you yourself  
 6 reading the Mail & Guardian regularly at least in respect  
 7 of articles that deal with your field, which is industrial  
 8 relations, mining, more specifically NUM. Now do you read  
 9 articles in the Mail & Guardian which refer to the NUM?  
 10 MR GCILITSHANA: Unless there's issue  
 11 that have been sensitised, I'm not an always reader of  
 12 those newspapers, unless it's referring to us.  
 13 MS BARNES: Now when we left off  
 14 yesterday, Sir, we were dealing with the question of the  
 15 dates on which various events had taken place, and I'd like  
 16 to at this stage refer to a document, it's in the Lonmin  
 17 bundle of documents, but I don't think it's yet been  
 18 introduced as an exhibit. So it would need to be  
 19 introduced as an exhibit, and I do have four copies of the  
 20 document for the commissioners and for the witness. The  
 21 remainder of the parties would be able to access the  
 22 document in the Lonmin bundle at pages 266 and 267.  
 23 CHAIRPERSON: It would be exhibit XX9, Ms  
 24 Pillay?  
 25 MS PILLAY: That's correct, Chair.

Page 3974

1 CHAIRPERSON: How does one describe this  
 2 document?  
 3 MS BARNES: This is a memorandum, a  
 4 Lonmin memorandum entitled, well, dated the 10th of August  
 5 2012 –  
 6 CHAIRPERSON: That's all we need surely  
 7 as a description.  
 8 MS BARNES: That would suffice.  
 9 CHAIRPERSON: Well, you've given us the  
 10 date. It's called "Sequence of events RDO Legal."  
 11 MS BARNES: Indeed.  
 12 CHAIRPERSON: Which presumably summarises  
 13 the contents.  
 14 MS BARNES: Thank you, Chair. Do you  
 15 have the document in front of you, Sir?  
 16 MR GCILITSHANA: Yes, correct.  
 17 MS BARNES: You will see that the first  
 18 paragraph of the memorandum states as follows, "Management  
 19 first became aware of the rock drill operators' concerns on  
 20 the 21st of June 2012 when a group of RDOs at Karee Mine  
 21 illegally marched to management to demand that their basic  
 22 rate be increased from R5 400 to R12 500." Do you see  
 23 that?  
 24 MR GCILITSHANA: Yes, I could see.  
 25 MS BARNES: So that date of the 21st of

Page 3975

1 June 2012 accords with what Mr Da Costa states in his  
 2 statement. Is that correct?  
 3 MR GCILITSHANA: Yes, that's correct.  
 4 MS BARNES: It is true that the Lonmin  
 5 logbook provides that there was an illegal RDO march on the  
 6 21st of July 2012, but it's possible that that refers to  
 7 another march. Isn't that so?  
 8 MR GCILITSHANA: As I recall, it was the  
 9 march for the RDOs, by the RDOs.  
 10 MS BARNES: The point really, Sir, is  
 11 that there do appear to be some discrepancies with the  
 12 dates, and I don't want to get bogged down in them.  
 13 Hopefully they will become clear in the fullness of time,  
 14 but the real point at this stage is that the events which  
 15 are referred to in Mr Da Costa's statement did not take  
 16 place over a period of just three days. Isn't that  
 17 correct?  
 18 MR GCILITSHANA: That could be possible.  
 19 As I indicated even to Mr Burger that since I was not  
 20 involved in the process, I may not have the exact date.  
 21 CHAIRPERSON: Ms Barnes, I imagine the  
 22 date, or the dates will become quite clear when the Lonmin  
 23 witnesses testify. I don't know if we need to spend more  
 24 time on this –  
 25 MS BARNES: I wasn't planning to, Chair.

Page 3976

1 I just wanted to draw attention to this document and then  
 2 what I really want to do is focus on the events during that  
 3 period that are relevant to NUM. Now you testified that  
 4 the allowances that Lonmin offered the RDOs were decided  
 5 upon unilaterally by Lonmin, without negotiation with NUM.  
 6 Is that correct?  
 7 MR GCILITSHANA: That's correct.  
 8 MS BARNES: And you testified that you as  
 9 NUM were not happy with that. Is that correct?  
 10 MR GCILITSHANA: I testified that we were  
 11 not happy about the process. We were not against workers  
 12 getting the money.  
 13 MR MOTAU SC: Chairperson, may we just  
 14 raise a point that the evidence should be put in its proper  
 15 context because the witness had testified that it was  
 16 because of the fact that the employees did not want to be  
 17 represented by NUM. So let that be made clear.  
 18 CHAIRPERSON: That's a point you can  
 19 raise in re-examination, if you want to. Don't interrupt  
 20 the cross-examiner - perfectly permissible question.  
 21 MR MOTAU SC: Sorry, the chairperson will  
 22 remember this is not our witness.  
 23 CHAIRPERSON: Look, she's asked the  
 24 question; there was nothing wrong with her question. If  
 25 the context needs to be added, you can do that in re-

Page 3977

1 examination. That's what re-examination is for. Oh, it's  
 2 not your witness, I beg your pardon. Anyway, counsel who  
 3 led this witness can deal with his re-examination. Please  
 4 proceed, Ms Barnes.  
 5 MS BARNES: Thank you, Chair. Now Sir,  
 6 as I understand your answers to Mr Burger's questions  
 7 yesterday, questions, all questions of, all substantive  
 8 questions involving money, including allowances, must be  
 9 dealt with by the parties acting together, NUM and Lonmin  
 10 acting together in negotiations. Is that correct?  
 11 MR GCILITSHANA: Yes, with the parties  
 12 that are involved in the agreement.  
 13 MS BARNES: And you referred to task  
 14 teams in your evidence yesterday, and you said that when  
 15 it's considered that bonuses or allowances may need to be  
 16 increased or altered, then a task team is set up to look at  
 17 those matters. Is that correct?  
 18 MR GCILITSHANA: Yes.  
 19 MS BARNES: Sorry, the answer was?  
 20 MR GCILITSHANA: Yes.  
 21 MS BARNES: And NUM would be represented  
 22 on those task teams. Is that correct?  
 23 MR GCILITSHANA: Correct.  
 24 MS BARNES: So at the very least what  
 25 should have happened here before Lonmin offered allowance

Page 3978

1 to rock drill operators, is that a task team should have  
 2 been set up, on which NUM was represented, in order to  
 3 consider and decide upon the matter. Is that correct?  
 4 MR GCILITSHANA: I might believe that  
 5 Lonmin should have called the stakeholders that are  
 6 involved in the agreement and put the proposal forward of  
 7 intended allowance, therefore that's when once it's agreed  
 8 that there must be a, on the process, then the task teams  
 9 will be established.  
 10 MS BARNES: And your evidence is that  
 11 none of that was done in this case and Lonmin simply acted  
 12 unilaterally. Is that correct?  
 13 MR GCILITSHANA: Yes.  
 14 MS BARNES: Now in relation to the  
 15 unilateral action by Implats, which triggered the Implats  
 16 strike, you said that NUM was outraged by that. Is that  
 17 correct?  
 18 MR GCILITSHANA: That's correct.  
 19 MS BARNES: I take it then that NUM would  
 20 have been similarly outraged about Lonmin's unilateral  
 21 action in this case. Is that correct?  
 22 MR GCILITSHANA: That's correct.  
 23 MS BARNES: Right, if I can take you now  
 24 to exhibit OO17, it's Mr Da Costa's statement, and if you  
 25 could go to page 76 of that, it's 76 at the top of the

Page 3979

1 page, in bold. It's page 11 of the actual statement.  
 2 MR GCILITSHANA: Yes, I'm on it.  
 3 MS BARNES: Okay, now I just need to  
 4 understand your version in relation to these events. I'm  
 5 going to read to you paragraph 3.32 and the following  
 6 paragraph. "During the period 21 June 2012 to 23 July  
 7 2012, I did not make any direct contact with NUM or AMCU  
 8 representatives." That is now Mr Da Costa speaking.  
 9 "Nkisi," and who is Mr Nkisi? Do you know who he is?  
 10 MR GCILITSHANA: Yes, I know him.  
 11 MS BARNES: What is his position?  
 12 MR GCILITSHANA: He's in the HR in Lonmin  
 13 at Karee.  
 14 CHAIRPERSON: He's described in paragraph  
 15 3.26 on page 8 as the human resources manager at Karee.  
 16 MS BARNES: Thank you, Chairperson.  
 17 "Nkisi did, however, during this period advise Jerry  
 18 Ndamase, the branch secretary of NUM, and Madibe Tswanile,  
 19 the branch secretary of AMCU, that I had been approached by  
 20 the RDOs for more money. According to Nkisi, Ndamase and  
 21 Tswanile were both non-committal and advised him that the  
 22 RDOs were Lonmin's problem and that Lonmin should therefore  
 23 address the issues raised by the RDOs."  
 24 CHAIRPERSON: I think you should also  
 25 read 3.34.

Page 3980

1 MS BARNES: I will read paragraph 3.34 as  
 2 well. "Importantly, neither Ndamase, nor Tswanile, told  
 3 Nkisi that Lonmin should not communicate with RDOs, nor did  
 4 they insist or maintain that such communications should be  
 5 channelled through NUM or AMCU." Now you indicated in your  
 6 answers to Mr Burger's questions yesterday that you were  
 7 aware that Ndamase had spoken to Lonmin HR personnel. Is  
 8 that correct?  
 9 [09:54] MR GCILITSHANA: That's correct. I think  
 10 vice versa, it's the management delegation that approached  
 11 Ndamase, not Ndamase going to management.  
 12 MS BARNES: Sorry could you repeat that,  
 13 please?  
 14 MR GCILITSHANA: What I'm explaining is  
 15 that it's not Ndamase who went to management, to talk to  
 16 the management. It's management that called Ndamase.  
 17 That's what I wanted to explain.  
 18 MS BARNES: Yes, I think they –  
 19 CHAIRPERSON: Maybe they took the  
 20 initiative. The fact is they were in communication.  
 21 MR GCILITSHANA: Yes.  
 22 MS BARNES: Now was it reported to you  
 23 that Ndamase had said to Lonmin the RDOs are your problem,  
 24 Lonmin, and you can do whatever you like with them? Is  
 25 that what was reported to you?

Page 3981

1 MR GCILITSHANA: What Ndamase reported to  
 2 me is that he was consulted whilst the process was already  
 3 in the process. That's why he said Lonmin, if they handle  
 4 that issue they must handle it because that was, NUM was  
 5 not involved from the initial stage.  
 6 MS BARNES: Did Ndamase not object to  
 7 Lonmin and say you can't do this unilaterally, it has to be  
 8 something that's negotiated with NUM?  
 9 MR GCILITSHANA: I don't recall telling  
 10 me that he have said that.  
 11 MS BARNES: But Sir, wouldn't you be  
 12 concerned that he hadn't objected, and if he hadn't  
 13 objected, wouldn't you as the chief negotiator for NUM at  
 14 Lonmin have stepped in and taken the matter up and  
 15 approached Lonmin and said you cannot do this, it's  
 16 unacceptable, this must be negotiated?  
 17 MR GCILITSHANA: As a chief negotiator,  
 18 as I understand this thing came at a later stage. When it  
 19 come to us, on the 3rd of August we had a session with  
 20 Lonmin management to check, gather information of exactly  
 21 what is happening. That's what we initiated.  
 22 MS BARNES: Yes, we'll get to what  
 23 happened at a later stage shortly, but at this stage when  
 24 Ndamase reports to you, the matter has not yet been  
 25 decided; the action has not yet been taken by Lonmin.

Page 3982

1 Isn't that correct?  
 2 MR GCILITSHANA: Yes, at that time we  
 3 didn't take initiative, at that time.  
 4 MS BARNES: Do you have an explanation  
 5 for why you didn't make an objection or an intervention in  
 6 this regard?  
 7 MR GCILITSHANA: Because the sensitive  
 8 matter, it's a sensitive matter, it's about finances. Once  
 9 you get in the middle you don't know whether the operators  
 10 will do it alone successfully when you get, and they would  
 11 fail. When they say they will blame the union that NUM  
 12 have not done well for them, but if they succeed they will  
 13 say they have done it well without NUM, or vice versa.  
 14 Then it was already in the process, that's why it was  
 15 difficult for us as NUM to get in at that point in time.  
 16 MS BARNES: Well, I put it to you, Sir,  
 17 that it's difficult to understand if NUM was outraged by  
 18 unilateral action like this on the part of management in  
 19 general, and Lonmin in particular, it's difficult to  
 20 understand why there wasn't an objection. Would you like  
 21 to comment on that?  
 22 MR GCILITSHANA: Then I indicated that  
 23 this matter was a matter that was also discussed  
 24 internally; because we have tried two terms of  
 25 negotiations, we have failed, we said that internally we

Page 3983

1 must engage senior managers or, or captains of the industry  
 2 on the matter because it was not going to affect Lonmin, or  
 3 it is not Lonmin issue or Impala issue now, the way it  
 4 happened at that point in time.  
 5 MS BARNES: Sir, when you refer to  
 6 captains of industry, who are you referring to  
 7 specifically?  
 8 MR GCILITSHANA: I refer to, it's either  
 9 the CEO of the company or companies that we engage with.  
 10 Also it will be the chairperson or the president of the  
 11 company.  
 12 MS BARNES: But which companies are you  
 13 referring to?  
 14 MR GCILITSHANA: I mean, I said industry,  
 15 when you talk of mining industry.  
 16 MS BARNES: Do you have any notes or  
 17 minutes of those meetings that you had with the captains of  
 18 industry?  
 19 MR GCILITSHANA: I don't have minutes.  
 20 Again, I indicated that that was a job that could be done,  
 21 it's either by the president or the general secretary, and  
 22 I indicated that I'm not sure whether there, before the  
 23 strike that that initiatives have been taken by them.  
 24 MS BARNES: I'm sure if any of your  
 25 colleagues at NUM have notes or minutes of these meetings

Page 3984

1 that you refer to, they'll be made available to the  
 2 Commission. Is that correct?  
 3 MR GCILITSHANA: I don't know if there  
 4 are any notes, as I indicated.  
 5 MS BARNES: If you can go now to page 80  
 6 of Mr Da Costa's statement, paginated page 80, page 15 of  
 7 the statement. Do you have it?  
 8 MR GCILITSHANA: Correct.  
 9 MS BARNES: I'm going to read paragraph  
 10 4.8. This is followed on from 4.7 in which Mr Da Costa  
 11 talks about making contact with the various unions at  
 12 Lonmin, including UASA and Solidarity. In paragraph 4.8 –  
 13 CHAIRPERSON: Sorry to interrupt you. I  
 14 think you should point out that the 28th of July is the date  
 15 referred to in the previous paragraph, and that obviously  
 16 is the same day referred to in 4.8, otherwise it's not  
 17 clear and we have a complaint that you're taking it out of  
 18 context.  
 19 MS BARNES: Thank you, Chair. Paragraph  
 20 4.8 starts with, "On the same day," and that's a reference  
 21 to the 28th of July 2012, by virtue of the previous  
 22 paragraph. Do you see that?  
 23 MR GCILITSHANA: That's correct.  
 24 MS BARNES: The paragraph reads as  
 25 follows, "On the same day I," being Mr Da Costa, "met with

Page 3985

1 Elliot Maloyi from the NUM Regional office. I discussed  
 2 the RDO allowance with him. Maloyi was not adverse to the  
 3 idea, but pointed out to me that Lonmin was going outside  
 4 of the wage negotiation protocol. I did not debate the  
 5 issue with Maloyi, nor did Maloyi insist that NUM become  
 6 involved in the matter." Do you see that?  
 7 MR GCILITSHANA: Yes, I could see.  
 8 MS BARNES: As you indicated in your  
 9 answers to Mr Burger's questions yesterday, that you were  
 10 aware of this interaction between Maloyi and Lonmin. Is  
 11 that correct?  
 12 MR GCILITSHANA: That's correct, Maloyi  
 13 informed me.  
 14 MS BARNES: Maloyi himself?  
 15 MR GCILITSHANA: Yes, at a later stage.  
 16 MS BARNES: Did Maloyi tell you that he  
 17 had told Lonmin that NUM was not averse to the idea of an  
 18 allowance, and that NUM did not need to be involved?  
 19 MR GCILITSHANA: As I understand, Ntathe  
 20 Maloyi indicated that it was outside, the process was  
 21 outside the wage protocols.  
 22 MS BARNES: That wasn't the question.  
 23 Could you answer the question?  
 24 MR GCILITSHANA: I'm answering on the way  
 25 that Mr Da Costa have written here.

Page 3986

1 CHAIRPERSON: I think just repeat the  
 2 question.  
 3 MS BARNES: The question is, did Maloyi  
 4 report to you that he had said to Da Costa that NUM was not  
 5 averse to the idea of these allowances being paid and that  
 6 NUM did not need to be involved?  
 7 MR GCILITSHANA: If one recalls Ntathe  
 8 Maloyi reporting to me that he was called by Mr Da Costa.  
 9 Anyway, he was representing Sidwell, because the person who  
 10 was called Ed Sidwell, then Sidwell requested Ntathe Maloyi  
 11 to go and listen to what Mr Da Costa is going to say. Then  
 12 when he got in Mr Da Costa informed him of what the process  
 13 is. Ntathe Maloyi, he raised his concern, as I – he raised  
 14 his concern that it is outside the protocols of wage, and  
 15 then he told me that he himself, he told Mr Da Costa that  
 16 they are going outside the wage agreement.  
 17 MS BARNES: Yes, I understand that, and  
 18 there we have no disagreement. The paragraph says exactly  
 19 that. It says that Maloyi pointed out that Lonmin would be  
 20 going outside of the protocols if it did that. So there  
 21 we're all agreed. What I'm asking you is what is also  
 22 stated in that paragraph, that Maloyi is alleged to have  
 23 said to Da Costa that NUM has no difficulty with this and  
 24 is not averse to the idea – that's the specific word that  
 25 is used – and that NUM does not need to be involved, and

Page 3987

1 I'm asking you, was that reported to you?  
 2 MR GCILITSHANA: I don't recall that one.  
 3 MR TIP SC: Mr Chair, the question has  
 4 been put on the basis that appears to be different from  
 5 what is in the statement. The statement says that "I did  
 6 not debate the issue with Maloyi, nor did Maloyi insist  
 7 that NUM become involved in the matter." Now that has been  
 8 put on the basis that Maloyi had said to Da Costa  
 9 positively that NUM does not need to be involved in the  
 10 matter, and that is a different proposition. It's not  
 11 being put accurately.  
 12 CHAIRPERSON: I think Mr Tip's right.  
 13 Perhaps you should reformulate the question along the lines  
 14 that he's indicated, which I think would be a more accurate  
 15 way of doing it. You said, Ms Barnes, that he said he was  
 16 not averse. That's not what the paragraph says, so I think  
 17 it might be advisable just to read the paragraph again and  
 18 then put your question. It's important, I understand, that  
 19 you get a direct answer to the question, but the question  
 20 should be framed in accordance with what 4.8 says.  
 21 MS BARNES: Was it reported to you by  
 22 Maloyi that he had objected to Lonmin's proposed allowance?  
 23 MR GCILITSHANA: No, I don't recall.  
 24 MS BARNES: Did Maloyi say to you that he  
 25 had asked Lonmin if NUM could be involved in the matter and

Page 3988

1 if the matter could be negotiated between Lonmin and NUM?  
 2 MR GCILITSHANA: I don't recall him  
 3 saying that.  
 4 MS BARNES: Can you explain to us why if  
 5 Maloyi had not said that, you did not intervene at that  
 6 stage and take the matter up with Lonmin and ask that the  
 7 matter be negotiated as it should be in terms of the normal  
 8 protocol?  
 9 MR GCILITSHANA: The process was already  
 10 in the middle of being finalised. There had been already  
 11 several meetings that had been set with RDOs.  
 12 MS BARNES: So you yourself, Sir, made no  
 13 intervention in this matter. Is that correct?  
 14 MR GCILITSHANA: That's correct.  
 15 MS BARNES: I put it to you, Sir, that  
 16 the actions of NUM do not accord with a trade union that is  
 17 unhappy, let alone outraged, by the unilateral action of  
 18 Lonmin. Would you like to comment on that?  
 19 MR GCILITSHANA: That will be opinion. I  
 20 indicated also that we were not against any adjustments to  
 21 the workers, but we were against the process.  
 22 MS BARNES: Now you've testified that NUM  
 23 encouraged its members not to participate in the RDO  
 24 strike. Is that correct? At Lonmin.  
 25 MR GCILITSHANA: They should not

Page 3989

1 participate in unprotected strike.

2 MS BARNES: Correct, but nevertheless NUM

3 members did participate in the unprotected strike at

4 Lonmin. Correct?

5 MR GCILITSHANA: That's correct.

6 MS BARNES: Evidence has been led that

7 the numbers were approximately 55% NUM and 35% AMCU in the

8 unprotected strike. You agree with that?

9 MR GCILITSHANA: That is correct, yes.

10 It could be correct. I'm not sure exactly about the

11 figures. I won't dispute the figures, but I know that NUM

12 was about 55%, as I indicated, yes.

13 MS BARNES: Now were you present at

14 Lonmin on the 10th of August 2012, the Friday?

15 MR MAHLANGU: Is the date the 10th?

16 MS BARNES: 10th.

17 MR GCILITSHANA: No.

18 MS BARNES: And you were also not present

19 on the 11th or the 12th. Is that correct?

20 MR GCILITSHANA: I only came late on the

21 12th when the NUM president came, I accompanied the

22 president when he came to see the company in the evening of

23 the 11th, of the 12th.

24 [10:14] MS BARNES: So you have no direct

25 knowledge of the events that took place on the 10th, 11th

Page 3990

1 and 12th at Lonmin, is that correct?

2 MR GCILITSHANA: That's correct. I have

3 been informed of the incidents.

4 MS BARNES: But you were at Lonmin on the

5 15th and 16th of August, correct?

6 MR GCILITSHANA: That's correct.

7 MS BARNES: Can you tell us why you

8 didn't put that in your statement?

9 MR GCILITSHANA: It would be difficult

10 for me because there are many things that have been

11 happening. I wouldn't say why I did not put it in the

12 statement.

13 MS BARNES: Your statement makes no

14 mention of the fact that you were at Lonmin on either the

15 15th or the 16th of August, is that right?

16 MR GCILITSHANA: Yes. But on the – I did

17 mention on the cross-questioning that I was.

18 MS BARNES: But you've got no explanation

19 for why it's not in your statement.

20 MR GCILITSHANA: No.

21 MS BARNES: Now you were present at that

22 rather important meeting on the 15th of August 2012, the

23 meeting attended by NUM, AMCU, Lonmin and where you were

24 addressed - and the SAPS and where you were addressed by

25 General Mpmembe. Is that correct?

Page 3991

1 MR GCILITSHANA: That's correct.

2 MS BARNES: And at that meeting General

3 Mpmembe appealed to both unions, NUM and AMCU to assist to

4 try and resolve the matter, is that correct?

5 MR GCILITSHANA: Yes, that's correct.

6 MS BARNES: I would assume that you, as

7 chief negotiator, would have spoken to the NUM contingents

8 that were there and given advice on what could be done by

9 NUM in the circumstances. Is that right?

10 MR GCILITSHANA: We work as a team. We

11 discussed after General Mpmembe addressed us. We had to

12 discuss what will be the approach.

13 MS BARNES: And what did you decide that

14 you could do?

15 MR GCILITSHANA: We decided that we

16 should agree with the general, General Mpmembe, to go and

17 talk to the workers.

18 MS BARNES: And we know that your

19 president did that.

20 MR GCILITSHANA: Yes.

21 MS BARNES: Mr Budlender asked you

22 yesterday whether if you had been requested during that

23 time to enter into negotiations outside of the normal

24 structures in order to resolve the situation. You would've

25 agreed to do so, is that correct?

Page 3992

1 MR GCILITSHANA: I said that we would

2 agree in order to solve the problem.

3 MS BARNES: But you didn't make such a

4 suggestion at the time, did you?

5 MR GCILITSHANA: No.

6 MS BARNES: Why not?

7 MR GCILITSHANA: Because the message was

8 clear that they don't want to talk – the strikers don't

9 want to talk to NUM.

10 MS BARNES: On the 16th of August why did

11 you stay at Lonmin all day on that day?

12 MR GCILITSHANA: As I indicated before,

13 after the debriefing meeting from the security, we had our

14 own brief session with the shop steward. The shop stewards

15 went back. I was left behind with the mining house

16 coordinator. They came back to give reports of what is

17 happening in their areas.

18 MS BARNES: Now on the 16th of August when

19 you were at Lonmin, you knew that there were 3 500 people

20 on that koppie, most of whom were underpaid RDOs and many

21 of whom were your members. Is that right?

22 MR GCILITSHANA: That's correct.

23 MS BARNES: And you knew that they were

24 facing off against increasing numbers of heavily armed

25 police officers, is that correct?

Page 3993

1 MR GCILITSHANA: I knew that they were  
2 armed. The police, they are normally armed.  
3 CHAIRPERSON: Never mind whether they  
4 were armed or not. When you left after your briefing early  
5 in the morning, did you see policeman on the premises?  
6 MR GCILITSHANA: I saw them at  
7 Middlekraal because the briefing was at LPD offices.  
8 CHAIRPERSON: I'm interested in the  
9 briefing at the LPD offices.  
10 MR GCILITSHANA: Yes.  
11 CHAIRPERSON: What time did you leave the  
12 LPD offices?  
13 MR GCILITSHANA: The normal – those  
14 meetings takes about half an hour to 45 minutes. I won't  
15 be sure exactly because sometimes they delay. I won't  
16 sure. I won't be sure about –  
17 CHAIRPERSON: It sounds to what you say  
18 as if you left between about 8 o'clock and quarter past 8,  
19 would that be right?  
20 MR GCILITSHANA: That could be possible.  
21 I'm not sure. As I indicated it sometimes even start of  
22 the briefing session, it start late at times.  
23 CHAIRPERSON: If it started late then you  
24 would've left even later.  
25 MR GCILITSHANA: Yes.

Page 3994

1 CHAIRPERSON: Ja. Okay, so you left some  
2 time, from what you tell us, it appears some time after 8  
3 o'clock.  
4 MR GCILITSHANA: Ja, that is possible  
5 yes.  
6 CHAIRPERSON: Now when you left the LPD  
7 just after 8 o'clock did you see a large contingent of  
8 police there?  
9 MR GCILITSHANA: Yes.  
10 CHAIRPERSON: Significantly more police  
11 would've been there the day before.  
12 MR GCILITSHANA: Yes because the area  
13 already was with the police, even on the previous day.  
14 CHAIRPERSON: So you had been there the  
15 day before –  
16 MR GCILITSHANA: Yes.  
17 CHAIRPERSON: - with -  
18 MR GCILITSHANA: Yes.  
19 CHAIRPERSON: But there were  
20 significantly more police there on the morning of the 16th.  
21 Something was going to happen.  
22 MR GCILITSHANA: To me, Commissioner, it  
23 will be because – because I wouldn't know the figures by  
24 then but I saw many police like we did in the previous days  
25 that there were many and the cars were many in the stadium.

Page 3995

1 MS BARNES: So when you were at the LPD  
2 offices earlier that morning, there was a South African  
3 Police Service press briefing there, is that right?  
4 MR GCILITSHANA: That is possible.  
5 MS BARNES: Did you not see the press  
6 briefing at the LPD offices?  
7 MR GCILITSHANA: No, he didn't see it.  
8 MS BARNES: Did you hear about the  
9 briefing on the radio that day?  
10 MR GCILITSHANA: Yes, I heard about it.  
11 MS BARNES: And did you hear the  
12 commissioner say that this thing will end today, that it  
13 was D Day?  
14 MR GCILITSHANA: Yes, I heard about it.  
15 MS BARNES: And you're the chief  
16 negotiator for NUM at Lonmin, Sir, and you spent the day  
17 sitting in the solidarity office or sitting in your vehicle  
18 listening to the radio. Is that correct?  
19 MR GCILITSHANA: Yes, that's correct.  
20 MS BARNES: Thank you, I have no further  
21 questions.  
22 CHAIRPERSON: Who is going to ask – who  
23 wishes to ask questions next? Mr Semenya, do you want to  
24 question at this stage or shall I – Mr Mpofo is leaning  
25 forward and turning on his microphone.

Page 3996

1 MR MPOFU: Yes, Chair, just to indicate  
2 that I will ask some questions but I understand that  
3 there's an arrangement that Mr Ntsebeza will move an  
4 application.  
5 CHAIRPERSON: Well I don't think his  
6 application is urgent. I think we should rather finish  
7 this witness first. So in any event – if necessary before  
8 the application is moved, I would like to see Mr Semenya  
9 and Mr Ntsebeza in my chambers. But –  
10 MR NTSEBEZA SC: I just wanted to ask one  
11 question –  
12 CHAIRPERSON: You want to ask one – okay.  
13 So you want to cross-examine first?  
14 MR NTSEBEZA: Yes, Sir.  
15 CHAIRPERSON: And then – of course you're  
16 – I understood that you didn't want to ask any questions.  
17 I was obviously not correctly informed. Mr Ntsebeza.  
18 MR NTSEBEZA SC: Yes.  
19 MR GCILITSHANA: That's correct.  
20 MR NTSEBEZA SC: I just wanted to know if  
21 you would be the person who would tell the commission as to  
22 whether it is so that some of the people who were killed  
23 between the 13th and the 16th were NUM members?  
24 MR GCILITSHANA: Yes, we have verified  
25 that to the lawyers that yes, some of them were members of



<p style="text-align: right;">Page 3997</p> <p>1 NUM.</p> <p>2 MR NTSEBEZA SC: And would you know or</p> <p>3 would you be the person to say whether as at the time of</p> <p>4 their death, those NUM members and their families were</p> <p>5 contacted and were indicated that too that they would be</p> <p>6 represented by NUM at these proceedings?</p> <p>7 MR GCILITSHANA: I know that there is a</p> <p>8 process and that I'm not sure when it started.</p> <p>9 MR NTSEBEZA SC: Are you saying you are</p> <p>10 aware there is a process to do what?</p> <p>11 MR GCILITSHANA: There is a consultation</p> <p>12 with the – the process of consultation with the families of</p> <p>13 the deceased who are NUM – who were NUM members that died,</p> <p>14 after and before.</p> <p>15 MR NTSEBEZA SC: I asked and I will not</p> <p>16 ask you further unless you are able to let the commission</p> <p>17 understand this. I asked because when these proceedings</p> <p>18 began, I placed on record, representing families of mine</p> <p>19 workers who were other than NUM members at that stage. Do</p> <p>20 you understand that?</p> <p>21 MR GCILITSHANA: Yes.</p> <p>22 MR NTSEBEZA SC: Now towards the end of</p> <p>23 last year when it became necessary again to – for us to</p> <p>24 place ourselves on record, I said that I now represent the</p> <p>25 remainder of the families with the exception of perhaps one</p>	<p style="text-align: right;">Page 3999</p> <p>1 MR GCILITSHANA: No, I don't.</p> <p>2 MR NTSEBEZA SC: Thank you, Mr Chair.</p> <p>3 CHAIRPERSON: Mr Mpofu?</p> <p>4 MR MPOFU: Thank you, Chairman. Mr</p> <p>5 Gcilitshana, I represent the arrested and injured persons</p> <p>6 who are part of the terms of reference of the commission.</p> <p>7 Do you understand that?</p> <p>8 MR GCILITSHANA: Yes, I know.</p> <p>9 MR MPOFU: And just to – so that you can</p> <p>10 get the context right, our case which we put before the</p> <p>11 commission in the opening address and which we will argue</p> <p>12 at the end suggests that the main parties that were the</p> <p>13 causes of the calamities that befell our – the people we</p> <p>14 represent were the police and Lonmin.</p> <p>15 MR GCILITSHANA: Yes.</p> <p>16 MR MPOFU: And we say that they were</p> <p>17 responsible, both as individual parties and also in</p> <p>18 collusion with each other.</p> <p>19 [10:34] MR GGILITSHANA: Yes.</p> <p>20 MR MPOFU: But we do also say in the</p> <p>21 opening address that there were other secondary or</p> <p>22 contributory parties or contributory causes to what</p> <p>23 happened, and in that we list the conditions – the</p> <p>24 difficult conditions of – what we call the sordid history</p> <p>25 in the mining – of the mining industry in South Africa, and</p>
<p style="text-align: right;">Page 3998</p> <p>1 who would be represented by the LRC. Now when I inquired</p> <p>2 where the additional people had come from, my instructing</p> <p>3 attorneys told me that they have since been approached by</p> <p>4 the families of those mine workers who were killed who had</p> <p>5 been members of the NUM because they were seeing that they</p> <p>6 were not getting representation.</p> <p>7 MR GCILITSHANA: What I understand that</p> <p>8 some people the company had provided legal representation</p> <p>9 like Fundi. We know that as a legal position that is</p> <p>10 representing Fundi. Fundi was also a security guard who</p> <p>11 was also a NUM member. I don't – sorry, I don't have that</p> <p>12 details. Maybe that one we can verify and consult with the</p> <p>13 legal team.</p> <p>14 MR NTSEBEZA SC: But of those who died on</p> <p>15 the 16th, if you must just take Fundi out of the equation.</p> <p>16 Your union would appear not to have made any arrangements</p> <p>17 on what I've just told you for the representation of the</p> <p>18 families of those who died on the 16th who were NUM members.</p> <p>19 Does that appear to be -</p> <p>20 MR GCILITSHANA: As I indicated that that</p> <p>21 is possible but we can verify.</p> <p>22 MR NTSEBEZA SC: There's nothing to</p> <p>23 verify. I'm telling you what my instructing attorneys have</p> <p>24 told me. There's nothing to verify. Do you know it to be</p> <p>25 so? If you don't then I'll pass on.</p>	<p style="text-align: right;">Page 4000</p> <p>1 we also mention the issue of the trade unions, or so called</p> <p>2 trade union rivalry. Understand that?</p> <p>3 MR GGILITSHANA: Yes, I understand.</p> <p>4 MR MPOFU: So we see the issue of the</p> <p>5 trade union rivalry only as one of the secondary causes,</p> <p>6 and I will then question you against that background. And</p> <p>7 maybe just for the sake of completion, in relation to the</p> <p>8 police to what we say is the culpability of the police,</p> <p>9 these will be issues that range from how they handled the</p> <p>10 event, the planning and so on, so those, the issues</p> <p>11 relating to the police do not concern you as far as we are</p> <p>12 concerned, in relation to the causes of this matter. Do</p> <p>13 you understand?</p> <p>14 MR GGILITSHANA: I hear, yes.</p> <p>15 MR MPOFU: But in relation to Lonmin, one</p> <p>16 of the key issues that we say could – makes up their major</p> <p>17 contribution to the causes of the massacre is their refusal</p> <p>18 to negotiate or to engage with the strikers, on the basis</p> <p>19 that they were criminals. Understand that?</p> <p>20 MR GGILITSHANA: I understand.</p> <p>21 MR MPOFU: Now, you are an important</p> <p>22 witness in the sense that although you might not be a</p> <p>23 primary party, you, in particular, as an individual, had</p> <p>24 the privilege of interacting closely with these two</p> <p>25 parties, the police and Lonmin, in the days leading up to</p>

Page 4001

1 the massacre or tragedy. Do you agree?

2 MR GGILITSHANA: Yes, because we had a

3 meeting with the general on the 15th.

4 MR MPOFU: Yes, but not only that, as I

5 understand it, you had, twice in a day you had what we call

6 debriefing meetings.

7 MR GGILITSHANA: Yes, but sometimes it

8 will be management, security, not police.

9 MR MPOFU: Yes, but sometimes the police

10 would be present.

11 MR GGILITSHANA: Yes.

12 MR MPOFU: Right. Now, what I'd like you

13 to please explain to the Commission is maybe some of the

14 subtle issues, the attitudes, which we cannot pick up from

15 videos or from minutes. Would you agree that the attitude

16 of the police over the days that you were having these

17 debriefing meetings seemed to harden towards the end, let's

18 say on the 15th and the 16th?

19 MR GGILITSHANA: That's correct.

20 MR MPOFU: Did that hardening show itself

21 even more, in a pronounced way, after the killing of the

22 two policemen?

23 MR GGILITSHANA: I wouldn't be specific,

24 because they would more talk of not being able to tolerate

25 the issues of violence.

Page 4002

1 MR MPOFU: Okay, maybe I should ask it in

2 a more open-ended way. The hardening that you have

3 confirmed happened, you might not be able to pinpoint the

4 specific day, but in relation to the killing of the police,

5 would it have happened before or after, bearing in mind

6 that the killing of the police was on the 13th.- of the

7 policemen, sorry?

8 MR GGILITSHANA: I think it was clear

9 when we met with General Mpmembe, because, as said, he

10 indicated to us that they have to disarm those people if we

11 can't persuade them.

12 MR MPOFU: Okay.

13 CHAIRPERSON: On what day did General

14 Mpmembe say that?

15 MR GGILITSHANA: That's on the 15th.

16 MR MPOFU: Thank you very much, so it was

17 after the 13th. Right, now, as far as Lonmin was concerned,

18 we will argue at the end of the case that there was a

19 concerted campaign on the part of Lonmin to label the

20 people at the mountain as criminals. If you did notice

21 that happening, at what stage in your daily meetings would

22 you say it happened?

23 MR GGILITSHANA: If my memory serves me

24 well, it will be after the killing of the two security

25 guards.

Page 4003

1 MR MPOFU: Okay, now I'll come back to

2 that thing, but I just now want to tap into your own

3 experience as a union leader, per se, you would agree,

4 wouldn't you, as a person who's experienced in matters of

5 labour relations that the phenomenon of wildcat strikes or

6 unprotected strikes is part of the whole industrial

7 relations regime in the country.

8 MR GGILITSHANA: Yes, but after 1994 –

9 after the reviewal of the Labour Relations Act, that

10 reduced, because unions at least have rights – a better

11 right in terms of the strike. There were more before 1994.

12 MR MPOFU: Yes, no, fair enough, but the

13 point is that even now, in the post-Labour Relations Act

14 regime after 1995, that wildcat strikes or unprotected

15 strikes do occur, not with the same frequency as before,

16 but they are still part of the reality of industrial

17 relations in South Africa.

18 MR GGILITSHANA: That's correct.

19 MR MPOFU: And actually workers are

20 entitled to withdraw their labour, whether in a legal or an

21 illegal strike, but what they're not entitled to do is to

22 employ violence in doing so. Will that be correct?

23 MR GGILITSHANA: Yes, I would agree that

24 the process should not be violent, but the workers have got

25 a right to strike.

Page 4004

1 MR MPOFU: Ja, okay, maybe the point I'm

2 making is much more subtle. What I'm saying that they have

3 a right to withdraw their labour even outside of the

4 prescripts of the Labour Relations Act, but of course

5 they'd be doing that at the risk of not enjoying the

6 protections of the law. Would that be a fair summation of

7 the situation?

8 MR GGILITSHANA: Yes, they do have, but

9 if you have got a recognition agreement in that particular

10 operation, once they withdraw their labour and there is a

11 loss of production, in most cases the union that is

12 recognising that particular operation would always be given

13 an ultimatum that there is an unprotected strike, therefore

14 you will bear the cost.

15 MR MPOFU: Yes, no, no, that is correct,

16 but if that unprotected strike was happening outside the

17 auspices of any union, that what you've just said would not

18 apply, would it?

19 MR GGILITSHANA: No.

20 MR MPOFU: Thank you. Now, once again,

21 just to tap into your union experience, you would agree

22 that the events that happened with – let's say from the 9th

23 up to whenever the issue was resolved, essentially were –

24 at the centre of these events was a labour relations issue,

25 namely wages?

Page 4005

1 MR GGILITSHANA: That's correct.  
 2 MR MPOFU: And that it would be a lie, to  
 3 put it mildly, to characterise what happened there simply  
 4 as something was not or could not be described as a labour  
 5 relations dispute?  
 6 MR GGILITSHANA: It will depend on the  
 7 analysis of that particular person, but what I do know is  
 8 that placards of 12 500 as a demand.  
 9 MR MPOFU: Okay, so let's put aside that  
 10 person. In your analysis, it was a labour relations  
 11 dispute?  
 12 MR GGILITSHANA: Yes, that's correct.  
 13 MR MPOFU: You would also agree – I can't  
 14 get my hands on the article now that was given to you  
 15 yesterday, but – no, it's fine, I'm just going to  
 16 paraphrase. Essentially there's a part there that says  
 17 that RDOs are some of the worst paid or work under some of  
 18 worst conditions in the industry, something to that effect.  
 19 MR GGILITSHANA: That's correct.  
 20 MR MPOFU: Yes, I think I'd like rather  
 21 to quote the more flowery language of Hartford, the author.  
 22 CHAIRPERSON: Do you have to, Mr Mpofo?  
 23 The paper is already before us. The witness has agreed  
 24 with the proposition. We have it, it was read out  
 25 yesterday. It just takes up time. It's just repeating a

Page 4006

1 point we have already, besides the whole –  
 2 MR MPOFU: No, no, Chairman, I won't even  
 3 debate that, you're quite correct, Chairperson. And it's a  
 4 view shared by the NUM that RDOs are also severely  
 5 underpaid, correct?  
 6 MR GGILITSHANA: Yes.  
 7 MR MPOFU: And the evidence would seem to  
 8 suggest that they're paid in the region of just less than  
 9 R5 000?  
 10 MR GGILITSHANA: In Lonmin, I think it  
 11 was about 5 point something, in Lonmin. Generally they're  
 12 around that, between 4 and 5.  
 13 CHAIRPERSON: Mr Mpofo, I was wrong when  
 14 I said the relevant passage had been read out yesterday.  
 15 It was put before us, but those in the auditorium, for  
 16 example, didn't have a chance to hear it. You'll find it  
 17 on page 3 of Exhibit XX7, it's the paragraph beginning,  
 18 "The RDO's Conditions of Employment," under the heading,  
 19 "The RDO's Experience." You might like to read it, put it  
 20 to the witness, and then it will be before us, not just as  
 21 a document, but as oral evidence. You can then form a  
 22 basis for launching your rocket further.  
 23 MR MPOFU: Thank you, Chairperson. I  
 24 wasn't sure whether it was read out by Ms Barnes, ja. The  
 25 passage – and the Chairman was right, we have already

Page 4007

1 agreed with the gist of this, but just to read it out for  
 2 the record. "The RDO's conditions of employment are  
 3 characterised by the following features, the RDOs are doing  
 4 the toughest, most dangerous, most production-critical core  
 5 mining function. They have long perceptions of  
 6 underpayment relative to their colleagues in the industry.  
 7 There are typically no serious service increment  
 8 differentials in platinum. In other words, gold sector has  
 9 some incentives, or other significant allowance in their  
 10 pay and as such few real cash incentives to do RDO work.  
 11 [10:54] In addition there is no prospect of any career  
 12 progression for RDOs given they are functionally illiterate  
 13 status in the structure of the mining work team in respect  
 14 of job categories, a structure which requires a basic  
 15 academic training for advancement to blasting certificate  
 16 status." And just for completion -  
 17 COMMISSIONER TOKOTO: Sorry, just – we  
 18 are not with you here. We are listening but we are getting  
 19 you to listening but we are not sure exactly which  
 20 paragraph –  
 21 MR MPOFU: I'm so sorry. It's page 3 of  
 22 XX7, sorry, Mr Commissioner.  
 23 MR GGILITSHANA: Okay, we got it.  
 24 MR MPOFU: You got it? Okay, I've now  
 25 finished reading that first paragraph. I'm just going to

Page 4008

1 read one more sentence in the next paragraph. It says,  
 2 "the RDOs have a specific demographic pattern that is an  
 3 industry wide feature for all commodity classes and sets  
 4 them apart from the rest of their colleagues. They are  
 5 almost entirely migrant and functionally illiterate and the  
 6 80% majority of the migrants are South Africans from the  
 7 Eastern Cape. And one of the reasons I'm putting this to  
 8 you is because, and I hope you agree, that the majority of  
 9 the people at the mountain were RDOs and if you agree with  
 10 that, just to save time, I will say that by extension means  
 11 that the majority of the people that I represent are RDOs.  
 12 MR GGILITSHANA: On the grounds that you  
 13 know that the strike was initiated by RDOs, I would agree  
 14 that there have been – they maybe have been in majority.  
 15 MR MPOFU: Now another area I am still  
 16 tapping on your experience, would you agree that in the  
 17 situation such as the one we had on the 16th or around those  
 18 days, where the people are gathering on a daily basis as it  
 19 were that a sort of a sense of solidarity develops among  
 20 themselves as a group.  
 21 MR GGILITSHANA: I would agree that other  
 22 group categories of workers also participated in the  
 23 strike. I won't qualify it whether because - is that  
 24 others who claimed that they have been saying that they  
 25 have been – they are forcefully – others they will say they

Page 4009

1 were not willing, but I won't go to that route.  
 2 MR MPOFU: Sorry, I don't think you are  
 3 answering my question. Maybe you are finishing answering  
 4 the other question about whether the majority were RDOs. I  
 5 thought we were beyond that. My question now is would you  
 6 agree that the – typically in these kinds of meetings that  
 7 we are dealing with where people meet, they develop a sense  
 8 of solidarity, comradeship and so on among the group  
 9 itself. In your experience as a unionist, not necessarily  
 10 on this – and that -  
 11 MR GCILITSHANA: Yes, I agree.  
 12 MR MPOFU: Yes, thank you, I heard you  
 13 agreeing with me. And that in those settings, really, the  
 14 people even if they are armed, they may pose a danger to  
 15 somebody else, but they do not pose a danger among the  
 16 members of that solidarity team. In other words not a  
 17 danger to themselves.  
 18 MR GCILITSHANA: Yes, that is usual  
 19 unless there is somebody who was – they suspect that he's  
 20 not exactly with them.  
 21 MR MPOFU: Ja well okay. Let's – putting  
 22 that exception aside you would agree with my proposition.  
 23 MR GCILITSHANA: Yes.  
 24 MR MPOFU: Okay. And therefore if you  
 25 agree then with that proposition, you would also agree with

Page 4010

1 my proposition that it would be absurd to suggest that the  
 2 members of that group as a unit actually had any motive or  
 3 intention to kill each other, to kill other people in the  
 4 group. And maybe to make it clearer, sorry, Mr  
 5 Interpreter, so that I don't speak in tongues. I'm  
 6 referring you directly to the fact that some of the members  
 7 of that solidarity group were charged with –  
 8 CHAIRPERSON: Solidarity is possibly the  
 9 wrong word to use in this context.  
 10 MR MPOFU: Yes, or the unit. Ja, no, I  
 11 agree. Of the – I do want an adjective, Chair, that will  
 12 suggest that this is not just 3 000 people but they are a  
 13 team of some sort, but I'll find it. It's actually a noun,  
 14 not an adjective that I'm looking for, but I'll find it.  
 15 CHAIRPERSON: Maybe after tea.  
 16 MR MPOFU: Ja, maybe after tea. Chair?  
 17 CHAIRPERSON: [Inaudible]  
 18 MR MPOFU: Thank you, Chairperson.  
 19 CHAIRPERSON: - and allow you to finish  
 20 the question when you've found the relevant word, but I  
 21 want to remind you that I think the state case is based on  
 22 the principles of doles eventualis and I'm not going to  
 23 allow you to explain to the witness what you understand  
 24 about doles eventualis. But anyway, we'll take the tea  
 25 adjournment at this point.

Page 4011

1 MR MPOFU: Thank you, Chairperson.  
 2 [COMMISSION ADJOURNS COMMISSION RESUMES]  
 3 [11:36] CHAIRPERSON: The commission resumes.  
 4 The reason for the delay was were having a discussion in  
 5 chambers with some of the parties in regard to an  
 6 application that is going to be moved at a later stage.  
 7 You're still under oath, Sir.  
 8 MR GCILITSHANA: Yes.  
 9 CHAIRPERSON: Are you still cross-  
 10 examining, Mr Mpofo?  
 11 MR MPOFU: Yes, Chairperson.  
 12 Chairperson, I think I've now find my vocabulary and it  
 13 sounds like a good advert for tea because to my or rather  
 14 to the credit of our profession, one of the useful  
 15 suggestions came from Mr Tip from NUM who pointed out  
 16 something that I was oblivious to that while solidarity  
 17 might be correct in the English sense the fact that there's  
 18 a union called Solidarity makes it inappropriate and –  
 19 CHAIRPERSON: This is why I thought it  
 20 was inappropriate.  
 21 MR MPOFU: Yes, thank you, Chair.  
 22 CHAIRPERSON: From a person who has a  
 23 surname Tip, you expect advice of that kind.  
 24 MR MPOFU: Thank you, Chairperson. So  
 25 I'll opt for the – another suggestion which was made to me

Page 4012

1 which is brotherhood and I'm sure I won't be in trouble  
 2 from a gender point of view because it's common cause that  
 3 all the people there were men. So, Mr Gcilitshana would  
 4 agree that the people who are in that situation form –  
 5 would form as among themselves a spirit of brotherhood.  
 6 MR GCILITSHANA: I agree with you in  
 7 general, but during the strike you'll remember there were  
 8 some incidents had been reported on the issue of comrades  
 9 who have been found near the koppie that I won't say that  
 10 will not – I wouldn't say whether that will be qualified as  
 11 brotherhood or what, but generally.  
 12 CHAIRPERSON: The point Mr Mpofo is  
 13 trying to make is there is no basis for believing that any  
 14 of the strikers would want to kill any of their fellow  
 15 strikers. There might be allegations about people who  
 16 weren't prepared to strike but as far as their fellow  
 17 strikers were concerned, the point is they were charged  
 18 with murdering their fellow strikers. He says it's  
 19 unlikely one can accept that they didn't – they wouldn't  
 20 have wished to kill their fellow or even harm their fellow  
 21 strikers. I think that's the basis of his point.  
 22 MR MPOFU: Right, Chair.  
 23 CHAIRPERSON: And –  
 24 MR MPOFU: Putting aside those who might  
 25 be -

Page 4013

1 MR GCILITSHANA: Yes, they will in  
 2 brotherhood, yes.  
 3 MR MPOFU: Thank you. Now moving on to  
 4 the involvement of the NUM, I'm just going back to the  
 5 issue of the daily meetings. Can you just explain to the  
 6 commission what were the roles or the nature of the inputs  
 7 given by the various participants in these meetings and  
 8 before you do that, I just want – just to make sure that  
 9 we're on the same page, my understanding that under this  
 10 cloak of participants we have NUM, UASA, Solidarity, the  
 11 police sometimes, management, HR of Lonmin and Lonmin  
 12 security.  
 13 MR GCILITSHANA: What will happen, one,  
 14 the security will give feedback on what they have observed  
 15 as security personnel and if there were any requests for  
 16 escort or whatever for people who wanted to go to work,  
 17 that's what they would report. One. Two, on the side of  
 18 the trade unions, if there are any complaints that have  
 19 been raised by the members to the structure, to the  
 20 comrades, to the structures, those – they would raise that  
 21 – in a particular point, people have been waiting for a  
 22 bus, but it didn't come or the bus did come but there was  
 23 no escort or some of those inputs. With management, they  
 24 will more talk of the figures of people who were able to  
 25 report to work. That is the general discussions. And even

Page 4014

1 if there were cases of people who will complain they were  
 2 intimidated on the – in certain areas, those will be  
 3 reported.  
 4 MR MPOFU: And the police when they were  
 5 there?  
 6 MR GCILITSHANA: And the police, they  
 7 will work together. It will be similar with the security  
 8 to say we have received these complaints and we have  
 9 responded on the complaints.  
 10 MR MPOFU: And would it be fair to say  
 11 the police and the mine security would share their latest  
 12 intelligence at these meetings?  
 13 MR GCILITSHANA: Not in front of us  
 14 because even – in most cases when you asked the plan they  
 15 will say that the issue of police is of the police,  
 16 therefore we should not be involved.  
 17 MR MPOFU: Okay. So it would be fair to  
 18 say that there were – there was a labour relations segment  
 19 of the meeting and then a security segment, so to speak.  
 20 MR GCILITSHANA: Yes.  
 21 MR MPOFU: Is there any – okay, let me  
 22 put it this way. Your evidence is that the NUM actually  
 23 had no involvement in this matter. I mean putting aside  
 24 the fact that your individual members might have been at  
 25 the mountain and so on, but as a union you had no

Page 4015

1 involvement.  
 2 MR GCILITSHANA: That's correct.  
 3 MR MPOFU: So why did you find it  
 4 necessary to participate in those meetings?  
 5 MR GCILITSHANA: Because we wanted to see  
 6 how can we find solution and we are a recognised union.  
 7 MR MPOFU: Good. Now your primary reason  
 8 was to find a solution. What did you contribute in that  
 9 particular department of finding a solution?  
 10 MR GCILITSHANA: How do we engage the  
 11 strikers so that they can be able to dissolve so that we  
 12 can be able to engage in formal structures.  
 13 MR MPOFU: Okay. So you would agree with  
 14 me then that the key to unlock the lock jam would've been  
 15 to engage the strikers?  
 16 MR GCILITSHANA: Yes.  
 17 MR MPOFU: But we know now that the  
 18 position of the company on that issue was - and very  
 19 intransigent in that they were not going to engage the  
 20 strikers and a lot has been said about that. What did you,  
 21 as the NUM, which obviously believed the contrary view that  
 22 was the correct one, do in those engagements at Lonmin to  
 23 dissuade them from that hard-line stance?  
 24 MR GCILITSHANA: We persuaded the company  
 25 to extend the ultimatum as we reported yesterday and the

Page 4016

1 company was saying that it's not possible to talk to the  
 2 strikers while they're armed. They have to disarm and  
 3 follow the appropriate channels.  
 4 MR MPOFU: In other words you failed to  
 5 persuade them to change that hard-line stance?  
 6 MR GCILITSHANA: No, that could not  
 7 change.  
 8 MR MPOFU: Did you find that frustrating  
 9 as you knew that the only way was through engagement?  
 10 MR GCILITSHANA: I must say both issues  
 11 because the company on the other side was saying that these  
 12 people must disarm before they can talk to them. On the  
 13 other side the strikers say we don't want to talk to NUM.  
 14 That also frustrated us.  
 15 MR MPOFU: No, Mr Gcilitshana, I'm afraid  
 16 that's not the correct description of the lock jam I was  
 17 referring to. The lock jam I was referring to is the  
 18 following and if you knew or you didn't know you'll tell  
 19 the commission. It was that the strikers were saying  
 20 repeatedly that they would like the employer to come and  
 21 engage their demands for R12 500 and if that happened then  
 22 they would disarm and do all the things that were being  
 23 asked of them. But on the other hand, the Lonmin stance  
 24 which was now already covered was that they're not going to  
 25 speak to those criminals and so on and so on and they

Page 4017

1 wouldn't engage them outside the formal structures and that  
 2 kind of thing. That was the nature of the lock jam, of the  
 3 impasse. Sorry, were you aware of this lock jam that I've  
 4 just described?

5 MR GCILITSHANA: Yes.

6 MR MPOFU: And evidence has been led here  
 7 that various parties, including members of the clergy,  
 8 tried to break that lock jam by appealing to the employer  
 9 to, as it were, meet the requests or demand of the workers  
 10 for engagement. Not necessarily to give the 12 500 but to  
 11 engage on it. Were you aware of that?

12 MR GCILITSHANA: I became aware on the –  
 13 after the 16th to be honest because I was not aware that  
 14 there was – there were meetings that were scheduled before  
 15 the 16th.

16 MR MPOFU: You - Mr Zokwana is going to  
 17 come and testify, I understand, so we'll put the questions  
 18 to him, but we did prefer to say that you and maybe to some  
 19 extent the late Mr Bongo would've been the people who would  
 20 give detailed briefings to somebody like the president of  
 21 NUM. He was not on the ground on a daily basis, he would  
 22 rely on you to – for his factual information, correct?

23 MR GCILITSHANA: That's correct, but not  
 24 only limited to us because I've got a number of comrades.  
 25 You know, during the crisis anybody would phone.

Page 4018

1 MR MPOFU: Yes, but officially you're  
 2 holding the position you hold or held would've been the  
 3 primary sources of his information about what was on the  
 4 ground at Lonmin.

5 MR GCILITSHANA: Correct.

6 MR MPOFU: Did you ever say to Mr Zokwana  
 7 that there were no NUM members at the koppie?

8 MR GCILITSHANA: No.

9 MR MPOFU: Do you know where he got that  
 10 idea?

11 MR GCILITSHANA: No.

12 MR MPOFU: Alright. And would Mr Zokwana  
 13 also report to you about other engagements that he might  
 14 have had regarding the situation?

15 MR GCILITSHANA: At times, I wouldn't say  
 16 everything.

17 MR MPOFU: Did he report to you that he  
 18 held any meetings with the top management of Lonmin?

19 MR GCILITSHANA: I don't recall.

20 [11:56] MR MPOFU: Did he report to you that he  
 21 held any meetings with any of the board members of Lonmin  
 22 regarding the situation?

23 MR GCILITSHANA: I don't recall.

24 MR MPOFU: Then we spoke about the, or  
 25 rather you testified about the situation in which you were

Page 4019

1 overtaken by AMCU at various mines in terms of membership,  
 2 which included Lonmin, Implats, and you were not sure if  
 3 they had also overtaken you at Anglo Plats. Is that  
 4 correct?

5 MR GCILITSHANA: Yes.

6 MR MPOFU: Would you agree with me that  
 7 one of the quickest ways for a union to lose its membership  
 8 is to lose the credibility and the trust of the workers?

9 MR GCILITSHANA: Yes.

10 MR MPOFU: And would you agree that one  
 11 of the ways in which you lose that credibility and trust  
 12 would be if a union is viewed as collaborating with  
 13 management, or becoming a sweetheart union, as it were?

14 MR GCILITSHANA: It could be one of the  
 15 reasons that, there might be many reasons.

16 MR MPOFU: Yes, but essentially that the  
 17 workers should never perceive that the interests of such a  
 18 union are more with the management than with the workers,  
 19 or if they do, if they perceive it, rightly or wrongly,  
 20 that its membership would dwindle fast?

21 MR GCILITSHANA: I'm sorry, I put, I was  
 22 putting on the mike of the interpreter. Can you please  
 23 repeat your question?

24 MR MPOFU: Okay, no it's fine. I'll move  
 25 on. I was just telling you, putting proposition to you,

Page 4020

1 hoping you'll agree or disagree, but some of the things  
 2 that might make a union lose its membership fast, would you  
 3 agree that one of those is if the union, if the workers  
 4 realised or perceived that a union was against wage  
 5 increases for whatever reason, that that would be one of  
 6 the fastest ways to lose membership?

7 MR GCILITSHANA: Yes.

8 MR MPOFU: Now are you aware that the  
 9 RDOs had taken a conscious decision to embark on the  
 10 industrial action outside the auspices of both the NUM and  
 11 AMCU, as RDOs per se?

12 MR GCILITSHANA: Yes, I'm aware.

13 MR MPOFU: And in the case of NUM, the  
 14 reason why they wouldn't involve you, or one of the reasons  
 15 was because of this loss of credibility which you've  
 16 already testified about. I don't want to go into the  
 17 specific instances. Would you agree?

18 MR GCILITSHANA: I said that is possible.

19 MR MPOFU: Another reason is that they  
 20 knew that the NUM was constrained by its agreement to the  
 21 principle of central bargaining, whereas they wanted to  
 22 push their agenda, as it were – for lack of a better word –  
 23 as RDOs because they felt that they were neglected as RDOs.  
 24 Are you aware of that sentiment?

25 MR GCILITSHANA: As I recall, the NUM was

Page 4021

1 not approached to take up the issue of RDOs specifically.  
 2 MR MPOFU: Ja. Yes, no I agree with you  
 3 there. All I'm saying is that you as the NUM in any event,  
 4 even if they had approached you, would have been  
 5 constrained by the principles of centralised bargaining  
 6 from taking up their specific issue as RDOs, you know, or  
 7 as Lonmin RDOs as opposed to RDOs generally throughout the  
 8 industry. That's how I understand centralised bargaining.  
 9 Maybe you can correct me.  
 10 CHAIRPERSON: Mr Mpofo, I don't quite  
 11 understand this point because my understanding is that the  
 12 principle of centralised bargaining, i.e. industry-wide,  
 13 didn't apply in the platinum sector. That's one of the  
 14 problems that we may have to deal with in phase 2. As far  
 15 as each mining company was concerned, there was, as I  
 16 understand it, a collective agreement between the union and  
 17 that employer, but centralised bargaining across the whole  
 18 industry, or the platinum sector, didn't exist, as I  
 19 understand it. But perhaps we can clarify that from the  
 20 witness.  
 21 MR MPOFU: Thank you, Chairperson. Mr  
 22 Gcilitshana, if you can please assist us and the  
 23 Commission, and I'll put propositions and once again where  
 24 I'm wrong you'll correct me. My understanding is that the  
 25 broad thrust of your agreement was that if you were

Page 4022

1 negotiating for a wage increase for RDOs for example, one  
 2 of the aspects of centralised bargaining would mean that  
 3 you would do so for the RDOs across the industry. Would  
 4 that be correct, or not correct?  
 5 MR GCILITSHANA: In this situation when  
 6 we talk of the collective agreement, because the approach  
 7 of centralised gold, platinum bargaining forum is still in  
 8 process, have not been agreed, other than the gold mines  
 9 where you negotiate for broad gold miners. Depend mining  
 10 houses, here your Lonmin would have its own collective  
 11 bargaining, Impala would have its collective bargaining,  
 12 and Anglo Platinum will have its own collective bargaining.  
 13 MR MPOFU: Okay, thanks. Then the  
 14 chairperson is correct as far as what I would call the  
 15 horizontal application of centralised bargaining, but now  
 16 let's deal with it –  
 17 CHAIRPERSON: Mr Mpofo, may I interrupt  
 18 in an endeavour to help you. In the agreement that was  
 19 concluded with, the collective agreement with Lonmin,  
 20 there's a clause which we dealt with yesterday I think,  
 21 12.3, which is on page 19 of exhibit XX2, which says, "All  
 22 proposals and demands on which agreement was not reached,  
 23 or which were withdrawn by the unions of the company, are  
 24 regarded as having been settled and may not be subject to  
 25 strike action until this agreement lapses on the 30th of

Page 4023

1 September 2013." Now you had been trying to get an  
 2 upgrade, as it were, for the RDOs. You tried to get them  
 3 moved from category 4 I think to category 7. Is that  
 4 right?  
 5 MR GCILITSHANA: Yes, correct.  
 6 CHAIRPERSON: And you also tried to get  
 7 them increases which were greater than you actually got.  
 8 Is that correct?  
 9 MR GCILITSHANA: Can you please repeat  
 10 your question again?  
 11 CHAIRPERSON: You tried to get the  
 12 people, the rock drill operators, increases which were  
 13 greater than the increases you actually got.  
 14 MR GCILITSHANA: Yes.  
 15 CHAIRPERSON: You wanted them to get  
 16 substantial increases because you said they were, the whole  
 17 RDO problem was a time-bomb. Remember that?  
 18 MR GCILITSHANA: Yes.  
 19 CHAIRPERSON: So you tried, you made  
 20 demands on behalf of the RDOs that they be raised from  
 21 category 4 to category 7, and you asked for certain  
 22 increases for them. Is that correct?  
 23 MR GCILITSHANA: Yes, that's correct.  
 24 CHAIRPERSON: Now agreement was not  
 25 reached on those demands. Is that right?

Page 4024

1 MR GCILITSHANA: That's correct.  
 2 CHAIRPERSON: Therefore it would seem in  
 3 terms of clause 12.3 of the agreement that those demands  
 4 were to be regarded as having been settled for the duration  
 5 of the collective agreement which was concluded. Is that  
 6 correct?  
 7 MR GCILITSHANA: Yes, that's correct.  
 8 CHAIRPERSON: So as I see it, that  
 9 precluded, or may well have precluded NUM from taking up  
 10 the cudgel specifically for RDOs to get a better deal for  
 11 them during the duration of this agreement. Is that right?  
 12 MR GCILITSHANA: You –  
 13 CHAIRPERSON: When I say take up the  
 14 cudgels, you understand I'm speaking metaphorically. Is  
 15 that correct?  
 16 MR GCILITSHANA: Yes, it will be  
 17 difficult, but you can take up if you are approached  
 18 properly, but if, even if it, you're not, you don't reach  
 19 an agreement, it will be difficult for you to take strike  
 20 on it.  
 21 CHAIRPERSON: Ja, alright. The point I'm  
 22 putting to you is that during the duration of this  
 23 agreement it would have been difficult for NUM to have put  
 24 up a special extra argument for an increase for the RDOs.  
 25 Is that correct?

Page 4025

1 MR GCILITSHANA: Yes, it would.  
 2 CHAIRPERSON: And that would have been a  
 3 reason for the RDOs to say if we want more money, we can't  
 4 get it with the help of NUM, we'll have to do it ourselves.  
 5 I think that's your point, Mr Mpofu. Is that right? Is  
 6 that correct?  
 7 MR GCILITSHANA: That is possible.  
 8 MR MPOFU: Okay, possible is good enough.  
 9 Is it also possible that, or rather let me do it like this.  
 10 Going back to the definition of the centralised bargaining  
 11 regime that you had, would it have been possible or easy  
 12 for you to go and negotiate only for RDOs, or did the, what  
 13 I'll call the vertical application of the centralised  
 14 bargaining regime imply that you would negotiate for all  
 15 categories in one negotiation process, or am I wrong?  
 16 MR GCILITSHANA: At times we negotiate,  
 17 yes we negotiate for everybody. I must indicate, at some  
 18 point, yes, in Lonmin, there was at some point where all  
 19 the operators had a problem, but NUM had, was able to take  
 20 up that issue.  
 21 MR MPOFU: Yes, Mr Gcilitshana, I don't  
 22 think, nobody is suggesting that, that's why the  
 23 chairperson used the words "would it have been difficult,"  
 24 and I used the words "you would have been constrained."  
 25 We're not saying you would have been someone who was taken

Page 4026

1 into jail. Obviously nobody is prevented from asking, but  
 2 would that regime somehow constrain you from isolating one  
 3 category and negotiating on their behalf, make it  
 4 difficult?  
 5 MR GCILITSHANA: Yes.  
 6 MR MPOFU: Okay, let's go to the events  
 7 of the 11th. I know you've said that you were not there,  
 8 but insofar as you've testified about them, and just for  
 9 your edification, the events of the 11th are very important  
 10 to the Commission because it's our version that was being  
 11 put to you by, I think Mr Burger or Mr Tip, that the 11th  
 12 was some kind of turning point. So I'll ask you a few  
 13 questions about the 11th. I'll take it that as the NUM you  
 14 would have investigated this serious event where people  
 15 were injured and shot at near your offices.  
 16 MR GCILITSHANA: That's correct.  
 17 MR MPOFU: Where did the people who shot  
 18 at the workers get their guns? How many people – sorry,  
 19 I'll ask one question at a time. Where did they get the  
 20 guns?  
 21 MR GCILITSHANA: I don't know.  
 22 MR MPOFU: Do you normally have armed  
 23 members of the NUM at your office?  
 24 MR GCILITSHANA: Not as far as I know.  
 25 MR MPOFU: And have your investigations

Page 4027

1 revealed that you had armed members of the NUM on that day?  
 2 MR GCILITSHANA: The investigation is  
 3 more handled by our lawyers and the police.  
 4 CHAIRPERSON: Never mind who handled it.  
 5 Mr Mpofu wants to know from you what information you have.  
 6 I can understand the lawyers and the police did the major  
 7 investigation, but if you are able to tell us on the basis  
 8 of your own knowledge something about this aspect that Mr  
 9 Mpofu wants to ask you about, then I think you must tell  
 10 us.  
 11 MR GCILITSHANA: Yes, there were.  
 12 [12:16] MR MPOFU: Chairperson, if you can bear  
 13 with me one second. Okay, was one of the armed NUM members  
 14 called Sisa?  
 15 MR GCILITSHANA: I don't know who was  
 16 armed or not armed?  
 17 MR MPOFU: Okay. You've just said to the  
 18 chairperson that some NUM members were armed, which NUM  
 19 members were armed, to your knowledge?  
 20 MR GCILITSHANA: As I indicated, on our  
 21 investigation, I'm not particularly involved in this  
 22 investigation, that's why I don't know who was armed and  
 23 who was not armed.  
 24 CHAIRPERSON: May I interrupt at this  
 25 point? Mr Tip are you going to lead evidence from people

Page 4028

1 who were present on the NUM side, as it were, on the 11th at  
 2 the time of the incident that Mr Mpofu is referring to?  
 3 MR TIP SC: There will be two witnesses,  
 4 Mr Chair.  
 5 CHAIRPERSON: And will they be able to  
 6 give direct evidence in respect of the points that Mr Mpofu  
 7 is asking about now?  
 8 MR TIP SC: They'll be able to deal with  
 9 that directly.  
 10 CHAIRPERSON: So -  
 11 MR MPOFU: Yes, I'm going to move to  
 12 something else, but do you know one Sisa who worked at the  
 13 office?  
 14 MR GCILITSHANA: Yes, I know Sisa.  
 15 MR MPOFU: And Mohilwa?  
 16 MR GCILITSHANA: I don't recall, because  
 17 I don't know all of them.  
 18 MR MPOFU: You don't know all of them,  
 19 thank you. In your – either in the investigations or in  
 20 the day to day meetings you had at Lonmin, or subsequently,  
 21 did you become aware that the strikers hold the view that  
 22 shootout near the NUM offices was the reason why they  
 23 subsequently gathered at the koppie on a daily basis, in  
 24 the first place?  
 25 MR GCILITSHANA: Yes, I heard about that,



Page 4029

1 yes.

2 MR MPOFU: And were you aware that until

3 that shootout, they had been gathering at the Wonderkop

4 stadium.

5 MR GGILITSHANA: Next to Wonderkop

6 stadium.

7 MR MPOFU: Yes, that's correct, next to

8 the entrance?

9 MR GGILITSHANA: Yes.

10 MR MPOFU: Now, you've also testified –

11 I'm moving away from the 11th now, you've testified that on

12 the 15th you were present at the meeting – oh by the way,

13 before we get there, this meetings, the daily meetings, who

14 used to chair those meetings?

15 MR GGILITSHANA: It will be Mr Blou, as I

16 recall, from the mine security.

17 MR MPOFU: And they were convened by

18 Lonmin?

19 MR GGILITSHANA: Yes.

20 MR MPOFU: Right. Now, on the 15th you

21 testified that you were present at the meeting where

22 General Mpembe met, among others I suppose, with AMCU and

23 the NUM?

24 MR GGILITSHANA: Yes, I was present.

25 MR MPOFU: Were you present when – okay,

Page 4030

1 let me put it this way, from General Mpembe's statement, he

2 seems to exhibit a kind of frustration at the stance which

3 was taken by the president of the NUM in his refusal to go

4 to the mountain, basing that on the fact that there were no

5 NUM members there. Did you witness that?

6 MR GGILITSHANA: What I understand, yes,

7 the president – because we had a briefing, short briefing,

8 when he arrived. We listened to that he is here, he has

9 been called by the general. After having a briefing,

10 that's when General Mpembe persuaded the teams to go to the

11 mountain. Our shop stewards were not eager to allow the

12 president to go to the mountain, simply because of the

13 songs and stuff that were sung in the mountain about the

14 NUM and the president.

15 MR MPOFU: Now, put aside the issue of

16 the songs, that may well have been another reason. My

17 question was were you aware or did you witness the

18 expression or the refusal of your president to go to the

19 mountain on the basis that there were no NUM members there?

20 MR GGILITSHANA: My recollection is that

21 he said NUM have not sent people to the mountain.

22 MR MPOFU: Ja, no, that's not the point.

23 In fact, General Mpembe statement says that to turn that

24 situation around, he had to show pictures – they had to

25 show pictures of people who were at the mountain who were

Page 4031

1 NUM members and then that was the end of that debate.

2 MR GGILITSHANA: That is not correct.

3 Two pictures were shown in the meeting. He indicated to us

4 that he have verified people who are on the mountain, that

5 they are both NUM and AMCU.

6 MR MPOFU: Okay, so that did not happen.

7 Either General Mpembe is lying or he's making a mistake.

8 MR GGILITSHANA: No, no pictures were

9 shown, as you've just indicated to us.

10 MR MPOFU: You've already confirmed that

11 you were aware of the statement by General Mbombo that the

12 16th was D-day.

13 MR GGILITSHANA: That's correct.

14 MR MPOFU: You've also confirmed that

15 there was a noticeable build up in the police deployment in

16 that, let's say 24-hour period.

17 MR GGILITSHANA: Yes.

18 MR MPOFU: And subsequent to the morning

19 meeting, did you have occasion to witness even further this

20 build up, the Nyalas coming in, all sorts of vehicles and

21 helicopters flying around and so on?

22 MR GGILITSHANA: I assume many police – I

23 wouldn't know exactly when the build up – the actual build

24 up, exactly, but the police were many.

25 MR MPOFU: Well, okay, let me put it this

Page 4032

1 way, Mr Mathunjwa went – his last visit to the mountain, or

2 rather during his last visit to the mountain, basically

3 said to the workers that it was clear that they were going

4 to be killed, and he explained here that this was because

5 of all these movements, did you have a chance to form that

6 kind of impression or to see some or all of that of what

7 would have made him to come to that conclusion?

8 MR GGILITSHANA: No, I didn't see that

9 the police were going to kill.

10 MR MPOFU: Right. Okay, now I just want

11 to ask you about – I'm coming towards the end. There are

12 some propositions – or by the way, just to follow up on

13 what Mr Ntsebeza asked you, are you also aware that some of

14 the injured and arrested persons were members of the NUM?

15 In other words, apart from the ones who died?

16 MR GGILITSHANA: Yes.

17 MR MPOFU: And, as a union, have you

18 taken any steps to assist those members of yours who were

19 either arrested or injured in any way during their plight?

20 MR GGILITSHANA: I will say no and

21 qualify, normally when a NUM member has got a problem, he

22 will go to the NUM offices and report the problem, so that

23 the structures can be able to take up those issues. In

24 this incident, beyond the strike, nobody came to the NUM

25 and requested any assistance, as I recall.

Page 4033

1 MR MPOFU: Is the NUM a caring union?  
 2 MR GGILITSHANA: That's correct.  
 3 MR MPOFU: And is NUM concerned about its  
 4 rapid loss of membership?  
 5 MR GGILITSHANA: It's correct  
 6 MR MPOFU: Well, don't you think the  
 7 attitude you've just displayed now contributes  
 8 significantly to that? Isn't it true that the reason why  
 9 people would come to your office to report any calamity,  
 10 would be that you would not be expected to know about it –  
 11 informed, sorry.  
 12 MR GGILITSHANA: As you indicated to that  
 13 even before, it will be mainly different reasons that  
 14 people would leave the union. It may be one of.  
 15 MR MPOFU: Well, how was it going to be  
 16 possible for NUM members, who are sitting in police  
 17 custody, to come to your office and tell you that we are  
 18 now in police custody?  
 19 MR GGILITSHANA: It will not be possible,  
 20 but after their release, they can be able to come to the  
 21 NUM.  
 22 MR MPOFU: So if they were not released,  
 23 they would still be sitting there and you'd be waiting for  
 24 them in your office?  
 25 MR GGILITSHANA: It's not only, even it

Page 4034

1 could be a friend or a relative who would come to the NUM  
 2 to say so and so is a member of the NUM and is arrested.  
 3 CHAIRPERSON: Did you know that some of  
 4 the persons who had been arrested, were members of NUM?  
 5 MR GGILITSHANA: Yes, we knew.  
 6 CHAIRPERSON: Did you think to ascertain  
 7 where they were being detained, to go and see them and  
 8 interview them and find out in what way NUM could help  
 9 them?  
 10 MR GGILITSHANA: No.  
 11 MR MPOFU: And the ones who were injured  
 12 in hospital, did you visit them?  
 13 MR GGILITSHANA: The issue was that even  
 14 during the strike it was clear that they have said that  
 15 they don't want anything that has to do with NUM. Then end  
 16 on that catch-22 situation, as NUM.  
 17 MR MPOFU: Well, Mr Gcilitshana, please  
 18 help me here. Now, from that answer, so even if there are  
 19 relatives that come to your offices, you'd still wouldn't  
 20 have helped them?  
 21 MR GGILITSHANA: We would evaluate and  
 22 see how does that case is presented.  
 23 MR MPOFU: And you did not – in other  
 24 words, you did not visit the people in hospital to even  
 25 evaluate?

Page 4035

1 MR GGILITSHANA: No.  
 2 CHAIRPERSON: There's a problem about  
 3 that. Was it not the information that you had received  
 4 that some of the people had been intimidated into  
 5 participating in the strike, and even possibly going to the  
 6 mountain – to the koppie?  
 7 MR GGILITSHANA: That's correct.  
 8 CHAIRPERSON: So some of the people who'd  
 9 been on the koppie and had been arrested who were members  
 10 of NUM, might well have been there because they were afraid  
 11 of what would happen to them if they didn't go, because  
 12 they were subject to intimidation? Was that your  
 13 understanding?  
 14 [12:36] MR GGILITSHANA: Yes, that's correct.  
 15 CHAIRPERSON: It would have been a  
 16 sensible exercise to have contacted your NUM members who  
 17 were in custody or in hospital, ascertain whether they fell  
 18 in the group of people, if there was such a group, of  
 19 people who were on the koppie because they'd been  
 20 intimidated to go there.  
 21 MR GGILITSHANA: It was really difficult  
 22 for us since we heard that the strikers didn't demand  
 23 anything to do with NUM, that's why it was very difficult  
 24 for us.  
 25 MR MPOFU: I don't want to belabour this,

Page 4036

1 but you, the people who had nothing to do, or rather who  
 2 wanted to have nothing to do with the NUM, following on  
 3 what the chairperson has asked you, naturally would have  
 4 been the people who were at the koppie willingly. Would  
 5 that be a fair assumption?  
 6 MR GGILITSHANA: Yes, that's correct.  
 7 CHAIRPERSON: NUM.  
 8 MR MAHLANGU: I'm sorry, NUM. I'm sorry  
 9 –  
 10 MR MPOFU: Yes, NUM, not UDM. We don't  
 11 want to be in trouble with another general.  
 12 MR MAHLANGU: I'm so sorry, Chairperson.  
 13 MR GGILITSHANA: Yes. No, I answered  
 14 yes.  
 15 MR MPOFU: Alright, sorry, before I move  
 16 to another topic, I'm sorry to do this, to jump back to  
 17 something that I thought we had finished. Remember the  
 18 discussion we had about the centralised bargaining and so  
 19 on. There's just one question I wanted to ask. What was  
 20 the NUM's attitude towards differential increases, in other  
 21 words increases that were targeted towards one specific  
 22 group?  
 23 MR GGILITSHANA: That will raise  
 24 expectations to other categories.  
 25 MR MPOFU: And was accordingly

Page 4037

1 problematic in your view?

2 MR GCILITSHANA: Yes, it could be

3 problematic, yes.

4 MR MPOFU: Okay, thanks. So would you

5 agree therefore that given all the concerns that we spoke

6 about earlier, and this one, that it was probably a good

7 idea, or quite an intelligent decision by the RDOs, if they

8 wanted to operate as RDOs, not to do so involving the NUM?

9 MR GCILITSHANA: I would encourage to,

10 the RDOs to follow the right channels. In fact if it

11 doesn't succeed, it doesn't succeed, but need to give

12 chance an attempt.

13 MR MPOFU: No, I accept that. All I'm

14 saying is that if you are an RDO and there are two ways of

15 achieving your goals, one is to do it outside, excluding

16 the NUM, and the other one is to do it including the NUM,

17 and the NUM has all these constraints that make it almost

18 impossible for them to achieve your goal as RDOs, then

19 which route, or rather I'm putting to you that it was an

20 intelligent decision to choose the route that was without

21 the NUM.

22 MR GCILITSHANA: I don't think that was

23 intelligent decision. I think that they, actually they

24 should have approached NUM and see if NUM would be able to

25 do or not.

Page 4038

1 MR MPOFU: Okay, thank you, we'll leave

2 that for argument. There were propositions – unfortunately

3 my learned friend Mr Schalk Burger is not here, but he's

4 ably represented by my learned friend Mr Motau. I just

5 want to put some propositions which were put to you by Mr

6 Burger, which you agreed with. Mr Burger suggested to you,

7 and you agreed, that during July episode the company had no

8 option but to engage with the RDOs outside the bargaining

9 structures. Do you remember that being put to you?

10 MR GCILITSHANA: Yes, I remember.

11 MR MPOFU: So would it be fair from that,

12 because Mr Burger is here representing other people,

13 representing Lonmin, that that would suggest then that the

14 view of Lonmin is that under certain exceptional

15 circumstances one can negotiate outside the bargaining

16 structures?

17 MR GCILITSHANA: I indicated that

18 anything that has to do with money or substantive issues

19 have to be dealt with at the central bargaining.

20 MR MPOFU: Okay, Mr Burger also put to

21 you that the negotiations which took place towards the end

22 of August to September, which eventually found a solution,

23 were also justifiably done outside the bargaining

24 structures because 44 people had died. You remember that?

25 MR GCILITSHANA: Your question again?

Page 4039

1 MR MPOFU: I'll break it down. Mr

2 Burger, first he suggested that, or rather he put to you,

3 which you confirmed, that although strictly speaking those

4 discussions were outside the bargaining structures, firstly

5 he confirmed to you that the CCMA was present, which I

6 presume somehow ameliorated the position.

7 MR GCILITSHANA: Yes, correct.

8 MR MPOFU: And then he also put to you

9 that another reason for stepping outside those structures

10 was the fact that 44 people had died. Remember that?

11 MR GCILITSHANA: Yes, I remember.

12 MR MPOFU: Now the question is, would you

13 agree with me that if, as it becomes clear from what I've

14 just said to you, Lonmin accepted that under certain

15 exceptional circumstances one has to step outside the

16 strict rules of the bargaining processes, that once 10

17 people had died, one death is one death too many, but those

18 should have been sufficient exceptional circumstances to

19 step outside the unit, rather, the process, the agreed

20 processes.

21 MR TIP SC: Chair, before the witness

22 answers that, we respectfully query whether this is a

23 legitimate line of cross-examination which requires the

24 witness to extrapolate into Lonmin's mind from certain

25 propositions which he has accepted put in a particular way.

Page 4040

1 Are these not matters that should be put to the Lonmin

2 witnesses in due course and to get a direct answer as to

3 what their attitude was?

4 CHAIRPERSON: - he has got any knowledge

5 about things, but NUM also participated in those

6 negotiations. I take it it's appropriate to ask the same

7 question that will be asked in due course of Lonmin, of

8 this witness as a chief negotiator for NUM. I take Mr

9 Mpofo doesn't propose taking the point much further than

10 he's taken it as the moment, so I don't see harm in the

11 question being asked, provided it's done on the basis that

12 obviously Lonmin would have their own concerns. The

13 question is, what would NUM's attitude have been to going

14 outside the bargaining structures after 10 people had died.

15 I think that's your point. I don't have a problem with

16 that.

17 MR MPOFU: Thank you.

18 CHAIRPERSON: Do you have a problem? Do

19 you want to address me further?

20 MR TIP SC: Yes. Well, perhaps I

21 misheard the question. If I did, then of course the

22 objection is withdrawn. I had understood that the question

23 was not what was NUM's attitude and what would NUM's

24 attitude have been had there been one death. It was what

25 did NUM have to say about Lonmin's attitude.

<p style="text-align: right;">Page 4041</p> <p>1 CHAIRPERSON: I may have misheard the 2 question. If that's the way the question was posed, the 3 objection is good, but perhaps Mr Mpofu can reformulate the 4 question along the line that I thought that he'd ask, in 5 which case as you say your objection falls away and we get 6 a helpful answer. 7 MR MPOFU: Thank you, Chairperson. Yes, 8 maybe the question was clumsily phrased. The question, 9 even, Mr Gcilitshana, what your attitude in your official 10 capacity, or that of the NUM is to that, the stance that 11 was put to you by Mr Burger, which seemed to suggest that 12 the 10 deaths that had occurred by the 15th, or at least the 13 morning of the 16th of September, were not sufficient to 14 trigger, as it had done in July, the exceptional stepping 15 out of the bargaining processes. The NUM wished to venture 16 riskily, that they would not have said that sentiment. It 17 would have agreed that 10, the 10 deaths were sufficient to 18 step out, and you can agree with me or disagree, or that 19 prevention – sorry, just to complete it, sorry, now it 20 becomes a long question, but the gist of it is that the NUM 21 would rather have subscribed more to the view that the 22 prevention of the further 34 deaths was better than curing 23 them, if death can be cured. 24 MR GCILITSHANA: That's correct. 25 CHAIRPERSON: I don't know what your</p>	<p style="text-align: right;">Page 4043</p> <p>1 MR GCILITSHANA: Yes, they, yes, as much 2 as I was not involved. 3 MR MPOFU: Who are they? 4 MR GCILITSHANA: I don't know exactly the 5 names, as I know that, as I indicated I was not involved, 6 but I know that one is working at Roland. I don't know 7 other one where he's working. I'm not sure exactly the 8 other one where he's working. 9 MR MAHLANGU: The one is working at? 10 MR GCILITSHANA: At Roland Shaft, because 11 the branch and the lawyers are, have been handling all 12 those incidents. 13 MR TIP SC: Mr Chair, it may assist my 14 learned friend, he might recall that in the course of the 15 evidence-in-chief two dockets were handed up, being XX5 and 16 XX6, and those fully identify who the complainants were, 17 and of course then the two persons who were injured in the 18 vicinity. 19 MR MPOFU: Sorry Chair, no, no, I know 20 exactly who they are. I was just checking whether the 21 witness knows who they are. In fact, I was consulting with 22 one of them last night. 23 CHAIRPERSON: It looks from the first 24 docket, that's XX5, that the person concerned was, is it 25 Bongani Mgema?</p>
<p style="text-align: right;">Page 4042</p> <p>1 answer "that's correct" means. Can I endeavour to put the 2 question so that I can understand your answer? If it is 3 not Mr Mpofu's question, that's unfortunate. Was NUM's 4 attitude that in view of the fact that 44 people had died, 5 it was appropriate to step outside the ordinary bargaining 6 processes and deal with the matter, as it was done, with 7 the CCMA and representatives of the church present? Was 8 that NUM's attitude? 9 MR GCILITSHANA: Yes, I indicated – 10 CHAIRPERSON: Now the next point is 11 before 44 had died, we'd reached a stage on the 15th when 10 12 had died. Now what was NUM's attitude, or what would NUM's 13 attitude have been if the question had been asked directly, 14 is this enough to justify, i.e. the 10 deaths, is this 15 enough to justify stepping outside the ordinary bargaining 16 structures? 17 MR GCILITSHANA: Yes, that's the – 18 CHAIRPERSON: Is that your point? 19 MR MPOFU: Yes. 20 CHAIRPERSON: What's your answer to that? 21 MR GCILITSHANA: Yes, it does justify, 22 yes. 23 MR MPOFU: Have you taken any steps to 24 trace the two people who were injured, who were shot at on 25 the 11th outside your offices?</p>	<p style="text-align: right;">Page 4044</p> <p>1 MR MPOFU: That's the first one, yes, and 2 the next one is Mabuyakhulu. 3 CHAIRPERSON: Okay, so now we know who 4 they were. 5 MR MPOFU: My knowledge is irrelevant. 6 The question, Mr Gcilitshana, do you know who the injured 7 persons are? Do you know their identity? 8 MR GCILITSHANA: As I indicated that I 9 might have forgotten that on the document, but I know that 10 there were two people that have been assaulted and the 11 branch committee and the legal team have been dealing with 12 that. I knew the names as read out. 13 MR MPOFU: Okay, fair enough. It might 14 not be you, but to your knowledge did anyone from the NUM 15 engage or visit these people? 16 MR GCILITSHANA: Not as I know. 17 [12:56] MR MPOFU: Do you know the extent of the 18 injuries they sustained? 19 MR GCILITSHANA: I don't know. 20 MR MPOFU: Chairperson, unfortunately I 21 wrongly predicted that this would become necessary only on 22 Monday because of the application that was mooted. One of 23 the injured persons I have asked to come here on Monday 24 because I actually had wanted to refer to his injuries. 25 CHAIRPERSON: Before we go into that in</p>

Page 4045

1 any detail, in as much as this witness wasn't there at the  
2 time, and this is hearsay from him –

3 MR MPOFU: Fair enough.

4 CHAIRPERSON: - Mr Tip has given us an  
5 undertaking that he's going to call witnesses who were  
6 directly involved –

7 MR MPOFU: Perfect.

8 CHAIRPERSON: I would think that the  
9 concern you expressed doesn't really held us back for very  
10 long.

11 MR MPOFU: Ja. No, that's my,  
12 Chairperson, definitely deals with that concern.

13 CHAIRPERSON: It's now 3 minutes to 1.  
14 If you've reached an appropriate stage for us to take the  
15 adjournment, would you be kind enough to let me know?

16 MR MPOFU: Chairperson, could we take the  
17 adjournment now? I'm unlikely to go much further, but it  
18 will give me an opportunity just to take instructions.

19 CHAIRPERSON: Take instructions, very  
20 well.

21 MR MPOFU: Thanks, Chairperson.

22 CHAIRPERSON: Thank you for being kind  
23 enough to let me know.

24 MR MPOFU: Thanks, Chairperson.

25 CHAIRPERSON: We will take the lunch

Page 4046

1 adjournment and we will, because we stop at 3 this  
2 afternoon we will resume at 1:30.

3 [COMMISSION ADJOURNS COMMISSION RESUMES]  
4 [13:35] CHAIRPERSON: The commission resumes. Mr  
5 Mpofo.

6 MR MPOFU: Thank you –

7 CHAIRPERSON: Before you start off,  
8 you're still under oath.

9 MR MPOFU: Thank you, Chairperson. I  
10 just have one or two questions literally not as I was  
11 defamed by Mr Budlender in my absence. Mr Budlender in my  
12 absence said he was going to ask two questions, Mpofo style  
13 and then he proceeded to ask for three days.

14 CHAIRPERSON: You set such a bad example.

15 MR MPOFU: Sorry, chairperson. Thank  
16 you, Chairperson. Chairperson, before I ask my one or two  
17 questions I just want to clarify something, that's how I  
18 get out of the three questions.

19 CHAIRPERSON: I rest my case.

20 MR MPOFU: Chairperson, on a serious  
21 note, there is a matter that I need to clarify where I was  
22 – I put a proposition which was unfair, not to the witness  
23 as such but to Mr Zokwana. When Mr Zokwana takes the  
24 podium I'll also clarify it with him. I suggested to you –  
25 I'm going to try and do the clarification through you, Mr

Page 4047

1 Gcilitshana, if you don't mind. I suggested to you that Mr  
2 Zokwana had at the meeting of the 15th, had denied that  
3 there were NUM members to such an extent that he had to be  
4 shown photographs to prove it. You remember that?

5 MR GCILITSHANA: Yes, I remember.

6 MR MPOFU: Yes, now that was a mistaken  
7 recollection. What – this episode of photographs actually  
8 happened in the following manner. It was Lonmin which had,  
9 to the satisfaction of General Mpenbe, which was insisting  
10 that there were so-called faceless people at the mountain  
11 who were their employees until the General showed them some  
12 pictures. Do you accept that as a mistake on my part?

13 MR GCILITSHANA: Thank you.

14 MR MPOFU: Thank you very much. Mr  
15 Zokwana did say it but I'll canvass that with him, at the  
16 interview with Mr Kwala that the NUM is not out of this  
17 thing at all but that's not for you to deal with, it will  
18 be dealt with by Mr Zokwana, but certainly what I  
19 postulated was not the correct sequence.

20 MR GCILITSHANA: Okay.

21 MR MPOFU: Now this is – we start  
22 counting my one or two questions. You remember that there  
23 was quite an uproar when the minister of minerals and  
24 energy, or whatever it's called these days - I think it's  
25 just minerals, ja. Mineral resources, yes. Had convened a

Page 4048

1 meeting after the killings and invited inter alia NUM to  
2 the exclusion of AMCU.

3 MR GCILITSHANA: Yes, it was not only  
4 NUM. Solidarity and UASA also were present and other  
5 mining houses.

6 MR MPOFU: Yes, no, that's true. And  
7 also in the daily meetings, the two twice a day meetings,  
8 Solidarity and UASA and NUM were present and AMCU was  
9 excluded, is that correct?

10 MR GCILITSHANA: If I can explain. We  
11 were – after when we visited on the 12th with the president,  
12 that the invitation was extended to us. That's why we are  
13 attending because the invitation to the meeting was  
14 extended. One. Two, as much as I may not recall whether  
15 it was after or before, it came to our attention that there  
16 are meetings between AMCU leadership and Lonmin leadership  
17 at Karee that were taking place. We don't know what was –  
18 were those meeting all about but we heard that and we  
19 raised with key management as a concern why they are not  
20 part of the broader meeting if they are meeting that are  
21 convened at on the other side.

22 MR MPOFU: Yes, Mr Gcilitshana, I want  
23 you to understand me correctly. I'm not here – I'm not  
24 querying the inclusion of NUM as such, I'm more dealing  
25 with the exclusion of AMCU and the wisdom thereof and when

<p style="text-align: right;">Page 4049</p> <p>1 I ask you – I'll ask you a question as to your comment on 2 whether if that was a wise move or not. A bit before. 3 What I really want to say or rather to ask you, Mr 4 Gcilitshana, is this. Mr Burger, quoting from XX2, 5 demonstrated to you that the view of Lonmin was that this 6 strike, even though it was supposed to be RDOs, non- 7 affiliated and so on, it was, to use their words, reeking 8 all over of AMCU involvement. In other words the belief of 9 Lonmin was that this – whatever these - are saying this 10 actually is an AMCU thing. Were you aware of that 11 sentiment? 12 MR GCILITSHANA: Yes, I remember. 13 MR MPOFU: Anyway. If the thing was 14 reeking or smelling of AMCU involvement, the question is do 15 you think therefore it was a wise thing or not a wise thing 16 to invite every union except AMCU which is the one that is 17 suspected of being the real organisation behind the entire 18 thing. 19 MR GCILITSHANA: Yes, it will be wise. 20 MR MPOFU: And at the risk of stating the 21 obvious, it would be unwise therefore not to invite them? 22 MR GCILITSHANA: Yes, it will be unwise. 23 MR MPOFU: Thank you, Chairperson, 24 there's nothing further. 25 CHAIRPERSON: Mr Mpofo –</p>	<p style="text-align: right;">Page 4051</p> <p>1 CHAIRPERSON: Thank you, Mr Mpofo. Mr 2 Semenya, have you got questions? 3 MR SEMENYA SC: Before the questions, 4 Chair, Mr Mpofo makes it impossible for us not to object to 5 questions that he raises. He put the proposition to the 6 witness that General Mpembe produced photos or pictures, he 7 calls them, before this witness and the president to say 8 there are some of your members here and the witness says 9 General Mpembe did not do such a thing, then Mr Mpofo, for 10 his hyperbole, says it must mean that General Mpembe is 11 lying or he's incorrect. We have drawn it to his attention 12 that there is no such an utterance in General Mpembe's 13 statement and we have asked him to retract it. Now he says 14 he's got his very, very, very last question and he's not 15 retracting it. 16 CHAIRPERSON: Yes, a retraction isn't a 17 question, but he has suggested that you retract the 18 statement you put regarding General Mpembe which turns out 19 to be incorrect. So I'll allow you to do that because it 20 won't be a question. 21 MR MPOFU: Yes. Chairperson, firstly, 22 let it be made clear that I am not resisting the retraction 23 which I will do, but the first thing I did after lunch – I 24 don't know if Mr Semenya was here – was to clarify that and 25 maybe if his complaint is that I clarified insofar as Mr</p>
<p style="text-align: right;">Page 4050</p> <p>1 MR MPOFU: Sorry, Chairperson. Maybe – 2 sorry, really this is the last question. The – 3 CHAIRPERSON: This is the last, last 4 question. 5 MR MPOFU: Last, last question, 6 Chairperson. If AMCU had been invited in those meetings, 7 either the one with the minister or the twice a day 8 meetings, would the NUM have objected or - 9 MR GCILITSHANA: No. 10 MR MPOFU: And you were really concerned 11 that at the negotiations that happened in September, the 12 NUM was represented, the AMCU was represented – 13 CHAIRPERSON: Is this the last, last, 14 last question? 15 MR MPOFU: This is the real last one, 16 Chair. I just want to make this point which is quite 17 important, that at the September discussions, you know what 18 I mean by that, which eventually came with a solution. The 19 NUM was represented, AMCU was represented but the strikers 20 had chosen to put, what they call the delegation, their own 21 delegation outside those two unions. Would you confirm 22 that? 23 MR GCILITSHANA: That's correct. 24 MR MPOFU: Chairperson, there's no 25 further last question. Thank you, Chair.</p>	<p style="text-align: right;">Page 4052</p> <p>1 Zokwana is concerned but not as far as the General is 2 concerned, I thought that was quite obvious, but if you 3 were to go to those lengths then any other question that 4 suggested to the proposition that I had put, which I have 5 said was incorrect, including the parts of that question 6 that I absolutely did to General Mpembe are retracted, 7 Chair. But I really thought it was subsumed in the 8 clarification and by the way, I am in indebted to Mr 9 Mathibedi who did point out the issue to me. But if it's 10 not obvious to all of us then I'm making it more, thank 11 you, Chair. 12 CHAIRPERSON: Mr Mathibedi, are you going 13 to ask – are you going to cross-examine on behalf of the 14 Police Service? 15 MR MATHIBEDI SC: Mr Gcilitshana, will 16 you agree with me that the brutal and cruel killing of 17 people, destruction of property and intimidation by NUM – 18 by the striking workers were criminal acts that no one, 19 including yourself, can tolerate? 20 MR GCILITSHANA: Yes. 21 MR MATHIBEDI SC: Now having made that 22 concession, do you agree with me that there was nothing 23 wrong in the police indicating that they were not going to 24 tolerate issues of violence? 25 MR GCILITSHANA: That's correct.</p>

Page 4053

1 MR MATHEBEDI SC: Do you agree with me  
 2 that the carrying around of dangerous weapons by striking  
 3 workers posed a serious threat to members of the general  
 4 public and non-striking workers?  
 5 MR GCILITSHANA: That's correct.  
 6 MR MATHEBEDI SC: Do you agree that there  
 7 was nothing wrong in the police stating that if the  
 8 protestors are not going to disarm, they will take the  
 9 necessary lawful measures to ensure that they disarm or  
 10 they confiscate the weapons?  
 11 MR GCILITSHANA: Yes.  
 12 MR MATHEBEDI SC: Now, see I'm going to  
 13 refer you to your statement that is XX1 at page 46. Sorry,  
 14 page 14 paragraph 46. Do you have it?  
 15 MR GCILITSHANA: Yes.  
 16 MR MATHEBEDI SC: I'm going to read that  
 17 into the record.  
 18 CHAIRPERSON: You don't have to read it  
 19 out into the record, it's in the record already.  
 20 MR MATHEBEDI SC: Now from this paragraph  
 21 it is clear that you urged the police to increase law  
 22 enforcement officers. Sorry, measures. Sorry, thanks, Mr  
 23 Semenya. Measures.  
 24 MR GCILITSHANA: That's correct.  
 25 MR MATHEBEDI SC: What did you mean by

Page 4054

1 that?  
 2 MR GCILITSHANA: What we meant is that  
 3 they have to make sure that the violence does not escalate.  
 4 And as it was also indicated that those who have been found  
 5 on doing criminal activities the law will have to take its  
 6 course.  
 7 MR MATHEBEDI SC: Am I correct in stating  
 8 that to increase law enforcement measures included the  
 9 bringing in of more reinforcement police personnel?  
 10 MR GCILITSHANA: That will be possible if  
 11 police feel – those who are in charge feel that they don't  
 12 have enough personnel.  
 13 MR MATHEBEDI SC: Do you agree with me  
 14 that there was nothing wrong in seeing a large contingent  
 15 of police officers on the 16th in the morning?  
 16 MR HANABE: Can you repeat the question  
 17 again, Counsel?  
 18 MR MATHEBEDI SC: Do you agree with me  
 19 that there was nothing wrong in seeing a large contingent  
 20 of police officers on the 16th in the morning?  
 21 MR GCILITSHANA: That's correct.  
 22 [13:55] MR MATHIBEDI SC: Now, I want to deal  
 23 with the relationship between the members of the two  
 24 unions. It is clear from your evidence that there is bad  
 25 blood between the members of the two unions.

Page 4055

1 MR GGILITSHANA: It would difficult to,  
 2 and socially I may not understand the context of the bad  
 3 blood, but I can confirm that there are tensions, yes.  
 4 MR MATHIBEDI SC: Do you regard the  
 5 attack on NUM offices on the 11th of August as a tension?  
 6 MR GGILITSHANA: Yes, it is possible,  
 7 yes.  
 8 MR MATHIBEDI SC: Is that not a violent  
 9 conduct, Sir.  
 10 CHAIRPERSON: You mustn't please ask  
 11 questions to which the answer is so obvious. I mean you  
 12 don't really seriously suggest he can think to say no, and  
 13 is it – are you – alright.  
 14 MR MATHIBEDI SC: But with due respect, I  
 15 regard that as violence rather than tension –  
 16 CHAIRPERSON: Alright, carry on.  
 17 MR MATHIBEDI SC: Because you know people  
 18 were shot at, people were injured.  
 19 MR GGILITSHANA: Yes, when there are  
 20 attacks, yes.  
 21 MR MATHIBEDI SC: People have died as a  
 22 result of rivalry between members of the two unions.  
 23 MR GGILITSHANA: Yes.  
 24 MR MATHIBEDI SC: What measures has your  
 25 union taken to ensure that this kind of conduct comes to an

Page 4056

1 end?  
 2 MR GGILITSHANA: We spoke to our members  
 3 to calm down and report any attacks or intimidation or  
 4 anything that they feel is not going well with them to the  
 5 appropriate structure, to the police, or to the management.  
 6 MR MATHIBEDI SC: But don't you think it  
 7 is prudent that measures should be put in place, like  
 8 educating your members that it is not in the interest of  
 9 anyone to be engaged in violent activities?  
 10 MR GGILITSHANA: It is wise.  
 11 MR MATHIBEDI SC: So what measures has  
 12 been taken by your union?  
 13 MR GGILITSHANA: We always encourage  
 14 members not to take law on their own, to report the  
 15 incidents.  
 16 MR MATHIBEDI SC: How do you encourage  
 17 them not to get involved in criminal activities?  
 18 MR GGILITSHANA: By talking to them.  
 19 MR MATHIBEDI SC: Is it not necessary to  
 20 hold seminars with them – regular seminars with them?  
 21 MR GGILITSHANA: Yes, it's one of the  
 22 options that we have to take.  
 23 MR MATHIBEDI SC: So why has that option  
 24 not been implemented?  
 25 MR GGILITSHANA: As we do talk to our

Page 4057

1 members as we speak.

2 MR MATHIBEDI SC: Now, if one has regard

3 to your statement, that is XX1 at paragraph 12, 13 and 14,

4 it is clear that your members were involved in an

5 unprotected strike.

6 MR GGILITSHANA: That's correct.

7 MR MATHIBEDI SC: Now, what measures have

8 been put in place to educate and ensure that this conduct

9 does not recur?

10 MR GGILITSHANA: As you can go through,

11 there were letters or emails by the late Daluvuyo to

12 Lonmin, the question a mass meeting which materialised.

13 Also on the attempts again, there were attempts by NUM to

14 talk to its members not to get involved into unprotected

15 strike.

16 CHAIRPERSON: No, your attention was

17 drawn to paragraphs 12 and 14 of your statement, which deal

18 with the situation at Karee, that after the branch

19 chairperson and secretary at Karee had been suspended, then

20 there was this problem. Are you saying it was then that

21 you spoke to Lonmin?

22 MR GGILITSHANA: At that time we had a

23 very little membership in Karee. When the workers were

24 dismissed, they were reemployed and then access to Karee

25 was very difficult for us, but it's our norm to talk to our

Page 4058

1 members not to engage in unprotected strikes and any

2 violence.

3 MR MATHIBEDI SC: Now, what you call the

4 tension, does it also exist between the officials of both

5 the unions?

6 MR GGILITSHANA: I won't say yes or no at

7 that level, but I can indicate that when I meet Mr

8 Mathunjwa, I do treat him and talk to him and check how

9 he's doing and that's what he does with me.

10 MR MATHIBEDI SC: Mr Gcilitshana, this is

11 a very important aspect.

12 MR GGILITSHANA: Yes.

13 MR MATHIBEDI SC: Does that tension exist

14 between the officials of both the unions or not?

15 MR GGILITSHANA: It is possible that it

16 is there. As I indicated that I do talk to Mr Mathunjwa

17 and he does talk to me, it would may not be direct to

18 individuals, yes, it is possible. Like even Steven

19 Kulukeye, inasmuch as he have left NUM, when I meet him I

20 greet him and he does the same at the official level, but

21 on the lower levels, yes, it's very difficult, I must admit

22 that.

23 MR MATHIBEDI SC: You agree with me that

24 as long as the tension between the officials of the various

25 unions do not come to an end, it would be very difficult to

Page 4059

1 dissuade members on the ground not to have tensions?

2 MR GGILITSHANA: I fully agree with you.

3 MR MATHIBEDI SC: Now, do you agree with

4 me that there was nothing wrong in the police sharing

5 intelligence information with security personnel of Lonmin?

6 MR MATHIBEDI SC: As long as there's

7 trust between the two parties, I don't see any problem.

8 MR MATHIBEDI SC: You also agree that

9 there was nothing wrong in the police setting up a JOC on

10 the property of Lonmin?

11 MR GGILITSHANA: I don't know the

12 procedures of the police and stuff, but taking into account

13 the explanations that was given in the previous sessions,

14 so when I was here, I don't see anything wrong.

15 MR MATHIBEDI SC: On the 15th of August

16 2012, was it the attitude of NUM that they were not

17 prepared to negotiate outside the labour structures?

18 MR GGILITSHANA: NUM have been openly

19 saying that workers have to drop the arms and allow the

20 protest to come back – to follow the correct structures in

21 raising their issues.

22 MR MATHIBEDI SC: Mr Gcilitshana, I'm

23 going to repeat my question. My question is as at the 15th

24 of August 2012, was it NUM's attitude that they would not

25 negotiate outside the labour structures?

Page 4060

1 MR GGILITSHANA: Yes, as I recall.

2 MR MATHIBEDI SC: Taking into account

3 that at that stage, 10 people had lost their valuable

4 lives, properties had been destroyed, there was serious

5 intimidation, was that not an irresponsible attitude?

6 MR GGILITSHANA: Yes, that's correct.

7 MR MATHIBEDI SC: And when did you

8 realise that was an irresponsible attitude?

9 MR GGILITSHANA: It's, as you have also

10 indicated that when the lives of people were lost.

11 MR MATHIBEDI SC: Despite that

12 realisation, NUM persisted with that unreasonable attitude?

13 MR GGILITSHANA: Yes, we continued to

14 indicate that we would persuade workers to go back to their

15 normal working places so that they can follow the

16 appropriate structures.

17 MR GGILITSHANA: With due respect, Mr

18 Gcilitshana, you are not answering my question. My

19 question is simply that despite that realisation, the union

20 persisted with their unreasonable attitude?

21 MR GGILITSHANA: We persisted with

22 attitude.

23 MR MATHIBEDI SC: Do you agree that had

24 NUM not persisted with that unreasonable attitude, probably

25 people would not have lost their lives?



Page 4061

1 MR GGILITSHANA: I won't say yes or no on  
2 that, because I don't know what was the attitude on the  
3 strike, as the people were striking at that time, I won't  
4 know.  
5 MR MATHIBEDI SC: I find that very  
6 strange, Mr Gcilitshana.  
7 CHAIRPERSON: Is that a question?  
8 MR MATHIBEDI SC: I put to him.  
9 CHAIRPERSON: Yes, well ask questions,  
10 don't just tell him what you think.  
11 MR MATHIBEDI SC: But with due respect,  
12 Mr Chairman, this is based on the evidence that has been  
13 led and the questions that the witness has provided.  
14 CHAIRPERSON: I'm not saying that what  
15 you're saying is incorrect, I'm simply saying you're  
16 supposed to ask questions, you're not supposed to tell the  
17 witness what you find strange or don't find strange. It's  
18 for us to find things strange or not, as the case may be.  
19 It doesn't advance the case any further by your telling him  
20 what you think. Just ask the questions.  
21 MR MATHIBEDI SC: Now, my instructions  
22 are that the meeting that was held on the 15th was as a  
23 result of an effort by General Mpmembe?  
24 MR GGILITSHANA: That's correct.  
25 MR MATHIBEDI SC: And the purpose of

Page 4062

1 calling the meeting and accompanying officials of the union  
2 to the koppie was an endeavour on the part of the police to  
3 find a peaceful resolution to the dispute that existed. Do  
4 you agree with me?  
5 MR GGILITSHANA: That's correct.  
6 MR MATHIBEDI SC: Do you agree with me  
7 that it is unfair to expect the police to have suggested to  
8 both the unions and Lonmin management that a negotiation  
9 should take place outside the bargaining structures?  
10 MR GGILITSHANA: For the police to say  
11 that, that will be determined whether how do the police  
12 view the situation and what will be their contribution on  
13 the situation.  
14 [14:15] MR MATHIBEDI SC: Do you know of a policy  
15 that the management of Lonmin are entitled to speak to a  
16 certain segment of the workforce without the involvement of  
17 the union?  
18 MR GCILITSHANA: Yes, they normally do  
19 that, especially when they do communication, and they will  
20 do it right.  
21 MR MATHIBEDI SC: Maybe I did not put my  
22 question clearly. That pertains to issues of salary and  
23 bonuses.  
24 MR GCILITSHANA: The NUM, they always  
25 involve unions. That is the norm.

Page 4063

1 MR MATHIBEDI SC: But do you know of the  
2 existence of any documented – document that deals with that  
3 policy?  
4 MR GCILITSHANA: I don't recall, it might  
5 be there, it may not be there.  
6 MR MATHIBEDI SC: No further questions  
7 for the witness.  
8 CHAIRPERSON: Thank you. Is there anyone  
9 else who wishes to ask any questions in cross-examination  
10 of the witness, before I call on Mr Tip to re-examine?  
11 There is no one, is it? Well, before Mr Tip re-examines,  
12 Commissioner Hemraj would like to ask a question or two.  
13 COMMISSIONER HEMRAJ: On the 16th, when  
14 you were at Middlekraal, were there members of your  
15 organisation on the ground in the area of Wonderkop?  
16 MR GCILITSHANA: I don't get the question  
17 clear.  
18 COMMISSIONER HEMRAJ: On the 16th of  
19 August, when you were at Middlekraal, during the day, there  
20 were members of your organisation who were at or near the  
21 area where the protesters were.  
22 MR GCILITSHANA: I won't be sure, because  
23 comrades would go, would make rounds including at  
24 Wonderkop, they will make rounds with their kombi.  
25 COMMISSIONER HEMRAJ: So at some stage

Page 4064

1 during the day they would be in that area.  
2 MR GCILITSHANA: I won't say yes because  
3 I don't – I am not sure exactly the areas, but I know that  
4 they would get to Wonderkop, come out, they will go to  
5 other shafts, and Karee.  
6 COMMISSIONER HEMRAJ: During the entire  
7 day of the 16th, you received no report from any other  
8 member of NUM, as to what was happening?  
9 MR GCILITSHANA: I did, there are a  
10 number of people again have gathered in the koppie as  
11 usual, as they used to meet there.  
12 COMMISSIONER HEMRAJ: Did you not receive  
13 any reports during the day of the events as they  
14 transpired?  
15 MR GCILITSHANA: I did receive that on  
16 the shafts what was happening, but except on the area of  
17 Wonderkop that people are gathering there as usually.  
18 There are some cars, there are many cars in the, next to  
19 the stadium.  
20 COMMISSIONER HEMRAJ: Yes, thank you.  
21 CHAIRPERSON: Any re-examination?  
22 RE-EXAMINATION BY MR TIP SC: Thank you,  
23 Mr Chair. Mr Gcilitshana, just a few points to clarify  
24 aspects of the evidence, in case they are not entirely  
25 clear. In respect of the 16th of August, you've told the

<p style="text-align: right;">Page 4065</p> <p>1 Commission that you had begun at LPD with the usual 2 security briefing held by Lonmin. 3 MR GCILITSHANA: Can you repeat the 4 question again, senior counsel? 5 MR TIP SC: Yes. On the 16th of August 6 2012 – 7 MR GCILITSHANA: Yes. 8 MR TIP SC: - you've told the Commission 9 that you attended the normal – the usual security briefing 10 at LPD, the one that was convened by Lonmin. 11 MR GCILITSHANA: That's correct. 12 MR TIP SC: And you've also described 13 that you were in the Lonmin vicinity until about five 14 o'clock that afternoon, and that you spent some time in 15 your car, listening to radio broadcasts. 16 MR GCILITSHANA: Yes, at times I would 17 listen to the news, yes. 18 MR TIP SC: And you've also described and 19 repeated just a few minutes or so ago, that various branch 20 members of the union went to different shafts in order to 21 establish what the position was of those shafts, whether 22 there were problems, what the attendance was and such 23 matters. 24 MR GCILITSHANA: That's correct. 25 MR TIP SC: And you've also said that you</p>	<p style="text-align: right;">Page 4067</p> <p>1 MR TIP SC: I don't think that those 2 initials were explained. Can you just tell us what CBF 3 stands for? 4 MR GCILITSHANA: Collective bargaining 5 forum. When we talk CB1 it's cut 3 to 9. Then your C 6 level, your C lower, C upper, it will be CBF2. 7 MR TIP SC: And that would be with the 8 collective bargaining forum within Lonmin as a whole. 9 MR GCILITSHANA: Yes, both your CBF1 and 10 CBF2. 11 MR TIP SC: And you were asked some 12 questions around the topic of reinstatement and re- 13 employment, and in the course of that, there were some 14 questions concerning the position of union membership as it 15 had been before the dismissal of the persons who were thus 16 re-employed in this case. 17 MR GCILITSHANA: That's correct. 18 MR TIP SC: And you made it clear, I 19 believe that in respect of re-employment employees who were 20 thus re-employed must again choose and join a trade union, 21 if they so wish. 22 MR GCILITSHANA: Yes, that's correct, 23 depending on whether we have succeeded in persuading the 24 management for reinstate membership or not. 25 MR TIP SC: And with the situation of</p>
<p style="text-align: right;">Page 4066</p> <p>1 were – you went to Middlekraal, I just want to establish if 2 you recall more or less at what time those branch members 3 returned to Middlekraal, and gave you a report there about 4 what the situation was at the different shafts. 5 MR GCILITSHANA: I may not have the exact 6 time but it was after 12. They wouldn't arrive at the same 7 time, you know, because they've got different - and they 8 did use different cars. 9 MR TIP SC: You said that usually there 10 would be a second security briefing at about two o'clock, 11 that if I heard you correctly, that meeting did not take 12 place on that day. 13 MR GCILITSHANA: Yes, that's correct. 14 MR TIP SC: I just want to establish, 15 whether or not when you got the feedback from your branch 16 members about the situation at the various shafts, did any 17 of those reports require or warrant you raising matters 18 with Lonmin manager, or security? 19 MR GCILITSHANA: No, not as I recall. 20 MR TIP SC: Then, a second matter, you 21 mentioned in respect of negotiations and the different 22 levels of negotiations, I think you used the phrases or the 23 words, the acronyms CBF1 and CBF2, did I hear that 24 correctly? 25 MR GCILITSHANA: That's correct.</p>	<p style="text-align: right;">Page 4068</p> <p>1 reinstatement, would it be the position that generally what 2 is reinstated are the terms and conditions of employment. 3 MR GCILITSHANA: That's correct. 4 MR TIP SC: Is it ever a term or 5 condition of employment that a particular employee should 6 belong to a particular trade union? 7 MR GCILITSHANA: No. 8 MR TIP SC: And is that why, even in the 9 case of reinstatement the trade union must negotiate if it 10 wants to reinstate trade union membership automatically on 11 the fact of reinstatement? 12 MR GCILITSHANA: That's correct. 13 MR TIP SC: In answer to some questions 14 from my learned friend, Mr Mpofo, regarding the meeting 15 with General Mpembe, on the 15th of August, you had said 16 that shop stewards from Lonmin had warned, they did not 17 want the president, Mr Zokwana, to go to the koppie because 18 of the songs that were being sung there. 19 MR GCILITSHANA: That's correct. 20 MR TIP SC: Did they identify what songs 21 they had heard? 22 MR GCILITSHANA: Yes. 23 MR TIP SC: What? 24 MR GCILITSHANA: "How are we going to 25 kill this NUM, how are going to kill Zokwana?"</p>

Page 4069

1 MR TIP SC: Lastly, Mr Gcilitshana, you  
 2 were –  
 3 MR HANABE: Sorry, just the other part,  
 4 that “we hate NUM.”  
 5 MR TIP SC: Are those the songs, you’ve  
 6 seen the videos here, Mr Gcilitshana, are those the songs  
 7 that we’ve seen on the video?  
 8 MR GCILITSHANA: That’s correct.  
 9 MR MPOFU SC: I am sorry, Chair, I don’t  
 10 want to interrupt, I don’t recall any song that has been  
 11 played in this forum at least that says anything about how  
 12 they are going to kill Zokwana.  
 13 MR TIP SC: Mr Gcilitshana, let me just  
 14 clarify, the version of the song that we’ve heard here,  
 15 relates to the killing of NUM. Have you seen that on  
 16 video?  
 17 MR GCILITSHANA: Yes.  
 18 MR TIP SC: Mr Chair, Mr Zokwana will  
 19 deal with the songs that he heard when he visited the  
 20 koppie on that day, the 15th. Finally, Mr Gcilitshana, my  
 21 learned friend, Ms Barnes raised with you that in paragraph  
 22 48 of your statement, that you’d made no mention of any  
 23 meeting on the 15th of August between you and others and  
 24 General Mpembe. I just want to take you to that paragraph.  
 25 It’s already on record. I won’t read it again, but it

Page 4070

1 deals with the visit of Mr Zokwana to the mine on 12 August  
 2 and again on 15 August, and at the conclusion of that  
 3 paragraph, you say, “I refer to his statement.” Do you see  
 4 that?  
 5 MR GCILITSHANA: Yes.  
 6 MR TIP SC: Mr Chair, the statement has  
 7 been circulated, it’s not yet an exhibit. It will be made  
 8 an exhibit –  
 9 CHAIRPERSON: I see Mr Zokwana’s  
 10 statement –  
 11 MR TIP SC: Yes.  
 12 CHAIRPERSON: - which we’ve been given  
 13 copies of, which has not yet been given an exhibit number.  
 14 It will be when he gives evidence. In paragraph 19 he  
 15 describes, which is part of his description what happened  
 16 on the 15th, and he says “At about 16:30, I and two NUM  
 17 colleagues, Mr Gcilitshana and Mr Molo, were taken to the  
 18 koppie in a SAPS Nyala.” So by referring to Mr Zokwana’s  
 19 statement he was in effect referring to a reference to  
 20 himself having been there on the 15th. He doesn’t of course  
 21 deal with his presence on the 12th, although because Mr  
 22 Zokwana doesn’t mention him in his narrative of the 12th,  
 23 and that was the other half of the point Ms Barnes made.  
 24 [14:35] MR TIP SC: Yes, it was really just in  
 25 respect of the fact that their names were identified and

Page 4071

1 perhaps we can leave the identification of the exhibits to  
 2 when Mr Zokwana attends. Thank you, Mr Gcilitshana, I have  
 3 no further questions for you. Thank you, Chair.  
 4 CHAIRPERSON: Mr Gcilitshana, you’re  
 5 excused.  
 6 [NO FURTHER QUESTIONS - WITNESS EXCUSED]  
 7 CHAIRPERSON: Mr Tip, your next witness,  
 8 have you got a witness ready, your next witness I presume,  
 9 he will be testifying in chief from a statement.  
 10 MR TIP SC: Yes.  
 11 CHAIRPERSON: So there will be no  
 12 prejudice to him if he covered the first 25 minutes and  
 13 then continue on Monday?  
 14 MR TIP SC: Yes, we’re ready to begin.  
 15 CHAIRPERSON: Alright, we’ll do so.  
 16 MR TIP SC: Yes, I call Mr Malesela  
 17 William Setelele. He will testify through, with the  
 18 assistance of an interpreter. We have signed copies, may I  
 19 hand up the original and two copies to the commissioner?  
 20 We have a number of other copies, these have also been  
 21 forwarded through Ms Pillay by e-mail previously. If there  
 22 are any parties who require a copy we have.  
 23 CHAIRPERSON: Will this be XX10?  
 24 MS PILLAY: Chair, it is a new witness,  
 25 that would be ZZ1.

Page 4072

1 CHAIRPERSON: ZZ, what’s wrong with YY?  
 2 MS PILLAY: I apologise, Chair, it is YY  
 3 –  
 4 CHAIRPERSON: Are there reasons for  
 5 leaving Y out?  
 6 MS PILLAY: None whatsoever.  
 7 CHAIRPERSON: YY1. Mr Setelele, would  
 8 you please stand? Are you prepared to swear that the  
 9 evidence that you give will be the correct or do you wish  
 10 to affirm?  
 11 MR SETELELE: I’m prepared to swear.  
 12 CHAIRPERSON: Alright, do you swear the  
 13 evidence you’ll give in this matter before this commission  
 14 will be the truth, the whole truth and nothing but the  
 15 truth, please raise your right hand and say, I swear, so  
 16 help me God?  
 17 MALESELA WILLIAM SETELELE: I swear, so  
 18 help me God.  
 19 CHAIRPERSON: Thank you, you may be  
 20 seated. Mr Tip?  
 21 EXAMINATION BY MR TIP SC: Thank you, Mr  
 22 Chair. Mr Setelele, you’ve now taken the oath, there is a  
 23 statement of yours which you have signed which you have  
 24 before you, you’ve read that statement with care?  
 25 MR SETELELE: Yes.

Page 4073

1 MR TIP SC: And do you under oath confirm  
 2 the correctness of it?  
 3 MR SETELELE: That's correct.  
 4 MR TIP SC: Let me just establish, are  
 5 you comfortable to testify in English or do you want the  
 6 interpreter to assist you as you go?  
 7 MR SETELELE: I think the interpreter  
 8 must interpret and where I understand I will answer  
 9 directly.  
 10 MR TIP SC: Yes, very well. Mr Chair,  
 11 will that be in order with the commission, it will save  
 12 time, it will avoid a duplication of translation. Thank  
 13 you, Mr Setelele, so at any time where it is not absolutely  
 14 clear to you what I or anybody else is asking, just  
 15 indicate and you'll have the assistance that you require.  
 16 MR SETELELE: Thank you.  
 17 MR TIP SC: I'm going to lead you in  
 18 respect of a number of matters off your statement and if  
 19 you'll just follow me and from time to time I'll ask you to  
 20 clarify matters or to express themselves in your own words  
 21 as we go.  
 22 MR SETELELE: Okay.  
 23 MR TIP SC: You're presently employed at  
 24 Lonmin at its Western Platinum operation?  
 25 MR SETELELE: That's correct.

Page 4074

1 MR TIP SC: You began there as a general  
 2 worker in July 1988 and became a team supervisor in 2001?  
 3 MR SETELELE: That's correct.  
 4 MR TIP SC: You're a member of NUM and in  
 5 December of 2010 you became the elected chairperson of the  
 6 NUM branch at Western Platinum?  
 7 MR SETELELE: That's correct.  
 8 MR TIP SC: In accordance with the  
 9 arrangement with Lonmin are you a fulltime official?  
 10 MR SETELELE: Correct.  
 11 MR TIP SC: Whilst at the same time  
 12 remaining a salaried employee of Lonmin?  
 13 MR SETELELE: Correct.  
 14 MR TIP SC: Well, as you know, Mr  
 15 Setelele, we're dealing here with the events that were in  
 16 many ways pursuant to the beginning of the strike in August  
 17 2012.  
 18 MR SETELELE: You're correct.  
 19 MR TIP SC: Before that strike began had  
 20 you become aware of rock drill operators putting forward  
 21 any demands?  
 22 MR SETELELE: Not to our branch.  
 23 MR TIP SC: And were you aware of any  
 24 demands that had been put by them to Lonmin?  
 25 MR SETELELE: Yes.

Page 4075

1 MR TIP SC: That we know was for a salary  
 2 increase to R12,500, is that correct?  
 3 MR SETELELE: That's correct.  
 4 MR TIP SC: To your knowledge did that  
 5 demand begin at any particular operation of Lonmin?  
 6 MR SETELELE: It started at Karee.  
 7 MR TIP SC: Was it thereafter taken up by  
 8 rock drill operators at other of the Lonmin operations?  
 9 MR SETELELE: That's correct.  
 10 MR TIP SC: Do you have any personal  
 11 knowledge about how that demand arose?  
 12 MR SETELELE: No.  
 13 MR TIP SC: I think as you've already  
 14 indicated it was not a demand that was processed through  
 15 any NUM structures?  
 16 MR SETELELE: That's correct.  
 17 MR TIP SC: In paragraph 3 you mention  
 18 that at a certain stage Lonmin management decided to  
 19 approve payment of certain additional allowance to the  
 20 RDOs.  
 21 MR SETELELE: That's correct.  
 22 MR TIP SC: It is not necessary for us to  
 23 visit again the details of that, but did you hear that the  
 24 RDOs had decided to reject those additional allowances?  
 25 MR SETELELE: That's correct.

Page 4076

1 MR TIP SC: Did you also hear that the  
 2 RDOs had resolved to go on an unprotected strike in support  
 3 of their demand?  
 4 MR SETELELE: That's correct.  
 5 MR TIP SC: Would you tell the commission  
 6 what the reaction of NUM was and I'm asking you that in  
 7 respect of your own knowledge? What was the reaction of  
 8 NUM to that decision to embark on an unprotected strike?  
 9 MR SETELELE: NUM branch committee of the  
 10 Western Platinum contacted the management to arrange a mass  
 11 meeting to advise the workers that they must never go on an  
 12 unprotected strike and if there are some demands they must  
 13 bring the demands directly to the branch committee.  
 14 MR TIP SC: You were aware, no doubt,  
 15 that a two year collective agreement had been concluded  
 16 between NUM and Lonmin in December 2011?  
 17 MR SETELELE: That's correct.  
 18 MR TIP SC: And as the commission has  
 19 already heard that agreement covered amongst other matters  
 20 the wages of RDOs?  
 21 MR SETELELE: That's correct.  
 22 MR TIP SC: At a general policy level  
 23 what is the attitude of NUM to unprotected strike action?  
 24 MR SETELELE: NUM would always call its  
 25 members so that we can show our position, what our position

Page 4077

1 is, like the previous strike that, I mean we have shown the  
 2 workers that the strike is unprotected and they must go to  
 3 work so that we can sit and discuss their demand.  
 4 MR TIP SC: To put it slightly  
 5 differently, NUM has opposed to unprotected strikes?  
 6 MR SETELELE: That's correct.  
 7 MR TIP SC: Now I want to go to paragraph  
 8 6 of your statement, you deal there with a NUM meeting held  
 9 on 8 August 2012.  
 10 MR SETELELE: That's correct.  
 11 MR TIP SC: Do you recall now whether  
 12 that was before or after the decision by the RDOs to embark  
 13 on a strike action?  
 14 MR SETELELE: It was before they went for  
 15 unprotected strike.  
 16 MR TIP SC: The meeting was convened by  
 17 your branch secretary, Mr Daluvuyo Bongo, is that correct?  
 18 MR SETELELE: That's correct.  
 19 MR TIP SC: And the purpose of it, it is  
 20 described as a report back meeting, what was NUM going to  
 21 report back on?  
 22 MR SETELELE: The meeting was about to  
 23 report to the workers about the allowance that came with  
 24 the management.  
 25 MR TIP SC: Those were the allowances you

Page 4078

1 referred to a short while back being the decision by Lonmin  
 2 management to make certain additional allowance payments to  
 3 RDOs, is that right?  
 4 MR SETELELE: That's correct.  
 5 MR TIP SC: Amongst the persons present  
 6 there were there any RDOs?  
 7 MR SETELELE: That's correct.  
 8 MR TIP SC: Did some of those RDOs  
 9 express their attitude to the position?  
 10 MR SETELELE: That's correct.  
 11 MR TIP SC: And what was their course of  
 12 action, or let me put that more precisely, what was the  
 13 course of action that they were in favour of? Was it to  
 14 take matters up with management or to work through NUM?  
 15 MR SETELELE: It was to take the matter  
 16 on their own.  
 17 MR TIP SC: You've the phrase in your  
 18 statement that they in fact said that they did not want to  
 19 talk to NUM about it, is that what was said at the time?  
 20 MR SETELELE: That's correct.  
 21 MR TIP SC: And in response to that what  
 22 was said by the NUM officials who were at the meeting?  
 23 MR SETELELE: Most of the workers as we  
 24 deal with their votes at the mass meeting, most of the  
 25 people who commented were against the RDOs to take this

Page 4079

1 matter on their own.  
 2 MR TIP SC: And did NUM express its  
 3 attitude to unprotected strike action to those present at  
 4 the meeting?  
 5 MR SETELELE: That's correct.  
 6 MR TIP SC: By saying what?  
 7 MR SETELELE: We always in our meeting we  
 8 advise the workers to bring forward their concerns or their  
 9 demands directly to the branch committee in the mass  
 10 meetings, and even in that same meeting we did the same  
 11 thing.  
 12 MR TIP SC: Did it at the same time make  
 13 it clear that it was not in favour of unprotected strikes?  
 14 MR SETELELE: That's correct.  
 15 MR TIP SC: I'm going to turn to the  
 16 events of 10 August 2012. Mr Chair, there are a number of  
 17 aspects of it, I wonder if it might be convenient to  
 18 adjourn? We can use the time if the commission wishes, to  
 19 work our way into it?  
 20 CHAIRPERSON: [Inaudible].  
 21 MR TIP SC: Yes, yes, let me continue, Mr  
 22 Chair. Mr Setelele, you begin in your paragraph 7 of your  
 23 statement with the events of 10 August, that would be the  
 24 Friday, do you recall that?  
 25 MR SETELELE: That's correct.

Page 4080

1 MR TIP SC: You note that you arrived at  
 2 the NUM WP office, the Western Platinum office at about  
 3 seven o'clock.  
 4 MR SETELELE: Correct.  
 5 MR TIP SC: That is the office which is  
 6 just next to the satellite police station below the  
 7 Wonderkop Hostel, is that right?  
 8 MR SETELELE: Yes.  
 9 [14:55] CHAIRPERSON:  
 10 MR TIP SC: And was 7 o'clock your  
 11 ordinary starting time for reporting at the office?  
 12 MR SETELELE: That's correct.  
 13 MR TIP SC: In the course of the morning,  
 14 did Mr Bongo give you information that he had heard from  
 15 two NUM members?  
 16 MR SETELELE: That's correct.  
 17 MR TIP SC: And the report was as set out  
 18 there – I'll just lead you. Yes. That the RDOs were then  
 19 holding a meeting near the Wonderkop stadium and that they  
 20 had decided to go on strike.  
 21 MR SETELELE: That's correct.  
 22 MR TIP SC: When you heard that, did you  
 23 get in touch with anybody in Lonmin management?  
 24 MR SETELELE: Yes.  
 25 MR TIP SC: Was that Mr Larry Dietrich,

1 the vice president for WPL?  
2 MR SETELELE: That's correct.  
3 MR TIP SC: You requested a meeting with  
4 him.  
5 MR SETELELE: Correct.  
6 MR TIP SC: And you detail your  
7 discussion with him in the next paragraph to which we will  
8 come. Did you also at the same time request Mr Bongo to  
9 make arrangements for the convening of a mass meeting of  
10 workers for later that day of the 10th of August?  
11 MR SETELELE: Correct.  
12 MR TIP SC: And that, am I correct in  
13 understanding, that that would be a mass meeting for NUM  
14 members.  
15 MR SETELELE: That's correct.  
16 MR TIP SC: Generally speaking, are such  
17 meetings open also to other employees who are not  
18 necessarily NUM members?  
19 MR SETELELE: Correct.  
20 MR TIP SC: Mr Chair, would this be the  
21 moment?  
22 CHAIRPERSON: [Inaudible].  
23 MR TIP: I'm asking for an adjournment  
24 until 10 o'clock on Monday morning, Mr Chair.  
25 [COMMISSION ADJOURNED]

<p style="text-align: center;"><b>A</b></p> <p><b>abbreviation</b> 3971:18</p> <p><b>able</b> 3969:9 3972:7 3973:21 3997:16 4001:24 4002:3 4013:24 4015:11,12 4025:19 4027:7 4028:5,8 4032:23 4033:20 4037:24</p> <p><b>ably</b> 4038:4</p> <p><b>absence</b> 4046:11,12</p> <p><b>absolutely</b> 4052:6 4073:13</p> <p><b>absurd</b> 4010:1</p> <p><b>academic</b> 4007:15</p> <p><b>accept</b> 4012:19 4037:13 4047:12</p> <p><b>accepted</b> 4039:14,25</p> <p><b>access</b> 3973:21 4057:24</p> <p><b>accompanied</b> 3989:21</p> <p><b>accompanying</b> 4062:1</p> <p><b>accord</b> 3988:16</p> <p><b>accords</b> 3975:1</p> <p><b>account</b> 4059:12 4060:2</p> <p><b>accurate</b> 3987:14</p> <p><b>accurately</b> 3970:20 3987:11</p> <p><b>achieve</b> 4037:18</p> <p><b>achieving</b> 4037:15</p> <p><b>acronym</b> 3972:2</p> <p><b>acronyms</b> 4066:23</p> <p><b>Act</b> 4003:9,13 4004:4</p> <p><b>acted</b> 3978:11</p> <p><b>acting</b> 3977:9,10</p> <p><b>action</b> 3978:15,21 3981:25 3982:18 3988:17 4020:10 4022:25 4076:23 4077:13 4078:12,13 4079:3</p> <p><b>actions</b> 3988:16</p> <p><b>activities</b> 4054:5 4056:9,17</p> <p><b>acts</b> 4052:18</p> <p><b>actual</b> 3979:1 4031:23</p> <p><b>added</b> 3976:25</p> <p><b>addition</b> 4007:11</p> <p><b>additional</b> 3998:2 4075:19,24 4078:2</p> <p><b>address</b> 3979:23 3999:11,21 4040:19</p> <p><b>addressed</b> 3990:24,24 3991:11</p> <p><b>adjective</b> 4010:11,14</p> <p><b>adjourn</b> 4079:18</p> <p><b>ADJOURNED</b> 4081:25</p> <p><b>adjournment</b> 4010:25 4045:15,17 4046:1 4081:23</p> <p><b>ADJOURNS</b> 4011:2 4046:3</p> <p><b>adjustments</b> 3988:20</p> <p><b>admit</b> 4058:21</p> <p><b>advance</b> 4061:19</p>	<p><b>advancement</b> 4007:15</p> <p><b>adverse</b> 3985:2</p> <p><b>advert</b> 4011:13</p> <p><b>advice</b> 3991:8 4011:23</p> <p><b>advisable</b> 3987:17</p> <p><b>advise</b> 3979:17 4076:11 4079:8</p> <p><b>advised</b> 3979:21</p> <p><b>affect</b> 3983:2</p> <p><b>affiliated</b> 4049:7</p> <p><b>affirm</b> 4072:10</p> <p><b>afraid</b> 4016:15 4035:10</p> <p><b>Africa</b> 3999:25 4003:17</p> <p><b>African</b> 3995:2</p> <p><b>Africans</b> 4008:6</p> <p><b>afternoon</b> 4046:2 4065:14</p> <p><b>agenda</b> 4020:22</p> <p><b>ago</b> 4065:19</p> <p><b>agree</b> 3989:8 3991:16 3992:2 4001:1,15 4003:3,23 4004:21 4005:13 4008:8,9,13 4008:16,21 4009:6,11 4009:22,25,25 4010:11 4012:4,6 4015:13 4019:6,10 4020:1,3,17 4021:2 4037:5 4039:13 4041:18 4052:16,22 4053:1,6 4054:13,18 4058:23 4059:2,3,8 4060:23 4062:4,6</p> <p><b>agreed</b> 3978:7 3986:21 3991:25 4005:23 4007:1 4022:8 4038:6 4038:7 4039:19 4041:17</p> <p><b>agreeing</b> 4009:13</p> <p><b>agreement</b> 3970:2 3977:12 3978:6 3986:16 4004:9 4020:20 4021:16,25 4022:6,18,19,22,25 4023:24 4024:3,5,11 4024:19,23 4076:15 4076:19</p> <p><b>alia</b> 4048:1</p> <p><b>allegations</b> 4012:15</p> <p><b>alleged</b> 3986:22</p> <p><b>allow</b> 4010:19,23 4030:11 4051:19 4059:19</p> <p><b>allowance</b> 3977:25 3978:7 3985:2,18 3987:22 4007:9 4075:19 4077:23 4078:2</p> <p><b>allowances</b> 3976:4 3977:8,15 3986:5 4075:24 4077:25</p> <p><b>alright</b> 3969:12 4018:12 4024:21 4036:15 4055:13,16 4071:15 4072:12</p> <p><b>altered</b> 3977:16</p>	<p><b>AMCU</b> 3979:7,19 3980:5 3989:7 3990:23 3991:3 4019:1 4020:11 4029:22 4031:5 4048:2,8,16,25 4049:8,10,14,16 4050:6,12,19</p> <p><b>ameliorated</b> 4039:6</p> <p><b>analysis</b> 4005:7,10</p> <p><b>Anglo</b> 4019:3 4022:12</p> <p><b>answer</b> 3977:19 3985:23 3987:19 4034:18 4040:2 4041:6 4042:1,2,20 4055:11 4068:13 4073:8</p> <p><b>answered</b> 4036:13</p> <p><b>answering</b> 3985:24 4009:3,3 4060:18</p> <p><b>answers</b> 3977:6 3980:6 3985:9 4039:22</p> <p><b>anybody</b> 4017:25 4073:14 4080:23</p> <p><b>anyway</b> 3972:3 3977:2 3986:9 4010:24 4049:13</p> <p><b>apart</b> 4008:4 4032:15</p> <p><b>apologise</b> 4072:2</p> <p><b>apologises</b> 3970:12</p> <p><b>apparent</b> 3971:10,10</p> <p><b>appealed</b> 3991:3</p> <p><b>appealing</b> 4017:8</p> <p><b>appear</b> 3975:11 3998:16,19</p> <p><b>appeared</b> 3969:24 3972:3</p> <p><b>appearing</b> 3969:10</p> <p><b>appears</b> 3971:18 3987:4 3994:2</p> <p><b>application</b> 3996:4,6,8 4011:6 4022:15 4025:13 4044:22</p> <p><b>apply</b> 4004:18 4021:13</p> <p><b>approach</b> 3991:12 4022:6</p> <p><b>approached</b> 3979:19 3980:10 3981:15 3998:3 4021:1,4 4024:17 4037:24</p> <p><b>appropriate</b> 4016:3 4040:6 4042:5 4045:14 4056:5 4060:16</p> <p><b>approve</b> 4075:19</p> <p><b>approximately</b> 3989:7</p> <p><b>area</b> 3994:12 4008:15 4063:15,21 4064:1,16</p> <p><b>areas</b> 3992:17 4014:2 4064:3</p> <p><b>argue</b> 3999:11 4002:18</p> <p><b>argument</b> 4024:24 4038:2</p> <p><b>armed</b> 3992:24 3993:2 3993:2,4 4009:14 4016:2 4026:22</p>	<p>4027:1,13,16,16,18 4027:19,22,23</p> <p><b>arms</b> 4059:19</p> <p><b>arose</b> 4075:11</p> <p><b>arrange</b> 4076:10</p> <p><b>arrangement</b> 3996:3 4074:9</p> <p><b>arrangements</b> 3998:16 4081:9</p> <p><b>arrested</b> 3999:5 4032:14,19 4034:2,4 4035:9</p> <p><b>arrive</b> 4066:6</p> <p><b>arrived</b> 4030:8 4080:1</p> <p><b>article</b> 3971:5,10,12,18 3971:23 3972:8 4005:14</p> <p><b>articles</b> 3973:5,7,9</p> <p><b>ascertain</b> 4034:6 4035:17</p> <p><b>aside</b> 4005:9 4009:22 4012:24 4014:23 4030:15</p> <p><b>asked</b> 3976:23 3987:25 3991:21 3997:15,17 4014:14 4016:23 4023:21 4032:13 4036:3 4040:7,11 4042:13 4044:23 4051:13 4067:11</p> <p><b>asking</b> 3986:21 3987:1 4026:1 4028:7 4073:14 4076:6 4081:23</p> <p><b>aspect</b> 4027:8 4058:11</p> <p><b>aspects</b> 4022:2 4064:24 4079:17</p> <p><b>assaulted</b> 4044:10</p> <p><b>assist</b> 3991:3 4021:22 4032:18 4043:13 4073:6</p> <p><b>assistance</b> 4032:25 4071:18 4073:15</p> <p><b>assume</b> 3972:7 3991:6 4031:22</p> <p><b>assumption</b> 4036:5</p> <p><b>attack</b> 4055:5</p> <p><b>attacks</b> 4055:20 4056:3</p> <p><b>attempt</b> 4037:12</p> <p><b>attempts</b> 4057:13,13</p> <p><b>attendance</b> 4065:22</p> <p><b>attended</b> 3990:23 4065:9</p> <p><b>attending</b> 4048:13</p> <p><b>attends</b> 4071:2</p> <p><b>attention</b> 3970:7,8 3973:5 3976:1 4048:15 4051:11 4057:16</p> <p><b>attitude</b> 4001:15 4033:7 4036:20 4040:3,13,23,24,25 4041:9 4042:4,8,12 4042:13 4059:16,24 4060:5,8,12,20,22,24 4061:2 4076:23</p>	<p>4078:9 4079:3</p> <p><b>attitudes</b> 4001:14</p> <p><b>attorneys</b> 3998:3,23</p> <p><b>audience</b> 3969:20</p> <p><b>auditorium</b> 3970:3,21 4006:15</p> <p><b>August</b> 3974:4 3981:19 3989:14 3990:5,15,22 3992:10,18 4038:22 4055:5 4059:15,24 4063:19 4064:25 4065:5 4068:15 4069:23 4070:1,2 4074:16 4077:9 4079:16,23 4081:10</p> <p><b>auspices</b> 4004:17 4020:10</p> <p><b>author</b> 4005:21</p> <p><b>automatically</b> 4068:10</p> <p><b>available</b> 3984:1</p> <p><b>averse</b> 3985:17 3986:5 3986:24 3987:16</p> <p><b>avoid</b> 4073:12</p> <p><b>aware</b> 3974:19 3980:7 3985:10 3997:10 4017:3,11,12,13 4020:8,12,24 4028:21 4029:2 4030:17 4031:11 4032:13 4049:10 4074:20,23 4076:14</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 3992:15,16 4003:1 4013:4 4025:10 4036:16 4045:9 4059:20 4060:14 4077:20,21 4078:1</p> <p><b>background</b> 4000:6</p> <p><b>bad</b> 4046:14 4054:24 4055:2</p> <p><b>bargaining</b> 4020:21 4021:5,8,12,17 4022:2,7,11,11,12,15 4025:10,14 4036:18 4038:8,15,19,23 4039:4,16 4040:14 4041:15 4042:5,15 4062:9 4067:4,8</p> <p><b>based</b> 4010:21 4061:12</p> <p><b>basic</b> 3974:21 4007:14</p> <p><b>basically</b> 4032:2</p> <p><b>basing</b> 4030:4</p> <p><b>basis</b> 3987:4,8 4000:18 4006:22 4008:18 4012:13,21 4017:21 4027:7 4028:23 4030:19 4040:11</p> <p><b>bear</b> 4004:14 4027:12</p> <p><b>bearing</b> 4002:5</p> <p><b>becoming</b> 4019:13</p> <p><b>befell</b> 3999:13</p> <p><b>beg</b> 3977:2</p> <p><b>began</b> 3997:18 4074:1 4074:19</p>
--	---	--	--	---

<p><b>beginning</b> 4006:17 4074:16</p> <p><b>begun</b> 4065:1</p> <p><b>behalf</b> 4023:20 4026:3 4052:13</p> <p><b>belabour</b> 4035:25</p> <p><b>belief</b> 4049:8</p> <p><b>believe</b> 3978:4 4067:19</p> <p><b>believed</b> 4015:21</p> <p><b>believing</b> 4012:13</p> <p><b>belong</b> 4068:6</p> <p><b>benefit</b> 3970:2</p> <p><b>better</b> 4003:10 4020:22 4024:10 4041:22</p> <p><b>beyond</b> 4009:5 4032:24</p> <p><b>bit</b> 3969:18 4049:2</p> <p><b>Bizos</b> 3969:9</p> <p><b>blame</b> 3982:11</p> <p><b>blasting</b> 4007:15</p> <p><b>blood</b> 4054:25 4055:3</p> <p><b>Blou</b> 4029:15</p> <p><b>board</b> 4018:21</p> <p><b>bogged</b> 3975:12</p> <p><b>bold</b> 3979:1</p> <p><b>Bongani</b> 4043:25</p> <p><b>Bongo</b> 4017:19 4077:17 4080:14 4081:8</p> <p><b>bonuses</b> 3977:15 4062:23</p> <p><b>branch</b> 3979:18,19 4043:11 4044:11 4057:18 4065:19 4066:2,15 4074:6,22 4076:9,13 4077:17 4079:9</p> <p><b>break</b> 4017:8 4039:1</p> <p><b>brief</b> 3992:14</p> <p><b>briefing</b> 3993:4,7,9,22 3995:3,6,9 4030:7,7,9 4065:2,9 4066:10</p> <p><b>briefings</b> 4017:20</p> <p><b>bring</b> 4076:13 4079:8</p> <p><b>bringing</b> 4054:9</p> <p><b>broad</b> 4021:25 4022:9</p> <p><b>broadcasts</b> 4065:15</p> <p><b>broadher</b> 4048:20</p> <p><b>brotherhood</b> 4012:1,5 4012:11 4013:2</p> <p><b>brought</b> 3973:5</p> <p><b>brutal</b> 4052:16</p> <p><b>Budlender</b> 3991:21 4046:11,11</p> <p><b>build</b> 4031:15,20,23,23</p> <p><b>bundle</b> 3973:17,22</p> <p><b>Burger</b> 3975:19 4026:11 4038:3,6,6 4038:12,20 4039:2 4041:11 4049:4</p> <p><b>Burger's</b> 3977:6 3980:6 3985:9</p> <p><b>bus</b> 4013:22,22</p> <p><b>Business</b> 3971:13 3972:14</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 4067:5,6,6</p>	<p><b>calamities</b> 3999:13</p> <p><b>calamity</b> 4033:9</p> <p><b>call</b> 3999:24 4001:5 4022:14 4025:13 4045:5 4050:20 4058:3 4063:10 4071:16 4076:24</p> <p><b>called</b> 3971:6 3974:10 3978:5 3980:16 3986:8,10 4000:1 4011:18 4027:14 4030:9 4047:24</p> <p><b>calling</b> 4062:1</p> <p><b>calls</b> 4051:7</p> <p><b>calm</b> 4056:3</p> <p><b>campaign</b> 4002:19</p> <p><b>canvass</b> 4047:15</p> <p><b>can't</b> 3981:7 4002:11 4005:13 4025:3</p> <p><b>capacity</b> 4041:10</p> <p><b>Cape</b> 4008:7</p> <p><b>captains</b> 3983:1,6,17</p> <p><b>car</b> 4065:15</p> <p><b>care</b> 4072:24</p> <p><b>career</b> 4007:11</p> <p><b>caring</b> 4033:1</p> <p><b>Carol</b> 3971:10</p> <p><b>carry</b> 4055:16</p> <p><b>carrying</b> 4053:2</p> <p><b>cars</b> 3994:25 4064:18 4064:18 4066:8</p> <p><b>case</b> 3978:11,21 3999:10 4002:18 4010:21 4020:13 4034:22 4041:5 4046:19 4061:18,19 4064:24 4067:16 4068:9</p> <p><b>cases</b> 4004:11 4014:1 4014:14</p> <p><b>cash</b> 4007:10</p> <p><b>catch-22</b> 4034:16</p> <p><b>categories</b> 3969:21,22 3970:16,17 4007:14 4008:22 4025:15 4036:24</p> <p><b>category</b> 4023:3,3,21 4023:21 4026:3</p> <p><b>cause</b> 4012:2</p> <p><b>causes</b> 3999:13,22 4000:5,12,17</p> <p><b>CBF</b> 4067:2</p> <p><b>CBF1</b> 4066:23 4067:9</p> <p><b>CBF2</b> 4066:23 4067:6 4067:10</p> <p><b>CB1</b> 4067:5</p> <p><b>CCMA</b> 4039:5 4042:7</p> <p><b>central</b> 4020:21 4038:19</p> <p><b>centralised</b> 4021:5,8,12 4021:17 4022:2,7,15 4025:10,13 4036:18</p> <p><b>centre</b> 3969:5 4004:24</p> <p><b>CEO</b> 3983:9</p> <p><b>certain</b> 4014:2 4023:21 4038:14 4039:14,24</p> <p>4062:16 4075:18,19 4078:2</p> <p><b>certainly</b> 4047:18</p> <p><b>certificate</b> 4007:15</p> <p><b>chair</b> 3969:16 3973:25 3974:14 3975:25 3977:5 3984:19 3987:3 3996:1 3999:2 4010:11,16 4011:21 4012:22 4028:4 4029:14 4039:21 4043:13,19 4050:16 4050:25 4051:4 4052:7,11 4064:23 4069:9,18 4070:6 4071:3,24 4072:2,22 4073:10 4079:16,22 4081:20,24</p> <p><b>Chairman</b> 3999:4 4006:2,25 4061:12</p> <p><b>chambers</b> 3996:9 4011:5</p> <p><b>chance</b> 4006:16 4032:5 4037:12</p> <p><b>change</b> 4016:5,7</p> <p><b>channelled</b> 3980:5</p> <p><b>channels</b> 4016:3 4037:10</p> <p><b>characterise</b> 4005:3</p> <p><b>characterised</b> 4007:3</p> <p><b>charge</b> 4054:11</p> <p><b>charged</b> 4010:7 4012:17</p> <p><b>check</b> 3981:20 4058:8</p> <p><b>checking</b> 4043:20</p> <p><b>chief</b> 3981:13,17 3991:7 3995:15 4040:8 4071:9</p> <p><b>choose</b> 4037:20 4067:20</p> <p><b>chosen</b> 4050:20</p> <p><b>church</b> 4042:7</p> <p><b>circulated</b> 4070:7</p> <p><b>circumstances</b> 3991:9 4038:15 4039:15,18</p> <p><b>claimed</b> 4008:24</p> <p><b>clarification</b> 4046:25 4052:8</p> <p><b>clarified</b> 4051:25</p> <p><b>clarify</b> 4021:19 4046:17,21,24 4051:24 4064:23 4069:14 4073:20</p> <p><b>classes</b> 4008:3</p> <p><b>clause</b> 4022:20 4024:3 3975:22 3976:17 3984:17 3992:8 4002:8 4032:3 4034:14 4039:13 4051:22 4053:21 4054:24 4057:4 4063:17 4064:25 4067:18 4073:14 4079:13</p> <p><b>clearer</b> 4010:4</p>	<p><b>clearly</b> 4062:22</p> <p><b>clergy</b> 4017:7</p> <p><b>cloak</b> 4013:10</p> <p><b>closely</b> 4000:24</p> <p><b>clumsily</b> 4041:8</p> <p><b>collaborating</b> 4019:12</p> <p><b>colleagues</b> 3983:25 4007:6 4008:4 4070:17</p> <p><b>collective</b> 4021:16 4022:6,10,11,12,19 4024:5 4067:4,8 4076:15</p> <p><b>collusion</b> 3999:18</p> <p><b>come</b> 3981:19 3998:2 4003:1 4013:22,22 4016:20 4017:17 4032:7 4033:9,17,20 4034:1,19 4044:23 4058:25 4059:20 4064:4 4081:8</p> <p><b>comes</b> 4055:25</p> <p><b>comfortable</b> 4073:5</p> <p><b>coming</b> 4031:20 4032:11</p> <p><b>comment</b> 3982:21 3988:18 4049:1</p> <p><b>commented</b> 4078:25</p> <p><b>comments</b> 3970:5</p> <p><b>commission</b> 3969:2 3984:2 3996:21 3997:16 3999:6,11 4001:13 4011:2,2,3 4013:6 4016:19 4021:23 4026:10 4046:3,3,4 4065:1,8 4072:13 4073:11 4076:5,18 4079:18 4081:25</p> <p><b>commissioner</b> 3994:22 3995:12 4007:17,22 4063:12,13,18,25 4064:6,12,20 4071:19</p> <p><b>commissioners</b> 3969:4 3973:20</p> <p><b>committee</b> 4044:11 4076:9,13 4079:9</p> <p><b>commodity</b> 4008:3</p> <p><b>common</b> 4012:2</p> <p><b>communicate</b> 3980:3</p> <p><b>communication</b> 3980:20 4062:19</p> <p><b>communications</b> 3980:4</p> <p><b>companies</b> 3983:9,12</p> <p><b>company</b> 3983:9,11 3989:22 3998:8 4015:18,24 4016:1,11 4021:15 4022:23 4038:7</p> <p><b>complain</b> 4014:1</p> <p><b>complainants</b> 4043:16</p> <p><b>complaint</b> 3984:17 4051:25</p> <p><b>complaints</b> 4013:18 4014:8,9</p>	<p><b>complete</b> 4041:19</p> <p><b>completion</b> 4000:7 4007:16</p> <p><b>comrades</b> 4012:8 4013:20 4017:24 4063:23</p> <p><b>comradeship</b> 4009:8</p> <p><b>concern</b> 3969:24 3986:13,14 4000:11 4045:9,12 4048:19</p> <p><b>concerned</b> 3981:12 4000:12 4002:17 4012:17 4021:15 4033:3 4043:24 4050:10 4052:1,2</p> <p><b>concerning</b> 4067:14</p> <p><b>concerns</b> 3974:19 4037:5 4040:12 4079:8</p> <p><b>concerted</b> 4002:19</p> <p><b>concession</b> 4052:22</p> <p><b>concluded</b> 4022:19 4024:5 4076:15</p> <p><b>conclusion</b> 4032:7 4070:2</p> <p><b>condition</b> 4068:5</p> <p><b>conditions</b> 3999:23,24 4005:18 4006:18 4007:2 4068:2</p> <p><b>conduct</b> 4055:9,25 4057:8</p> <p><b>confirm</b> 4050:21 4055:3 4073:1</p> <p><b>confirmed</b> 4002:3 4031:10,14 4039:3,5</p> <p><b>confiscate</b> 4053:10</p> <p><b>conscious</b> 4020:9</p> <p><b>consider</b> 3978:3</p> <p><b>considered</b> 3977:15</p> <p><b>constrain</b> 4026:2</p> <p><b>constrained</b> 4020:20 4021:5 4025:24</p> <p><b>constraints</b> 4037:17</p> <p><b>consult</b> 3998:12</p> <p><b>consultation</b> 3997:11 3997:12</p> <p><b>consulted</b> 3981:2</p> <p><b>consulting</b> 4043:21</p> <p><b>contact</b> 3979:7 3984:11</p> <p><b>contacted</b> 3997:5 4035:16 4076:10</p> <p><b>contents</b> 3974:13</p> <p><b>context</b> 3976:15,25 3984:18 3999:10 4010:9 4055:2</p> <p><b>contingent</b> 3994:7 4054:14,19</p> <p><b>contingents</b> 3991:7</p> <p><b>continue</b> 3971:3 4071:13 4079:21</p> <p><b>continued</b> 4060:13</p> <p><b>continues</b> 3969:17</p> <p><b>contrary</b> 4015:21</p> <p><b>contribute</b> 4015:8</p> <p><b>contributes</b> 4033:7</p> <p><b>contribution</b> 4000:17</p>
---	---	--	---



<p>4062:12  <b>contributory</b> 3999:22  3999:22  <b>convened</b> 4029:17  4047:25 4048:21  4065:10 4077:16  <b>convenient</b> 4079:17  <b>convening</b> 4081:9  <b>conveyed</b> 3969:19  3970:20  <b>coordinator</b> 3992:16  <b>copies</b> 3973:19 4070:13  4071:18,19,20  <b>copy</b> 3972:2 4071:22  <b>core</b> 4007:4  <b>correctly</b> 3970:10  3996:17 4048:23  4066:11,24  <b>correctness</b> 4073:2  <b>cost</b> 4004:14  <b>Costa</b> 3975:1 3979:8  3984:10,25 3985:25  3986:4,8,11,12,15,23  3987:8  <b>Costa's</b> 3975:15  3978:24 3984:6  <b>counsel</b> 3977:2 4054:17  4065:4  <b>counting</b> 4047:22  <b>country</b> 4003:7  <b>course</b> 3996:15 4004:4  4040:2,7,21 4043:14  4043:17 4054:6  4067:13 4070:20  4078:11,13 4080:13  <b>covered</b> 4016:24  4071:12 4076:19  <b>credibility</b> 4019:8,11  4020:15  <b>credit</b> 4011:14  <b>criminal</b> 4052:18  4054:5 4056:17  <b>criminals</b> 4000:19  4002:20 4016:25  <b>crisis</b> 4017:25  <b>cross</b> 4011:9  <b>cross-examination</b>  3970:24 4039:23  4063:9  <b>cross-examine</b> 3996:13  4052:13  <b>cross-examiner</b>  3976:20  <b>cross-questioning</b>  3990:17  <b>cruel</b> 4052:16  <b>cudgel</b> 4024:10  <b>cudgels</b> 4024:14  <b>culpability</b> 4000:8  <b>cured</b> 4041:23  <b>curing</b> 4041:22  <b>custody</b> 4033:17,18  4035:17  <b>cut</b> 4067:5</p> <hr/> <p style="text-align: center;"><b>D</b></p>	<p><b>D</b> 3995:13  <b>Da</b> 3975:1,15 3978:24  3979:8 3984:6,10,25  3985:25 3986:4,8,11  3986:12,15,23 3987:8  <b>daily</b> 4002:21 4008:18  4013:5 4017:21  4028:23 4029:13  4048:7  <b>Daluvuyo</b> 4057:11  4077:17  <b>danger</b> 4009:14,15,17  <b>dangerous</b> 4007:4  4053:2  <b>date</b> 3974:10,25  3975:20,22 3984:14  3989:15  <b>dated</b> 3974:4  <b>dates</b> 3971:13 3973:15  3975:12,22  <b>day</b> 3971:13 3972:14  3984:16,20,25  3992:11,11 3994:11  3994:13,15 3995:9,13  3995:16 4001:5  4002:4,13 4027:1  4028:20,20 4048:7  4050:7 4063:19  4064:1,7,13 4066:12  4069:20 4081:10  <b>days</b> 3975:16 3994:24  4000:25 4001:16  4008:18 4046:13  4047:24  <b>deal</b> 3971:23 3973:7  3977:3 4021:14  4022:16 4024:10  4028:8 4042:6  4047:17 4054:22  4057:17 4069:19  4070:21 4077:8  4078:24  <b>dealing</b> 3973:3,14  4009:7 4044:11  4048:24 4074:15  <b>deals</b> 4045:12 4063:2  4070:1  <b>dealt</b> 3977:9 4022:20  4038:19 4047:18  <b>death</b> 3997:4 4039:17  4039:17 4040:24  4041:23  <b>deaths</b> 4041:12,17,22  4042:14  <b>debate</b> 3985:4 3987:6  4006:3 4031:1  <b>debriefing</b> 3992:13  4001:6,17  <b>deceased</b> 3997:13  <b>December</b> 4074:5  4076:16  <b>decide</b> 3978:3 3991:13  <b>decided</b> 3976:4  3981:25 3991:15  4075:18,24 4080:20  <b>decision</b> 4020:9 4037:7</p>	<p>4037:20,23 4076:8  4077:12 4078:1  <b>defamed</b> 4046:11  <b>definitely</b> 4045:12  <b>definition</b> 4025:10  <b>delay</b> 3993:15 4011:4  <b>delegation</b> 3980:10  4050:20,21  <b>demand</b> 3974:21  4005:8 4017:9  4035:22 4075:5,11,14  4076:3 4077:3  <b>demands</b> 4016:21  4022:22 4023:20,25  4024:3 4074:21,24  4076:12,13 4079:9  <b>demographic</b> 4008:2  <b>demonstrated</b> 4049:5  <b>denied</b> 4047:2  <b>department</b> 3972:23  4015:9  <b>depend</b> 4005:6 4022:9  <b>depending</b> 4067:23  <b>depends</b> 3973:1  <b>deployment</b> 4031:15  <b>describe</b> 3974:1  <b>described</b> 3979:14  4005:4 4017:4  4065:12,18 4077:20  <b>describes</b> 4070:15  <b>description</b> 3974:7  4016:16 4070:15  <b>despite</b> 4060:11,19  <b>destroyed</b> 4060:4  <b>destruction</b> 4052:17  <b>detail</b> 4045:1 4081:6  <b>detailed</b> 4017:20  <b>details</b> 3971:23  3998:12 4075:23  <b>detained</b> 4034:7  <b>determined</b> 4062:11  <b>develop</b> 4009:7  <b>develops</b> 4008:19  <b>didn't</b> 3972:8,8 3982:3  3982:5 4006:16  4021:13,18 4032:8  4035:11,22  <b>died</b> 3997:13 3998:14  3998:18 4032:15  4038:24 4039:10,17  4040:14 4042:4,11,12  4055:21  <b>Dietrich</b> 4080:25  <b>different</b> 3987:4,10  4033:13 4065:20  4066:4,7,8,21  <b>differential</b> 4036:20  <b>differentials</b> 4007:8  <b>differently</b> 4077:5  <b>difficult</b> 3982:15,17,19  3990:9 3999:24  4024:17,19,23  4025:23 4026:4  4035:21,23 4055:1  4057:25 4058:21,25  <b>difficulty</b> 3986:23</p>	<p><b>direct</b> 3972:24 3979:7  3987:19 3989:24  4028:6 4040:2  4058:17  <b>directly</b> 4010:6 4028:9  4042:13 4045:6  4073:9 4076:13  4079:9  <b>disagree</b> 4020:1  4041:18  <b>disagreement</b> 3986:18  <b>disarm</b> 4002:10 4016:2  4016:12,22 4053:8,9  <b>discrepancies</b> 3975:11  <b>discuss</b> 3991:12 4077:3  <b>discussed</b> 3982:23  3985:1 3991:11  <b>discussion</b> 4011:4  4036:18 4081:7  <b>discussions</b> 4013:25  4039:4 4050:17  <b>dismissal</b> 4067:15  <b>dismissed</b> 4057:24  <b>displayed</b> 4033:7  <b>dispute</b> 3989:11 4005:5  4005:11 4062:3  <b>dissolve</b> 4015:11  <b>dissuade</b> 4015:23  4059:1  <b>docket</b> 4043:24  <b>dockets</b> 4043:15  <b>document</b> 3973:16,20  3973:22 3974:2,15  3976:1 4006:21  4044:9 4063:2  <b>documented</b> 4063:2  <b>documents</b> 3973:17  <b>doesn't</b> 4037:11,11  4040:9 4045:9  4061:19 4070:20,22  <b>doing</b> 3987:15 4003:22  4004:5 4007:3 4054:5  4058:9  <b>doles</b> 4010:22,24  <b>don't</b> 3972:15 3973:17  3975:12,23 3976:19  3981:9 3982:9  3983:19 3984:3  3987:2,23 3988:2  3992:8,8 3996:5  3998:11,11,25 3999:1  4009:2 4010:5  4016:13 4018:19,23  4020:16 4021:10  4024:18 4025:21  4026:21 4027:15,22  4028:16,17,18 4033:6  4034:15 4035:25  4036:10 4037:22  4040:10,15 4041:25  4043:4,6 4044:19  4047:1 4048:17  4051:24 4053:18  4054:11 4055:12  4056:6 4059:7,11,14  4061:2,10,17 4063:4</p>	<p>4063:16 4064:3  4067:1 4069:9,10  <b>doubt</b> 4076:14  <b>draw</b> 4076:1  <b>drawn</b> 4051:11  4057:17  <b>drew</b> 3970:7,8  <b>drill</b> 3974:19 3978:1  4023:12 4074:20  4075:8  <b>drop</b> 4059:19  <b>due</b> 4040:2,7 4055:14  4060:17 4061:11  <b>duplication</b> 4073:12  <b>duration</b> 4024:4,11,22  <b>dwindle</b> 4019:20  <b>D-day</b> 4031:12</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>eager</b> 4030:11  <b>earlier</b> 3995:2 4037:6  <b>early</b> 3993:4  <b>Eastern</b> 4008:7  <b>easy</b> 4025:11  <b>Ed</b> 3986:10  <b>edification</b> 4026:9  <b>educate</b> 4057:8  <b>educating</b> 4056:8  <b>effect</b> 4005:18 4070:19  <b>effort</b> 4061:23  <b>either</b> 3983:8,21  3990:14 4028:19  4031:7 4032:19  4050:7  <b>elected</b> 4074:5  <b>Elliot</b> 3985:1  <b>emails</b> 4057:11  <b>embark</b> 4020:9 4076:8  4077:12  <b>employ</b> 4003:22  <b>employed</b> 4073:23  <b>employee</b> 4068:5  4074:12  <b>employees</b> 3976:16  4047:11 4067:19  4081:17  <b>employer</b> 4016:20  4017:8 4021:17  <b>employment</b> 4006:18  4007:2 4067:13  4068:2,5  <b>encourage</b> 4037:9  4056:13,16  <b>encouraged</b> 3988:23  <b>endeavour</b> 4022:18  4042:1 4062:2  <b>energy</b> 4047:24  <b>enforcement</b> 4053:22  4054:8  <b>engage</b> 3983:1,9  4000:18 4015:10,12  4015:15,19 4016:21  4017:1,11 4038:8  4044:15 4058:1  <b>engaged</b> 4056:9  <b>engagement</b> 4016:9</p>
---	--	---	--	--

<p>4017:10  <b>engagements</b> 4015:22                  4018:13  <b>English</b> 4011:17 4073:5  <b>enjoying</b> 4004:5  <b>ensure</b> 4053:9 4055:25                  4057:8  <b>enter</b> 3991:23  <b>entire</b> 4049:17 4064:6  <b>entirely</b> 3971:20                  4008:5 4064:24  <b>entitled</b> 3974:4 4003:20                  4003:21 4062:15  <b>entrance</b> 4029:8  <b>episode</b> 4038:7 4047:7  <b>equation</b> 3998:15  <b>escalate</b> 4054:3  <b>escort</b> 4013:16,23  <b>especially</b> 4062:19  <b>essentially</b> 4004:23                  4005:16 4019:16  <b>establish</b> 4065:21                  4066:1,14 4073:4  <b>established</b> 3978:9  <b>evaluate</b> 4034:21,25  <b>evening</b> 3989:22  <b>event</b> 3996:7 4000:10                  4021:3 4026:14  <b>events</b> 3973:15 3974:10                  3975:14 3976:2                  3979:4 3989:25                  4004:22,24 4026:6,9                  4064:13 4074:15                  4079:16,23  <b>eventualis</b> 4010:22,24  <b>eventually</b> 4038:22                  4050:18  <b>everybody</b> 4025:17  <b>evidence</b> 3969:18                  3970:13,14 3971:15                  3976:14 3977:14                  3978:10 3989:6                  4006:7,21 4014:22                  4017:6 4027:25                  4028:6 4054:24                  4061:12 4064:24                  4070:14 4072:9,13  <b>evidence-in-chief</b>                  4043:15  <b>exact</b> 3975:20 4066:5  <b>exactly</b> 3981:20                  3986:18 3989:10                  3993:15 4007:19                  4009:20 4031:23,24                  4043:4,7,20 4064:3  <b>examination</b> 3977:1                  4072:21  <b>examining</b> 4011:10  <b>example</b> 4006:16                  4022:1 4046:14  <b>exception</b> 3997:25                  4009:22  <b>exceptional</b> 4038:14                  4039:15,18 4041:14  <b>excluded</b> 4048:9  <b>excluding</b> 4037:15</p>	<p><b>exclusion</b> 4048:2,25  <b>excused</b> 4071:5,6  <b>exercise</b> 4035:16  <b>exhibit</b> 3973:18,19,23                  3978:24 4006:17                  4022:21 4030:2                  4070:7,8,13  <b>exhibits</b> 4071:1  <b>exist</b> 4021:18 4058:4,13  <b>existed</b> 4062:3  <b>existence</b> 4063:2  <b>expect</b> 4011:23 4062:7  <b>expectations</b> 4036:24  <b>expected</b> 4033:10  <b>experience</b> 4003:3                  4004:21 4006:19                  4008:16 4009:9  <b>experienced</b> 4003:4  <b>explain</b> 3980:17 3988:4                  4001:13 4010:23                  4013:5 4048:10  <b>explained</b> 4032:4                  4067:2  <b>explaining</b> 3980:14  <b>explanation</b> 3982:4                  3990:18  <b>explanations</b> 4059:13  <b>express</b> 4073:20 4078:9                  4079:2  <b>expressed</b> 4045:9  <b>expression</b> 4030:18  <b>extend</b> 4015:25  <b>extended</b> 4048:12,14  <b>extension</b> 4008:10  <b>extent</b> 3972:6 4017:19                  4044:17 4047:3  <b>extra</b> 4024:24  <b>extrapolate</b> 4039:24  <b>e-mail</b> 4071:21</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>faceless</b> 4047:10  <b>facing</b> 3992:24  <b>fact</b> 3972:10 3976:16                  3980:20 3990:14                  4010:6 4011:17                  4014:24 4030:4,23                  4037:10 4039:10                  4042:4 4043:21                  4068:11 4070:25                  4078:18  <b>factual</b> 4017:22  <b>fail</b> 3982:11  <b>failed</b> 3982:25 4016:4  <b>fair</b> 4003:12 4004:6                  4014:10,17 4036:5                  4038:11 4044:13                  4045:3  <b>falls</b> 4041:5  <b>families</b> 3997:4,12,18                  3997:25 3998:4,18  <b>far</b> 4000:11 4002:17                  4012:16 4021:14                  4022:14 4026:24                  4052:1  <b>fast</b> 4019:20 4020:2</p>	<p><b>fastest</b> 4020:6  <b>favour</b> 4078:13                  4079:13  <b>feature</b> 4008:3  <b>features</b> 4007:3  <b>feedback</b> 4013:14                  4066:15  <b>feel</b> 4054:11,11 4056:4  <b>fell</b> 4035:17  <b>fellow</b> 4012:14,16,18                  4012:20,20  <b>felt</b> 4020:23  <b>field</b> 3973:7  <b>figures</b> 3989:11,11                  3994:23 4013:24  <b>finalised</b> 3988:10  <b>Finally</b> 4069:20  <b>finances</b> 3982:8  <b>find</b> 4006:16 4010:13                  4010:14 4011:12                  4015:3,6,8 4016:8                  4034:8 4061:5,17,17                  4061:18 4062:3</p> <p><b>finding</b> 4015:9  <b>fine</b> 4005:15 4019:24  <b>finish</b> 3996:6 4010:19  <b>finished</b> 4007:25                  4036:17  <b>finishing</b> 4009:3  <b>first</b> 3974:17,19 3996:7                  3996:13 4007:25                  4028:24 4039:2                  4043:23 4044:1                  4051:23 4071:12  <b>firstly</b> 4039:4 4051:21  <b>five</b> 4065:13  <b>flowery</b> 4005:21  <b>flying</b> 4031:21  <b>focus</b> 3976:2  <b>follow</b> 4016:3 4032:12                  4037:10 4059:20                  4060:15 4073:19  <b>followed</b> 3984:10  <b>following</b> 3979:5                  4007:3 4016:18                  4036:2 4047:8  <b>follows</b> 3974:18                  3984:25  <b>forcefully</b> 4008:25  <b>forgive</b> 3969:16  <b>forgotten</b> 4044:9  <b>form</b> 4006:21 4012:4,5                  4032:5  <b>formal</b> 4015:12 4017:1  <b>forum</b> 4022:7 4067:5,8                  4069:11  <b>forward</b> 3978:6                  3995:25 4074:20                  4079:8  <b>forwarded</b> 4071:21  <b>found</b> 4010:20 4012:9                  4038:22 4054:4  <b>four</b> 3973:19  <b>framed</b> 3987:20  <b>frequency</b> 4003:15  <b>Friday</b> 3989:14</p>	<p>4079:24  <b>friend</b> 4034:1 4038:3,4                  4043:14 4068:14                  4069:21  <b>front</b> 3974:15 4014:13  <b>frustrated</b> 4016:14  <b>frustrating</b> 4016:8  <b>frustration</b> 4030:2  <b>fullness</b> 3975:13  <b>fulltime</b> 4074:9  <b>fully</b> 4043:16 4059:2  <b>function</b> 4007:5  <b>functionally</b> 4007:12                  4008:5  <b>Fundi</b> 3998:9,10,10,15  <b>further</b> 3969:14                  3995:20 3997:16                  4006:22 4031:19                  4040:9,19 4041:22                  4045:17 4049:24                  4050:25 4061:19                  4063:6 4071:3,6</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gather</b> 3981:20  <b>gathered</b> 4028:23                  4064:10  <b>gathering</b> 4008:18                  4029:3 4064:17  <b>Gavin</b> 3971:4  <b>gender</b> 4012:2  <b>general</b> 3972:25                  3982:19 3983:21                  3990:25 3991:2,11,16                  3991:16 4001:3                  4002:9,13 4012:7                  4013:25 4029:22                  4030:1,9,10,23                  4031:7,11 4036:11                  4047:9,11 4051:6,9                  4051:10,12,18 4052:1                  4052:6 4053:3                  4061:23 4068:15                  4069:24 4074:1                  4076:22  <b>generally</b> 4006:11                  4012:11 4021:7                  4068:1 4081:16  <b>getting</b> 3976:12 3998:6                  4007:18  <b>gist</b> 4007:1 4041:20  <b>give</b> 3971:22 3992:16                  4013:14 4017:10,20                  4028:6 4037:11                  4045:18 4072:9,13                  4080:14  <b>given</b> 3974:9 3991:8                  4004:12 4005:14                  4007:12 4013:7                  4037:5 4045:4                  4059:13 4070:12,13  <b>gives</b> 4070:14  <b>go</b> 3978:25 3984:5                  3986:11 3991:16                  4009:1 4013:16                  4020:16 4025:12</p>	<p>4026:6 4030:3,10,12                  4030:18 4032:22                  4034:7 4035:11,20                  4044:25 4045:17                  4052:3 4057:10                  4060:14 4063:23                  4064:4 4068:17                  4073:6,21 4076:2,11                  4077:2,7 4080:20  <b>goal</b> 4037:18  <b>goals</b> 4037:15  <b>God</b> 4072:16,18  <b>going</b> 3970:23 3979:5                  3980:11 3983:2                  3984:9 3985:3                  3986:11,16,20                  3994:21 3995:22                  4005:15 4007:25                  4010:22 4011:6                  4013:4 4015:19                  4016:24 4017:16                  4025:10 4027:25                  4028:11 4032:3,9                  4033:15 4035:5                  4040:13 4045:5                  4046:12,25 4052:12                  4052:13,23 4053:8,12                  4053:16 4056:4                  4059:23 4068:24,25                  4069:12 4073:17                  4077:20 4079:15  <b>gold</b> 4007:8 4022:7,8,9  <b>good</b> 3970:25 3971:2                  4011:13 4015:7                  4025:8 4037:6 4041:3  <b>grateful</b> 3970:22  <b>greater</b> 4023:7,13  <b>greet</b> 4058:20  <b>ground</b> 3971:6,8,9                  4017:21 4018:4                  4059:1 4063:15  <b>grounds</b> 4008:12  <b>group</b> 3970:10,10                  3974:20 4008:20,22                  4009:8 4010:2,4,7                  4035:18,18 4036:22  <b>guard</b> 3998:10  <b>Guardian</b> 3971:12                  3972:18 3973:6,9  <b>guards</b> 4002:25  <b>guns</b> 4026:18,20</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hadn't</b> 3981:12,12  <b>half</b> 3993:14 4070:23  <b>Hanabe</b> 3970:7                  4054:16 4069:3  <b>hand</b> 4016:23 4071:19                  4072:15  <b>handed</b> 4043:15  <b>handle</b> 3972:24,25                  3981:3,4  <b>handled</b> 4000:9 4027:3                  4027:4  <b>handles</b> 3972:23  <b>handling</b> 4043:11</p>
--	--	--	--	---

<p><b>hands</b> 4005:14  <b>happen</b> 3994:21              4013:13 4031:6          4035:11  <b>happened</b> 3977:25          3981:23 3983:4          3999:23 4002:3,5,22          4004:22 4005:3          4016:21 4047:8          4050:11 4070:15  <b>happening</b> 3981:21          3990:11 3992:17          4002:21 4004:16          4064:8,16  <b>happy</b> 3976:9,11  <b>harden</b> 4001:17  <b>hardening</b> 4001:20          4002:2  <b>hard-line</b> 4015:23          4016:5  <b>harm</b> 4012:20 4040:10  <b>Hartford</b> 3971:5          4005:21  <b>hate</b> 4069:4  <b>heading</b> 4006:18  <b>hear</b> 3995:8,11 4000:14          4006:16 4066:23          4075:23 4076:1  <b>heard</b> 3970:4 3995:10          3995:14 4009:12          4028:25 4035:22          4048:18 4066:11          4068:21 4069:14,19          4076:19 4080:14,22  <b>hearsay</b> 4045:2  <b>heavily</b> 3992:24  <b>held</b> 4018:2,18,21          4045:9 4061:22          4065:2 4077:8  <b>helicopters</b> 4031:21  <b>help</b> 4022:18 4025:4          4034:8,18 4072:16,18  <b>helped</b> 4034:20  <b>helpful</b> 4041:6  <b>HEMRA</b> 4064:12  <b>Hemraj</b> 4063:12,13,18          4063:25 4064:6,20  <b>he'd</b> 4041:4  <b>he's</b> 3979:12,14          3987:14 4031:7          4038:3 4040:10          4043:7,8 4045:5          4058:9  <b>higher</b> 3969:22,25          3970:10,15,17  <b>history</b> 3999:24  <b>hold</b> 4018:2 4028:21          4056:20  <b>holding</b> 4018:2 4080:19  <b>holding</b> 4017:13  <b>honorable</b> 3969:4  <b>hope</b> 4008:8  <b>Hopefully</b> 3975:13  <b>hoping</b> 4020:1  <b>horizontal</b> 4022:15  <b>hospital</b> 4034:12,24</p>	<p>4035:17  <b>Hostel</b> 4080:7  <b>hour</b> 3993:14  <b>house</b> 3992:15  <b>houses</b> 4022:10 4048:5  <b>HR</b> 3979:12 3980:7          4013:11  <b>human</b> 3979:15  <b>hyperbole</b> 4051:10</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>idea</b> 3985:3,17 3986:5          3986:24 4018:10          4037:7  <b>identical</b> 3971:12  <b>identification</b> 4071:1  <b>identified</b> 4070:25  <b>identify</b> 4043:16          4068:20  <b>identity</b> 4044:7  <b>illegal</b> 3975:5 4003:21  <b>illegally</b> 3974:21  <b>illiterate</b> 4007:12          4008:5  <b>IM</b> 3971:18 3972:1  <b>imagine</b> 3975:21  <b>Impala</b> 3983:3 4022:11  <b>impasse</b> 4017:3  <b>Implats</b> 3978:15,15          4019:2  <b>implemented</b> 4056:24  <b>imply</b> 4025:14  <b>important</b> 3987:18          3990:22 4000:21          4026:9 4050:17          4058:11  <b>Importantly</b> 3980:2  <b>impossible</b> 4037:18          4051:4  <b>impression</b> 3969:19          4032:6  <b>inappropriate</b> 4011:18          4011:20  <b>inasmuch</b> 4058:19  <b>Inaudible</b> 4010:17          4079:20 4081:22  <b>incentives</b> 4007:9,10  <b>incident</b> 4028:2          4032:24  <b>incidents</b> 3990:3          4012:8 4043:12          4056:15  <b>included</b> 4019:2 4054:8  <b>including</b> 3977:8          3984:12 4017:7          4037:16 4052:5,19          4063:23  <b>inclusion</b> 4048:24  <b>incorrect</b> 4051:11,19          4052:5 4061:15  <b>increase</b> 3969:22,23          3970:15,15,16 4022:1          4024:24 4053:21          4054:8 4075:2  <b>increased</b> 3974:22          3977:16</p>	<p><b>increases</b> 4020:5          4023:7,12,13,16,22          4036:20,21  <b>increasing</b> 3992:24  <b>increment</b> 4007:7  <b>indebted</b> 4052:8  <b>indicate</b> 3972:22          3996:1 4025:17          4058:7 4060:14          4073:15  <b>indicated</b> 3970:8          3975:19 3980:5          3982:22 3983:20,22          3984:4 3985:8,20          3987:14 3988:20          3989:12 3992:12          3993:21 3997:5          3998:20 4002:10          4027:20 4031:3,9          4033:12 4038:17          4042:9 4043:5 4044:8          4054:4 4058:16          4060:10 4075:14  <b>indicating</b> 4052:23  <b>individual</b> 3999:17          4000:23 4014:24  <b>individuals</b> 4058:18  <b>industrial</b> 3973:7          4003:6,16 4020:10  <b>industry</b> 3983:1,6,14          3983:15,18 3999:25          4005:18 4007:6          4008:3 4021:8,18          4022:3  <b>industry—wide</b>          4021:12  <b>information</b> 3981:20          4017:22 4018:3          4027:5 4035:3 4059:5          4080:14  <b>informed</b> 3985:13          3986:12 3990:3          3996:17 4033:11  <b>initial</b> 3981:5  <b>initials</b> 4067:2  <b>initiated</b> 3981:21          4008:13  <b>initiative</b> 3980:20          3982:3  <b>initiatives</b> 3983:23  <b>injured</b> 3999:5 4026:15          4032:14,19 4034:11          4042:24 4043:17          4044:6,23 4055:18  <b>injuries</b> 4044:18,24  <b>inputs</b> 4013:6,23  <b>inquired</b> 3998:1  <b>insist</b> 3980:4 3985:5          3987:6  <b>insisting</b> 4047:9  <b>insobar</b> 4026:8 4051:25  <b>instances</b> 4020:17  <b>instructing</b> 3998:2,23  <b>instructions</b> 4045:18          4045:19 4061:21  <b>intelligence</b> 4014:12</p>	<p>4059:5  <b>intelligent</b> 4037:7,20,23  <b>intended</b> 3978:7  <b>intention</b> 4010:3  <b>inter</b> 4048:1  <b>interacting</b> 4000:24  <b>interaction</b> 3985:10  <b>interest</b> 4056:8  <b>interested</b> 3973:4          3993:8  <b>interests</b> 4019:17  <b>internally</b> 3982:24,25  <b>interpret</b> 4073:8  <b>interpretation</b> 3969:18          3969:23 3970:12  <b>interpreter</b> 3970:1,19          4010:5 4019:22          4071:18 4073:6,7  <b>interpreting</b> 3970:7  <b>interrupt</b> 3976:19          3984:13 4022:17          4027:24 4069:10  <b>intervene</b> 3988:5  <b>intervention</b> 3982:5          3988:13  <b>interview</b> 4034:8          4047:16  <b>intimidated</b> 4014:2          4035:4,20  <b>intimidation</b> 4035:12          4052:17 4056:3          4060:5  <b>intransigent</b> 4015:19  <b>introduced</b> 3973:18,19  <b>investigated</b> 4026:14  <b>investigation</b> 4027:2,7          4027:21,22  <b>investigations</b> 4026:25          4028:19  <b>invitation</b> 4048:12,13  <b>invite</b> 4049:16,21  <b>invited</b> 4048:1 4050:6  <b>involve</b> 4020:14          4062:25  <b>involved</b> 3975:20          3977:12 3978:6          3981:5 3985:6,18          3986:6,25 3987:7,9          3987:25 4014:16          4027:21 4043:2,5          4045:6 4056:17          4057:4,14  <b>involvement</b> 4013:4          4014:23 4015:1          4049:8,14 4062:16  <b>involving</b> 3977:8          4037:8  <b>irrelevant</b> 4044:5  <b>irresponsible</b> 4060:5,8  <b>isn't</b> 3975:7,16 3982:1          4033:8 4051:16  <b>isolating</b> 4026:2  <b>issue</b> 3973:1,10 3981:4          3983:3,3 3985:5          3987:6 4000:1,4          4004:23,24 4012:8</p>	<p>4013:5 4014:15          4015:18 4021:1,6          4025:20 4030:15          4034:13 4052:9  <b>issues</b> 3972:23 3979:23          4000:9,10,16 4001:14          4001:25 4016:10          4032:23 4038:18          4052:24 4059:21          4062:22  <b>it's</b> 3971:10 3972:24          3973:1,12,16,17          3974:10 3975:6          3977:1,15 3978:7,24          3978:25 3979:1          3980:10,15,16          3981:15 3982:8,8,17          3982:19 3983:8,21          3984:16 3987:10,18          4005:15,25 4006:3,17          4019:24 4026:10          4033:5,25 4040:6,11          4045:13 4056:21          4057:25 4058:21          4060:9 4061:17          4067:5 4069:25          4070:7  <b>I'd</b> 3969:4 3970:22          3971:4 3973:15          4001:12 4005:20  <b>I'll</b> 3971:21 4003:1          4019:24 4021:23          4025:13 4026:12,13          4026:19 4039:1          4046:24 4073:19  <b>I'm</b> 3971:20 3972:6,9          3973:11 3979:2,4          3980:14 3983:22,24          3984:9 3985:24          3986:21 3987:1          3989:10 4004:1,2          4005:15 4019:21          4020:12 4021:3,24          4024:14,21 4027:21          4028:11 4029:11          4032:11 4036:8,8,12          4036:16 4037:13,19          4043:7 4045:17          4059:22 4061:14,15          4072:11 4073:17          4076:6 4079:15  <b>I've</b> 3970:9 4039:13  <b>i.e</b> 4021:12 4042:14</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>ja</b> 3994:1,4 4004:1          4006:24 4009:21          4010:10,16 4021:2          4024:21 4030:22          4045:11 4047:25  <b>jail</b> 4026:1  <b>jam</b> 4015:14 4016:16          4016:17 4017:2,3,8  <b>JANUARY</b> 3969:1  <b>Jerry</b> 3979:17  <b>job</b> 3983:20 4007:14</p>
--	--	--	---	---

<p><b>JOC</b> 4059:9  <b>join</b> 4067:20  <b>journal</b> 3972:2  <b>July</b> 3975:6 3979:6  3984:14,21 4038:7  4041:14 4074:2  <b>jump</b> 4036:16  <b>June</b> 3974:20 3975:1  3979:6  <b>junior</b> 3969:9  <b>justifiably</b> 4038:23  <b>justify</b> 4042:14,15,21</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>Karee</b> 3974:20 3979:13  3979:15 4048:17  4057:18,19,23,24  4064:5 4075:6  <b>key</b> 4000:16 4015:14  4048:19  <b>kill</b> 4010:3,3 4012:14  4012:20 4032:9  4068:25,25 4069:12  <b>killed</b> 3996:22 3998:4  4032:4  <b>killing</b> 4001:21 4002:4  4002:6,24 4052:16  4069:15  <b>killings</b> 4048:1  <b>kind</b> 4011:23 4017:2  4026:12 4030:2  4032:6 4045:15,22  4055:25  <b>kinds</b> 4009:6  <b>knew</b> 3992:19,23  3993:1 4016:9,18  4020:20 4034:5  4044:12  <b>know</b> 3975:23 3979:9  3979:10 3982:9  3984:3 3989:11  3991:18 3994:23  3996:20 3997:2,7  3998:9,24 3999:8  4005:7 4008:13  4015:17 4016:18  4017:25 4018:9  4021:6 4026:7,21,24  4027:5,15,22 4028:12  4028:14,17,18  4031:23 4033:10  4034:3 4041:25  4043:4,5,6,6,19  4044:3,6,7,9,16,17,19  4045:15,23 4048:17  4050:17 4051:24  4055:17 4059:11  4061:2,4 4062:14  4063:1 4064:3 4066:7  4074:14 4075:1  <b>knowledge</b> 3989:25  4027:8,19 4040:4  4044:5,14 4075:4,11  4076:7  <b>knows</b> 4043:21  <b>kombi</b> 4063:24</p>	<p><b>koppie</b> 3992:20 4012:9  4018:7 4028:23  4035:6,9,19 4036:4  4062:2 4064:10  4068:17 4069:20  4070:18  <b>Kulukele</b> 4058:19  <b>Kwala</b> 4047:16</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>label</b> 4002:19  <b>labour</b> 4003:5,9,20  4004:3,4,10,24  4005:4,10 4014:18  4059:17,25  <b>lack</b> 4020:22  <b>language</b> 4005:21  <b>lapses</b> 4022:25  <b>large</b> 3994:7 4054:14  4054:19  <b>Larry</b> 4080:25  <b>Lastly</b> 4069:1  <b>late</b> 3989:20 3993:22  3993:23 4017:19  4057:11  <b>latest</b> 4014:11  <b>launching</b> 4006:22  <b>law</b> 4004:6 4053:21  4054:5,8 4056:14  <b>lawful</b> 4053:9  <b>lawyers</b> 3996:25  4027:3,6 4043:11  <b>lead</b> 4027:25 4073:17  4080:18  <b>leader</b> 4003:3  <b>leadership</b> 4048:16,16  <b>leading</b> 4000:25  <b>leaning</b> 3995:24  <b>learned</b> 4038:3,4  4043:14 4068:14  4069:21  <b>leave</b> 3993:11 4033:14  4038:1 4071:1  <b>leaving</b> 4072:5  <b>led</b> 3977:3 3989:6  4017:6 4061:13  <b>left</b> 3973:13 3992:15  3993:4,18,24 3994:1  3994:6 4058:19  <b>legal</b> 3969:5 3974:10  3998:8,9,13 4003:20  4044:11  <b>legitimate</b> 4039:23  <b>lengths</b> 4052:3  <b>letters</b> 4057:11  <b>let's</b> 4001:17 4004:22  4005:9 4022:16  4026:6 4031:16  <b>Let's</b> 4009:21  <b>level</b> 4058:7,20 4067:6  4076:22  <b>levels</b> 4058:21 4066:22  <b>lie</b> 4005:2  <b>limited</b> 4017:24  <b>line</b> 4039:23 4041:4  <b>lines</b> 3987:13</p>	<p><b>list</b> 3999:23  <b>listen</b> 3986:11 4065:17  <b>listened</b> 4030:8  <b>listening</b> 3995:18  4007:18,19 4065:15  <b>literally</b> 4046:10  <b>little</b> 3969:24 4057:23  <b>lives</b> 4060:4,10,25  <b>lock</b> 4015:14 4016:16  4016:17 4017:2,3,8  <b>logbook</b> 3975:5  <b>long</b> 4007:5 4041:20  4045:10 4058:24  4059:6  <b>Lonmin's</b> 3978:20  3979:22 3987:22  4039:24 4040:25  <b>look</b> 3976:23 3977:16  <b>looking</b> 3969:24  4010:14  <b>looks</b> 3972:1 4043:23  <b>lose</b> 4019:7,8,11 4020:2  4020:6  <b>loss</b> 4004:11 4020:15  4033:4  <b>lost</b> 4060:3,10,25  <b>lot</b> 4015:20  <b>lower</b> 3969:25 3970:10  3970:16,16 4058:21  4067:6  <b>lowest</b> 3969:21  <b>LPD</b> 3993:7,9,12  3994:6 3995:1,6  4065:1,10  <b>LRC</b> 3969:10 3998:1  <b>lunch</b> 4045:25 4051:23  <b>lying</b> 4031:7 4051:11</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Mabuyakhulu</b> 4044:2  <b>Madibe</b> 3979:18  <b>magazine</b> 3971:7  3972:11  <b>Mahlangu</b> 3970:4,6  3989:15 4036:8,12  4043:9  <b>Mail</b> 3971:12 3972:17  3973:6,9  <b>main</b> 3999:12  <b>maintain</b> 3980:4  <b>major</b> 4000:16 4027:6  <b>majority</b> 4008:6,8,11  4008:14 4009:4  <b>making</b> 3984:11 4004:2  4031:7 4052:10  <b>Malesela</b> 4071:16  4072:17  <b>Maloyi</b> 3985:1,2,5,5,10  3985:12,14,16,20  3986:3,8,10,13,19,22  3987:6,6,8,22,24  3988:5  <b>management</b> 3974:18  3974:21 3980:10,11  3980:15,16,16  3981:20 3982:18</p>	<p>4001:8 4013:11,23  4018:18 4019:13,18  4048:19 4056:5  4062:8,15 4067:24  4075:18 4076:10  4077:24 4078:2,14  4080:23  <b>manager</b> 3979:15  4066:18  <b>managers</b> 3983:1  <b>manner</b> 4047:8  <b>march</b> 3975:5,7,9  <b>marched</b> 3974:21  <b>mass</b> 4057:12 4076:10  4078:24 4079:9  4081:9,13  <b>massacre</b> 4000:17  4001:1  <b>materialised</b> 4057:12  <b>MATHEBEDI</b> 4053:1  4053:6,12,16,20,25  4054:7,13,18  <b>Mathibedi</b> 4052:9,12  4052:15,21 4054:22  4055:4,8,14,17,21,24  4056:6,11,16,19,23  4057:2,7 4058:3,10  4058:13,23 4059:3,6  4059:8,15,22 4060:2  4060:7,11,23 4061:5  4061:8,11,21,25  4062:6,14,21 4063:1  4063:6  <b>Mathunjwa</b> 4032:1  4058:8,16  <b>matter</b> 3971:14 3978:3  3981:14,24 3982:8,8  3982:23,23 3983:2  3985:6 3987:7,10,25  3988:1,6,7,13 3991:4  4000:12 4014:23  4042:6 4046:21  4066:20 4072:13  4078:15 4079:1  <b>matters</b> 3977:17  4003:4 4040:1  4065:23 4066:17  4073:18,20 4076:19  4078:14  <b>Mbombo</b> 4031:11  <b>mean</b> 3983:14 4014:23  4022:2 4050:18  4051:10 4053:25  4055:11 4077:1  <b>means</b> 4008:10 4042:1  <b>meant</b> 4054:2  <b>measures</b> 4053:9,22,23  4054:8 4055:24  4056:7,11 4057:7  <b>media</b> 3972:23,24  <b>meet</b> 4009:7 4017:9  4058:7,19 4064:11  <b>meeting</b> 3990:22,23  3991:2 3992:13  4001:3 4014:19  4029:12,21 4031:3,19</p>	<p>4047:2 4048:1,13,18  4048:20,20 4057:12  4061:22 4062:1  4066:11 4068:14  4069:23 4076:11  4077:8,16,20,22  4078:22,24 4079:4,7  4079:10 4080:19  4081:3,9,13  <b>meetings</b> 3983:17,25  3988:11 3993:14  4001:6,17 4002:21  4009:6 4013:5,7  4014:12 4015:4  4017:14 4018:18,21  4028:20 4029:13,13  4029:14 4048:7,7,16  4050:6,8 4079:10  4081:17  <b>member</b> 3998:11  4032:21 4034:2  4064:8 4074:4  <b>members</b> 3988:23  3989:3 3992:21  3996:23,25 3997:4,13  3997:19 3998:5,18  4009:16 4010:2,6  4013:19 4014:24  4017:7 4018:7,21  4026:23 4027:1,13,18  4027:19 4030:5,19  4031:1 4032:14,18  4033:16 4034:4  4035:9,16 4047:3  4051:8 4053:3  4054:23,25 4055:22  4056:2,8,14 4057:1,4  4057:14 4058:1  4059:1 4063:14,20  4065:20 4066:2,16  4076:25 4080:15  4081:14,18  <b>membership</b> 4019:1,7  4019:20 4020:2,6  4033:4 4057:23  4067:14,24 4068:10  <b>memorandum</b> 3974:3  3974:4,18  <b>memory</b> 4002:23  <b>men</b> 4012:3  <b>mention</b> 3990:14,17  4000:1 4069:22  4070:22 4075:17  <b>mentioned</b> 4066:21  <b>message</b> 3992:7  <b>met</b> 3984:25 4002:9  4029:22  <b>metaphorically</b>  4024:14  <b>Mgema</b> 4043:25  <b>Michael</b> 3969:6  <b>microphone</b> 3995:25  <b>middle</b> 3982:9 3988:10  <b>Middlekraal</b> 3993:7  4063:14,19 4066:1,3  <b>migrant</b> 4008:5</p>
---	--	--	---	--

<p><b>migrants</b> 4008:6  <b>mike</b> 4019:22  <b>mildly</b> 4005:3  <b>mind</b> 3993:3 4002:5            4027:4 4039:24            4047:1  <b>mine</b> 3974:20 3997:18            3998:4 4014:11            4029:16 4070:1  <b>Mineral</b> 4047:25  <b>minerals</b> 4047:23,25  <b>miners</b> 4022:9  <b>mines</b> 4019:1 4022:8  <b>mining</b> 3971:17            3972:10 3973:8            3983:15 3992:15            3999:25,25 4007:5,13            4021:15 4022:9            4048:5  <b>minister</b> 4047:23            4050:7  <b>minutes</b> 3983:17,19,25            3993:14 4001:15            4045:13 4065:19            4071:12  <b>misheard</b> 4040:21            4041:1  <b>mistake</b> 3970:19            4031:7 4047:12  <b>mistaken</b> 4047:6  <b>Mohilwa</b> 4028:15  <b>Moloi</b> 4070:17  <b>moment</b> 4040:10            4081:21  <b>Monday</b> 4044:22,23            4071:13 4081:24  <b>money</b> 3976:12 3977:8            3979:20 4025:3            4038:18  <b>mooted</b> 4044:22  <b>morning</b> 3971:1,2            3993:5 3994:20            3995:2 4031:18            4041:13 4054:15,20            4080:13 4081:24  <b>Motau</b> 3976:13,21            4038:4  <b>motive</b> 4010:2  <b>mountain</b> 4002:20            4008:9 4014:25            4030:4,11,12,13,19            4030:21,25 4031:4            4032:1,2 4035:6            4047:10  <b>move</b> 3996:3 4019:24            4028:11 4036:15            4049:2  <b>moved</b> 3996:8 4011:6            4023:3  <b>movements</b> 4032:5  <b>moving</b> 4013:3 4029:11  <b>Mpembe</b> 3990:25            3991:3,11,16 4002:9            4002:14 4029:22            4030:10,23 4031:7            4047:9 4051:6,9,10</p>	<p>4051:18 4052:6            4061:23 4068:15            4069:24  <b>Mpembe's</b> 4030:1  <b>Mpembe's</b> 4051:12  <b>Mpofu's</b> 4042:3  <b>murdering</b> 4012:18  <b>mustn't</b> 4055:10</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>name</b> 3969:5,6  <b>names</b> 4043:5 4044:12            4070:25  <b>narrative</b> 4070:22  <b>naturally</b> 4036:3  <b>nature</b> 4013:6 4017:2  <b>Ndamase</b> 3979:18,20            3980:2,7,11,11,15,16            3980:23 3981:1,6,24  <b>near</b> 4012:9 4026:15            4028:22 4063:20            4080:19  <b>necessarily</b> 4009:9            4017:10 4081:18  <b>necessary</b> 3996:7            3997:23 4015:4            4044:21 4053:9            4056:19 4075:22  <b>need</b> 3973:18 3974:6            3975:23 3977:15            3979:3 3985:18            3986:6,25 3987:9            4037:11 4046:21  <b>needs</b> 3976:25  <b>neglected</b> 4020:23  <b>negotiate</b> 4000:18            4022:9 4025:12,14,16            4025:17 4038:15            4059:17,25 4068:9  <b>negotiated</b> 3981:8,16            3988:1,7  <b>negotiating</b> 4022:1            4026:3  <b>negotiation</b> 3976:5            3985:4 4025:15            4062:8  <b>negotiations</b> 3977:10            3982:25 3991:23            4038:21 4040:6            4050:11 4066:21,22  <b>negotiator</b> 3981:13,17            3991:7 3995:16            4040:8  <b>neither</b> 3970:19 3980:2  <b>never</b> 3993:3 4019:17            4027:4 4076:11  <b>nevertheless</b> 3989:2  <b>new</b> 4071:24  <b>news</b> 3971:17 3972:11            4065:17  <b>newspapers</b> 3973:12  <b>night</b> 4043:22  <b>Nkisi</b> 3979:9,9,17,20            3980:3  <b>non</b> 4049:6  <b>non-committal</b> 3979:21</p>	<p><b>non-striking</b> 4053:4  <b>norm</b> 4057:25 4062:25  <b>normal</b> 3988:7 3991:23            3993:13 4060:15            4065:9  <b>normally</b> 3972:14,16            3972:22 3993:2            4026:22 4032:21            4062:18  <b>note</b> 4046:21 4080:1  <b>notes</b> 3983:16,25            3984:4  <b>notice</b> 4002:20  <b>noticeable</b> 4031:15  <b>noticed</b> 3971:17  <b>noun</b> 4010:13  <b>Ntathe</b> 3985:19 3986:7            3986:10,13  <b>Ntsebeza</b> 3996:3,9,10            3996:14,17,18,20            3997:2,9,15,22            3998:14,22 3999:2            4032:13  <b>number</b> 4017:24            4064:10 4070:13            4071:20 4073:18            4079:16  <b>numbers</b> 3989:7            3992:24  <b>NUM's</b> 4036:20            4040:13,23,23 4042:3            4042:8,12,12 4059:24  <b>Nyala</b> 4070:18  <b>Nyalas</b> 4031:20</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>oath</b> 3969:13 4011:7            4046:8 4072:22            4073:1  <b>object</b> 3981:6 4051:4  <b>objected</b> 3981:12,13            3987:22 4050:8  <b>objection</b> 3982:5,20            4040:22 4041:3,5  <b>oblivious</b> 4011:16  <b>observed</b> 4013:14  <b>obvious</b> 4049:21            4052:2,10 4055:11  <b>obviously</b> 3984:15            3996:17 4015:21            4026:1 4040:12  <b>occasion</b> 4031:19  <b>occur</b> 4003:15  <b>occurred</b> 4041:12  <b>offered</b> 3976:4 3977:25  <b>office</b> 3985:1 3995:17            4026:23 4028:13            4033:9,17,24 4080:2            4080:2,5,11  <b>officers</b> 3992:25            4053:22 4054:15,20  <b>offices</b> 3993:7,9,12            3995:2,6 4026:15            4028:22 4032:22            4034:19 4042:25            4055:5</p>	<p><b>official</b> 4041:9 4058:20            4074:9  <b>officially</b> 4018:1  <b>officials</b> 4058:4,14,24            4062:1 4078:22  <b>oh</b> 3977:1 4029:12  <b>okay</b> 3972:12 3979:3            3994:1 3996:12            4002:1,12 4003:1            4004:1 4005:9            4007:23,24 4009:21            4009:24 4014:17,21            4015:13 4019:24            4022:13 4025:8            4026:6 4027:13,17            4029:25 4031:6,25            4032:10 4037:4            4038:1,20 4044:3,13            4047:20 4073:22  <b>once</b> 3978:7 3982:8            4004:10,20 4021:23            4039:16  <b>ones</b> 4032:15 4034:11  <b>online</b> 3971:6  <b>OO17</b> 3978:24  <b>open</b> 4081:17  <b>opening</b> 3999:11,21  <b>openly</b> 4059:18  <b>open-ended</b> 4002:2  <b>operate</b> 4037:8  <b>operation</b> 4004:10,12            4073:24 4075:5  <b>operations</b> 4075:8  <b>operators</b> 3974:19            3978:1 3982:9            4023:12 4025:19            4074:20 4075:8  <b>opinion</b> 3988:19  <b>opportunity</b> 4045:18  <b>opposed</b> 4021:7 4077:5  <b>opt</b> 4011:25  <b>option</b> 4038:8 4056:23  <b>options</b> 4056:22  <b>oral</b> 3970:14 4006:21  <b>order</b> 3978:2 3991:24            3992:2 4065:20            4073:11  <b>ordinary</b> 4042:5,15            4080:11  <b>organisation</b> 4049:17            4063:15,20  <b>original</b> 4071:19  <b>outraged</b> 3978:16,20            3982:17 3988:17  <b>outside</b> 3985:3,20,21            3986:14,16,20            3991:23 4004:3,16            4017:1 4020:10            4037:15 4038:8,15,23            4039:4,9,15,19            4040:14 4042:5,15,25            4050:21 4059:17,25            4062:9  <b>overtaken</b> 4019:1,3  <b>o'clock</b> 4065:14            4066:10 4080:3</p>	<p><b>o'clock</b> 3993:18 3994:3            3994:7 4080:10            4081:24</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>page</b> 3978:25 3979:1,1            3979:15 3984:5,6,6            4006:17 4007:21            4013:9 4022:21            4053:13,14  <b>pages</b> 3973:22  <b>paginated</b> 3984:6  <b>paid</b> 3969:21,25,25            3986:5 4005:17            4006:8  <b>paper</b> 4005:23  <b>paragraph</b> 3974:18            3979:5,6,14 3980:1            3984:9,12,15,19,22            3984:24 3986:18,22            3987:16,17 4006:17            4007:20,25 4008:1            4053:14,20 4057:3            4069:21,24 4070:3,14            4075:17 4077:7            4079:22 4081:7  <b>paragraphs</b> 4057:17  <b>paraphrase</b> 4005:16  <b>pardon</b> 3977:2  <b>part</b> 3982:18 3999:6            4002:19 4003:6,16            4005:16 4047:12            4048:20 4062:2            4069:3 4070:15  <b>participants</b> 4013:7,10  <b>participate</b> 3988:23            3989:1,3 4015:4  <b>participated</b> 4008:22            4040:5  <b>participating</b> 4035:5  <b>particular</b> 3982:19            4000:23 4004:9,12            4005:7 4013:21            4015:9 4039:25            4068:5,6 4075:5  <b>particularly</b> 4027:21  <b>parties</b> 3973:21 3977:9            3977:11 3999:12,17            3999:22 4000:25            4011:5 4017:7 4059:7            4071:22  <b>parts</b> 4052:5  <b>party</b> 4000:23  <b>pass</b> 3998:25  <b>passage</b> 4006:14,25  <b>Paton</b> 3971:10  <b>pattern</b> 4008:2  <b>pay</b> 4007:10  <b>payment</b> 4075:19  <b>payments</b> 4078:2  <b>peaceful</b> 4062:3  <b>people</b> 3969:19            3992:19 3996:22            3998:2,8 3999:13            4002:10,20 4008:9,11            4008:18 4009:7,14</p>
--	---	--	---	--

<p>4010:3,12 4012:3,4 4012:15 4013:16,21 4013:24 4014:1 4016:12 4017:19 4023:12 4026:14,17 4026:18 4027:25 4030:21,25 4031:4 4033:9,14 4034:24 4035:4,8,18,19 4036:1,4 4038:12,24 4039:10,17 4040:14 4042:4,24 4044:10,15 4047:10 4052:17 4055:17,18,21 4060:3 4060:10,25 4061:3 4064:10,17 4078:25 <b>perceive</b> 4019:17,19 <b>perceived</b> 4020:4 <b>perceptions</b> 4007:5 <b>Perfect</b> 4045:7 <b>perfectly</b> 3976:20 <b>period</b> 3975:16 3976:3 3979:6,17 4031:16 <b>permissible</b> 3976:20 <b>persisted</b> 4060:12,20 4060:21,24 <b>person</b> 3986:9 3996:21 3997:3 4003:4 4005:7 4005:10 4011:22 4043:24 <b>personal</b> 4075:10 <b>personnel</b> 3980:7 4013:15 4054:9,12 4059:5 <b>persons</b> 3999:5 4032:14 4034:4 4043:17 4044:7,23 4067:15 4078:5 <b>persuade</b> 4002:11 4016:5 4060:14 <b>persuaded</b> 4015:24 4030:10 <b>persuading</b> 4067:23 <b>pertains</b> 4062:22 <b>phase</b> 4021:14 <b>phenomenon</b> 4003:5 <b>phone</b> 4017:25 <b>photographs</b> 4047:4,7 <b>photos</b> 4051:6 <b>phrase</b> 4078:17 <b>phrased</b> 4041:8 <b>phrases</b> 4066:22 <b>pick</b> 4001:14 <b>picture</b> 3970:21 <b>pictures</b> 4030:24,25 4031:3,8 4047:12 4051:6 <b>Pillay</b> 3973:24,25 4071:21,24 4072:2,6 <b>pinpoint</b> 4002:3 <b>placards</b> 4005:8 <b>place</b> 3971:4,14 3972:6 3973:15 3975:16 3989:25 3997:24 4028:24 4038:21 4048:17 4056:7</p>	<p>4057:8 4062:9 4066:12 <b>placed</b> 3997:18 <b>places</b> 4060:15 <b>plan</b> 4014:14 <b>planning</b> 3975:25 4000:10 <b>platinum</b> 4007:8 4021:13,18 4022:7,12 4073:24 4074:6 4076:10 4080:2 <b>Plats</b> 4019:3 <b>played</b> 4069:11 <b>please</b> 3970:22 3977:3 3980:13 4001:13 4019:22 4021:22 4023:9 4034:17 4055:10 4072:8,15 <b>plight</b> 4032:19 <b>podium</b> 4046:24 <b>point</b> 3970:20 3975:10 3975:14 3976:14,18 3982:15 3983:4 3984:14 4003:13 4004:1 4006:1,11 4010:25 4012:2,12,17 4012:21 4013:21 4021:11 4024:21 4025:5,18,18 4026:12 4027:25 4030:22 4040:9,15 4042:10,18 4050:16 4052:9 4070:23 <b>pointed</b> 3985:3 3986:19 4011:15 <b>points</b> 4028:6 4064:23 <b>police</b> 3992:25 3993:2 3994:8,10,13,20,24 3995:3 3999:14 4000:8,8,11,25 4001:8,9,16 4002:4,6 4013:11 4014:4,6,11 4014:15,15 4027:3,6 4031:15,22,24 4032:9 4033:16,18 4052:14 4052:23 4053:7,21 4054:9,11,15,20 4056:5 4059:4,9,12 4062:2,7,10,11 4080:6 <b>policeman</b> 3993:5 <b>policemen</b> 4001:22 4002:7 <b>policy</b> 4062:14 4063:3 4076:22 <b>pose</b> 4009:14,15 <b>posed</b> 4041:2 4053:3 <b>position</b> 3979:11 3998:9 4015:18 4018:2 4039:6 4065:21 4067:14 4068:1 4076:25,25 4078:9 <b>positively</b> 3987:9 <b>possible</b> 3975:6,18 3993:20 3994:4</p>	<p>3995:4 3998:21 4016:1 4020:18 4025:7,8,9,11 4033:16,19 4054:10 4055:6 4058:15,18 <b>possibly</b> 4010:8 4035:5 <b>postulated</b> 4047:19 <b>post-Labour</b> 4003:13 <b>Power</b> 3969:3,6,11 <b>precise</b> 3971:13 <b>precisely</b> 4078:12 <b>precluded</b> 4024:9,9 <b>predicted</b> 4044:21 <b>prefer</b> 4017:18 <b>prejudice</b> 4071:12 <b>premises</b> 3993:5 <b>prepared</b> 4012:16 4059:17 4072:8,11 <b>prescripts</b> 4004:4 <b>presence</b> 4070:21 <b>present</b> 3989:13,18 3990:21 4001:10 4028:1 4029:12,21,24 4029:25 4039:5 4042:7 4048:4,8 4078:5 4079:3 <b>presented</b> 4034:22 <b>presently</b> 4073:23 <b>president</b> 3983:10,21 3989:21,22 3991:19 4017:20 4030:3,7,12 4030:14,18 4048:11 4051:7 4068:17 4081:1 <b>press</b> 3995:3,5 <b>presumably</b> 3974:12 <b>presume</b> 4039:6 4071:8 <b>prevented</b> 4026:1 <b>prevention</b> 4041:19,22 <b>previous</b> 3984:15,21 3994:13,24 4059:13 4077:1 <b>previously</b> 4071:21 <b>primary</b> 4000:23 4015:7 4018:3 <b>principle</b> 4020:21 4021:12 <b>principles</b> 4010:22 4021:5 <b>privilege</b> 4000:24 <b>probably</b> 4037:6 4060:24 <b>problem</b> 3970:22 3979:22 3980:23 3992:2 4023:17 4025:19 4032:21,22 4035:2 4040:15,18 4057:20 4059:7 <b>problematic</b> 4037:1,3 <b>problems</b> 4021:14 4065:22 <b>procedures</b> 4059:12 <b>proceed</b> 3970:23 3977:4 <b>proceeded</b> 4046:13 <b>proceedings</b> 3969:1</p>	<p>3997:6,17 <b>process</b> 3975:20 3976:11 3978:8 3981:2,3 3982:14 3985:20 3986:12 3988:9,21 3997:8,10 3997:12 4003:24 4022:8 4025:15 4039:19 <b>processed</b> 4075:14 <b>processes</b> 4039:16,20 4041:15 4042:6 <b>produced</b> 4051:6 <b>production</b> 4004:11 <b>production-critical</b> 4007:4 <b>profession</b> 4011:14 <b>progression</b> 4007:12 <b>pronounced</b> 4001:21 <b>proper</b> 3976:14 <b>properly</b> 4024:18 <b>properties</b> 4060:4 <b>property</b> 4052:17 4059:10 <b>proposal</b> 3978:6 <b>proposals</b> 4022:22 <b>propose</b> 4040:9 <b>proposed</b> 3987:22 <b>proposition</b> 3987:10 4005:24 4009:22,25 4010:1 4019:25 4046:22 4051:5 4052:4 <b>propositions</b> 4021:23 4032:12 4038:2,5 4039:25 <b>prospect</b> 4007:11 <b>protections</b> 4004:6 <b>protest</b> 4059:20 <b>protesters</b> 4063:21 <b>protestors</b> 4053:8 <b>protocol</b> 3985:4 3988:8 <b>protocols</b> 3985:21 3986:14,20 <b>prove</b> 4047:4 <b>provided</b> 3998:8 4040:11 4061:13 <b>provides</b> 3975:5 <b>prudent</b> 4056:7 <b>public</b> 4053:4 <b>publication</b> 3971:23 3973:3 <b>published</b> 3971:6,11,12 3971:17 3972:10 <b>purpose</b> 4061:25 4077:19 <b>pursuant</b> 4074:16 <b>push</b> 4020:22 <b>put</b> 3969:5 3976:14 3978:6 3982:16 3987:4,8,11,18 3988:15 3990:8,11 3999:10 4005:3,9 4006:15,19 4014:22 4017:17 4019:21 4021:23 4024:23</p>	<p>4026:11 4030:1,15 4031:25 4038:5,5,9 4038:20 4039:2,8,25 4040:1 4041:11 4042:1 4046:22 4050:20 4051:5,18 4052:4 4056:7 4057:8 4061:8 4062:21 4074:24 4077:4 4078:12 <b>putting</b> 3972:9 4008:7 4009:21 4012:24 4014:23 4019:22,25 4024:22 4037:19 4074:20 <b>P-O-W-E-R</b> 3969:6</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified</b> 4012:10 <b>qualify</b> 4008:23 4032:21 <b>quarter</b> 3993:18 <b>query</b> 4039:22 <b>querying</b> 4048:24 <b>question</b> 3972:13 3973:3,3,4,14 3976:20,24,24 3985:22,23 3986:2,3 3987:3,13,18,19,19 3995:24 3996:11 4000:6 4009:3,4,5 4010:20 4019:23 4023:10 4026:19 4030:17 4036:19 4038:25 4039:12 4040:7,11,13,21,22 4041:2,2,4,8,8,20 4042:2,3,13 4044:6 4049:1,14 4050:2,4,5 4050:14,25 4051:14 4051:17,20 4052:3,5 4054:16 4057:12 4059:23,23 4060:18 4060:19 4061:7 4062:22 4063:12,16 4065:4 <b>questions</b> 3969:14 3971:4 3977:6,7,7,8 3980:6 3985:9 3995:21,23 3996:2,16 4017:17 4026:13 4046:10,12,17,18 4047:22 4051:2,3,5 4055:11 4061:9,13,16 4061:20 4063:6,9 4067:12,14 4068:13 4071:3,6 <b>quickest</b> 4019:7 <b>quite</b> 3975:22 4006:3 4021:10 4037:7 4047:23 4050:16 4052:2 <b>quote</b> 4005:21 <b>quoting</b> 4049:4</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/>
--	--	--	---	--

<p><b>radio</b> 3995:9,18 4065:15 <b>raise</b> 3971:14 3976:14 3976:19 4013:20 4036:23 4072:15 <b>raised</b> 3979:23 3986:13 3986:13 4013:19 4023:20 4048:19 4069:21 <b>raises</b> 4051:5 <b>raising</b> 4059:21 4066:17 <b>range</b> 4000:9 <b>rapid</b> 4033:4 <b>rate</b> 3974:22 <b>RDO</b> 3974:10 3975:5 3985:2 3988:23 4007:10 4023:17 4037:14 <b>RDOs</b> 3974:20 3975:9 3975:9 3976:4 3979:20,22,23 3980:3 3980:23 3988:11 3992:20 4005:17 4006:4 4007:3,12 4008:2,9,11,13 4009:4 4020:9,11,23 4020:23 4021:1,6,7,7 4022:1,3 4023:2,20 4024:10,24 4025:3,12 4037:7,8,10,18 4038:8 4049:6 4075:20,24 4076:2,20 4077:12 4078:3,6,8 4078:25 4080:18 <b>RDO's</b> 4006:18,19 4007:2 <b>reach</b> 4024:18 <b>reached</b> 4022:22 4023:25 4042:11 4045:14 <b>reaction</b> 4076:6,7 <b>read</b> 3972:14,15,17 3973:8 3979:5,25 3980:1 3984:9 3987:17 4005:24 4006:14,19,24 4007:1 4008:1 4044:12 4053:16,18 4069:25 4072:24 <b>reader</b> 3973:11 <b>reading</b> 3973:6 4007:25 <b>reads</b> 3984:24 <b>ready</b> 4071:8,14 <b>real</b> 3975:14 4007:10 4049:17 4050:15 <b>realisation</b> 4060:12,19 <b>realise</b> 4060:8 <b>realised</b> 4020:4 <b>reality</b> 4003:16 <b>really</b> 3975:10 3976:2 4009:13 4035:21 4045:9 4049:3 4050:2 4050:10 4052:7 4055:12 4070:24</p>	<p><b>reason</b> 4011:4 4015:7 4020:5,14,19 4025:3 4028:22 4030:16 4033:8 4039:9 <b>reasons</b> 4008:7 4019:15 4019:15 4020:14 4033:13 4072:4 <b>recall</b> 3969:20 3975:8 3981:9 3987:2,23 3988:2 4018:19,23 4020:25 4028:16 4029:16 4032:25 4043:14 4048:14 4060:1 4063:4 4066:2 4066:19 4069:10 4077:11 4079:24 <b>recalls</b> 3986:7 <b>receive</b> 4064:12,15 <b>received</b> 3969:21,22 4014:8 4035:3 4064:7 <b>recognised</b> 4015:6 <b>recognising</b> 4004:12 <b>recognition</b> 4004:9 <b>recollection</b> 4030:20 4047:7 <b>record</b> 3969:4,5 3971:4 3971:14 3972:6 3997:18,24 4007:2 4053:17,19,19 4069:25 <b>recur</b> 4057:9 <b>reduced</b> 4003:10 <b>reeking</b> 4049:7,14 <b>reemployed</b> 4057:24 <b>refer</b> 3973:9,16 3983:5 3983:8 3984:1 4044:24 4053:13 4070:3 <b>reference</b> 3984:20 3999:6 4070:19 <b>referred</b> 3971:5,11 3972:22 3975:15 3977:13 3984:15,16 4078:1 <b>referring</b> 3973:12 3983:6,13 4010:6 4016:17,17 4028:2 4070:18,19 <b>refers</b> 3975:6 <b>reformulate</b> 3987:13 4041:3 <b>refusal</b> 4000:17 4030:3 4030:18 <b>regard</b> 3982:6 4011:5 4055:4,15 4057:2 <b>regarded</b> 4022:24 4024:4 <b>regarding</b> 4018:14,22 4051:18 4068:14 <b>regime</b> 4003:7,14 4025:11,14 4026:2 <b>region</b> 4006:8 <b>Regional</b> 3985:1 <b>regular</b> 4056:20 <b>regularly</b> 3973:6 <b>reinforcement</b> 4054:9</p>	<p><b>reinstate</b> 4067:24 4068:10 <b>reinstated</b> 4068:2 <b>reinstatement</b> 4067:12 4068:1,9,11 <b>reject</b> 4075:24 <b>relates</b> 4069:15 <b>relating</b> 4000:11 <b>relation</b> 3970:15 3978:14 3979:4 4000:7,12,15 4002:4 <b>relations</b> 3973:8 4003:5 4003:7,9,13,17 4004:4,24 4005:5,10 4014:18 <b>relationship</b> 4054:23 <b>relative</b> 4007:6 4034:1 <b>relatives</b> 4034:19 <b>release</b> 4033:20 <b>released</b> 4033:22 <b>relevant</b> 3976:3 4006:14 4010:20 <b>rely</b> 4017:22 <b>remainder</b> 3973:21 3997:25 <b>remaining</b> 4074:12 <b>remember</b> 3976:22 4012:7 4023:17 4036:17 4038:9,10,24 4039:10,11 4047:4,5 4047:22 4049:12 <b>remind</b> 4010:21 <b>repeat</b> 3980:12 3986:1 4019:23 4023:9 4054:16 4059:23 4065:3 <b>repeated</b> 4065:19 <b>repeatedly</b> 4016:20 <b>repeating</b> 4005:25 <b>report</b> 3986:4 4013:17 4013:25 4018:13,17 4018:20 4032:22 4033:9 4056:3,14 4064:7 4066:3 4077:20,21,23 4080:17 <b>reported</b> 3980:22,25 3981:1 3987:1,21 4012:8 4014:3 4015:25 <b>reporting</b> 3986:8 4080:11 <b>reports</b> 3981:24 3992:16 4064:13 4066:17 <b>represent</b> 3997:24 3999:5,14 4008:11 <b>representation</b> 3998:6 3998:8,17 <b>representatives</b> 3979:8 4042:7 <b>represented</b> 3976:17 3977:21 3978:2 3997:6 3998:1 4038:4 4050:12,12,19,19 <b>representing</b> 3986:9</p>	<p>3997:18 3998:10 4038:12,13 <b>request</b> 4081:8 <b>requested</b> 3986:10 3991:22 4032:25 4081:3 <b>requests</b> 4013:15 4017:9 <b>require</b> 4066:17 4071:22 4073:15 <b>requires</b> 4007:14 4039:23 <b>resisting</b> 4051:22 <b>resolution</b> 4062:3 <b>resolve</b> 3991:4,24 <b>resolved</b> 4004:23 4076:2 <b>resources</b> 3969:5 3979:15 4047:25 <b>respect</b> 3973:6 4007:13 4028:6 4055:14 4060:17 4061:11 4064:25 4066:21 4067:19 4070:25 4073:18 4076:7 <b>respectfully</b> 4039:22 <b>responded</b> 4014:9 <b>response</b> 4078:21 <b>responsible</b> 3999:17 <b>rest</b> 4008:4 4046:19 <b>result</b> 4055:22 4061:23 <b>resume</b> 4046:2 <b>resumes</b> 3969:2 4011:2 4011:3 4046:3,4 <b>retract</b> 4051:13,17 <b>retracted</b> 4052:6 <b>retracting</b> 4051:15 <b>retraction</b> 4051:16,22 <b>returned</b> 4066:3 <b>revealed</b> 4027:1 <b>reversed</b> 3969:23 <b>reviewal</b> 4003:9 <b>re-employed</b> 4067:16 4067:20 <b>re-employment</b> 4067:19 <b>re-examination</b> 3976:19 3977:1,3 4064:21,22 <b>re-examine</b> 4063:10 <b>re-examines</b> 4063:11 <b>right</b> 3970:22 3971:22 3978:23 3987:12 3990:15 3991:9 3992:21 3993:19 3995:3 3999:10 4001:12 4002:17 4003:11,25 4004:3 4006:25 4012:22 4023:4,25 4024:11 4025:5 4029:20 4032:10 4037:10 4062:20 4072:15 4078:3 4080:7 <b>rightly</b> 4019:19 <b>rights</b> 4003:10</p>	<p><b>risk</b> 4004:5 4049:20 <b>riskily</b> 4041:16 <b>rivalry</b> 4000:2,5 4055:24 <b>rock</b> 3974:19 3978:1 4023:12 4074:20 4075:8 <b>rocket</b> 4006:22 <b>Roland</b> 4043:6,10 <b>roles</b> 4013:6 <b>rounds</b> 4063:23,24 <b>route</b> 4009:1 4037:19 4037:20 <b>rules</b> 4039:16 <b>R12</b> 3974:22 4016:21 <b>R12,500</b> 4075:2 <b>R5</b> 3974:22 4006:9</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>sake</b> 4000:7 <b>salaried</b> 4074:12 <b>salary</b> 4062:22 4075:1 <b>SAPS</b> 3990:24 4070:18 <b>satellite</b> 4080:6 <b>satisfaction</b> 4047:9 <b>save</b> 4008:10 4073:11 <b>saw</b> 3993:6 3994:24 <b>saying</b> 3988:3 3997:9 4004:2 4008:24 4016:1,11,19 4021:3 4025:25 4037:14 4049:9 4057:20 4059:19 4061:14,15 4061:15 4079:6 <b>says</b> 3970:11 3986:18 3986:19 3987:5,16,20 4005:16 4008:1 4012:18 4022:21 4030:23 4051:8,10,13 4069:11 4070:16 <b>Schalk</b> 4038:3 <b>scheduled</b> 4017:14 <b>se</b> 4003:3 4020:11 <b>seated</b> 4072:20 <b>second</b> 4027:13 4066:10,20 <b>secondary</b> 3999:21 4000:5 <b>secretary</b> 3972:25 3979:18,19 3983:21 4057:19 4077:17 <b>sector</b> 4007:8 4021:13 4021:18 <b>security</b> 3992:13 3998:10 4001:8 4002:24 4013:12,14 4013:15 4014:7,11,19 4029:16 4059:5 4065:2,9 4066:10,18 <b>see</b> 3972:8,8 3974:17 3974:22,24 3984:22 3985:6,7 3989:22 3993:5 3994:7 3995:5 3995:7 3996:8 4000:4 4015:5 4024:8 4032:6 4032:8 4034:7,22</p>
--	--	--	---	--

<p>4037:24 4040:10                  4053:12 4059:7,14                  4070:3,9  <b>seeing</b> 3998:5 4054:14                  4054:19  <b>seen</b> 4069:6,7,15  <b>segment</b> 4014:18,19                  4062:16  <b>Sekwano</b> 3971:15  <b>Semenya</b> 3995:23                  3996:8 4051:2,3,24                  4053:23  <b>seminars</b> 4056:20,20  <b>senior</b> 3983:1 4065:4  <b>sense</b> 4000:22 4008:19                  4009:7 4011:17  <b>sensible</b> 4035:16  <b>sensitised</b> 3973:11  <b>sensitive</b> 3982:7,8  <b>sent</b> 4030:21  <b>sentence</b> 4008:1  <b>sentiment</b> 4020:24                  4041:16 4049:11  <b>September</b> 4023:1                  4038:22 4041:13                  4050:11,17  <b>sequence</b> 3974:10                  4047:19  <b>serious</b> 4007:7 4026:14                  4046:20 4053:3                  4060:4  <b>seriously</b> 4055:12  <b>serves</b> 4002:23  <b>service</b> 3995:3 4007:7                  4052:14  <b>session</b> 3981:19                  3992:14 3993:22  <b>sessions</b> 4059:13  <b>set</b> 3977:16 3978:2                  3988:11 4046:14                  4080:17  <b>Setelele</b> 4071:17 4072:7                  4072:11,17,22,25                  4073:3,7,13,16,22,25                  4074:3,7,10,13,15,18                  4074:22,25 4075:3,6                  4075:9,12,16,21,25                  4076:4,9,17,21,24                  4077:6,10,14,18,22                  4078:4,7,10,15,20,23                  4079:5,7,14,22,25                  4080:4,8,12,16,21,24                  4081:2,5,11,15,19  <b>sets</b> 4008:3  <b>setting</b> 4059:9  <b>settings</b> 4009:13  <b>settled</b> 4022:24 4024:4  <b>seven</b> 4080:3  <b>severely</b> 4006:4  <b>Shaft</b> 4043:10  <b>shafts</b> 4064:5,16                  4065:20,21 4066:4,16  <b>share</b> 4014:11  <b>shared</b> 4006:4  <b>sharing</b> 4059:4  <b>she's</b> 3976:23</p>	<p><b>shootout</b> 4028:22                  4029:3  <b>shop</b> 3992:14,14                  4030:11 4068:16  <b>short</b> 4030:7 4078:1  <b>shortly</b> 3981:23  <b>shot</b> 4026:15,17                  4042:24 4055:18  <b>show</b> 4001:20 4030:24                  4030:25 4076:25  <b>showed</b> 4047:11  <b>shown</b> 4031:3,9 4047:4                  4077:1  <b>side</b> 4013:17 4016:11                  4016:13 4028:1                  4048:21  <b>Sidwell</b> 3986:9,10,10  <b>signed</b> 4071:18 4072:23  <b>significant</b> 4007:9  <b>significantly</b> 3994:10                  3994:20 4033:8  <b>similar</b> 4014:7  <b>similarly</b> 3978:20  <b>simply</b> 3978:11 4005:3                  4030:12 4060:19                  4061:15  <b>Sir</b> 3971:1 3972:7                  3973:14 3974:15                  3975:10 3977:5                  3981:11 3982:16                  3983:5 3988:12,15                  3995:16 3996:14                  4011:7 4055:9  <b>Sisa</b> 4027:14 4028:12                  4028:14  <b>sit</b> 4077:3  <b>sitting</b> 3995:17,17                  4033:16,23  <b>situation</b> 3991:24                  4004:7 4008:17                  4012:4 4018:14,22,25                  4022:5 4030:24                  4034:16 4057:18                  4062:12,13 4066:4,16                  4067:25  <b>slightly</b> 4077:4  <b>slip</b> 3969:18 3970:11,17                  3970:18  <b>small</b> 3969:17  <b>smelling</b> 4049:14  <b>socially</b> 4055:2  <b>solidarity</b> 3984:12                  3995:17 4008:19                  4009:8,16 4010:7,8                  4011:16,18 4013:10                  4048:4,8  <b>solution</b> 4015:6,8,9                  4038:22 4050:18  <b>solve</b> 3992:2  <b>somebody</b> 4009:15,19                  4017:20  <b>song</b> 4069:10,14  <b>songs</b> 4030:13,16                  4068:18,20 4069:5,6                  4069:19  <b>sordid</b> 3999:24</p>	<p><b>sorry</b> 3976:21 3977:19                  3980:12 3984:13                  3998:11 4002:7                  4007:17,21,22 4009:2                  4010:4 4017:3                  4019:21 4026:18                  4033:11 4036:8,8,12                  4036:15,16 4041:19                  4041:19 4043:19                  4046:15 4050:1,2                  4053:13,22,22 4069:3                  4069:9  <b>sort</b> 4008:19 4010:13  <b>sorted</b> 3970:23 3972:4  <b>sorts</b> 4031:20  <b>sounds</b> 3993:17                  4011:13  <b>sources</b> 4018:3  <b>South</b> 3995:2 3999:25                  4003:17 4008:6  <b>so-called</b> 4047:10  <b>speak</b> 3969:13 4010:5                  4014:19 4016:25                  4057:1 4062:15  <b>speaking</b> 3979:8                  4024:14 4039:3                  4081:16  <b>special</b> 4024:24  <b>specific</b> 3972:23                  3986:24 4001:23                  4002:4 4008:2                  4020:17 4021:6                  4036:21  <b>specifically</b> 3973:8                  3983:7 4021:1                  4024:10  <b>spend</b> 3975:23  <b>spent</b> 3995:16 4065:14  <b>spirit</b> 4012:5  <b>spoke</b> 4018:24 4037:5                  4056:2 4057:21  <b>spoken</b> 3980:7 3991:7  <b>stadium</b> 3994:25                  4029:4,6 4064:19                  4080:19  <b>stage</b> 3969:20 3972:7                  3973:16 3975:14                  3981:5,18,23,23                  3985:15 3988:6                  3995:24 3997:19                  4002:21 4011:6                  4042:11 4045:14                  4060:3 4063:25                  4075:18  <b>stakeholders</b> 3978:5  <b>stance</b> 4015:23 4016:5                  4016:23 4030:2                  4041:10  <b>stand</b> 3971:19 4072:8  <b>stands</b> 4067:3  <b>start</b> 3993:21,22 4046:7                  4047:21  <b>started</b> 3993:23 3997:8                  4075:6  <b>starting</b> 4080:11  <b>starts</b> 3984:20</p>	<p><b>state</b> 4010:21  <b>stated</b> 3986:22  <b>statement</b> 3975:2,15                  3978:24 3979:1                  3984:6,7 3987:5,5                  3990:8,12,13,19                  4030:1,23 4031:11                  4051:13,18 4053:13                  4057:3,17 4069:22                  4070:3,6,10,19                  4071:9 4072:23,24                  4073:18 4077:8                  4078:18 4079:23  <b>states</b> 3974:18 3975:1  <b>stating</b> 4049:20 4053:7                  4054:7  <b>station</b> 4080:6  <b>status</b> 4007:13,16  <b>stay</b> 3992:11  <b>step</b> 4039:15,19                  4041:18 4042:5  <b>stepped</b> 3981:14  <b>stepping</b> 4039:9                  4041:14 4042:15  <b>steps</b> 4032:18 4042:23  <b>Steven</b> 4058:18  <b>steward</b> 3992:14  <b>stewards</b> 3992:14                  4030:11 4068:16  <b>stop</b> 4046:1  <b>strange</b> 4061:6,17,17                  4061:18  <b>strict</b> 4039:16  <b>strictly</b> 4039:3  <b>strike</b> 3978:16 3983:23                  3988:24 3989:1,3,8                  4003:11,21,25                  4004:13,16 4008:13                  4008:23 4012:7,16                  4022:25 4024:19                  4032:24 4034:14                  4035:5 4049:6 4057:5                  4057:15 4061:3                  4074:16,19 4076:2,8                  4076:12,23 4077:1,2                  4077:13,15 4079:3                  4080:20  <b>strikers</b> 3992:8                  4000:18 4012:14,15                  4012:17,18,21                  4015:11,15,20 4016:2                  4016:13,19 4028:21                  4035:22 4050:19  <b>strikes</b> 4003:5,6,14,15                  4058:1 4077:5                  4079:13  <b>striking</b> 4052:18                  4053:2 4061:3  <b>structure</b> 4007:13,14                  4013:19 4056:5  <b>structures</b> 3991:24                  4013:20 4015:12                  4017:1 4032:23                  4038:9,16,24 4039:4                  4039:9 4040:14                  4042:16 4059:17,20</p>	<p>4059:25 4060:16                  4062:9 4075:15  <b>stuff</b> 4030:13 4059:12  <b>style</b> 4046:12  <b>subject</b> 4022:24                  4035:12  <b>subscribed</b> 4041:21  <b>subsequent</b> 4031:18  <b>subsequently</b> 4028:20                  4028:23  <b>substantial</b> 4023:16  <b>substantive</b> 3977:7                  4038:18  <b>subsumed</b> 4052:7  <b>subtle</b> 4001:14 4004:2  <b>succeed</b> 3982:12                  4037:11,11  <b>succeeded</b> 4067:23  <b>successfully</b> 3982:10  <b>suffice</b> 3974:8  <b>sufficient</b> 4039:18                  4041:13,17  <b>suggest</b> 4006:8 4010:1                  4010:12 4038:13                  4041:11 4055:12  <b>suggested</b> 4038:6                  4039:2 4046:24                  4047:1 4051:17                  4052:4 4062:7  <b>suggesting</b> 4025:22  <b>suggestion</b> 3992:4                  4011:25  <b>suggestions</b> 4011:15  <b>suggests</b> 3999:12  <b>summarises</b> 3974:12  <b>summation</b> 4004:6  <b>sung</b> 4030:13 4068:18  <b>supervisor</b> 4074:2  <b>support</b> 4076:2  <b>suppose</b> 4029:22  <b>supposed</b> 4049:6                  4061:16,16  <b>sure</b> 3971:20 3983:22                  3983:24 3989:10                  3993:15,16,16,21                  3997:8 4006:24                  4007:19 4012:1                  4013:8 4019:2 4043:7                  4054:3 4063:22                  4064:3  <b>surely</b> 3974:6  <b>surname</b> 4011:23  <b>suspect</b> 4009:19  <b>suspected</b> 4049:17  <b>suspended</b> 4057:19  <b>sustained</b> 4044:18  <b>swear</b> 4072:8,11,12,15                  4072:17  <b>sweetheart</b> 4019:13</p>
<b>T</b>				
<p><b>take</b> 3975:15 3978:19                  3978:23 3982:3                  3988:6 3998:15                  4010:24 4021:1                  4024:13,17,19</p>				



4025:19 4026:13 4032:23 4040:6,8 4045:14,16,18,19,25 4053:8 4054:5 4056:14,22 4062:9 4066:11 4069:24 4078:14,15,25 <b>taken</b> 3973:15 3981:14 3981:25 3983:23 4020:9 4025:25 4030:3 4032:18 4040:10 4042:23 4055:25 4056:12 4070:17 4072:22 4075:7 <b>takes</b> 3993:14 4005:25 4046:23 <b>talk</b> 3980:15 3983:15 3991:17 3992:8,9 4001:24 4013:24 4016:1,12,13 4022:6 4056:25 4057:14,25 4058:8,16,17 4067:5 4078:19 <b>talking</b> 4056:18 <b>talks</b> 3984:11 <b>tap</b> 4003:2 4004:21 <b>tapping</b> 4008:16 <b>targeted</b> 4036:21 <b>task</b> 3977:13,16,22 3978:1,8 <b>tea</b> 4010:15,16,24 4011:13 <b>team</b> 3977:16 3978:1 3991:10 3998:13 4007:13 4009:16 4010:13 4044:11 4074:2 <b>teams</b> 3977:14,22 3978:8 4030:10 <b>tell</b> 3971:16 3985:16 3990:7 3994:2 3996:21 4016:18 4027:7,9 4033:17 4061:10,16 4067:2 4076:5 <b>telling</b> 3981:9 3998:23 4019:25 4061:19 <b>tension</b> 4055:5,15 4058:4,13,24 <b>tensions</b> 4055:3 4059:1 <b>term</b> 4068:4 <b>terms</b> 3982:24 3988:7 3999:6 4003:11 4019:1 4024:3 4068:2 <b>testified</b> 3976:3,8,10,15 3988:22 4018:25 4020:16 4026:8 4029:10,11,21 <b>testify</b> 3975:23 4017:17 4071:17 4073:5 <b>testifying</b> 4071:9 <b>thank</b> 3969:3,6,15 3970:6,25 3974:14 3977:5 3979:16 3984:19 3995:20	3999:2,4 4002:16 4004:20 4006:23 4009:12 4010:18 4011:1,21,24 4013:3 4021:21 4028:19 4038:1 4040:17 4041:7 4045:22 4046:6,9,15 4047:13 4047:14 4049:23 4050:25 4051:1 4052:10 4063:8 4064:20,22 4071:2,3 4072:19,21 4073:12 4073:16 <b>thanks</b> 4022:13 4037:4 4045:21,24 4053:22 <b>thereof</b> 4048:25 <b>there's</b> 3973:10 4005:16 4022:20 4035:2 4036:19 4059:6 <b>they'd</b> 4004:5 4035:19 <b>they'll</b> 3984:1 4028:8 <b>they're</b> 3970:1 4003:21 4006:8,11 <b>they've</b> 4066:7 <b>thing</b> 3981:18 3995:12 4003:2 4017:2 4047:17 4049:10,13 4049:15,15,18 4051:9 4051:23 4079:11 <b>things</b> 3972:24 3990:10 4016:22 4020:1 4040:5 4061:18 <b>think</b> 3973:4,17 3979:24 3980:9,18 3984:14 3986:1 3987:12,14,16 3996:5 3996:6 4002:8 4005:20 4006:10 4009:2 4010:21 4011:12 4012:21 4022:20 4023:3 4025:5,22 4026:11 4027:9 4033:6 4034:6 4037:22,23 4040:15 4045:8 4047:24 4049:15 4055:12 4056:6 4061:10,20 4066:22 4067:1 4073:7 4075:13 <b>thought</b> 4009:5 4011:19 4036:17 4041:4 4052:2,7 <b>threat</b> 4053:3 <b>three</b> 3975:16 4046:13 4046:18 <b>thrust</b> 4021:25 <b>time</b> 3975:13,24 3982:2 3982:3,15 3983:4 3991:23 3992:4 3993:11 3994:2,2 3997:3 4005:25 4008:10 4026:19 4028:2 4045:2 4057:22 4061:3	4065:14 4066:2,6,7 4073:12,13,19,19 4074:11 4078:19 4079:12,18 4080:11 4081:8 <b>times</b> 3972:21 3993:22 4018:15 4025:16 4065:16 <b>time-bomb</b> 4023:17 <b>Tip's</b> 3987:12 <b>today</b> 3969:9,10 3995:12 <b>TOKOTO</b> 4007:17 <b>told</b> 3970:14 3980:2 3985:17 3986:15,15 3998:3,17,24 4064:25 4065:8 <b>tolerate</b> 4001:24 4052:19,24 <b>tongue</b> 3970:11,18,18 <b>tongues</b> 4010:5 <b>top</b> 3978:25 4018:18 <b>topic</b> 4036:16 4067:12 <b>touch</b> 4080:23 <b>toughest</b> 4007:4 <b>trace</b> 4042:24 <b>trade</b> 3988:16 4000:1,2 4000:5 4013:18 4067:20 4068:6,9,10 <b>tragedy</b> 4001:1 <b>training</b> 4007:15 <b>translation</b> 4073:12 <b>transpired</b> 4064:14 <b>treat</b> 4058:8 <b>tried</b> 3982:24 4017:8 4023:2,6,11,19 <b>trigger</b> 4041:14 <b>triggered</b> 3978:15 <b>trouble</b> 4012:1 4036:11 <b>true</b> 3975:4 4033:8 4048:6 <b>trust</b> 4019:8,11 4059:7 <b>truth</b> 3969:13 4072:14 4072:14,15 <b>try</b> 3991:4 4046:25 <b>trying</b> 4012:13 4023:1 <b>Tswanile</b> 3979:18,21 3980:2 <b>turn</b> 4030:23 4079:15 <b>turning</b> 3995:25 4026:12 <b>turns</b> 4051:18 <b>twice</b> 4001:5 4048:7 4050:7 <b>two</b> 3982:24 4000:24 4001:22 4002:24 4013:17 4028:3 4031:3 4037:14 4042:24 4043:15,17 4044:10 4046:10,12 4046:16 4047:22 4048:7,14 4050:21 4054:23,25 4055:22 4059:7 4063:12 4066:10 4070:16 4071:19 4076:15	4080:15 <b>typically</b> 4007:7 4009:6 <hr/> <b>U</b> <b>UASA</b> 3984:12 4013:10 4048:4,8 <b>UDM</b> 4036:10 <b>ultimatum</b> 4004:13 4015:25 <b>unacceptable</b> 3981:16 <b>underpaid</b> 3992:20 4006:5 <b>underpayment</b> 4007:6 <b>understand</b> 3969:8,13 3972:12 3973:2 3977:6 3979:4 3981:18 3982:17,20 3985:19 3986:17 3987:18 3996:2 3997:17,20 3998:7 3999:7 4000:2,3,13 4000:19,20 4001:5 4010:23 4017:17 4021:8,11,16,19 4024:14 4027:6 4030:6 4042:2 4048:23 4055:2 4073:8 <b>understanding</b> 4013:9 4021:11,24 4035:13 4081:13 <b>understood</b> 3996:16 4040:22 <b>undertaking</b> 4045:5 <b>unfair</b> 4046:22 4062:7 <b>unfortunate</b> 4042:3 <b>unfortunately</b> 4038:2 4044:20 <b>unhappy</b> 3988:17 <b>unilateral</b> 3978:15,20 3982:18 3988:17 <b>unilaterally</b> 3976:5 3978:12 3981:7 <b>union</b> 3982:11 3988:16 3998:16 4000:2,5 4003:3 4004:11,17,21 4011:18 4014:25 4015:6 4019:7,12,13 4019:18 4020:2,3,4 4021:16 4032:17 4033:1,14 4049:16 4055:25 4056:12 4060:19 4062:1,17 4065:20 4067:14,20 4068:6,9,10 <b>unionist</b> 4009:9 <b>unions</b> 3984:11 3991:3 4000:1 4003:10 4013:18 4022:23 4050:21 4054:24,25 4055:22 4058:5,14,25 4062:8,25 <b>unit</b> 4010:2,10 4039:19 <b>unlock</b> 4015:14 <b>unprotected</b> 3989:1,3,8 4003:6,14 4004:13,16	4057:5,14 4058:1 4076:2,8,12,23 4077:2,5,15 4079:3 4079:13 <b>unreasonable</b> 4060:12 4060:20,24 <b>unwise</b> 4049:21,22 <b>upgrade</b> 4023:2 <b>upper</b> 4067:6 <b>uproar</b> 4047:23 <b>urged</b> 4053:21 <b>urgent</b> 3996:6 <b>use</b> 4010:9 4049:7 4066:8 4079:18 <b>useful</b> 4011:14 <b>usual</b> 4009:18 4064:11 4065:1,9 <b>usually</b> 4064:17 4066:9 <b>utterance</b> 4051:12 <hr/> <b>V</b> <b>valuable</b> 4060:3 <b>various</b> 3973:15 3984:11 4013:7 4017:7 4019:1 4058:24 4065:19 4066:16 <b>vehicle</b> 3995:17 <b>vehicles</b> 4031:20 <b>venture</b> 4041:15 <b>verified</b> 3996:24 4031:4 <b>verify</b> 3998:12,21,23,24 <b>versa</b> 3980:10 3982:13 <b>version</b> 3979:4 4026:10 4069:14 <b>vertical</b> 4025:13 <b>vice</b> 3980:10 3982:13 4081:1 <b>vicinity</b> 4043:18 4065:13 <b>video</b> 4069:7,16 <b>videos</b> 4001:15 4069:6 <b>view</b> 4006:4 4012:2 4015:21 4028:21 4037:1 4038:14 4041:21 4042:4 4049:5 4062:12 <b>viewed</b> 4019:12 <b>violence</b> 4001:25 4003:22 4052:24 4054:3 4055:15 4058:2 <b>violent</b> 4003:24 4055:8 4056:9 <b>virtue</b> 3984:21 <b>visit</b> 4032:1,2 4034:12 4034:24 4044:15 4070:1 4075:23 <b>visited</b> 4048:11 4069:19 <b>vocabulary</b> 4011:12 <b>votes</b> 4078:24 <hr/> <b>W</b> <b>wage</b> 3985:4,21
---	--	--	---	--

<p>3986:14,16 4020:4 4022:1 <b>wages</b> 4004:25 4076:20 <b>waiting</b> 4013:21 4033:23 <b>want</b> 3975:12 3976:2 3976:16,19 3992:8,9 3995:23 3996:12,13 3996:16 4003:2 4010:11,21 4012:14 4013:8 4016:13 4020:16 4025:3 4032:10 4034:15 4035:25 4036:11 4038:5 4040:19 4046:17 4048:22 4049:3 4050:16 4054:22 4066:1,14 4068:17 4069:10,24 4073:5 4077:7 4078:18 <b>wanted</b> 3972:6 3976:1 3980:17 3996:10,20 4013:16 4015:5 4020:21 4023:15 4036:2,19 4037:8 4044:24 <b>wants</b> 4027:5,9 4068:10 <b>warned</b> 4068:16 <b>warrant</b> 4066:17 <b>wasn't</b> 3975:25 3982:20 3985:22 4006:24 4045:1 <b>way</b> 3983:3 3985:24 3987:15 4001:21 4002:2 4014:22 4016:9 4029:12 4030:1 4032:1,12,19 4034:8 4039:25 4041:2 4052:8 4079:19 <b>ways</b> 4019:7,11 4020:6 4037:14 4074:16 <b>weapons</b> 4053:2,10 <b>week</b> 3972:18 <b>went</b> 3980:15 3992:15 4032:1 4065:20 4066:1 4077:14 <b>weren't</b> 4012:16 <b>Western</b> 4073:24 4074:6 4076:10 4080:2 <b>we'd</b> 4042:11 <b>we'll</b> 3981:22 4025:4 4038:1 4071:15 <b>we're</b> 3986:21 4025:25 4071:14 4074:15 <b>we've</b> 4069:7,14 4070:12 <b>we'll</b> 4010:24 4017:17 <b>we're</b> 4013:9 <b>whatsoever</b> 4072:6 <b>what's</b> 4042:20 4072:1 <b>whilst</b> 3981:2 4074:11 <b>who'd</b> 4035:8 <b>who's</b> 3969:9 4003:4</p>	<p><b>wide</b> 4008:3 <b>widely</b> 3972:10 <b>wildcat</b> 4003:5,14 <b>William</b> 4071:17 4072:17 <b>willing</b> 4009:1 <b>willingly</b> 4036:4 <b>wisdom</b> 4048:25 <b>wise</b> 4049:2,15,15,19 4056:10 <b>wish</b> 4067:21 4072:9 <b>wished</b> 4012:20 4041:15 <b>wishes</b> 3995:23 4063:9 4079:18 <b>withdraw</b> 4003:20 4004:3,10 <b>withdrawn</b> 4022:23 4040:22 <b>witness</b> 3969:14,20 3970:18 3973:20 3976:15,22 3977:2,3 3996:7 4000:22 4005:23 4006:20 4010:23 4021:20 4030:5,17 4031:19 4039:21,24 4040:8 4043:21 4045:1 4046:22 4051:6,7,8 4061:13,17 4063:7,10 4071:6,7,8,8,24 <b>witnesses</b> 3975:23 4028:3 4040:2 4045:5 <b>wonder</b> 4079:17 <b>Wonderkop</b> 4029:3,5 4063:15,24 4064:4,17 4080:7,19 <b>won't</b> 3989:11 4006:2 4058:6 4061:1,3 4063:22 4064:2 4069:25 <b>word</b> 3986:24 4010:9 4010:20 4020:22 <b>words</b> 4007:8 4009:16 4016:4 4025:23,24 4032:15 4034:24 4036:21 4049:7,8 4066:23 4073:20 <b>work</b> 3991:10 4005:17 4007:10,13 4013:16 4013:25 4014:7 4077:3 4078:14 4079:19 <b>worked</b> 4028:12 <b>worker</b> 4074:2 <b>workers</b> 3969:25 3970:1 3976:11 3988:21 3991:17 3997:19 3998:4 4003:19,24 4008:22 4017:9 4019:8,17,18 4020:3 4026:18 4032:3 4052:18 4053:3,4 4057:23 4059:19 4060:14 4076:11 4077:2,23</p>	<p>4078:23 4079:8 4081:10 <b>workforce</b> 4062:16 <b>working</b> 4043:6,7,8,9 4060:15 <b>worst</b> 4005:17,18 <b>wouldn't</b> 3981:11,13 3990:11 3994:23 4001:23 4003:4 4012:10,19 4018:15 4020:14 4031:23 4034:19 4066:6 <b>wouldn't</b> 4017:1 <b>would've</b> 3991:24 3993:24 3994:11 4015:14 4017:19 4018:2 <b>WP</b> 4080:2 <b>WPL</b> 4081:1 <b>writing</b> 3970:9,14 <b>written</b> 3985:25 <b>wrong</b> 3969:19 3976:24 4006:13 4010:9 4021:24 4025:15 4052:23 4053:7 4054:14,19 4059:4,9 4059:14 4072:1 <b>wrongly</b> 4019:19 4044:21 <b>wrote</b> 3970:9,10</p> <hr/> <p style="text-align: center;"><b>X</b></p> <p><b>XX1</b> 4053:13 4057:3 <b>XX10</b> 4071:23 <b>XX2</b> 4022:21 4049:4 <b>XX5</b> 4043:15,24 <b>XX6</b> 4043:16 <b>XX7</b> 4006:17 4007:22 <b>XX9</b> 3973:23</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>Y</b> 4072:5 <b>year</b> 3997:23 4076:15 <b>yesterday</b> 3969:17 3971:5,11,16 3973:14 3977:7,14 3980:6 3985:9 3991:22 4005:15,25 4006:14 4015:25 4022:20 <b>you'd</b> 3970:21 4033:23 4034:19 4069:22 <b>you'll</b> 3969:20 3971:23 4006:16 4020:1 4021:24 4072:13 4073:15,19 <b>you're</b> 3969:8,10,12 3970:23 3984:17 4006:3 4024:18 4061:15,15,16 4071:4 4073:23 4074:4,18 <b>you've</b> 3974:9 3988:22 3990:18 4004:17 4010:20 4020:15 4026:7,8 4027:17 4029:10,11 4031:9,10 4031:14 4033:7</p>	<p>4045:14 4065:8,12,18 4065:25 4069:5 4072:22,24 4075:13 4078:17 <b>YY</b> 4072:1,2 <b>YY1</b> 4072:7</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <p><b>Zokwana</b> 4017:16 4018:6,12 4046:23,23 4047:2,15,18 4052:1 4068:17,25 4069:12 4069:18 4070:1,22 4071:2 <b>Zokwana's</b> 4070:9,18 <b>ZZ</b> 4072:1 <b>ZZ1</b> 4071:25</p> <hr/> <p style="text-align: center;"><b>0</b></p> <p><b>000</b> 4006:9 4010:12 <b>09:34</b> 3969:2 <b>09:54</b> 3980:9</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1</b> 4045:13 <b>1:30</b> 4046:2 <b>10</b> 4039:16 4040:14 4041:12,17,17 4042:11,14 4060:3 4079:16,23 4081:24 <b>10th</b> 3974:4 3989:14,15 3989:16,25 4081:10 <b>10%</b> 3969:21 3970:10 3970:15 <b>10:14</b> 3989:24 <b>10:34</b> 3999:19 <b>10:54</b> 4007:11 <b>11</b> 3979:1 <b>11th</b> 3989:19,23,25 4026:7,9,11,13 4028:1 4029:11 4042:25 4055:5 <b>11:36</b> 4011:3 <b>11:56</b> 4018:20 <b>12</b> 4005:8 4017:10 4057:3,17 4066:6 4070:1 <b>12th</b> 3989:19,21,23 3990:1 4048:11 4070:21,22 <b>12.3</b> 4022:21 4024:3 <b>12:16</b> 4027:12 <b>12:36</b> 4035:14 <b>12:56</b> 4044:17 <b>13</b> 4057:3 <b>13th</b> 3996:23 4002:6,17 <b>13:35</b> 4046:4 <b>13:55</b> 4054:22 <b>14</b> 4053:14 4057:3,17 <b>14:15</b> 4062:14 <b>14:35</b> 4070:24 <b>14:55</b> 4080:9 <b>15</b> 3984:6 4070:2 <b>15th</b> 3990:5,15,22 4001:3,18 4002:15 4029:12,20 4041:12</p>	<p>4042:11 4047:2 4059:15,23 4061:22 4068:15 4069:20,23 4070:16,20 <b>16th</b> 3990:5,15 3992:10 3992:18 3994:20 3996:23 3998:15,18 4001:18 4008:17 4017:13,15 4031:12 4041:13 4054:15,20 4063:13,18 4064:7,25 4065:5 <b>16:30</b> 4070:16 <b>19</b> 4022:21 4070:14 <b>1988</b> 4074:2 <b>1994</b> 4003:8,11 <b>1995</b> 4003:14</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2</b> 4021:14 <b>2001</b> 4074:2 <b>2010</b> 4074:5 <b>2011</b> 4076:16 <b>2012</b> 3974:5,20 3975:1 3975:6 3979:6,7 3984:21 3989:14 3990:22 4059:16,24 4065:6 4074:17 4077:9 4079:16 <b>2013</b> 3969:1 4023:1 <b>21</b> 3979:6 <b>21st</b> 3974:20,25 3975:6 <b>23</b> 3979:6 <b>24-hour</b> 4031:16 <b>25</b> 3969:1 4071:12 <b>266</b> 3973:22 <b>267</b> 3973:22 <b>28th</b> 3984:14,21</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3</b> 3992:19 4006:17 4007:21 4010:12 4045:13 4046:1 4067:5 4075:17 <b>3rd</b> 3981:19 <b>3.26</b> 3979:15 <b>3.32</b> 3979:5 <b>3.34</b> 3979:25 3980:1 <b>30th</b> 4022:25 <b>34</b> 4041:22 <b>35%</b> 3989:7</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>4</b> 4006:12 4023:3,21 <b>4.7</b> 3984:10 <b>4.8</b> 3984:10,12,16,20 3987:20 <b>400</b> 3974:22 <b>44</b> 4038:24 4039:10 4042:4,11 <b>45</b> 3993:14 <b>46</b> 4053:13,14 <b>48</b> 4069:22</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>5</b> 4006:11,12</p>
--	---	---	--	---

**500** 3974:22 3992:19  
4005:8 4016:21  
4017:10  
**55%** 3989:7,12

---

**6**

---

**6** 4077:8

---

**7**

---

**7** 4023:3,21 4079:22  
4080:10  
**76** 3978:25,25

---

**8**

---

**8** 3979:15 3993:18,18  
3994:2,7 4077:9  
**8%** 3970:10  
**80** 3984:5,6  
**80%** 4008:6

---

**9**

---

**9** 4067:5  
**9th** 4004:22  
**9%** 3969:22 3970:16