

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 74 16 APRIL 2013 PAGES 7849 TO 7955

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



© REALTIME TRANSCRIPTIONS

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



Page 7849

1 [PROCEEDINGS ON 16 APRIL 2013]
 2 [10:20] CHAIRPERSON: The Commission resumes.
 3 This morning we had the pleasure of meeting in chambers
 4 with His Excellency, the High Commissioner for Swaziland,
 5 who has come here today to attend the proceedings of the
 6 Commission. From the very beginning the Swazi government
 7 has been interested in and concerned with the situation at
 8 Marikana because of their nationals who work for Lonmin,
 9 one of them was killed, and we're very appreciative of the
 10 cooperation we received from the Swazi government in
 11 assisting with regard to the attendance of family members
 12 and so forth. So we're very pleased to see the High
 13 Commissioner here; we send a very warm welcome to him.
 14 Since we last sat here one of the counsel
 15 representing the miners, Mr Dali Mpofu, was, as I think
 16 everybody by this time knows, robbed and very seriously
 17 attacked in East London. I spoke to him on the telephone
 18 several days thereafter and I received also information
 19 this morning from the rest of his team. The indications
 20 are he will be back with us next Monday, and we wish him a
 21 speedy recovery and hope that we will indeed see him next
 22 Monday. He is very desirous of addressing the Commission
 23 on the application for removal to Centurion, and he settled
 24 the replying affidavits that were filed, and so I indicated
 25 to him that we would not hear the application this morning,

Page 7850

1 but we would wait until he returns. That's on the
 2 assumption that he returns next Monday. Also we'll be
 3 unable to continue this morning with the cross-examination
 4 of the National Commissioner, and I indicated to him that I
 5 would ask everyone else to cross-examine, and thereafter I
 6 would excuse the National Commissioner on the basis that
 7 she must return when he's ready to continue with his cross-
 8 examination. National Commissioner, you're still under
 9 oath.
 10 MANGWASHI VICTORIA PHIYEGA: s.u.o.
 11 CHAIRPERSON: I understand that Mr
 12 Bruinders is to be the next counsel to cross-examine. Is
 13 that correct, Mr Bruinders? In fact, I understand by Adv
 14 Tip, and then I have some question marks on my piece of
 15 paper. Which of the representatives of the parties wishes
 16 to cross-examine after Mr Tip? So it's going to be Mr
 17 Bruinders first, then Mr Tip – Ms Lewis, are you going to
 18 ask questions on behalf of the families?
 19 MS LEWIS: Mr Chairperson, the families
 20 do wish to cross-examine the National Commissioner.
 21 However, Mr Ntsebeza is not here today.
 22 CHAIRPERSON: But I mean I can't expect
 23 the Commissioner – you know we want to carry on with the
 24 hearing and if counsel isn't here then I assume other
 25 arrangements have been made for someone to cross-examine on

Page 7851

1 his behalf, or in his place.
 2 MS LEWIS: Mr Chair, I will then, I'll
 3 convey that to Mr Ntsebeza and if needs be, if it's not
 4 possible to reserve it until tomorrow –
 5 CHAIRPERSON: We don't know how long –
 6 let's cross that bridge when we get there. We don't know
 7 how long the cross-examination is going to be today. If of
 8 course the National Commissioner is still under cross-
 9 examination when we adjourn, then the problem will fall
 10 away. Do you know how long –
 11 MS LEWIS: Ja, if we could revisit that
 12 later.
 13 CHAIRPERSON: I know it's difficult to
 14 give a prediction, but do you know how long the cross-
 15 examination from your side is likely to be? I think Ms –
 16 MS LEWIS: Chair, I would imagine
 17 approximately two hours.
 18 CHAIRPERSON: Alright, anyway, Mr
 19 Bruinders, I'm not going to ask you how long you're going
 20 to be. We'll see. Would you like to start your cross-
 21 examination?
 22 CROSS-EXAMINATION BY MR BRUINDERS SC:
 23 Thank you. National Commissioner, at page 6804 of the
 24 transcript – you don't have to go there now, I'm going to
 25 tell you what you are recorded to have said. You say that

Page 7852

1 on 10 August you are given an update. That's correct,
 2 isn't it?
 3 GENERAL PHIYEGA: Yes, I was given
 4 updates throughout the process.
 5 MR BRUINDERS SC: We'll get to the rest
 6 of the process later, but for now is it correct that on the
 7 10th you get an update about what is happening in Marikana?
 8 GENERAL PHIYEGA: Yes, I do say
 9 throughout the process since the members were here I was
 10 being given updates.
 11 MR BRUINDERS SC: This update on the 10th,
 12 who gave it to you?
 13 GENERAL PHIYEGA: In all cases, in most
 14 cases I was given the update by the Provincial
 15 Commissioner.
 16 MR BRUINDERS SC: And must the Commission
 17 accept that on the 10th the update was given to you by the
 18 Provincial Commissioner?
 19 GENERAL PHIYEGA: I have already
 20 confirmed that.
 21 MR BRUINDERS SC: You say at 6804 that
 22 she tells you that there are activities taking place in
 23 Marikana, not so?
 24 GENERAL PHIYEGA: That is true.
 25 MR BRUINDERS SC: What did she tell you

Page 7853

1 about these activities?

2 GENERAL PHIYEGA: I want to just read

3 them as I have them on my statement. I will start with

4 what I said in the press statement to say, "Friday 10th, on-

5 duty employees reported intimidation and assault incident.

6 Two employees were shot and were treated in hospital."

7 MR BRUINDERS SC: Commissioner, where are

8 you reading from now?

9 GENERAL PHIYEGA: I read that from the, I

10 said to you I'll look at the records that I'm having. I

11 read from the statement that, the press statement that we

12 gave on the 16th, or 17th.

13 MR BRUINDERS SC: And is that what she

14 told you had happened up to that time in Marikana?

15 GENERAL PHIYEGA: I'm giving you a

16 summary of all the reports that I have received to say one

17 of the things that I was told was that the, there were

18 reported intimidations; there were assault incidences, and

19 there were two employees that were shot and were injured

20 and were being treated in hospital.

21 MR BRUINDERS SC: Did she tell you

22 anything else about the activities that were taking place

23 at Marikana?

24 GENERAL PHIYEGA: I'll go to my other

25 statement, because I just want to be very perfect in

Page 7854

1 telling you what I was told. If you'll give me time, I'll

2 get to my copy. On this statement I didn't reflect on the

3 10th, but I reflected it on my other statement. I just

4 wanted to check that. So actually that's what was reported

5 to me to say that is continuing and the people who are in

6 hospital, as I've said already.

7 MR BRUINDERS SC: Now when she reported

8 this, did she do it over the telephone?

9 GENERAL PHIYEGA: You are correct.

10 MR BRUINDERS SC: And did you not ask her

11 well how is it that this intimidation and these injuries

12 are occurring in Marikana?

13 GENERAL PHIYEGA: At that point in time

14 we already knew that the police were invited because there

15 was labour unrest in the area.

16 MR BRUINDERS SC: So when she telephoned

17 you, you knew that – when you say labour unrest, you mean

18 you knew there was a strike at Lonmin?

19 GENERAL PHIYEGA: We knew that there was

20 those protests, labour unrest as I'm saying, taking place

21 in Marikana.

22 MR BRUINDERS SC: She also said to you,

23 you say at 6804, that there were deployments taking place.

24 GENERAL PHIYEGA: Yes, because remember

25 when this whole thing started we started with the local

Page 7855

1 police, and when the process escalated, as I said in my

2 evidence that we continued to match the escalation through

3 additional deployment.

4 MR BRUINDERS SC: On the 10th when you

5 spoke on the telephone, did she say to you, "Look, at the

6 moment the deployment is of POPs people from Rustenburg?"

7 GENERAL PHIYEGA: At that point in time I

8 did not ask that question, but I knew that the, they would

9 definitely deploy the POPs people that are in the province

10 when, of North West actually, and when they've exceeded

11 their full capacity we would then look at how we further

12 capacitate. They'll start with Rustenburg, look at other

13 areas in the province. If they're not winning, we'll then

14 deploy others.

15 CHAIRPERSON: I'm sorry, National

16 Commissioner, I didn't hear the last sentence. You said if

17 they reach their full capacity from the North West, then

18 you said what was going to happen. I think you dropped

19 your voice.

20 GENERAL PHIYEGA: I normally would, I

21 would then talk to the other provinces to assist.

22 CHAIRPERSON: Thank you.

23 GENERAL PHIYEGA: Ja.

24 MR BRUINDERS SC: So during that

25 conversation you and the Provincial Commissioner spoke

Page 7856

1 about deployments to deal with what you call the labour

2 unrest at Marikana.

3 GENERAL PHIYEGA: Perhaps what I should

4 say is that the issue of capacity would remain a consistent

5 issue for discussion between myself and the commissioner,

6 because at all given times, whatever their response, I

7 would require to give support in terms of that capacity.

8 MR BRUINDERS SC: As I understood your

9 answer just before the previous one, you and the Provincial

10 Commissioner talked about deployments in Marikana to deal

11 with the labour unrest.

12 GENERAL PHIYEGA: Not in the manner

13 you're putting it. I've said to you that our conversations

14 would always touch on capacity and I am not saying on the

15 10th we discussed deployment, as you put it, but capacity

16 would always be an issue. So throughout the process of her

17 feedback, when it was necessary we would discuss capacity.

18 MR BRUINDERS SC: Commissioner, I'm a

19 little confused. I thought in the previous answer you'd

20 given you had said that you and the Provincial Commissioner

21 talked about the deployment of provincial officers in

22 Marikana, and if that wasn't sufficient, then of course

23 there would be, you would consider bringing in people from

24 other provinces. Is that what you talked about over the

25 phone on the 10th?

Page 7857

1 GENERAL PHIYEGA: I think it's important
 2 again for me to repeat the answers I gave to the previous
 3 question. In terms of the province the commissioner has
 4 the full responsibility to deploy the capacity that she
 5 has. So I would never ask her whether she has gone to
 6 fetch people in Taung or in corners of this province.
 7 That's her prerogative with her ops team, but any time she
 8 runs out of capacity and I need to give her assistance to
 9 go to Limpopo, to go to KZN, that is my duty.
 10 MR BRUINDERS SC: Commissioner, did you
 11 talk to the Provincial Commissioner about the deployment of
 12 POP personnel in your telephone conversation on 10 August?
 13 GENERAL PHIYEGA: I have answered you,
 14 and my first answer to you is that at any given time where
 15 there was a need for capacity and my input, we would have
 16 discussed that. At this point in time I don't recall
 17 whether and on the 10th she was already asking for capacity,
 18 but what I can tell you is that on the 15th I had, I am on
 19 record saying I spoke to other commissioners.
 20 [10:40] So when there is need for capacity to get other
 21 people she would tell me but I don't recall exactly on the
 22 10th. On the 10th my stance is that she would still be
 23 using her capacity in the province.
 24 MR BRUINDERS SC: You also say at 6804
 25 that she said that attention was being given to the issues.

Page 7858

1 Is that right?
 2 MR MAHLANGU: Just the question, Sir.
 3 MR BRUINDERS SC: You also say at 6804
 4 that the Provincial Commissioner said that attention was
 5 being given to the issues. Is that correct?
 6 GENERAL PHIYEGA: I'm not sure where
 7 you're reading. Is it the record?
 8 MR BRUINDERS SC: Yes.
 9 GENERAL PHIYEGA: Okay surely, I mean at
 10 any given time because she's in charge of the province she
 11 would have to give attention to all issues. It's expected
 12 of her. I was expecting that of her.
 13 MR BRUINDERS SC: Did she say in that
 14 conversation on the 10th that attention was being given to
 15 the issues?
 16 GENERAL PHIYEGA: I think I've answered
 17 you to say I'm expecting of her to give attention but I
 18 don't have a verbatim record of how we conversed. If I had
 19 I probably would have been able to answer the questions you
 20 were asking.
 21 CHAIRPERSON: Mr Bruinders, I don't want
 22 to curb your cross-examination but you do appreciate that
 23 the Provincial Commissioner herself will be giving evidence
 24 and she may have a more precise recollection on this point
 25 than the National Commissioner does. So as I say I'm not

Page 7859

1 going to stop you but I would remind you of that.
 2 MR BRUINDERS SC: Did you ask her what
 3 attention are you giving to the issues at Marikana?
 4 GENERAL PHIYEGA: I think the way you are
 5 posing your question maybe makes it complex for me to
 6 respond to you but my discussion with her is based on the
 7 expectation that she is in charge of this province and at
 8 any time when you talk about attention, whether it's
 9 attention to attend to stuff or attention to attend to a
 10 protest such as this one I would take it that she would be
 11 doing her duty in accordance with what she's expected to
 12 do, her prescript, to ensure that she engages whoever she
 13 has to engage, she deploys the way she's supposed to
 14 deploy, she ensures that - what she has come to do to
 15 ensure that there is restoration of normal economic
 16 activity, ensure that there is conversation between parties
 17 that should converse. Those are the types of things I
 18 would expect of her but I would not be asking her you know
 19 ABC like a child because she is in charge.
 20 MR BRUINDERS SC: Commissioner, can you
 21 not recall whether you asked the Provincial Commissioner
 22 how the province was dealing with this labour unrest,
 23 intimidation of sorts, at Marikana?
 24 GENERAL PHIYEGA: Again let me say to you
 25 that I've said to this gathering that the police in the

Page 7860

1 past 18 years have dealt with 151 000 of this nature of
 2 activities. It would be remiss of me really to be asking
 3 those types of minute details. She is the head of
 4 operations and being the head of operations she knows what
 5 needs to be done and I am sure she will tell you when she
 6 comes here what she did. It is not my space to be asking
 7 those minute questions to a leader of a province. Those
 8 are the discussions she will have with her operations team.
 9 I ask strategic, critical issues that makes me understand
 10 the situation and I've done so and I've given you my
 11 answer.
 12 MR BRUINDERS SC: What strategic
 13 questions did you ask of her during that telephone
 14 conversation?
 15 GENERAL PHIYEGA: I shall repeat again,
 16 I've said to you one of the key questions I would ask as an
 17 example is whether the capacity they have is sufficient
 18 because I carry the responsibility to actually mobilise
 19 other capacity if it is needed. That would be one of the
 20 examples of strategic questions I would ask.
 21 MR BRUINDERS SC: And during that call
 22 she assured you that there was no need for any additional
 23 deployment?
 24 GENERAL PHIYEGA: That's not what I've
 25 said in my answer, I've said to you capacity issues were

Page 7861

1 discussed throughout this process.

2 MR BRUINDERS SC: Did she in that call

3 assure you that at stage there was no need for any

4 additional deployment?

5 GENERAL PHIYEGA: I have not answered you

6 like that.

7 MR BRUINDERS SC: Well the question is

8 did she in that call assure you that at that stage there

9 was no need for any additional deployment in her area?

10 GENERAL PHIYEGA: I think in terms of

11 this question I've given you the best of my answers, beyond

12 that I'm not able to answer you and I'm sure General Mbombo

13 can answer you on the verbatim issues you're looking for.

14 MR BRUINDERS SC: Did she also in that

15 call assure you that at that stage as Provincial

16 Commissioner she had matters under control in Marikana?

17 GENERAL PHIYEGA: She had matters under

18 control and I was also satisfied at that point in time that

19 whatever they needed to do she and her team had the

20 capacity to do so.

21 MR BRUINDERS SC: After that call was

22 there any need for you to talk to the Minister about your

23 exchange with the Provincial Commissioner?

24 GENERAL PHIYEGA: Not at that point.

25 MR BRUINDERS SC: And was that the

Page 7862

1 position until 13 August?

2 GENERAL PHIYEGA: In my assessment yes it

3 was, there was nothing untoward, we were doing our normal

4 duties as police up until then.

5 MR BRUINDERS SC: Last year you travelled

6 down to Marikana, not so?

7 GENERAL PHIYEGA: Correct, Advocate.

8 MR BRUINDERS SC: And the reason you do

9 that is because of the death of the two SAPS officers?

10 GENERAL PHIYEGA: It wasn't because of

11 that, it was because whatever was happening in Marikana was

12 escalating and part of it was that.

13 MR BRUINDERS SC: What was escalating in

14 Marikana?

15 GENERAL PHIYEGA: Whatever was happening

16 in Marikana, the continued strike, the inability to disarm

17 those who were protesting and the continued disruption of

18 social and economic activity, destabilisation continued.

19 And damage to property was continuing, lives were

20 continuously being lost, that for me spoke about

21 escalation.

22 MR BRUINDERS SC: And the situation that

23 you describe was the reason for your having to intervene

24 personally at Marikana?

25 GENERAL PHIYEGA: It was necessary for me

Page 7863

1 to engage and to get firsthand understanding of issues as

2 they were developing and that type of response any leader

3 does, it is not written in any book. At that point in time

4 my assessment, my strategic assessment was that I needed to

5 engage.

6 MR BRUINDERS SC: AMCU - is you did act

7 as a leader should under those circumstances so it is quite

8 respectful of the fact that you went down there on the 13th

9 but as AMCU understands the situation you didn't go down

10 there just to get an account, face to face from your

11 employees and officers, not so? That's not the only reason

12 you went, not so?

13 GENERAL PHIYEGA: You are right because

14 my employees, police were not the only stakeholders, it was

15 important for me to understand the multi-faceted

16 dimensions, not the situation. The situation wasn't just

17 the police. If it was just for us I wouldn't have even

18 come here.

19 MR BRUINDERS SC: You went there on the

20 13th because you felt it was necessary personally to give

21 personal direction to the SAPS at Marikana, not so?

22 GENERAL PHIYEGA: Let me go back to what

23 you mentioned earlier on to say I have come - I came to

24 Marikana to understand first hand the situation for myself,

25 you are correct on that one, and secondly there was a team

Page 7864

1 led by the Provincial Commissioner dealing with the

2 operation and my being there I would be appraised by them

3 in terms of what they are doing in the province in terms of

4 the matter. And where my strategic intervention is

5 required I would lend that.

6 MR BRUINDERS SC: Commissioner, you went

7 there on the Monday not just to listen and to lend an ear

8 but also to give strategic intervention, not so? I beg

9 your pardon, to make strategic intervention at Marikana.

10 GENERAL PHIYEGA: The last aspect was -

11 my answer was exactly that, I said where there is need for

12 strategic intervention I would lend that, I've said so.

13 MR BRUINDERS SC: And the way that you

14 thought that you would best hear out people involved and

15 then give strategic guidance would be as follows, first you

16 had a meeting with the SAPS team at which they reported on

17 the events up to that stage, correct?

18 GENERAL PHIYEGA: You are correct.

19 MR BRUINDERS SC: Then you had a meeting

20 with Lonmin where you wanted to hear Lonmin's side of the

21 story, not so?

22 GENERAL PHIYEGA: Yes, you are correct.

23 MR BRUINDERS SC: And then after that

24 there was a meeting of the SAPS at which you planned for

25 how to deal with the unrest from the 13th going forward, I

<p style="text-align: right;">Page 7865</p> <p>1 beg your pardon -</p> <p>2 MR MAHLANGU: Chairperson, just switch on</p> <p>3 - they were asking if the Chairperson can switch on.</p> <p>4 CHAIRPERSON: The question you asked was</p> <p>5 - led up to a question as to whether, to use your words,</p> <p>6 you planned what was to happen or to be done. Now all I</p> <p>7 asked you was when you said to the witness you, did you</p> <p>8 mean you in the singular or you in the plural?</p> <p>9 MR BRUINDERS SC: Forgive me Chair, I</p> <p>10 must clarify that yes. Forgive me, National Commissioner,</p> <p>11 what I should have asked you was after you heard Lonmin's</p> <p>12 side of the story you as the National Commissioner together</p> <p>13 with the team at Marikana got together to plan how to deal</p> <p>14 with this unrest going forward from the 13th.</p> <p>15 GENERAL PHIYEGA: No you're not correct.</p> <p>16 MR BRUINDERS SC: Are saying that it is</p> <p>17 not correct that the second time you met the SAPS on the</p> <p>18 evening of the 13th, it's not correct to say that you met</p> <p>19 with them to plan with the team, the Marikana team how to</p> <p>20 deal with the unrest?</p> <p>21 [11:00] CHAIRPERSON: Mr Bruinders, the trouble</p> <p>22 is, it is a double question. You met with them to plan.</p> <p>23 Now when she says no, it could be she's denying everything,</p> <p>24 or she may admit that she met them, but not to plan. So</p> <p>25 because you've asked a double question, we get difficulty</p>	<p style="text-align: right;">Page 7867</p> <p>1 it was of concern to us to say if these are supposed to be</p> <p>2 Lonmin workers and Lonmin is telling us about faceless</p> <p>3 people, it was a concern for us, and when those people came</p> <p>4 they were able to identify two, three, four, five, some of</p> <p>5 them, and it was on the basis of that that the main</p> <p>6 discussion of us as the SAPS team was to say, "Do whatever</p> <p>7 you do; now that we know these are your employees,</p> <p>8 intervene and ensure that we get a peaceful resolution on</p> <p>9 this matter," because at least we'd established that</p> <p>10 they're not faceless.</p> <p>11 MR BRUINDERS SC: Commissioner, we all</p> <p>12 know, because you told us at the beginning of your evidence</p> <p>13 of your managerial expertise and experience. You have a</p> <p>14 lot of that, don't you?</p> <p>15 GENERAL PHIYEGA: Yes, I do.</p> <p>16 MR BRUINDERS SC: And that's the reason</p> <p>17 you were brought into the SAPS, not so?</p> <p>18 GENERAL PHIYEGA: Part of that.</p> <p>19 MR BRUINDERS SC: And the reason you went</p> <p>20 to Marikana that Monday evening was not to play detective.</p> <p>21 Correct?</p> <p>22 GENERAL PHIYEGA: I don't understand what</p> <p>23 you mean by playing detective.</p> <p>24 MR BRUINDERS SC: Your role was not to</p> <p>25 identify people and names and strikers. That was not your</p>
<p style="text-align: right;">Page 7866</p> <p>1 with the answer. Perhaps you should ask the question in</p> <p>2 the form of a single question. It may require you to ask</p> <p>3 two questions, but then we get clarity with the answers.</p> <p>4 MR BRUINDERS SC: Commissioner, it is</p> <p>5 correct, is it not, that you personally met with the</p> <p>6 Marikana team of commanders after the Lonmin report-back?</p> <p>7 GENERAL PHIYEGA: Yes, I did.</p> <p>8 MR BRUINDERS SC: And the purpose of that</p> <p>9 meeting was so that the SAPS team could plan how to deal</p> <p>10 with the unrest at Marikana from the 13th onwards.</p> <p>11 GENERAL PHIYEGA: No, that is not</p> <p>12 correct.</p> <p>13 CHAIRPERSON: What was the purpose of the</p> <p>14 meeting?</p> <p>15 GENERAL PHIYEGA: The purpose of the</p> <p>16 meeting, what happened in that meeting is that when we</p> <p>17 left, in my statement I talk about Lonmin telling us about</p> <p>18 faceless people that they do not know. We went back into</p> <p>19 our meeting and we looked at the pictures that were taken</p> <p>20 already by the police. We spoke to the security head of</p> <p>21 Lonmin to say, "Are you saying these people that are on the</p> <p>22 pictures, you don't know?" He indicated during that</p> <p>23 discussion to say some of his security people are not</p> <p>24 there; he is not able to identify those people. We</p> <p>25 requested him to go and fetch those security people because</p>	<p style="text-align: right;">Page 7868</p> <p>1 role. Correct?</p> <p>2 GENERAL PHIYEGA: I think that's your</p> <p>3 assessment. I think it was a necessary engagement because</p> <p>4 when you discuss with leaders of a place that has called</p> <p>5 you to come and assist them with the protest and they tell</p> <p>6 you about faceless people, you would be keen to know what</p> <p>7 do you mean when you say people are faceless. It's not</p> <p>8 because I was a detective. I think it was a rational</p> <p>9 intervention by any normal thinking person.</p> <p>10 CHAIRPERSON: I think you and counsel are</p> <p>11 talking past each other. He puts to you that you didn't go</p> <p>12 there to act as a detective, and essentially as I</p> <p>13 understand it, you're agreeing. You went, amongst other</p> <p>14 things, to deal with the Lonmin people who said they didn't</p> <p>15 know who was involved in the disruption, they were faceless</p> <p>16 people, and you then were able to – after you'd spoken to</p> <p>17 the security people, to show them pictures and say, "Look</p> <p>18 here, don't you know these people?" and they admitted that</p> <p>19 they did. So you were able to take the matter further in</p> <p>20 your discussion with them, to persuade them they weren't</p> <p>21 just faceless people; they were actually some of their own</p> <p>22 employees who were involved. Is that correct?</p> <p>23 GENERAL PHIYEGA: I think, Judge, you put</p> <p>24 it in a better way. I understand you. Yes.</p> <p>25 CHAIRPERSON: Yes, I think you and</p>

Page 7869

1 counsel actually are not understanding it, but I think the
2 problem has been sorted out now, Mr Bruinders.

3 MR BRUINDERS SC: Thank you. Perhaps it
4 is usual with me, I'm moving ahead of myself. So let's go
5 back to the first meeting you had with the SAPS on the
6 night of the 13th. Shall we do that? At that meeting, as
7 we understand it there were SAPS and Lonmin people, not so?

8 GENERAL PHIYEGA: The meeting I had with
9 the Lonmin people was on the 13th.

10 CHAIRPERSON: Again I think, I'm afraid
11 you don't understand each other. I understood you to say
12 that on the 13th you had a meeting with the SAPS people at
13 Marikana.

14 GENERAL PHIYEGA: Yes.

15 CHAIRPERSON: You then had a meeting with
16 the Lonmin people.

17 GENERAL PHIYEGA: Yes.

18 CHAIRPERSON: Now what counsel is asking
19 you is whether your first meeting with the SAPS was a
20 meeting where the Lonmin people were also present. Is that
21 your question? He's suggesting to you, you didn't have
22 separate meetings with the SAPS people and then the Lonmin
23 people. He's suggesting to you, as I understand his
24 question, that you had a meeting with SAPS people and
25 Lonmin people both there together. Is that right?

Page 7870

1 MR BRUINDERS SC: No, Chair, we accept
2 that there were three meetings, a SAPS, Lonmin, and a SAPS
3 meeting.

4 CHAIRPERSON: Yes.

5 MR BRUINDERS SC: But at the first SAPS
6 meeting I'm suggesting to the National Commissioner that
7 there were some Lonmin people present too.

8 CHAIRPERSON: Yes, that's what I
9 understand you to be asking.

10 GENERAL PHIYEGA: I'm sorry, I thought
11 you were talking about the 9th, that's why I was saying to
12 you I didn't have a meeting on the 9th; my meeting was on
13 the 13th, and the question you are asking I really am not
14 able to tell whether in that first meeting there was
15 anybody from Lonmin, and I'm sure the people who were there
16 may talk to that, but I wasn't aware of that.

17 MR BRUINDERS SC: At that meeting, this
18 is the first SAPS meeting on the evening of the 13th, the
19 SAPS officers who are there do the following. The first is
20 they give you an account of what had been happening since
21 the 9th of August, not so?

22 GENERAL PHIYEGA: Yes.

23 MR BRUINDERS SC: And the other thing
24 they do is they give you a detailed account of what
25 happened on the 13th when SAPS and employees were shot and

Page 7871

1 killed – sorry, were killed. I beg your pardon.

2 GENERAL PHIYEGA: Yes, that is also
3 included.

4 MR BRUINDERS SC: Now by that stage the
5 North West POP had been there since the 9th, not so?

6 GENERAL PHIYEGA: It is true.

7 MR BRUINDERS SC: And we know this
8 because we've been given them; there are reports and plans
9 for the 9th to the 13th by essentially SAPS POP North West.

10 GENERAL PHIYEGA: It could be correct,
11 and I'm sure it will be confirmed by those who are coming
12 to talk.

13 MR BRUINDERS SC: And in fact that's what
14 they tell you. The commanders there tell you that the
15 North West POPs had been on the scene since the 9th where
16 they have been dealing with the unrest and planning for how
17 to deal with the unrest, not so?

18 GENERAL PHIYEGA: I've not discussed any
19 plan of theirs from the 9th. They gave me a broad account
20 of what was happening. The plan I haven't asked for, and
21 the plan I haven't discussed with them.

22 MR BRUINDERS SC: Will you please turn to
23 exhibit U?

24 MR MAHLANGU: What document would that
25 be, Sir?

Page 7872

1 MR BRUINDERS SC: Exhibit U. Sorry
2 Chair, I just want to – there is somebody assisting the
3 National Commissioner? I assumed that that was the case,
4 but I don't know that that is so. I don't -

5 CHAIRPERSON: There is someone sitting at
6 the table –

7 MR BRUINDERS SC: So we'd like her –

8 CHAIRPERSON: - if you don't mind. It's
9 just to –

10 MR BRUINDERS SC: We want her –

11 CHAIRPERSON: - assist her with all the
12 documents –

13 MR BRUINDERS SC: No, we want that. The
14 point I'm making is if there isn't, then we'll assist her.
15 That's the only point I'm making.

16 CHAIRPERSON: She might prefer to be
17 assisted by her own people, but let's give her the choice.
18 It is correct, is it National Commissioner, that you have
19 assistants with you to find the documents for you quickly
20 while you're there?

21 GENERAL PHIYEGA: Sorry Judge, I wasn't
22 listening.

23 CHAIRPERSON: It is correct that you have
24 people with you to assist you to get to the documents
25 quickly? Because Mr Bruinders says if you haven't, he's

Page 7873

1 prepared to assist you. I said I thought you'd prefer to
 2 be assisted by your own people rather than his, but you
 3 must decide that, not me.
 4 GENERAL PHIYEGA: Ja, Judge, I thought
 5 when we, when the spoon-feeding discussion took place, I
 6 had to relieve the person who was assisting me with papers.
 7 CHAIRPERSON: No, that's correct, but he
 8 talked about exhibit U and it's obviously sensible to have
 9 someone nearby who can quickly find exhibit U and hand it
 10 to you, rather than you having to fumble around looking for
 11 it yourself. He was tendering his assistance, but I said I
 12 thought if you had your own people, you'd prefer to be
 13 assisted by your own people rather than his. But that's
 14 your decision as to what you would prefer.
 15 GENERAL PHIYEGA: The decision not to
 16 have?
 17 CHAIRPERSON: No, no, I understood you
 18 had a member of the service behind you, two rows behind,
 19 not immediately behind you, whose job it was to help you
 20 find the documents quickly that were referred to. Counsel
 21 referred you to exhibit U.
 22 GENERAL PHIYEGA: I don't have a person
 23 to help me with documents. I have my security.
 24 CHAIRPERSON: Oh, I see. I see.
 25 GENERAL PHIYEGA: Thank you.

Page 7874

1 CHAIRPERSON: So that's the answer to
 2 that question. Now the next thing is Mr Bruinders says
 3 he'll help you to find the documents if you haven't got
 4 anyone to help you yourself. Is that correct, Mr
 5 Bruinders?
 6 MR BRUINDERS SC: Yes.
 7 GENERAL PHIYEGA: Yes, I am helping
 8 myself.
 9 CHAIRPERSON: She says she's helping
 10 herself. Remember, there was an earlier – I'm not sure if
 11 you were here – there was an earlier stage in her evidence
 12 when someone was sitting next to her, finding the documents
 13 for her, and that person was requested to go so that she
 14 must be on her own. So that's the background against which
 15 she's answering your question.
 16 MR BRUINDERS SC: Perhaps I should just
 17 move on and deal with the document then. Exhibit U, do you
 18 have it, National Commissioner?
 19 GENERAL PHIYEGA: I beg your pardon?
 20 MR BRUINDERS SC: Do you have exhibit U
 21 in front of you?
 22 GENERAL PHIYEGA: Yes, we are sharing
 23 hers.
 24 MR BRUINDERS SC: Thank you. Now if you
 25 look at the heading, it's the contingency plan for 10-8-

Page 7875

1 2012. Do you see that?
 2 GENERAL PHIYEGA: I see that.
 3 MR BRUINDERS SC: And the first paragraph
 4 under situation reads, "On Friday 2012-08-10, plus-minus
 5 7 000 employees, machine operators at East and Western
 6 Karee Mine affiliated to the National Union of Mineworkers
 7 and Association of Mineworkers and Construction Union
 8 embarked on an unprotected strike. Among other things,
 9 employees complained about poor salaries as compared to
 10 their counterparts in Gauteng mines, and poor working
 11 conditions in this mine." I've read that correctly,
 12 haven't I?
 13 CHAIRPERSON: I take it you've read it
 14 correctly. Shall we take the tea adjournment at this stage
 15 and you can then put your question based upon what you've
 16 read, or do you want to read something else first?
 17 MR BRUINDERS SC: No, we can do that, but
 18 before I do that, perhaps we should before the tea
 19 adjournment hand up – this is not the only plan; there are
 20 plans for the 11th, 12th, 13th, etcetera, and I suppose this
 21 is an opportune moment to hand those up, copies of those,
 22 so that the National Commissioner can look at them as well.
 23 CHAIRPERSON: Yes, alright. No, that
 24 seems sensible. It will save time that way, if she doesn't
 25 mind having her tea break spoiled by reading these plans as

Page 7876

1 well. Well, hand them up and Ms Pillay will tell us how to
 2 mark them, and then we'll take the tea adjournment.
 3 MS PILLAY: Chair, would it be possible
 4 to mark them after tea? I just want to make sure that they
 5 haven't been – because we have exhibit SS3 that is also
 6 contingency plans. I just want to make double sure that
 7 there's nothing marked –
 8 CHAIRPERSON: Have you got that, Mr
 9 Bruinders? Hand the documents up. Ms Pillay will tell us
 10 after tea if they're already before us as exhibits, and if
 11 they're not, she will then tell us what exhibit numbers
 12 would be appropriate, but in the meanwhile the National
 13 Commissioner will read them unmarked and give us the
 14 benefit of her input after the tea adjournment in response
 15 to your questions. Mr Bruinders [inaudible] -
 16 MR BRUINDERS SC: I can't hear. Your
 17 microphone is –
 18 CHAIRPERSON: Oh, sorry. I've hoped
 19 without amplification you could hear me. Exhibit U, I've
 20 got it somewhere here, but can you describe it for me?
 21 MR BRUINDERS SC: The facing page reads
 22 "Annexures Friday 2012-08-10," and what it is, is the
 23 contingency plan of the Rustenburg POP for 10 August 2012.
 24 But the facing page of annexure U –
 25 CHAIRPERSON: Ja, okay –

<p style="text-align: right;">Page 7877</p> <p>1 MR BRUINDERS SC: - apparently reads 2 "Annexures" – 3 CHAIRPERSON: You handed us annexures 4 relating to Saturday, the 11th, Sunday, the 12th, and 5 Monday, the 13th, and it sounds as if the document exhibit U 6 is the preceding document in the series relating to the 7 10th. Is that correct? Now I understand it. On that note, 8 can we take the tea adjournment? The National Commissioner 9 will in addition to drinking her tea, look at these 10 documents and you'll question her about them afterwards, 11 and Ms Pillay will first tell us how to mark them if 12 they're not before us already in a marked form. Is that 13 correct? We'll take the tea adjournment. 14 [COMMISSION ADJOURNS COMMISSION RESUMES] 15 [11:49] CHAIRPERSON: During the adjournment we 16 received a copy of a letter from Attorneys Kgomo, Mokhetle 17 & Tlou who act on behalf of the Bapo Ba Mogale Royal 18 Family. They deal with the application for the removal of 19 the seat of the Commission from Rustenburg in the letter, 20 and they say that their client, who is a party in these 21 proceedings, that's to say the Bapo Ba Mogale Royal Family, 22 have instructed them to place on record their position with 23 regard to the application. It's to abide by the decision 24 of the Commission on whether to move the Commission to 25 Pretoria, Centurion, or not, and they want it placed on</p>	<p style="text-align: right;">Page 7879</p> <p>1 itself is exhibit U. It's been marked exhibit U already. 2 The document marked "The 12th of August," if you look at 3 the actual document itself you'll see that again it's the 4 contingency plan of the 10th of August, which is exhibit U, 5 and similarly, Chair, the document that on the cover has 6 "The 13th of August," if you look at the plan, the plan is 7 for the 13th of August and that's exhibit SS3. SS3, that's 8 right. 9 CHAIRPERSON: Do we have them already? 10 MS PILLAY: The substance, the actual 11 plans themselves are exhibits already. 12 CHAIRPERSON: SS3: 13 MS PILLAY: That's the 13th. 14 CHAIRPERSON: Thank you for giving us 15 these documents. We have them already, but it would be 16 useful to have them "byderhand," as it were, while you 17 proceed with your cross-examination based upon them. 18 CROSS-EXAMINATION BY MR BRUINDERS SC (CONTD.): 19 National Commissioner, before the tea break I asked you to 20 look at that first paragraph of exhibit U, and you did so, 21 not so? 22 GENERAL PHIYEGA: Yes, I have. 23 MR BRUINDERS SC: And what exhibit U 24 shows is certainly by, or on the 10th, I mean this is signed 25 by the Unit Commander Marake and the Cluster Commander</p>
<p style="text-align: right;">Page 7878</p> <p>1 record that ES Kgaka Attorneys and its appointed counsel do 2 not act for the royal family, and their stance is that the 3 Administrator of the Traditional Community, Mr Isaac Seboko 4 "Oupa" Monamodi, who signed the confirmatory affidavit in 5 the opposition to the application, was acting, as they put 6 it, on a frolic of his own insofar as not having taken into 7 account the interest of their client. I mention this 8 because I do not know whether a copy of this letter has 9 been sent to the Administrator or his attorneys, and if so, 10 I would request that a copy be communicated to them. The 11 matter, as I indicated earlier, will be dealt with on 12 Monday next when Mr Mpofo returns, but obviously it's 13 important that this question of the opposition and who is 14 behind the opposition and who is not behind the opposition 15 should be clarified. You're still under oath National 16 Commissioner. 17 MANGWASHI VICTORIA PHIYEGA: s.u.o. 18 CHAIRPERSON: Ms Pillay, you were going 19 to tell us whether these documents we've been handed are 20 already before us as exhibits and if not, how they must 21 they be described. 22 MS PILLAY: Chair, the document with the 23 cover page "The 11th of August," if you look at the actual 24 contingency plan which is attached to that document, it's 25 the plan of the 10th of August. So the contingency plan</p>	<p style="text-align: right;">Page 7880</p> <p>1 Seboloke, which you'll find on the last page of that 2 report. On this day, the 10th the SAPS POP personnel in 3 Rustenburg had a fair deal of information about what the 4 labour unrest was about. You'd agree with that? 5 GENERAL PHIYEGA: Yes. 6 MR BRUINDERS SC: Commissioner, during 7 that first meeting with the SAPS on the 13th, did any one of 8 the SAPS officers present in that meeting, did any of them 9 relay this information we see in the first paragraph of 10 exhibit U to you? 11 GENERAL PHIYEGA: No, we did not discuss 12 this plan. 13 MR BRUINDERS SC: Commissioner, I accept 14 that you - I'm not suggesting that you discussed the plan. 15 What I want to ask you is did nobody pass on in that 16 meeting this information to you, or information like this 17 to you? 18 GENERAL PHIYEGA: I think I've already 19 maybe in a way answered this question because I did 20 indicate that the information that we're discussing was 21 about the labour unrest that was there. I was aware that 22 there is an NUM, there is an AMCU. I was aware that there 23 are issues of salaries. I was aware that economic activity 24 is not taking place. So all those issues were relayed in a 25 manner that was, if I may use maybe some phrases we use in</p>

Page 7881

1 my language, we use [African language], you know high level
 2 presentation, not specifically as you want me to say in
 3 this manner, but those issues were highlighted to me.
 4 MR BRUINDERS SC: So we can accept that
 5 at the end of that first meeting of the SAPS on the 13th you
 6 had - your understanding of what had taken place was very
 7 similar to what we see at the first paragraph of exhibit U?
 8 GENERAL PHIYEGA: I've say yes, there'd
 9 be a fair commonality, but the details, you see here you
 10 talk about details, machine operators and Karee Mine.
 11 Those details were not things that I engaged in, but I
 12 understood that the Lonmin employees had an issue; there
 13 were two unions; there were salaries; there had been people
 14 not going to work, all those issues were -
 15 MR BRUINDERS SC: Once you got this
 16 overview of what the problem was at Marikana, I take it
 17 that you would have asked your SAPS commanders present how
 18 they dealt with the labour unrest up to that point.
 19 GENERAL PHIYEGA: Of course they would
 20 have shared what has been happening, and this is why in our
 21 report, the statement that I read earlier on from the press
 22 statement, they would have shared whether there were things
 23 that have happened, property that was damaged or people
 24 that were injured, whether the people are back at work or
 25 not at work, whether the unprotected strike continues,

Page 7882

1 those types of issues they would share.
 2 MR BRUINDERS SC: Did you ask who'd been
 3 in charge on the ground between 10 and 13 August?
 4 COMMISSIONER HEMRAJ: Sorry, in charge
 5 of? I didn't hear your question clearly, Mr Bruinders, I'm
 6 sorry.
 7 MR BRUINDERS SC: Did you ask who had
 8 been in charge on the ground at Marikana for the SAPS in
 9 the period 10 to 13 August?
 10 GENERAL PHIYEGA: I knew who was in
 11 charge; the Provincial Commissioner together with her team.
 12 She would appoint who goes to the JOC and all those things.
 13 I knew that the commissioner of this province was in
 14 charge.
 15 MR BRUINDERS SC: Did the Provincial
 16 Commissioner in that first meeting give you an overview of
 17 the deployment of SAPS personnel at Marikana during that
 18 time?
 19 GENERAL PHIYEGA: I did not ask for that
 20 because I knew she had everything in control, and should
 21 she need additional capacity she would address me on that.
 22 MR BRUINDERS SC: Did you not in that
 23 meeting want to know whether the resources up to that point
 24 had been sufficient to cope with the unrest?
 25 GENERAL PHIYEGA: I have a very deep

Page 7883

1 appreciation and respect for my commanders, and that's part
 2 of their duty, is to ensure that they plan adequately and
 3 appropriately, and if they have a need they know that there
 4 are things I can unlock, and if that need presents they
 5 will tell me. I do not - and I think it's important for me
 6 just say these are senior executive, I don't micro manage
 7 them.
 8 MR BRUINDERS SC: So your answer is you
 9 were not interested in whether the resources up to that
 10 point were adequate to cope with the unrest in Marikana?
 11 CHAIRPERSON: I'm not sure if that's a
 12 fair summary of what she said. This is an angle to it that
 13 I think is a bit unfair. Perhaps you should reformulate
 14 the question. "Wasn't interested" implies that she was,
 15 you know, had no interest in it at all. I don't think
 16 that's what she was conveying, but perhaps you could
 17 reformulate the question in a way which doesn't suggest
 18 that she showed no interest at all. I don't think it's at
 19 all consistent with the evidence she's given.
 20 MR BRUINDERS SC: National Commissioner,
 21 you did not at that meeting ask of the Provincial
 22 Commissioner and the commanders present whether the
 23 resources at that point were sufficient to cope with the
 24 unrest.
 25 GENERAL PHIYEGA: I did not ask it in a

Page 7884

1 manner that you're asking, but if - because I knew that if
 2 there is any capacity need that requires my strategic
 3 intervention, that would be brought to my attention.
 4 MR BRUINDERS SC: Will you please turn to
 5 exhibit SS3, and in particular to the contingency plan for
 6 13 August 2012?
 7 CHAIRPERSON: This of course is only part
 8 of SS3. SS3 contains a number of documents, but this part
 9 of it.
 10 MR BRUINDERS SC: Correct Chair, and if
 11 my memory serves me correctly it isn't - I don't think that
 12 SS3 is numbered, I don't think it's paginated.
 13 CHAIRPERSON: Some of the annexures are
 14 not paginated. The contingency plan itself has got page
 15 numbers at the bottom, except Greek letters are huge,
 16 rather than Roman letters but nothing turns on that. The
 17 pages are numbered in that rather funny way, but thereafter
 18 the annexures are not paginated whether in Greek letters or
 19 in Roman ones.
 20 MR BRUINDERS SC: Commissioner, are you
 21 at the plan for the 13th?
 22 GENERAL PHIYEGA: Yes, I am.
 23 MR BRUINDERS SC: If you turn to page
 24 three under 4.1.3, Public Order Policing -
 25 CHAIRPERSON: Sorry to interrupt you, Mr

Page 7885

1 Bruinders. When I said the plan was paginated with these
 2 Greek letters for the word page, that only goes up to page
 3 six. There are two more pages which aren't numbered at
 4 all, and thereafter there are these annexures. So I'm just
 5 correcting what I said. Forgive me for interrupting.
 6 MR BRUINDERS SC: Are you at 4.1.3,
 7 Public Order Policing, Commissioner? Commissioner, we can
 8 see there that apart from the Rustenburg POP, there were
 9 also personnel from the Johannesburg POP, the East Rand POP
 10 and the KwaMhlanga POP. Is that so?
 11 GENERAL PHIYEGA: Yes.
 12 MR BRUINDERS SC: And you can accept from
 13 me that if you compare this plan of the 13th to the plan of
 14 the 10th, this seems to be the first time that there's the
 15 introduction of people from outside of the North West into
 16 Marikana. Do you accept that?
 17 GENERAL PHIYEGA: Yes.
 18 MR BRUINDERS SC: Were you before the 13th
 19 asked to approve the introduction of personnel from outside
 20 of the province into Marikana?
 21 GENERAL PHIYEGA: I've said earlier on
 22 and in my other testimony that any capacity outside this
 23 province, myself together with ORS at head office, I'm that
 24 person who can say that must happen.
 25 [12:09] MR BRUINDERS SC: Commissioner, we simply

Page 7886

1 want to know whether we must accept that before the 13th,
 2 certainly before your meeting on the 13th, you had approved
 3 the use of personnel from other provinces at Marikana.
 4 GENERAL PHIYEGA: I'm saying yes, any
 5 capacity outside this province I have to assist in that.
 6 MR BRUINDERS SC: When you had the first
 7 meeting with SAPS on the [inaudible] were aware that
 8 [inaudible] that day, or by that time, SAPS personnel from
 9 outside of the province had been introduced at Marikana?
 10 GENERAL PHIYEGA: You are correct,
 11 because it has escalated.
 12 MR BRUINDERS SC: Can you please in that
 13 same plan turn to paragraph 8, Equipment? Have you looked
 14 at it, Commissioner?
 15 GENERAL PHIYEGA: You said 13?
 16 MR BRUINDERS SC: It's the plan of the
 17 13th, paragraph 8, heading "Equipment."
 18 GENERAL PHIYEGA: Paragraph 8.
 19 MR BRUINDERS SC: Heading "Equipment."
 20 Do you see it?
 21 GENERAL PHIYEGA: Yes, I do.
 22 MR BRUINDERS SC: And again you can
 23 accept from us, Commissioner, that this is the first plan
 24 on the 13th when we see the introduction of R5 and water
 25 cannon at Marikana, for use at Marikana. You do accept

Page 7887

1 that?
 2 GENERAL PHIYEGA: I think on the
 3 equipment issue the OPS people will talk to you because I'm
 4 not sure whether it was the first time you see it in
 5 writing. They can tell you whether they had them on
 6 standby, didn't have them, and I'm sure they will be able
 7 to answer those questions.
 8 MR BRUINDERS SC: We will pursue that
 9 with them. What I'm simply asking you is this, do you
 10 accept that the 13th was the first time that we see a
 11 reference to the introduction of the use of R5 at Marikana?
 12 GENERAL PHIYEGA: In the report that you
 13 see, but I'm saying when the operations commanders come
 14 here they will testify to you whether the equipment was
 15 here, in abeyance, or being used. They would be able to
 16 answer those questions.
 17 MR BRUINDERS SC: Did anybody in that
 18 first meeting report to you that on the Monday sharp-point
 19 ammunition was used in dealing with labour unrest?
 20 GENERAL PHIYEGA: No, I'm not aware of
 21 that report.
 22 MR BRUINDERS SC: So nobody talked about
 23 sharp-point ammunition in that first meeting on the Monday?
 24 GENERAL PHIYEGA: Because we did not
 25 discuss ammunition and the things that you're referring to

Page 7888

1 under 8 because those who are sitting in operations, I said
 2 to you I didn't discuss the operation, I didn't discuss the
 3 plan. So those people would be able to answer you on that.
 4 CHAIRPERSON: Mr Bruinders, I'm not
 5 entirely clear as to what the question was. Could you
 6 repeat it again? I'm not sure that I heard it correctly.
 7 Could you repeat the question?
 8 MR BRUINDERS SC: Did anybody in that
 9 meeting report to you that sharp-point ammunition had been
 10 used on that Monday?
 11 CHAIRPERSON: I understood you to say
 12 sharp ammunition had been used to redress labour unrest. I
 13 thought you said that. You're not putting it now –
 14 MR BRUINDERS SC: During the course of
 15 labour unrest, yes.
 16 CHAIRPERSON: In the course of labour
 17 unrest. Our understanding is that it was never used for
 18 labour unrest per se; it was used in a situation where
 19 people had been killed. They were casualties of the
 20 police; people were killed, policemen were killed. It's
 21 never been suggested, as far as I understand, that sharp
 22 ammunition was ever used simply in a labour unrest
 23 situation, unless by unrest you mean something more than
 24 the word by itself connotes, and you actually are referring
 25 to a system of violence, breakdown in law and order where

Page 7889

1 people are assaulted and murdered.
 2 MR BRUINDERS SC: Perhaps I can rephrase
 3 my question.
 4 CHAIRPERSON: Please do. Your question
 5 should be reformulated in fairness to the witness, and
 6 frankly to yourself.
 7 MR BRUINDERS SC: Did anybody in that
 8 meeting tell you that sharp-point ammunition had been used
 9 on the 13th?
 10 GENERAL PHIYEGA: My answer is still no.
 11 MR BRUINDERS SC: Did anybody in that
 12 meeting tell you that provision had been made for the use
 13 of sharp-point ammunition at Marikana?
 14 GENERAL PHIYEGA: My answer is no,
 15 because we did not discuss equipment.
 16 MR BRUINDERS SC: That first meeting, it
 17 seems as if you got there just after 8 o'clock, not so?
 18 GENERAL PHIYEGA: Ja, it was anything –
 19 18 and much later, around that time. 18:00 or much later.
 20 MR BRUINDERS SC: Perhaps this is the
 21 occasion to produce the occurrence book, because I think
 22 there is a reference to it there and I suppose that will
 23 sort it out. Shall we do it now, Mr Chair?
 24 CHAIRPERSON: Are you referring to the
 25 Lonmin occurrence book?

Page 7890

1 MR BRUINDERS SC: No.
 2 CHAIRPERSON: The police occurrence book?
 3 MR BRUINDERS SC: The SAPS occurrence
 4 book. I don't think it's in the exhibits.
 5 CHAIRPERSON: Ms Pillay, am I correct in
 6 thinking that the SAPS occurrence book has not yet been
 7 handed in as exhibit?
 8 MS PILLAY: That's correct, Chair. Only
 9 the Lonmin OB book has been - an exhibit.
 10 CHAIRPERSON: Yes, yes. So you're
 11 correct, now I see the lady assisting you is standing up
 12 with a pile of papers in her hand. Presumably these are
 13 copies of the SAPS occurrence register. Ms Pillay, what do
 14 we call that?
 15 MS PILLAY: Chair, it will be FFF25.
 16 CHAIRPERSON: 25, thank you. Yes, I see
 17 this document is typed. I don't know whether the original
 18 was typed. Do we know, this was obviously taken off the
 19 hard drive. Has anyone checked to see whether this, what
 20 is presumably a copy of the occurrence register, is in fact
 21 an accurate one? Unless it was kept, you know, in
 22 typewritten form as it was being kept.
 23 MR BRUINDERS SC: No, I don't think so.
 24 I haven't personally checked it, but I think we have, we,
 25 somebody in our team has looked at both and I don't, I mean

Page 7891

1 I haven't picked up any, they would have obviously said if
 2 there are discrepancies, but I can't –
 3 CHAIRPERSON: We can proceed for the
 4 moment on the basis that the document is in order and is
 5 for practical purposes materially accurate copy of the
 6 original.
 7 MR SEMENYA SC: Chair, there may very
 8 well be valid reasons why we're getting the document now,
 9 but it would be difficult for us to follow unless we have
 10 read the document. If there are matters objectionable
 11 about it, we'll raise them. I can't, just looking at the
 12 document, and the cross-examination continues.
 13 CHAIRPERSON: It will depend on the
 14 questions. I have great sympathy for the point you put and
 15 I certainly would need time to look at the document because
 16 it's quite a lengthy document. I don't know if Mr
 17 Bruinders is going to take us painfully through every page,
 18 so let's here the question first. If the questions raise
 19 any questions of context or anything of that kind, which
 20 require a perusal of the relevant section of the document,
 21 you can then renew your point and I'll deal with it, I hope
 22 sympathetically. Mr Bruinders, what's the first question
 23 you're going to ask on the basis of this document? The
 24 exhibit number is FFF25, as I understand.
 25 MR BRUINDERS SC: Can I ask you,

Page 7892

1 Commissioner, to go to – if you look at the bottom, page 6.
 2 Against the number 60 there's an entry, 20:20 and which is
 3 a situation report, "The National Commissioner General
 4 Phiyega and Lieutenant-General Petros visited, everything
 5 in order." Do you see that?
 6 CHAIRPERSON: Where is this?
 7 MR BRUINDERS SC: It's page 6, entry
 8 number 60, 20:20, situation report.
 9 CHAIRPERSON: Oh, I see.
 10 MR BRUINDERS SC: Do you see that,
 11 Commissioner?
 12 GENERAL PHIYEGA: Yes, I do.
 13 MR BRUINDERS SC: The only question here
 14 is can we accept that it would have been just after 8
 15 o'clock that you would have started that first meeting with
 16 your SAPS commanders?
 17 GENERAL PHIYEGA: I'll refer you to my
 18 statement because my statement tells you my estimation of
 19 the time. If you go to my statement, I don't know what
 20 exhibit it is, but it talks about the –
 21 CHAIRPERSON: We have several copies of
 22 your statement, but it's FFF2, I think is the one that –
 23 GENERAL PHIYEGA: Where it talks about –
 24 CHAIRPERSON: As far as this part of the
 25 statement is concerned, there's no controversy.

<p style="text-align: right;">Page 7893</p> <p>1 GENERAL PHIYEGA: Okay.</p> <p>2 CHAIRPERSON: So we can look at FFF2 or</p> <p>3 3. It's paragraph 13, I'm informed.</p> <p>4 GENERAL PHIYEGA: Okay. I think</p> <p>5 basically what I wanted to refer to is that I do indicate</p> <p>6 that around 18:00 or much later I arrived there. I think</p> <p>7 that's what I said to this Commission, I arrived at</p> <p>8 Marikana. So the 20:20 could well be much later, but I</p> <p>9 arrived around 18:00 hours, 7, around that time.</p> <p>10 MR BRUINDERS SC: Okay, so let's accept,</p> <p>11 so you get there between 6 and 7 o'clock in the evening.</p> <p>12 Do you start your meeting immediately with your SAPS</p> <p>13 people?</p> <p>14 GENERAL PHIYEGA: Yes.</p> <p>15 MR BRUINDERS SC: How long does the first</p> <p>16 meeting take approximately?</p> <p>17 GENERAL PHIYEGA: I actually did not time</p> <p>18 that, but it could have been anything between an hour to</p> <p>19 two, hour and a half.</p> <p>20 MR BRUINDERS SC: And then Commissioner,</p> <p>21 do you go directly from that SAPS meeting to the Lonmin</p> <p>22 meeting?</p> <p>23 GENERAL PHIYEGA: You are correct.</p> <p>24 MR BRUINDERS SC: And how long was the</p> <p>25 Lonmin meeting?</p>	<p style="text-align: right;">Page 7895</p> <p>1 MR BRUINDERS SC: By the end of that</p> <p>2 meeting did the Lonmin management say to you and your team</p> <p>3 that it wanted to talk to AMCU and NUM about what was</p> <p>4 happening on the koppie?</p> <p>5 GENERAL PHIYEGA: We encouraged that</p> <p>6 because we said these people, according to what we are</p> <p>7 seeing, are not faceless people, and we encouraged that</p> <p>8 everybody must do what they can to secure a peaceful</p> <p>9 solution of the matter.</p> <p>10 MR BRUINDERS SC: So Commissioner, you</p> <p>11 and your team encouraged the Lonmin management to talk to</p> <p>12 both the unions?</p> <p>13 GENERAL PHIYEGA: Yes, we did, and I am</p> <p>14 sure when General Mbombo comes to give her testimony she</p> <p>15 would even tell that for the first time we managed to get</p> <p>16 the two unions – she managed to get the two unions to meet</p> <p>17 and talk.</p> <p>18 MR BRUINDERS SC: During your Lonmin</p> <p>19 meeting, did the Lonmin management say to the SAPS</p> <p>20 delegation that it would, or that it undertook to meet with</p> <p>21 the two unions?</p> <p>22 GENERAL PHIYEGA: I did not get that</p> <p>23 commitment that I encouraged, we encouraged the mine to say</p> <p>24 it is important, because those are stakeholders, to engage</p> <p>25 them. We can't direct them, but we can encourage.</p>
<p style="text-align: right;">Page 7894</p> <p>1 GENERAL PHIYEGA: It was quite a longish</p> <p>2 meeting. It could have been in excess of two hours.</p> <p>3 MR BRUINDERS SC: And Commissioner, as we</p> <p>4 understand your evidence so far about Lonmin meeting, the</p> <p>5 first is that Lonmin said to you that the strikers on the</p> <p>6 koppie were faceless people.</p> <p>7 GENERAL PHIYEGA: It is correct.</p> <p>8 MR BRUINDERS SC: They said to you they</p> <p>9 did not know who to talk to about the demand of these</p> <p>10 strikers.</p> <p>11 GENERAL PHIYEGA: They were – yes, they</p> <p>12 did say they were unable to talk to faceless people.</p> <p>13 CHAIRPERSON: That's dealt with in</p> <p>14 paragraph 17 of your statement.</p> <p>15 MR BRUINDERS SC: And they did not say to</p> <p>16 you at that meeting, Lonmin management, that they wanted to</p> <p>17 talk to NUM and AMCU?</p> <p>18 GENERAL PHIYEGA: We did ask about the</p> <p>19 unions that they have on the mine, and they told us that</p> <p>20 the official union they had was NUM. AMCU was there, but</p> <p>21 they didn't have the requisite numbers and therefore were</p> <p>22 not their official union, and they also indicated that they</p> <p>23 were outside their bargaining period. They were going to</p> <p>24 bargain in October this year. They mentioned all those</p> <p>25 issues in the process of discussion.</p>	<p style="text-align: right;">Page 7896</p> <p>1 MR BRUINDERS SC: So National</p> <p>2 Commissioner, you quite properly encouraged Lonmin</p> <p>3 management to talk to the unions. You say you did not get</p> <p>4 that commitment from them in that meeting?</p> <p>5 GENERAL PHIYEGA: I'm comfortable in</p> <p>6 saying to you we encouraged and emphasised.</p> <p>7 MR BRUINDERS SC: Did you understand at</p> <p>8 the end of that meeting with the Lonmin management that</p> <p>9 they were not prepared to commit to talk to the two unions?</p> <p>10 [12:29] GENERAL PHIYEGA: No, I thought, you</p> <p>11 know, we had encouraged them.</p> <p>12 CHAIRPERSON: So would it be accurate</p> <p>13 then to say that you encouraged them; they did demur, they</p> <p>14 didn't say we won't do it –</p> <p>15 GENERAL PHIYEGA: Uh-uh.</p> <p>16 CHAIRPERSON: - but equally they didn't</p> <p>17 say we will do it.</p> <p>18 GENERAL PHIYEGA: Mmm.</p> <p>19 CHAIRPERSON: But you assume, I take it,</p> <p>20 that in view of the fact that you'd encouraged them and</p> <p>21 they hadn't disagreed, that they would do what you</p> <p>22 suggested. Is that a fair summary of what you say?</p> <p>23 GENERAL PHIYEGA: I think it's a fair</p> <p>24 interpretation of that, Judge.</p> <p>25 COMMISSIONER HEMRAJ: But what, General,</p>

<p style="text-align: right;">Page 7897</p> <p>1 was their actual response when you made the suggestion that 2 Lonmin meet with the two unions? Did they verbalise a 3 response to that? 4 GENERAL PHIYEGA: My interpretation of it 5 was that these are people who are always together. It's 6 their employees, or it's people they work with, it's 7 stakeholders they deal with. So an encouragement like 8 that, if somebody is saying no, I will not do it, I 9 wouldn't take it that they are saying no. I, we encouraged 10 them because we felt you invited us to say there's a 11 protest in this place, and we are doing what we can and 12 what we were trying to say, to say work with us, try as 13 much as possible to achieve a peaceful resolution of 14 whatever misunderstanding that is there between you and the 15 stakeholders that you are dealing with. 16 CHAIRPERSON: National Commissioner, it 17 sounds to me from what you say as if it actually went 18 further than that, because when you first spoke to Lonmin, 19 Lonmin seemed to think that nothing could be done because 20 they didn't know who the people were; they were faceless. 21 You then were able, with the assistance of your colleagues, 22 to show them that they weren't faceless people, they were 23 actually their employees, and then you encouraged them to – 24 as you've said, and they didn't demur, or decline to do 25 what you were saying. Is that correct?</p>	<p style="text-align: right;">Page 7899</p> <p>1 when you were told by Lonmin that these are faceless 2 people, you had not yet seen or gotten confirmation of 3 photos that showed who these people were, not so? That 4 happened later, correct? 5 GENERAL PHIYEGA: I hadn't looked at them 6 in a manner of saying identify, but I knew that there was 7 footage that was being taken by the police as they were 8 doing their work. 9 MR BRUINDERS SC: Commissioner, I do 10 understand that. I'm really trying to just pin down the 11 sequence here. In the Lonmin meeting when Lonmin said to 12 you these people are faceless, that is not when the SAPS 13 looked at photographs, called security and showed Lonmin 14 that these people were actually employees, correct? 15 GENERAL PHIYEGA: You're correct. 16 MR BRUINDERS SC: So in the Lonmin 17 meeting then there are clearly three categories of 18 participants; there are the strikers, who are faceless 19 according to Lonmin, then there's NUM and then there's 20 AMCU, not so? 21 GENERAL PHIYEGA: Mmm. 22 MR MAHLANGU: Yes. 23 GENERAL PHIYEGA: Yes. 24 MR BRUINDERS SC: I understood perfectly 25 well, Commissioner, and what you were concerned about as</p>
<p style="text-align: right;">Page 7898</p> <p>1 GENERAL PHIYEGA: That is correct, Judge, 2 and I'm sure when my other colleagues come here they'll 3 talk about other engagements that they've had to advance 4 the further encouragement, because that was just, I'm 5 talking about when I was there, what we said at the time 6 and what we encouraged. But there was even more 7 encouragement over and over, and I'm sure when my 8 colleagues come here they will talk to that. 9 CHAIRPERSON: I take it that if you'd 10 thought that they weren't going to do what you'd suggested 11 that they should do, that they weren't going to talk to the 12 unions, you would presumably not have left it there, but 13 you would have taken the matter further in some way? 14 GENERAL PHIYEGA: Definitely. If indeed 15 I thought there wasn't some common view on the matter, I 16 would have – because while we even said if these people are 17 faceless, let's talk, let's see; if they are your 18 employees, it is expected of them as employers to engage 19 their protesting employees. 20 CHAIRPERSON: I'm sorry, Mr Bruinders, I 21 interrupted your cross-examination, but I was trying to get 22 some clarity on this particular point. I think I've 23 succeeded – at least I hope I have. 24 MR BRUINDERS SC: We're very 25 appreciative, Chair. Commissioner, at this Lonmin meeting</p>	<p style="text-align: right;">Page 7900</p> <p>1 the SAPS and you as the National Commissioner, was that in 2 that situation Lonmin actually talks to the two unions, 3 never mind whether the strikers are faceless or not, 4 correct? 5 GENERAL PHIYEGA: Indeed, because we were 6 called there to come and deal with a labour matter, a 7 labour protest of their employees. 8 MR BRUINDERS SC: And Lonmin didn't 9 respond either positively or negatively to your 10 encouragement? 11 MR MAHLANGU: I don't understand the 12 question. 13 MR BRUINDERS SC: Lonmin – 14 CHAIRPERSON: When you, or what counsel 15 wants to know is this. When you encouraged – I think he 16 covered this ground already, but he wants to go over it 17 again for some reason. When you encouraged Lonmin to speak 18 to the unions and all those involved, Lonmin didn't say 19 yes, we will, and they didn't say no, we won't. They 20 remained quiet, as I think you said assumed that they 21 agreed with what you said because they didn't express 22 disagreement. Is that right? 23 GENERAL PHIYEGA: It is right, Judge, 24 because remember I've also indicated that they've already 25 started telling us about the genesis of the problem, what</p>

Page 7901

1 is the problem, two labour unions, the salary protest and
 2 all those issues, and all we were saying was to say you
 3 have a role to play, and they didn't show any rejection of
 4 our encouragement.

5 CHAIRPERSON: But as I said before as you
 6 say in your statement, it went further than that because it
 7 appears from paragraph 17 of your statement that they said,
 8 when you spoke to them, that the protesters were not their
 9 employees and were unknown to them, and that as such – in
 10 other words because they were not their employees, were
 11 unknown – they found no reason to negotiate with what they
 12 referred to as faceless people. So what they were saying
 13 to you was by implication, as I read it, that they couldn't
 14 negotiate with people they didn't know, who didn't work for
 15 them. You then with the assistance of your colleagues were
 16 able to show them that the basis upon which they had said
 17 they couldn't negotiate with them was incorrect because
 18 they were known to them and they were their employees. Is
 19 that correct?

20 GENERAL PHIYEGA: It is correct, because
 21 then the head of security we said, "These people that you
 22 say are faceless, let us show you the pictures that we are
 23 having. Do you know these faces?" and then he said, "No, I
 24 would not be able to do it myself. My security people
 25 are," we said fetch them. He fetched him – he fetched them

Page 7902

1 and they came, they started reading faces and we said,
 2 "Sure they are not faces, they are employees. Please talk
 3 to these people."

4 MR BRUINDERS SC: National Commissioner,
 5 what you've just described happened at that third meeting,
 6 not so? What you've just described happened at the third
 7 meeting that evening.

8 GENERAL PHIYEGA: Remember the security
 9 was with us in the second meeting and we said, we continue
 10 with him to say, "Now we want to show you the pictures."
 11 The chief of security was in the second meeting. We
 12 continued with him to say, "Now we want to show you the
 13 pictures," because we then went and we showed him the
 14 pictures; we identified these people, we say talk to your
 15 people. Then we continued on our own as SAPS after we
 16 finished the engagement with Lonmin.

17 MR BRUINDERS SC: This engagement that
 18 you – sorry, let me rephrase that. When you say that you
 19 spoke to Lonmin security for the purpose of identifying who
 20 employees were, or that strikers were employees, when that
 21 happened, did you at the end of that exercise again call
 22 upon Lonmin to talk to the NUM and AMCU, or did you call
 23 upon them to talk to the strikers, their employees?

24 GENERAL PHIYEGA: What was important for
 25 us is that there was an employer/employee relationship.

Page 7903

1 Where that employee is really, is another matter, but we
 2 were interested in the employer sorting out their issues
 3 with the employees. Whether they were AMCU or NUM or non-
 4 members, it was important to say that destabilisation that
 5 is there at that place, the employer must talk to their
 6 employees.

7 MR BRUINDERS SC: So at the end of the
 8 detective exercise, what happened was you said to Lonmin
 9 talk to these employees who are no longer faceless, not so?

10 GENERAL PHIYEGA: I've already said yes
 11 to that.

12 MR BRUINDERS SC: What was the response
 13 to that encouragement from you?

14 GENERAL PHIYEGA: I did not have a sense
 15 that they are saying no to whatever. I did not, they did
 16 not say yes, but I thought with the employers who now
 17 realise that they have to do something.

18 MR BRUINDERS SC: Their response is
 19 neither yes nor no?

20 GENERAL PHIYEGA: I said my impression
 21 was that it is an employer who understood that they had a
 22 responsibility.

23 MR BRUINDERS SC: If we, and I know it's
 24 some time and I'm not asking you to be exact, National
 25 Commissioner, but if we think back and you get there just

Page 7904

1 after 6 o'clock, between 6 and 7, you have a meeting with
 2 the SAPS that takes an hour to two hours, you then have a
 3 meeting with Lonmin that takes about two hours, the two
 4 meetings would have finished round about 10 o'clock that
 5 evening, not so?

6 GENERAL PHIYEGA: Time issues – maybe I
 7 may not be able to put my finger on it, but all I know is
 8 that we had a meeting in the early evening and it stretched
 9 and stretched, and the facts are in my statement.

10 MR BRUINDERS SC: How long was that third
 11 meeting where the SAPS met on their own?

12 GENERAL PHIYEGA: It took time. It could
 13 have been, I would say between an hour, hour, two. They
 14 were longish meetings, because remember this other one we
 15 even had to wait for those security to come so that we can
 16 show them, when we started, in other words the process of
 17 security being fetched from home and all that. It was a
 18 longish exercise, all those three meetings.

19 MR BRUINDERS SC: Commissioner, in
 20 exhibit FFF18, which is the affidavit of Lieutenant-Colonel
 21 Scott, he says at paragraph 6 of that affidavit that that
 22 third meeting started at about 11 o'clock at night. Does
 23 that sound right to you?

24 GENERAL PHIYEGA: It could have been
 25 around there, or even much earlier, but it was those out

Page 7905

1 hours of the day.

2 MR BRUINDERS SC: In fact, Commissioner,

3 it's pointed out to me that your statement also says at

4 paragraph 20 that that meeting started at 11 o'clock. So

5 we can accept that, not so?

6 GENERAL PHIYEGA: Ja, it could be that.

7 I'm saying it could be.

8 MR BRUINDERS SC: And that third meeting,

9 how long did that take more or less?

10 GENERAL PHIYEGA: I can only approximate,

11 you know. If I knew that I'd be sitting here, I probably

12 would have kept a nice little diary to tell you exactly,

13 but it could have been around an hour again, an hour, two,

14 or even longer.

15 MR BRUINDERS SC: Mr Russo-Bello, who

16 seems to have been at both those meetings – he was of

17 Lonmin – says at paragraph 7.12 of his affidavit that you

18 left the scene at about 2:30 on Tuesday, 13 August 2012.

19 GENERAL PHIYEGA: I did say to you that

20 it was longish meetings and it was those out hours of the

21 day.

22 MR BRUINDERS SC: So National

23 Commissioner, we've now established that the question of

24 faceless people, photograph identification, that was dealt

25 with really at the end of the Lonmin meeting, not so?

Page 7906

1 [12:49] GENERAL PHIYEGA: I've already said to

2 you in a previous response that remember the security head

3 was then with us at JOC so that we can show him the

4 pictures and he can go and fetch the people so that the

5 continuation of those meetings, particularly the second one

6 and the other one is interchanged, because we take the

7 security boss with us to the JOC to show him the pictures.

8 He fetches the people; we bring the people at the JOC for

9 him to identify and we say, "These are your people; please

10 ensure that you talk to them."

11 MR BRUINDERS SC: And you participated in

12 that exercise where these faceless people were identified?

13 GENERAL PHIYEGA: I was in that place

14 when the security worked with the team to look at the

15 pictures, to ring and to identify them to the security, ja.

16 MR BRUINDERS SC: The purpose of that

17 third meeting, apart – let's leave aside this question of

18 trying to identify people, so that's been done. Now we're

19 going to the meeting, the third meeting with the SAPS

20 commanders, not so?

21 GENERAL PHIYEGA: Indeed when everything

22 is finished we met as SAPS people.

23 MR BRUINDERS SC: And the purpose of you

24 meeting with your commanders, National Commissioner, at

25 that hour, at that time, was so that you could give

Page 7907

1 strategic guidance on the way forward in this labour unrest

2 situation at Marikana, not so?

3 GENERAL PHIYEGA: I think the important

4 thing for us was to say what has happened today. We've

5 managed to actually say these are employees of this mine,

6 we've encouraged them, encouraging them to say, you know,

7 as you go forward work with them to ensure that this

8 peaceful solution is found, and if there is any other thing

9 that I can help you with, let me know so that that happens.

10 We needed to wrap up as SAPS after that meeting.

11 MR BRUINDERS SC: Commissioner, you

12 participated in a discussion with your commanders. Were

13 you advised that the way forward was first to negotiate?

14 Would that be right?

15 GENERAL PHIYEGA: I emphasised a

16 principle of achieving as much as possible a peaceful

17 solution, and how they were going to do they know. They

18 have the prescripts; they know precisely what to do to get

19 there. They must read the situation, apply the prescripts

20 and do what they're supposed to do, and that would also

21 include processes of trying to achieve a peaceful solution.

22 MR BRUINDERS SC: So in that meeting your

23 requirement of your commanders was that they first seek to

24 resolve the unrest by way of a peaceful solution.

25 GENERAL PHIYEGA: I did not plan the

Page 7908

1 operation for the members. I am saying to you one of the

2 philosophies and principles that I encourage everybody, I

3 encourage the mine, I encourage my team to say together

4 with all the stakeholders they should work towards

5 achieving a peaceful solution. As to how that is done,

6 there are clear prescripts, protocols, SOPs, in terms of

7 how they should do it. They must read the situation,

8 decide, plan and do whatever, and they would do that

9 operationally.

10 MR BRUINDERS SC: The next thing that you

11 must have agreed with your commanders in that meeting was

12 that there should be a drastic escalation of resources in

13 Marikana.

14 GENERAL PHIYEGA: I'm on record as saying

15 any need for additional capacity, whether it's in Marikana

16 or anywhere else, I am advised by the heads of those

17 environment, in this regard the Provincial Commissioner,

18 should she need any other additional capacity, particularly

19 from other provinces, they advise me and I make sure that

20 that happens.

21 MR BRUINDERS SC: Please turn to exhibit

22 DD.

23 CHAIRPERSON: You say DD. Has the

24 witness got a copy of DD?

25 GENERAL PHIYEGA: Uh-uh.

<p style="text-align: right;">Page 7909</p> <p>1 CHAIRPERSON: Because if she hasn't, it 2 must be given to her. 3 MR BRUINDERS SC: Sorry, Chair, I'll have 4 to give her a copy. It's the affidavit of General Naidoo, 5 and it's exhibit DD. If the National Commissioner doesn't 6 have a copy we'll obviously make one available for her. 7 CHAIRPERSON: Are you going to give it to 8 her? So I don't have to give her our copy. Is it a 9 longish passage from the affidavit you want to read to her? 10 I see it's 3 minutes to 1. 11 MR BRUINDERS SC: It's not – 12 CHAIRPERSON: A copy has been obtained. 13 MR BRUINDERS SC: Apparently she has a 14 copy in front of her. 15 CHAIRPERSON: Do you have a copy now of 16 exhibit DD? 17 GENERAL PHIYEGA: Yes, I do. 18 MR BRUINDERS SC: It's not a long 19 passage. Should we just do it before the lunch adjournment 20 and then the Commissioner can reflect – 21 CHAIRPERSON: Okay, well let's do it 22 before lunch. 23 MR BRUINDERS SC: Commissioner, at the 24 second page, third paragraph, we see the following. "The 25 National Commissioner and the Provincial Commissioner</p>	<p style="text-align: right;">Page 7911</p> <p>1 Marikana, not so? 2 GENERAL PHIYEGA: I have indicated that, 3 you know, in that meeting I don't recall having this 4 specific discussion. However, as I have indicated to you 5 that at any given time, should there be a need for 6 additional resources, I would be approached for me to be 7 able to do so, and I read that statement to actually be 8 saying there is an expression of a need for additional 9 resources, and if that is a need, Provincial Commissioner 10 would alert me and I'd make the resources available. 11 CHAIRPERSON: I'm not sure that I 12 understand your answer. Are you saying that if extra 13 resources were required, you had to be approached? Is that 14 what you're saying? 15 GENERAL PHIYEGA: Because what they would 16 – yes, Judge, I'm saying when they need any resources 17 outside this province – 18 CHAIRPERSON: Yes, yes. No – 19 GENERAL PHIYEGA: - particularly of 20 people – 21 CHAIRPERSON: Yes. 22 GENERAL PHIYEGA: - POP members, I'm the 23 one who should be able to say to them yes, let's talk to 24 province Y, province Z and province X. 25 CHAIRPERSON: Yes, I understand that.</p>
<p style="text-align: right;">Page 7910</p> <p>1 Gauteng arrived at Lonmin later that evening and the 2 situation was discussed. It was decided that a drastic 3 escalation of the police resources will be necessary to 4 both stabilise the public order situation, as well as 5 facilitate the investigation of the murders and attack 6 which had occurred on the police officers." I have read 7 that correctly, haven't I? 8 GENERAL PHIYEGA: Mmm. 9 MR BRUINDERS SC: Then it goes on to say, 10 "This escalation of police resources was facilitated by the 11 NATJOC structures and the contingency plan in place for the 12 operation was extended and operationalised for this 13 purpose." I've read that correctly? 14 GENERAL PHIYEGA: Mmm. 15 MR BRUINDERS SC: Chair, would this be a 16 convenient – that's the only paragraph I want to read. 17 CHAIRPERSON: Do you want to put 18 something to her about it - the witness - to comment, or do 19 you want to do that after the lunch adjournment? 20 MR BRUINDERS SC: I can do it now. What 21 I want to put to you is this, National Commissioner, that 22 you must have been involved in a discussion at which 23 General Naidoo was present, where at the end of that 24 discussion you were party to a decision that a drastic 25 escalation of police resources would be necessary in</p>	<p style="text-align: right;">Page 7912</p> <p>1 That's the background against which the question is asked. 2 I understood you to say that it was agreed that if – which 3 is effectively stating what was said to you already – 4 GENERAL PHIYEGA: Then I'm – 5 CHAIRPERSON: - that if more people were 6 required, then you would have to be contacted and you would 7 obviously do the necessary. Is that what you're saying? 8 GENERAL PHIYEGA: What I'm – 9 CHAIRPERSON: I just wonder if I 10 understand you. I don't want to misunderstand. 11 GENERAL PHIYEGA: Ja, I think the "if" 12 for me is again back to the principle to say how do we get 13 additional resources outside the province. It's, maybe I 14 used it in a manner that confused you. I'm saying any 15 discussion around additional resources outside this 16 province, the commissioner of this province will approach 17 me. 18 CHAIRPERSON: Yes. 19 GENERAL PHIYEGA: If General Naidoo's 20 saying there's need for escalation for more resources, then 21 her, his commissioner will come and tell me to say we need 22 more people, and I will make sure that that happens. 23 CHAIRPERSON: So that was something that 24 was going to happen after the 13th, the next day or 25 thereafter.</p>

<p style="text-align: right;">Page 7913</p> <p>1 GENERAL PHUYEGA: Precisely. It could 2 have happened after the 13th. It could have happened on the 3 15th. It could have happened whatever, ja. 4 CHAIRPERSON: As I understand Mr 5 Bruinders' question, he is putting to you that according to 6 General Naidoo's statement the discussion that night went 7 further. If you look at the second sentence of the third 8 paragraph on page 2 of General Naidoo's statement, you'll 9 see it reads as follows. "It was decided that a drastic 10 escalation of the police resources will be necessary to 11 both stabilise the public order situation, as well as 12 facilitate the investigation of the murders and attack 13 which had occurred on the police officers. This escalation 14 of the police resources was facilitated via the NATJOC 15 structures and the contingency plan in place for the 16 operation was extend and operationalised for this purpose." 17 So I understand Mr Bruinders' point to be that the 18 necessary decision to bring extra people in was already 19 made that night. That is his interpretation, as I 20 understand him, of the passages I read. If I'm wrong, I 21 hope you'll correct me. Now I think it might be 22 appropriate for us to take the lunch adjournment at this 23 stage. You can think about the question that Mr Bruinders 24 asked, which I've endeavoured to paraphrase, and he's 25 nodded his head, so he agrees with my paraphrase, so you</p>	<p style="text-align: right;">Page 7915</p> <p>1 it appears that you must have been involved in the 2 discussions about the escalation, the addition of a lot 3 more resources to deal with the unrest in Marikana. 4 GENERAL PHUYEGA: I have indicated that 5 that evening we did not discuss any plan. However, I've 6 also said to you that issues of capacity had been a 7 continuous strategic discussion with General Mbombo. 8 MR BRUINDERS SC: National Commissioner, 9 forgive me, I didn't quite hear the full answer. Did you 10 say that on that evening you did not discuss any plan? 11 GENERAL PHUYEGA: Yes. 12 MR BRUINDERS SC: Now when General Naidoo 13 says in his affidavit that what was discussed there was a 14 drastic escalation of police resources, that of course to 15 you did at the time make sense, not so? 16 GENERAL PHUYEGA: I shall again try and 17 say what I've said. I've said issues of capacity I would 18 always discuss with the Provincial Commissioner, and you 19 would understand that on that day, which is the 13th, a lot 20 had already happened. We were talking about a situation 21 where a lot of property has already been burned. We were 22 talking about a situation where almost nine people were 23 dead. 24 MR BRUINDERS SC: Commissioner, at that 25 final meeting that evening with your SAPS commanders, did</p>
<p style="text-align: right;">Page 7914</p> <p>1 can think about it and give us the answer after the lunch 2 adjournment. Would that be appropriate? We'll take the 3 lunch adjournment. 4 [COMMISSION ADJOURNS COMMISSION RESUMES] 5 [14:05] CHAIRPERSON: The Commission resumes. 6 National Commissioner, you're still under oath. 7 MANGWASHI VICTORIA PHUYEGA: s.u.o. 8 CHAIRPERSON: Mr Bruinders, do you want 9 to repeat your question, or do you think we should just 10 give the National Commissioner a chance to answer it 11 without your repeating it? 12 MR BRUINDERS SC: No, I'm more than 13 happy. It depends what the National Commissioner prefers. 14 CHAIRPERSON: National Commissioner, 15 would you like Mr Bruinders to repeat his question? 16 GENERAL PHUYEGA: [Inaudible] 17 CHAIRPERSON: Yes. 18 CROSS-EXAMINATION BY MR BRUINDERS SC (CONTD.): 19 Commissioner, before the break we referred you to the third 20 paragraph on the second page of General Naidoo's affidavit. 21 Do you remember that? 22 GENERAL PHUYEGA: Yes, I do. 23 MR BRUINDERS SC: And you've read it? 24 GENERAL PHUYEGA: I have, yes. 25 MR BRUINDERS SC: Reading this affidavit,</p>	<p style="text-align: right;">Page 7916</p> <p>1 the SAPS commanders say to you as the National Commissioner 2 that as far as they were concerned, there was the need for 3 a drastic escalation of resources at Marikana? 4 GENERAL PHUYEGA: I have indicated to you 5 that issues of capacity have always been discussed with the 6 National Commissioner. We did not discuss a plan around 7 additional capacity with these members. I do not recall 8 that, but I can continuously – I can confirm that 9 continuously issues of capacity with the Provincial 10 Commissioner were discussed. 11 MR BRUINDERS SC: Now it seems that the 12 one thing that those commanders were concerned about on the 13 Monday was that they didn't have, or there wasn't enough 14 resources to deal with what they saw and you saw as an 15 escalating problem. That would be right, isn't it? 16 GENERAL PHUYEGA: I would say yes. 17 MR BRUINDERS SC: If that was so, why is 18 that not something that they would most pertinently have 19 discussed with you in that meeting where you had to decide 20 as a group of leaders in the SAPS how to deal with this 21 problem? 22 GENERAL PHUYEGA: Because they know that 23 whatever operational decisions they take, their Provincial 24 Commissioner would address me on those about the needs they 25 require to be able to execute the operational decisions</p>

Page 7917

1 that they would have taken.

2 MR BRUINDERS SC: Now National

3 Commissioner, we do know that on the 14th there was a

4 drastic increase in the numbers of people, personnel, SAPS

5 personnel, at Marikana. You agree with that?

6 GENERAL PHIYEGA: Yes.

7 MR BRUINDERS SC: Many of them came from

8 other provinces.

9 GENERAL PHIYEGA: You are correct.

10 MR BRUINDERS SC: And isn't this

11 precisely what, the request that would have been made to

12 you at that meeting that night?

13 GENERAL PHIYEGA: You would recall that

14 you were saying to me I left there at about 2AM, and all

15 those things. This couldn't have been a product of that

16 meeting. This could have been a product of other

17 discussions that we already started having and we continued

18 to escalate people coming there. On the 14th, on the 15th,

19 we continued to do so.

20 COMMISSIONER HEMRAJ: General, the

21 requests that are made for additional personnel and your

22 deployment of them, or your authorisation of the

23 deployment, is that recorded anywhere in your office?

24 GENERAL PHIYEGA: No, not necessarily.

25 It's, I think the only one where in terms of this process

Page 7918

1 where you see some record is the one of the 15th, but

2 ordinarily all the others that were being given to me, they

3 would call and I would call the other Provincial

4 Commissioners. There's no protocol that requires me to be

5 recording that.

6 MR BRUINDERS SC: So, Commissioner, we

7 know from this SAPS15 documents on file that the numbers

8 increased as follows, and I'm just waiting for my learned

9 junior to get them, but from the 13th the numbers went up

10 from – sorry, on the 13th you had a total of 217 personnel

11 at Marikana, and that jumped to 580 on the 14th. That's not

12 a figure you would dispute at this stage?

13 GENERAL PHIYEGA: That's a figure I'd

14 like my operational members to talk to.

15 MR BRUINDERS SC: And again from the

16 SAPS15 documents that your legal team supplied, we've

17 picked up that the number went up from 580 on the 14th to

18 761 on the 15th. Again you would say that's something we

19 must canvass with your operations people.

20 GENERAL PHIYEGA: Yes, I would say that

21 escalation, but the specifics, those members will be able

22 to tell you.

23 MR BRUINDERS SC: And the reason that

24 there was this drastic escalation on 14 and 15, was because

25 you were asked at the meeting of the 13th to approve such

Page 7919

1 drastic escalation, not the numbers, but the drastic

2 escalation. Do you agree with that?

3 GENERAL PHIYEGA: I do not agree with you

4 because I've already answered you on that one to say I did

5 not discuss the plan on the 13th, but I continued to have

6 discussions with General Mbombo on various times on the

7 capitulation.

8 MR BRUINDERS SC: The numbers on the 14th

9 and the 15th, the SAPS personnel, they came from various

10 units from different provinces. You've already said that

11 you accept that.

12 GENERAL PHIYEGA: I've already said yes.

13 MR BRUINDERS SC: You see, the fact that

14 that could happen so quickly must be because you were aware

15 of it on the night of the 13th and gave it the go-ahead and

16 said to your, or advised your employees, the people who

17 report to you, to move ahead on increasing the numbers.

18 GENERAL PHIYEGA: Advocate, I've given

19 you my best answer on this one. If we are not meeting in

20 terms of that I would rest my answer to that what I've

21 given you.

22 MR BRUINDERS SC: Could I ask you to turn

23 to exhibit FFF18, which is the affidavit by Lieutenant-

24 Colonel Scott. We referred to it earlier. Do you have it

25 in front of you? Commissioner, before I move on to this,

Page 7920

1 the affidavit, I'm not suggesting that on that night that

2 you signed approval forms and that sort of thing. What I

3 am suggesting to you is that you had a discussion with your

4 commanders about an escalation, a drastic escalation of

5 resources, and you agreed in principle to do whatever was

6 necessary to supply those resources quickly.

7 GENERAL PHIYEGA: I'll again say to you

8 issues of capitulation, escalation thereof, were continuous

9 discussions between myself and the Provincial Commissioner.

10 I've done so over many times. I have given her support in

11 that regard, but that night we did not discuss the plan.

12 MR BRUINDERS SC: Have you opened

13 Lieutenant-Colonel Scott's affidavit at paragraph 6 -

14 CHAIRPERSON: Before you deal with

15 Lieutenant-Colonel Scott, can I just ask a question which

16 flows from the question you asked, the question of

17 deploying people from other provinces. Now a document that

18 was handed in, which is headed "Annexures Monday 2012-08-

19 13" which I understand is part of exhibit SS3, contains the

20 amended contingency plan from the 13th of August, which I

21 take it was compiled either on the 12th or early on the

22 13th. Now if you look at page 3 of that document, they're

23 dealing with what are called force levels. "Due to the

24 escalation of violence, the force," now this is documents

25 obviously compiled before the meeting on the evening of the

<p style="text-align: right;">Page 7921</p> <p>1 13th, which Mr Bruinders was discussing. Paragraph 4.1 on 2 page 3, "Due to the escalation of violence, the force 3 increased as follows. This," that's from Marikana, that's 4 obviously local, Crime Intelligence I take it is also 5 local. Public Order Policing, apart from Rustenburg POP 6 there are six people from Johannesburg POP, seven from East 7 Rand POP, they're obviously both from Gauteng. 8 GENERAL PHIYEGA: Yes. 9 CHAIRPERSON: And 15 from KwaMhlanga POP, 10 which I think is Mpumalanga, and then there's a reference 11 to the Tactical Response Team. I'm not quite sure where 12 they came from, but this document seems to indicate that 13 already either by the morning of the 13th or possibly the 14 night of the 12th, these personnel had been deployed from 15 other provinces. Now I take it you must have agreed to 16 that, because you've explained to us that you had to agree 17 to the deployment of police personnel from other provinces. 18 GENERAL PHIYEGA: It's true, Judge. 19 CHAIRPERSON: So I'm correct, am I, in 20 saying that it's clear from this document that you had 21 agreed to deployment of personnel from Gauteng and from 22 Mpumalanga before the evening of the 13th? You'd agree it 23 was either the 12th or early in the morning of the 13th, but 24 that seems to be an unavoidable inference that one draws 25 from the document to which I referred.</p>	<p style="text-align: right;">Page 7923</p> <p>1 strategy. 2 MR BRUINDERS SC: He's right when he 3 suggests that you, or says that you were party to generally 4 accepting that it was necessary to develop a coordinated 5 strategy to resolve the situation, is he not? 6 GENERAL PHIYEGA: I think it's important 7 to – I mean again I don't know how you interpret it. When 8 I'm there and I'm being given a report by my operations 9 team by the JOC who says now, given the escalation and all 10 the issues that we've not yet in the investigation, we are 11 going to develop a coordinated strategy, it's a feedback 12 that I'm being given. It's a proposition that people are 13 discussing in OPS, and they are going to. 14 MR BRUINDERS SC: The people in OPS are 15 discussing this at a meeting at which you are present. 16 GENERAL PHIYEGA: What I'm trying to say 17 to you is that they're not asking for my sign-off to do 18 that. They're telling me what they're doing as operations. 19 Remember I went back to be briefed, and at this point in 20 time the briefing continues. They say they are going to 21 develop a strategy. 22 MR BRUINDERS SC: So in telling you what 23 they're going to do, is one of the things they say look, we 24 think there must be a big escalation of a number of 25 resources, number of personnel at Marikana?</p>
<p style="text-align: right;">Page 7922</p> <p>1 GENERAL PHIYEGA: It's true, Judge. 2 That's why I said issues of capacity had been continuous 3 discussion between myself and the Provincial Commissioner. 4 MR BRUINDERS SC: Thank you. National 5 Commissioner, I did ask you a little bit earlier just to 6 have a look at paragraph 6 and 7 of Lieutenant-Colonel 7 Scott's affidavit, and you said you did have it in front of 8 you. At paragraph 6 he says, "After the initial police 9 briefing, the National Commissioner and the delegation went 10 to a meeting with the Lonmin Mine management. Thereafter 11 the National Commissioner and delegation returned and a 12 second meeting was held that evening at about 23:00 with 13 the operational officers. It was generally accepted that 14 the situation had escalated with increasing loss of life, 15 and it was necessary to develop a coordinated strategy to 16 resolve the situation." I've read that correctly? I have 17 read that correctly? 18 GENERAL PHIYEGA: Yes, Sir. 19 MR BRUINDERS SC: Now Commissioner, 20 Lieutenant-Colonel Scott here suggests that you were party 21 to a general acceptance that it was necessary to develop a 22 coordinated strategy to resolve the situation. 23 [14:25] GENERAL PHIYEGA: Which I think is 24 important for an operations person to say, because it does 25 not say we developed; it says they were going to develop a</p>	<p style="text-align: right;">Page 7924</p> <p>1 GENERAL PHIYEGA: And I think we should 2 not forget that that has been happening even before then. 3 MR BRUINDERS SC: And do they say that 4 what they plan to do is to, that they want resources to be 5 pulled not just from POP, but from other units such as the 6 NIU, TRT, STF, and so forth? 7 GENERAL PHIYEGA: I do not discuss those 8 things there. I've said to you we did not discuss the 9 plan. 10 MR BRUINDERS SC: Now at paragraph 7 11 Lieutenant-Colonel Scott says, "It was discussed that in 12 hostage release operations the STF would always use 13 dialogue first in the SAPS hostage negotiators before 14 opting to resolve a situation with a tactical option, and 15 recommended that the same course of action be utilised 16 here, namely that the protesters first be engaged by the 17 SAPS hostage negotiators to enable them to seek a peaceful 18 resolution, before moving to an intervention to enforce the 19 law. If this strategy is successful, it will defuse the 20 situation without the need for a tactical intervention and 21 allow for a peaceful resolution." I've read that 22 correctly, haven't I? 23 GENERAL PHIYEGA: Yes, you did. 24 MR BRUINDERS SC: And what he suggests 25 here is that at a meeting at which you were present, the</p>

Page 7925

1 operational commanders talked about the broad plan that was
2 to be adopted after the 13th, not so?
3 GENERAL PHIYEGA: I will tell you again
4 that I did not discuss the plan with that meeting, and I'm
5 sure when General, when Scott comes here, he will be able
6 to tell you when he discusses that and with who, but I did
7 not discuss the plan with the team.
8 MR BRUINDERS SC: What do you say you did
9 discuss between 11 and 2 o'clock in the morning?
10 GENERAL PHIYEGA: I thought I had shared
11 what we were doing in that meeting. I have indicated to
12 you that part of that was we had time to look at the
13 pictures, for the people to come in to be briefed about
14 what was taking place there, to talk about all the issues
15 that I've mentioned, but I did not discuss the plan with
16 the team.
17 MR BRUINDERS SC: But you did understand,
18 National Commissioner, that your commanders, your
19 operational commanders were going to go and develop a plan?
20 GENERAL PHIYEGA: You are correct -
21 MR SEMENYA SC: Chair, that question has
22 been asked many times and there have been many same answers
23 to the same question, Chair.
24 CHAIRPERSON: Mr Bruinders, the objection
25 of undue repetition has been raised against your question.

Page 7926

1 How do you answer to it?
2 MR BRUINDERS SC: I'll move on. Do you
3 say to your operational commanders – sorry, let me rephrase
4 that. Do you, understanding that they're going to go off
5 and develop a plan, remind them about your national
6 instruction that you'd signed off a mere three weeks
7 earlier?
8 GENERAL PHIYEGA: I did not, because when
9 I signed it, I signed it to all the 200 000 members and I
10 take it that they note my instructions.
11 MR BRUINDERS SC: Do you not say to them
12 at all, when you go away here to deal with what is clearly
13 an escalating situation - we're talking about the
14 escalation of violence here – when you go away and devise
15 your plan, just make a note of consulting my national
16 instruction again so that you ensure that you comply with
17 my instruction as to how to go about in a Public Order
18 Policing situation? You don't say that?
19 GENERAL PHIYEGA: No, I didn't, because I
20 know they will comply. I had given an instruction -
21 CHAIRPERSON: Mr Bruinders, will you
22 permit me just to ask a question that flows from a question
23 you asked a few questions ago? According to Lieutenant-
24 Colonel Scott there was this discussion which is set forth
25 in the paragraph that was read to you. You said you didn't

Page 7927

1 participate in that discussion. Is that right?
2 GENERAL PHIYEGA: I do say that, Judge.
3 CHAIRPERSON: Were you present in the
4 room when it was discussed, or was it, you know, with you
5 just sitting quietly listening, or had you already left the
6 room when this discussion must have taken place?
7 GENERAL PHIYEGA: Judge, when I was in
8 that room we did not have that discussion, and when I left
9 the JOC, I left them there.
10 MR BRUINDERS SC: Then lastly, National
11 Commissioner, do you not caution them when they're thinking
12 about bringing in people from other provinces and other
13 units, that they should heed your national instruction,
14 particularly in relation to the use of sharp-point
15 ammunition?
16 MR SEMENYA SC: Chair, there's no
17 instruction about the use of sharp ammunition.
18 CHAIRPERSON: We had this one before.
19 The use of sharp ammunition was dealt with, as far as I
20 remember, in the Standing Order. There were two glosses,
21 as I called them earlier, on that Standing Order, one in, I
22 think it was December 2011, and the subsequent one – or
23 maybe in November, towards the end of 2011, and then a
24 subsequent one that the witness signed in July 2012. They
25 dealt with the use of rubber, the first one rubber bullets,

Page 7928

1 and her one dealt with rubber balls. So she didn't give an
2 instruction on the use of sharp ammunition. The
3 instruction was a standing one, which is set out in the
4 Standing Order. That's my understanding of the position.
5 If I'm wrong, I'll be corrected. So your question requires
6 reformulation. While Mr Bruinders is looking for something
7 in his papers, can I ask you a question? It seems that the
8 first involvement of the Special Task Force at Marikana was
9 when Lieutenant-Colonel Scott was phoned by Brigadier Fritz
10 at 6 o'clock, 6PM on the evening of the 13th of August, and
11 instructed to report to Lonmin Mine at Marikana, and he
12 then arrived there at 7:30PM that evening on the 13th. Now
13 what I'd like to know from you is whose idea was it to
14 involve the Special Task Force and to ask Lieutenant-
15 Colonel Scott to go to Marikana? I know he was phoned by
16 Brigadier Fritz, but the question is whose idea was it to
17 get the Special Task Force involved and to get Lieutenant-
18 Colonel Scott on the scene? It may be that you don't know,
19 but I – I say maybe you don't know the answer to the
20 question, but you understand the question I've asked you?
21 GENERAL PHIYEGA: Judge, part of dealing
22 with entities that will be outside that area, for instance
23 when we talk about Task Force, I would be talking to
24 General Mawela and General Masemola to say should there be
25 a need to give assistance to whatever, there is a request

<p style="text-align: right;">Page 7929</p> <p>1 for additional capacity, engage with the province to 2 assist. That would be coming from, you know, our central 3 ORS platform. It doesn't come from the provinces. The 4 other POP people would be coming from the provinces, then 5 I'd say to the commissioners, "Commissioners, engage with 6 General Mbombo and assist as she requests." 7 CHAIRPERSON: Yes, I understand, but you 8 haven't quite answered the question. I'm not criticising 9 you because it wasn't as clear as it should have been, but 10 whose idea was it to – if you don't know then you must just 11 say so. Whose idea was it to engage the STF, particularly 12 Lieutenant-Colonel Scott, in the Marikana situation? Was 13 it your idea or was it the idea of somebody else whom you 14 can identify, or was it the idea of someone whom you can't 15 identify? 16 GENERAL PHIYEGA: I would have – as I've 17 said, I would have spoken to two sets of people, (1), the 18 provinces, which is the Provincial Commissioners. When it 19 comes to the specialist units I would have spoken to 20 General Mawela, I would have spoken to General Masemola, 21 because those are controlled nationally, and they would 22 have to assist as per the request, so I'm sure the ORS 23 heads and the general managers would be able to account to 24 say how did we get General Scott to go to – because that 25 comes from that environment.</p>	<p style="text-align: right;">Page 7931</p> <p>1 CHAIRPERSON: You've got exhibit S? 2 GENERAL PHIYEGA: Yes, we have. 3 MR BRUINDERS SC: And then what I want to 4 refer you to particularly is paragraph 3 on the third page 5 of your national instruction. Would you turn there, 6 please? Thank you. National Commissioner, do you not 7 during the course of your third meeting on the evening of 8 the 13th remind the operational commanders that when they go 9 off to devise a plan, that their plan stays in line with 10 paragraph 3, and in particular 3 and 3.6 of your national 11 instruction? 12 GENERAL PHIYEGA: No, I did not. As I've 13 already said, when I issue an instruction, it is not non- 14 negotiable; it's got to be complied with. So I did not 15 have to do that because I knew the instruction was issued 16 and was already with everybody. 17 MR BRUINDERS SC: You see, National 18 Commissioner, I must put to you that what AMCU will argue 19 is that it is going to ask the Commission not to believe 20 you when on the one hand you say that you were involved in 21 identifying employees engaged in the strike, yet on the 22 other you don't talk to your commanders about keeping 23 strictly to your national instruction. 24 CHAIRPERSON: Mr Semenya? 25 MR SEMENYA SC: Surely, Chair, Mr</p>
<p style="text-align: right;">Page 7930</p> <p>1 CHAIRPERSON: I'm sure Lieutenant-Colonel 2 Scott would like to hear you calling him General, but it's 3 a bit premature. 4 GENERAL PHIYEGA: I'm sorry. 5 CHAIRPERSON: But in any event, the 6 point, what you're saying is you don't know for sure whose 7 idea it was to get him, but one of those two gentlemen will 8 be able to help us. Is that a fair summary of your answer? 9 GENERAL PHIYEGA: Repeat your question 10 again, Judge. 11 CHAIRPERSON: Is it a fair summary of 12 your answer, as I understand it, you say you're not sure 13 yourself whose idea it was to get Lieutenant-Colonel Scott 14 to go, but one of the two gentlemen you mentioned will be 15 able to give us that information? 16 GENERAL PHIYEGA: What I can say to you 17 is that the instruction to assist to General Mawela was 18 given by me. The specifics as to how that was carried out, 19 I'm not able to answer to. 20 MR BRUINDERS SC: National Commissioner, 21 please turn to exhibit S, which is your national 22 instruction. 23 CHAIRPERSON: Have you got it, or is it 24 being found for you? 25 GENERAL PHIYEGA: Yes, we have it.</p>	<p style="text-align: right;">Page 7932</p> <p>1 Bruinders will have to give reasons why that argument can 2 be made. 3 MR BRUINDERS SC: National Commissioner, 4 let me break it up for you. What AMCU, and I'm giving you 5 the opportunity to respond, to say whatever it is you would 6 like to say about this submission, but the submission will 7 be this; if you had the time and the energy and the 8 inclination to get involved in the detail of identifying 9 employees from photographs that night, then you would 10 surely have had the same energy, inclination, and time, to 11 remind your commanders that their plan should stick to your 12 national instruction. 13 [14:45] CHAIRPERSON: That's the reasoning that 14 will be advanced in support of the submission. I think 15 he's complied with what you've said. Whether it's a good 16 reason is a matter that will be debated later, but let's 17 give her a chance to answer. 18 GENERAL PHIYEGA: I shall say to you, you 19 would appreciate that as the National Commissioner - my 20 members were in Marikana because there was a labour unrest 21 in Lonmin, and if Lonmin was saying to us you know, we've 22 called you here, talking about some labour unrest, but the 23 people that we see protesting we don't know, are faceless, 24 that would have been a very serious issue for me, because 25 why are we there if they can't even see the people who are</p>

<p style="text-align: right;">Page 7933</p> <p>1 protesting are their people? That was an issue for me, and 2 it was critical, and whether you think it was an area where 3 I shouldn't have invested energy, at that point in time 4 when I looked at the situation, I considered it very 5 critical and I gave it my energy, rightfully or wrongly 6 judged by anyone who wants to, but at that point in time I 7 personally as the National Commissioner found that to be 8 critical to establish because we needed to resolve the 9 matter.</p> <p>10 MR BRUINDERS SC: National Commissioner, 11 AMCU doesn't criticise you for doing that. It commends you 12 for taking up hands-on what you considered to be a critical 13 issue. So we have no dispute with you over that.</p> <p>14 CHAIRPERSON: I'm sorry to interrupt you. 15 I have difficulty in understanding what you're putting. 16 You will remember that this instruction which the witness 17 gave countermanded in effect an earlier instruction which 18 had been given late the previous year, and both of them, as 19 I've said before, were in effect glossies in general 20 Standing Order 262. So are you suggesting that what the 21 witness should have done was she should have said to her 22 officers, look here, when you go and work out a plan and 23 take action, please make sure that you comply with Standing 24 Order 262 and the extra instructions then given in 25 connection with that? Is that going to be your submission?</p>	<p style="text-align: right;">Page 7935</p> <p>1 your commanders, would have been in the light of the 2 escalating violence, to keep the force used by the SAPS to 3 the minimum possible, not so?</p> <p>4 GENERAL PHIYEGA: The use of force, the 5 escalation thereof, the de-escalation thereof, it's well 6 documented in our instructions and SOPs, and it is known by 7 members.</p> <p>8 MR BRUINDERS SC: You see, National 9 Commissioner, you had gone down to Marikana on the night of 10 the 13th because of the escalation of violence there over 11 the preceding days. Correct?</p> <p>12 GENERAL PHIYEGA: Escalation of violence 13 was one of those issues. The destabilisation of economic 14 activity, social life, all those issues were very crucial 15 and critical to me, and I have said in my submission that 16 one of our core responsibility is to ensure that in all 17 societies and communities, public order is maintained.</p> <p>18 MR BRUINDERS SC: With the use of minimum 19 force.</p> <p>20 GENERAL PHIYEGA: We would use measures 21 that fit a particular situation at any given time, and we 22 assess our situation. This SOPs and our instructions and 23 our guidelines guide our members on how to intervene.</p> <p>24 MR BRUINDERS SC: Did you not in that 25 third meeting say to your commanders, there's been an</p>
<p style="text-align: right;">Page 7934</p> <p>1 MR BRUINDERS SC: Yes, and more, so 2 that's versed – but perhaps I should do this by way of 3 questions to the witness rather than argument to you –</p> <p>4 CHAIRPERSON: But your question is, you 5 see, because I must say obviously I must listen to it with 6 as open a mind as I can summon to the submission that's 7 made at the end, but there does seem to be an element of 8 impracticality at expecting her to say by the way, when you 9 carry out these instructions, please remember all the 10 Standing Orders and comply with them and the legislation, 11 and make sure that you comply with them all. I mean isn't 12 she entitled to say, I'm dealing with generals and colonels 13 and people of that military, or quasi military rank; I'm 14 entitled to assume that they will do the necessary and 15 comply with the elementary rules that apply to their 16 operation?</p> <p>17 MR BRUINDERS SC: Certainly.</p> <p>18 CHAIRPERSON: I'm putting the difficulty 19 to you because, you know, it's going to come up sooner or 20 later, but –</p> <p>21 MR BRUINDERS SC: Perhaps I should put 22 this – I understand your difficulty. Let me see if I can 23 meet that by way of questions. What do you say, National 24 Commissioner, to the submission, to this submission; one of 25 the things that you would have been careful to impress upon</p>	<p style="text-align: right;">Page 7936</p> <p>1 escalation of violence here; as the SAPS we are responsible 2 to de-escalate the violence with the use of minimum force?</p> <p>3 GENERAL PHIYEGA: Advocate, I've not said 4 because my instructions, the prescripts of how police 5 should operate, are clearly communicated to all members.</p> <p>6 MR BRUINDERS SC: Of course you'd have 7 been concerned in that Marikana situation because there had 8 already been so many deaths, as you point out. You would 9 have been concerned that the SAPS bring the situation to 10 order with the minimum force, not so?</p> <p>11 GENERAL PHIYEGA: How it should be done 12 is clearly provided for by our prescripts.</p> <p>13 MR BRUINDERS SC: It's clearly provided 14 for in a national instruction that you had signed three 15 weeks before that meeting, not so?</p> <p>16 GENERAL PHIYEGA: Yes, it is one of those 17 prescripts.</p> <p>18 MR BRUINDERS SC: And you don't take the 19 opportunity at that meeting when your commanders are 20 talking about planning ahead to stop the violence, you 21 don't take that opportunity to remind them of what is a 22 very good national instruction?</p> <p>23 GENERAL PHIYEGA: Advocate, I repeat - 24 MR SEMENYA SC: I think that question has 25 been asked and answered many times.</p>

<p style="text-align: right;">Page 7937</p> <p>1 CHAIRPERSON: Mr Bruinders, we've got 2 another one of these undue repetition objections. 3 MR BRUINDERS SC: I'll move on, thanks. 4 Until what time did the national management forum go on, on 5 the 15th of August? 6 GENERAL PHIYEGA: I'm not sure it could 7 have been way beyond 6; half past 5, around there. 8 MR BRUINDERS SC: I'm just taking a 9 moment to find a document. 10 CHAIRPERSON: You and I are looking for 11 the same document at the same time. 12 MR BRUINDERS SC: Commissioner, at 13 paragraph 21 of your statement, which is FFF2 – 14 CHAIRPERSON: You don't have to worry 15 which one. They're all the same as far as that page is 16 concerned, page 6. 17 MR BRUINDERS SC: National Commissioner, 18 at paragraph 21 you say there that you were informed by 19 Lieutenant-General Mbombo of a possibility of peaceful 20 resolution being reached. You see that? 21 GENERAL PHIYEGA: Yes, I do. 22 MR BRUINDERS SC: And as I understand the 23 evidence, and I don't have the reference for it here but as 24 I recollect your evidence that you gave in the inquiry, you 25 say this happened round about lunchtime on the 15th.</p>	<p style="text-align: right;">Page 7939</p> <p>1 particularly that you would recall I had said if the 2 peaceful solution is important for us. 3 MR BRUINDERS SC: What else did she tell 4 you when she was talking to you about the situation then at 5 Marikana? 6 GENERAL PHIYEGA: That there had been 7 discussions between her and the union, that she had 8 facilitated discussions between the two unions. 9 MR BRUINDERS SC: And again I don't 10 expect you to remember chapter and verse; I'm just broadly 11 trying to establish as completely as we can what it was 12 that she told you on the 15th. 13 GENERAL PHIYEGA: As you are saying, is I 14 wouldn't have a verbatim – we spoke about the damage to 15 property; we spoke about the deaths; we spoke about issues 16 that are well reported in a lot of the statements here, and 17 even in the press conference. 18 MR SEMENYA SC: Chair, I read exhaustion 19 of the National Commissioner. Perhaps – 20 CHAIRPERSON: Well, either her exhaustion 21 or yours, but anyway, what you're suggesting is that we 22 should take the tea adjournment at this stage. We'll take 23 the tea adjournment. 24 [COMMISSION ADJOURNS COMMISSION RESUMES] 25 [15:21] CHAIRPERSON: The Commission resumes.</p>
<p style="text-align: right;">Page 7938</p> <p>1 GENERAL PHIYEGA: I mentioned that on the 2 15th General Mbombo did brief me outside the, I said during 3 the day when we were having, it was around, I think in the 4 morning of the 15th, she gave me an update of what was 5 happening in Marikana. 6 MR BRUINDERS SC: Commissioner, I accept 7 that obviously you would have been keen to get an update 8 from her, so let's accept that there was an update. But 9 what I'm asking about is something else. You say that she 10 told you of Mr Mathunjwa having promised that the 11 protesters would lay down their weapons at the koppie at 9 12 on 16 August 2012 and thereafter leave the koppie, not so? 13 GENERAL PHIYEGA: Indeed it was part of 14 that feedback. 15 MR BRUINDERS SC: And when was that? 16 GENERAL PHIYEGA: On the 15th. 17 MR BRUINDERS SC: What time? 18 GENERAL PHIYEGA: I think it was in one 19 of our early morning breaks out of that meeting. It could 20 have been our tea break, which could have been anywhere 21 between 10, 11. 22 MR BRUINDERS SC: And this is what she 23 told you about the – 24 GENERAL PHIYEGA: She gave me an update 25 and part of what was significant for me was that, and</p>	<p style="text-align: right;">Page 7940</p> <p>1 National Commissioner, you're still under oath. 2 MANGWASHI VICTORIA PHIYEGA: s.u.o. 3 CHAIRPERSON: Mr Bruinders, you're still 4 cross-examining. 5 CROSS-EXAMINATION BY MR BRUINDERS SC (CONTD.): 6 Commissioner, on the 16th you spoke to the Provincial 7 Commissioner once. Is that correct? 8 CHAIRPERSON: I'm sorry, Mr Bruinders, 9 before you go on to the 16th, have you finished with the 10 SAPS National Management Forum meeting? Have you finished 11 with that? You were asking questions about that. Have you 12 finished with that? 13 MR BRUINDERS SC: That's as much as we 14 can – I mean it's as far as we'll take it with this 15 witness. We'll take the rest of it further with the 16 Provincial Commissioner. 17 CHAIRPERSON: Now what time did that 18 management forum meeting end? 19 GENERAL PHIYEGA: It was way after 6; 6, 20 half past 6, 7, around there. 21 CHAIRPERSON: 6, half past 6, 7? 22 GENERAL PHIYEGA: Mmm. 23 CHAIRPERSON: And do you see or speak to 24 Lieutenant-General Mbombo after that, after the meeting was 25 over?</p>

<p style="text-align: right;">Page 7941</p> <p>1 GENERAL PHIYEGA: Yes, I did, because 2 after that meeting I had to release everybody and I asked 3 the Provincial Commissioners, because they were there - the 4 forum is beyond the Provincial Commissioners – I asked the 5 Provincial Commissioners and the Commissioner for ORS, as 6 well as the Divisional Commissioner, to remain, and we had 7 an extraordinary session where we were talking about 8 additional capacity, and again just to request them to give 9 support. 10 CHAIRPERSON: So in other words you were 11 talking amongst other things about Marikana? 12 GENERAL PHIYEGA: Not in the NMF. The – 13 CHAIRPERSON: No, no, no, I'm saying 14 after that. 15 GENERAL PHIYEGA: Yes. 16 CHAIRPERSON: You say you asked them to 17 stay behind – 18 GENERAL PHIYEGA: That extraordinary 19 session, yes. 20 CHAIRPERSON: And you had a further 21 session with them, talking about capacity, I think you 22 said. 23 GENERAL PHIYEGA: Yes. 24 CHAIRPERSON: And so obviously Marikana 25 was being discussed.</p>	<p style="text-align: right;">Page 7943</p> <p>1 on the 15th to disarm and disperse the protesters, and she 2 also shared with me that she had been given a promise that 3 in the morning of the 16th there would be a laying down of 4 arms. 5 MR BRUINDERS SC: But you did say earlier 6 today that that information she gave to you earlier in the 7 morning of the 15th? 8 GENERAL PHIYEGA: I have said to you that 9 on the 15th I've had two almost briefing sessions with 10 General Mbombo. In the morning she gave me an update. In 11 the afternoon we had this discussion, and this particular 12 one, particularly the one that you're mentioning, on the 13 15th is shared in the afternoon. 14 CHAIRPERSON: National Commissioner, you 15 say in the afternoon, but from what you say it sounds it 16 must have been in the evening because – 17 GENERAL PHIYEGA: I beg yours? 18 CHAIRPERSON: You say in the afternoon, 19 but it must, from what you have told us, have been in the 20 evening because you said it was after the management forum 21 meeting, you said some time after 6, half past 6, 7, when 22 you asked the people to stay, certain people to stay behind 23 and you spoke to them. So that must have been in the 24 evening rather than the afternoon. Is that right, or was 25 there another afternoon meeting as well?</p>
<p style="text-align: right;">Page 7942</p> <p>1 GENERAL PHIYEGA: Precisely, it was for 2 that, because I had the, all the Provincial Commissioners 3 there face to face; I could talk to them about this 4 capacity issue. I had the Divisional Commissioner and the 5 Deputy National Commissioner for Operations, so those, I 6 released every other person and I remained with those 7 because those were the people I could talk to about 8 capacity. 9 CHAIRPERSON: Thank you. 10 MR BRUINDERS SC: What did you say about 11 capacity? 12 GENERAL PHIYEGA: I requested them to 13 give the support that is necessary and requested, to 14 General Mbombo, and that was because that type of capacity 15 can only be released by me. 16 MR BRUINDERS SC: And is that all that 17 was said about capacity? 18 GENERAL PHIYEGA: Yes, because the 19 details and the specifics then would be between them and 20 the Provincial Commissioner and the ORS, because then she 21 would be able to say what is it that they would require. 22 MR BRUINDERS SC: And was that all that 23 was said about Marikana? 24 GENERAL PHIYEGA: She also shared with us 25 the fact that they continue with their plan to go out there</p>	<p style="text-align: right;">Page 7944</p> <p>1 GENERAL PHIYEGA: I think let me be 2 proper and stop direct translation from Sepedi to English. 3 [African language] "Mantapama" means afternoon and 4 afternoon can drag into "busho." So that time in proper 5 English would be early evening. 6 CHAIRPERSON: So the statement about the 7 laying down – the promise from Mr Mathunjwa that the 8 protesters would lay down their arms at 9 o'clock the next 9 morning, was that promise conveyed to you in the morning or 10 in the evening? 11 GENERAL PHIYEGA: In the evening. Let me 12 say that evening, it was in that later session. 13 CHAIRPERSON: Thank you. 14 MR BRUINDERS SC: And in the evening when 15 she made that, when she told you about the promise, what 16 she told you is what is contained at paragraph 21 of your 17 affidavit, or statement? 18 GENERAL PHIYEGA: Yes, she did indicate 19 to me that there will be that laying of weapons, laying 20 down the weapons, and that was very profound for me. 21 MR BRUINDERS SC: You say it was 22 profound. Why? 23 GENERAL PHIYEGA: Because peace would 24 have been achieved, a peaceful solution would have been 25 achieved.</p>

<p style="text-align: right;">Page 7945</p> <p>1 MR BRUINDERS SC: Now you believed then 2 during that discussion that evening with the Provincial 3 Commissioner that there was going to be a peaceful 4 resolution on the following morning, on the strength of 5 what she told you? 6 GENERAL PHIYEGA: I wouldn't say 7 "believe." I had high hopes. 8 MR BRUINDERS SC: You had high hopes for 9 what? 10 GENERAL PHIYEGA: That there would be a 11 resolution, and a peaceful one. 12 MR BRUINDERS SC: If that was the case, 13 why would you be talking to the Provincial Commissioner 14 about, I think what you called either the tactical or the 15 third phase of disarming the strikers? 16 GENERAL PHIYEGA: My use of the word 17 "hope" talks exactly to what you're saying. I hoped, and 18 it was important for us to still plan because it was just a 19 hope. 20 MR BRUINDERS SC: What planning did you 21 and the Provincial Commissioner then discuss that evening? 22 GENERAL PHIYEGA: None. 23 MR BRUINDERS SC: Well then when you say 24 it was important for you to plan and that's why you talked 25 about dispersing and disarming, that doesn't make any</p>	<p style="text-align: right;">Page 7947</p> <p>1 4 o'clock on the 16th there was only one conversation 2 between you and the Provincial Commissioner? 3 GENERAL PHIYEGA: Yes, you are correct. 4 MR BRUINDERS SC: And in paragraph 23 of 5 your FFF2 you say what she told you. 6 GENERAL PHIYEGA: On the afternoon of the 7 16th? 8 MR BRUINDERS SC: Yes. 9 GENERAL PHIYEGA: That would have been on 10 the afternoon of the – where we discuss that was on the 11 afternoon of the 15th. On the 16th, that afternoon would, 12 probably would have been part and parcel of 24 and – no, 13 no, let me correct it. Yes, on the 20, on the – my 14 statement says on the afternoon of the 16th I received a 15 call from General Mbombo, informing me of that decision. 16 Yes, it is true. The dispersal operation. 17 MR BRUINDERS SC: When she spoke to you 18 on that occasion, what did she say to you about the 19 implementation of this plan? 20 GENERAL PHIYEGA: Because on that morning 21 where they were promised that there will be a laying of 22 weapons, that didn't happen, and then they were going ahead 23 now to go and disperse, to go and ensure that the dispersal 24 operation does take place. 25 MR BRUINDERS SC: Did you ask her whether</p>
<p style="text-align: right;">Page 7946</p> <p>1 sense. 2 GENERAL PHIYEGA: Disarming, dispersing, 3 and – 4 MR BRUINDERS SC: And what? 5 GENERAL PHIYEGA: - letting people go, is 6 not a plan. It's an action. It needs to be planned. On 7 the, the Operations in Marikana would plan the specific 8 actions to achieve that. 9 MR BRUINDERS SC: You say you didn't talk 10 to her about the plan for the next day at all? 11 GENERAL PHIYEGA: Because that's the 12 function of her JOC under her leadership. 13 MR BRUINDERS SC: Your answer is yes, you 14 didn't discuss anything about a plan for the next day? 15 GENERAL PHIYEGA: I did not discuss the 16 plan with General Mbombo. 17 MR BRUINDERS SC: And she did not talk to 18 you about a plan? 19 GENERAL PHIYEGA: We did not discuss the 20 plan with General Mbombo. 21 MR BRUINDERS SC: Perhaps now I'll be 22 permitted to move to the 16th. As I understand it, there 23 was only one conversation between you and the Provincial 24 Commissioner, National Commissioner, on the 16th? Or let me 25 rephrase that. I beg your pardon, I'm being vague. Before</p>	<p style="text-align: right;">Page 7948</p> <p>1 she knew why the promise to lay down arms didn't happen? 2 GENERAL PHIYEGA: According to that 3 discussion, the promise she had been given by the AMCU 4 leader did not happen and the AMCU leader was nowhere to be 5 found at the time that they agreed that he will lay their 6 weapons, he will be there to ensure that the members lay 7 their weapons. 8 MR BRUINDERS SC: Did you ask her in that 9 conversation whether it wasn't still possible to pursue a 10 peaceful solution? Through negotiation obviously. 11 GENERAL PHIYEGA: The understanding of 12 that 23 was that the operation that they were going to do 13 to disperse the situation wasn't necessarily seen as a, an 14 outcome that was unintended, that happened on the 16th, 15 because they were going there to encircle, to disarm, and 16 to disperse the members. 17 MR BRUINDERS SC: Did you not ask her 18 during the course of that conversation whether it wasn't 19 possible to still try and talk to all the parties to 20 attempt to get the workers to, or the strikers to leave 21 peacefully and go back to work, or talk to management, or 22 something along those lines? You didn't ask her about 23 that? 24 GENERAL PHIYEGA: I'll say again what 25 I've said. The dispersal operation was never meant to be</p>

<p style="text-align: right;">Page 7949</p> <p>1 the unintended consequences of the 16th. They were going 2 there to encircle, to disarm, and to disperse members, and 3 she also indicated that, you know, there had been several 4 calls and exchanges that had, you know, that had been 5 attempted with the leader of AMCU that morning. It wasn't 6 like when that didn't happen there weren't a conversation, 7 and I'm sure she will attest to that when she comes to 8 testify.</p> <p>9 MR BRUINDERS SC: Must the Commission 10 accept that you never asked her in that conversation about 11 the possibility at that late stage of still exploring 12 negotiation rather than encircle, disarm, and disperse? 13 [15:41] GENERAL PHIYEGA: I've already indicated 14 to you that in her conversation she indicated that she had 15 been trying to talk to the leaders of AMCU, and I'm sure 16 she would give details of her attempts for that very day 17 when she gives her testimony.</p> <p>18 MR BRUINDERS SC: These words "encircle, 19 disperse, and disarm," where do they come from? 20 GENERAL PHIYEGA: It is a way of 21 operating, and I'm sure the operations managers would be 22 able to tell you. Those are some of the policing, you 23 know, OPS processes.</p> <p>24 MR BRUINDERS SC: So they're not your 25 words?</p>	<p style="text-align: right;">Page 7951</p> <p>1 this day, I wouldn't be able to say yesterday or tomorrow 2 or whatever, but I've heard about the encircling and all 3 those things, which is the police environment.</p> <p>4 MR BRUINDERS SC: When did you first hear 5 that that encircle, disperse, and disarm, was part of the 6 plan for the week of the 13th? 7 GENERAL PHIYEGA: I don't know. 8 MR BRUINDERS SC: And when was the first 9 time that you knew that was what was going to be done? 10 GENERAL PHIYEGA: Since the Marikana 11 intervention I knew that the police were wishing to disarm 12 the armed protesters. I mean even the footage just shows 13 you on the 13th and other days to say our quest was to 14 ensure that peaceful protest takes place, and therefore the 15 disarming of the protesters has always been an issue for 16 us.</p> <p>17 MR BRUINDERS SC: You see, Commissioner, 18 I'm using the words that I heard you use here this 19 afternoon, which were "encircle, disperse, and disarm," not 20 just disarm. What I really want to know is when did you 21 first know that that was what police were going to do on 22 the 16th? 23 GENERAL PHIYEGA: I'm not able to give 24 you a day on that one, unfortunately. 25 MR BRUINDERS SC: Thank you,</p>
<p style="text-align: right;">Page 7950</p> <p>1 GENERAL PHIYEGA: Being the social worker 2 that I am, I wouldn't have even known of those words.</p> <p>3 MR BRUINDERS SC: So these words must – 4 so they were obviously told to you by somebody else during 5 the course of that week? 6 GENERAL PHIYEGA: I'm saying they are 7 police operations terminology and activities, and police 8 would talk about that.</p> <p>9 MR BRUINDERS SC: When during the course 10 of the week of the 13th of August did you first hear the 11 words "encircle, disperse, and disarm" in relation to 12 strikers on the koppie in Marikana? 13 GENERAL PHIYEGA: In terms of what was 14 happening in Marikana, the encircling, the whatever, has 15 been spoken about, because you, there was a large crowd 16 there that was armed, and the conversation has always been 17 around that.</p> <p>18 MR BRUINDERS SC: My question is when did 19 you first hear those words during the course of that week? 20 GENERAL PHIYEGA: Remember I was already 21 two months in that organisation and I've been reading a lot 22 of documents and I've signed instructions. So those, the 23 lingua franca of the police had started getting into me and 24 I could have heard it not only on, during that week, I read 25 about it, I hear about it, so to say where I heard it on</p>	<p style="text-align: right;">Page 7952</p> <p>1 Commissioner. Commissioner, just one last question, and 2 I'm sorry to take you back to the 15th, but in that meeting 3 after the NMF meeting with the Provincial Commissioners, 4 was there a specific request from the Provincial 5 Commissioner in the North West to increase resources 6 capacity at Marikana? 7 GENERAL PHIYEGA: I have said the reason 8 why I called that extraordinary session, (1) was because I 9 had all the people that would assist me in dealing with 10 capacity issues for Marikana, the Provincial Commissioners 11 and the ORS executives. That was my meeting and I wanted 12 to talk to them about capacity issues based on the 13 discussions I'd been having with the Provincial 14 Commissioner. That was the sole purpose why we were 15 meeting, to talk about capacity and support for capacity 16 for the province.</p> <p>17 MR BRUINDERS SC: Thank you, 18 Commissioner. I'm going to take you back even a little bit 19 further, and that is to the meeting with Lonmin on the 13th. 20 What did Lonmin ask of the SAPS in that meeting? 21 GENERAL PHIYEGA: I do not recall any 22 particular request other than us bringing stability and 23 ensuring that they can go back to be able to run their 24 business and workers back at work. That was the main 25 reason. It wasn't changed from the 9th.</p>

<p style="text-align: right;">Page 7953</p> <p>1 MR BRUINDERS SC: So apart from that 2 general request, you don't remember anything else that they 3 asked the SAPS, that they wanted the SAPS to do at 4 Marikana? 5 GENERAL PHIYEGA: Lonmin wanted the 6 strike to end and Lonmin wanted to go back to business, and 7 they were concerned about also damage to property, the 8 protesting workers, and we were here, public order issues, 9 we were here to give assistance in that space. That's what 10 they had asked us to come here for, and that's what we were 11 discussing in that meeting. 12 MR BRUINDERS SC: In that meeting did the 13 SAPS delegation and Lonmin then talk about how the SAPS 14 might go about putting an end to the strike? 15 GENERAL PHIYEGA: No, because Lonmin can 16 never tell us what to do, neither can we tell Lonmin how to 17 mine. We don't know how to. They don't know how we work. 18 MR BRUINDERS SC: No further questions. 19 CHAIRPERSON: Thank you. Now Mr Tip, we 20 have Mr Ntsebeza with us now. I don't know, do you have an 21 arrangement with him as to who is going to cross-examine 22 first? 23 MR TIP SC: I'd understood the position 24 to be that he would go first, if he's available. 25 CHAIRPERSON: Well, he is here, but let's</p>	<p style="text-align: right;">Page 7955</p> <p>1 CHAIRPERSON: Mr Semanya was complaining 2 of exhaustion. I suppose we must have regard to that. We 3 will adjourn until 9:30 tomorrow morning. 4 [COMMISSION ADJOURNED] 5 . 6 . 7 . 8 . 9 . 10 . 11 . 12 . 13 . 14 . 15 . 16 . 17 . 18 . 19 . 20 . 21 . 22 . 23 . 24 . 25 .</p>
<p style="text-align: right;">Page 7954</p> <p>1 ask him. 2 MR NTSEBEZA SC: Mr Chairman and members 3 of the Commission – 4 CHAIRPERSON: Mr Ntsebeza, are you going 5 to cross-examine or should I ask Mr Tip – 6 MR NTSEBEZA SC: I understood that Mr Tip 7 might not be as long as I think I will be. 8 CHAIRPERSON: I see, alright. 9 MR NTSEBEZA SC: And on that basis – 10 CHAIRPERSON: On that basis. 11 MR NTSEBEZA SC: Even from Johannesburg I 12 arranged that he should go in first. 13 CHAIRPERSON: Yes, thank you, Mr 14 Ntsebeza. 15 MR NTSEBEZA SC: Thank you. 16 CHAIRPERSON: Mr Tip, I doubt whether you 17 can – I don't know how long you will take, you'll probably 18 go on tomorrow, but would you like to use the 10 minutes 19 available today to start your cross-examination? 20 MR TIP SC: Chair, may I say this, I'm 21 going to be really short. My colleague Mr Ntsebeza is 22 quite correct about that, but it's a set of six 23 propositions with a preamble and it would really be 24 convenient if it were done in one segment from beginning to 25 end. So there's not very much time left this afternoon.</p>	

A	7877:8,13,15 7909:19 7910:19 7913:22 7914:2,3 7939:22,23 ADJOURNS 7877:14 7914:4 7939:24 Administrator 7878:3 7878:9 admit 7865:24 admitted 7868:18 adopted 7925:2 Adv 7850:13 advance 7898:3 advanced 7932:14 advise 7908:19 advised 7907:13 7908:16 7919:16 Advocate 7862:7 7919:18 7936:3,23 affidavit 7878:4 7904:20,21 7905:17 7909:4,9 7914:20,25 7915:13 7919:23 7920:1,13 7922:7 7944:17 affidavits 7849:24 affiliated 7875:6 afraid 7869:10 African 7881:1 7944:3 afternoon 7943:11,13 7943:15,18,24,25 7944:3,4 7947:6,10 7947:11,11,14 7951:19 7954:25 ago 7926:23 agree 7880:4 7917:5 7919:2,3 7921:16,22 agreed 7900:21 7908:11 7912:2 7920:5 7921:15,21 7948:5 agreeing 7868:13 agrees 7913:25 ahead 7869:4 7919:17 7936:20 7947:22 alert 7911:10 allow 7924:21 alright 7851:18 7875:23 7954:8 AMCU 7863:6,9 7880:22 7894:17,20 7895:3 7899:20 7902:22 7903:3 7931:18 7932:4 7933:11 7948:3,4 7949:5,15 amended 7920:20 ammunition 7887:19 7887:23,25 7888:9,12 7888:22 7889:8,13 7927:15,17,19 7928:2 amplification 7876:19 angle 7883:12 annexure 7876:24 annexures 7876:22 7877:2,3 7884:13,18 7885:4 7920:18	answer 7856:9,19 7857:14 7858:19 7860:11,25 7861:12 7861:13 7864:11 7866:1 7874:1 7883:8 7887:7,16 7888:3 7889:10,14 7911:12 7914:1,10 7915:9 7919:19,20 7926:1 7928:19 7930:8,12,19 7932:17 7946:13 answered 7857:13 7858:16 7861:5 7880:19 7919:4 7929:8 7936:25 answering 7874:15 answers 7857:2 7861:11 7866:3 7925:22 anybody 7870:15 7887:17 7888:8 7889:7,11 anyway 7851:18 7939:21 apart 7885:8 7906:17 7921:5 7953:1 apparently 7877:1 7909:13 appears 7901:7 7915:1 application 7849:23,25 7877:18,23 7878:5 apply 7907:19 7934:15 appoint 7882:12 appointed 7878:1 appraised 7864:2 appreciate 7858:22 7932:19 appreciation 7883:1 appreciative 7849:9 7898:25 approach 7912:16 approached 7911:6,13 appropriate 7876:12 7913:22 7914:2 appropriately 7883:3 approval 7920:2 approve 7885:19 7918:25 approved 7886:2 approximate 7905:10 approximately 7851:17 7893:16 APRIL 7849:1 area 7854:15 7861:9 7928:22 7933:2 areas 7855:13 aren't 7885:3 argue 7931:18 argument 7932:1 7934:3 armed 7950:16 7951:12 arms 7943:4 7944:8 7948:1 arranged 7954:12 arrangement 7953:21	arrangements 7850:25 arrived 7893:6,7,9 7910:1 7928:12 aside 7906:17 asked 7859:21 7865:4,7 7865:11,25 7871:20 7879:19 7881:17 7885:19 7912:1 7913:24 7918:25 7920:16 7925:22 7926:23 7928:20 7936:25 7941:2,4,16 7943:22 7949:10 7953:3,10 asking 7857:17 7858:20 7859:18 7860:2,6 7865:3 7869:18 7870:9,13 7884:1 7887:9 7903:24 7923:17 7938:9 7940:11 aspect 7864:10 assault 7853:5,18 assaulted 7889:1 assess 7935:22 assessment 7862:2 7863:4,4 7868:3 assist 7855:21 7868:5 7872:11,14,24 7873:1 7886:5 7929:2,6,22 7930:17 7952:9 assistance 7857:8 7873:11 7897:21 7901:15 7928:25 7953:9 assistants 7872:19 assisted 7872:17 7873:2,13 assisting 7849:11 7872:2 7873:6 7890:11 Association 7875:7 assume 7850:24 7896:19 7934:14 assumed 7872:3 7900:20 assumption 7850:2 assure 7861:3,8,15 assured 7860:22 attached 7878:24 attack 7910:5 7913:12 attacked 7849:17 attempt 7948:20 attempted 7949:5 attempts 7949:16 attend 7849:5 7859:9,9 attendance 7849:11 attention 7857:25 7858:4,11,14,17 7859:3,8,9,9 7884:3 attest 7949:7 attorneys 7877:16 7878:1,9 August 7852:1 7857:12 7862:1 7870:21 7876:23 7878:23,25	7879:2,4,6,7 7882:3,9 7884:6 7905:18 7920:20 7928:10 7937:5 7938:12 7950:10 authorisation 7917:22 available 7909:6 7911:10 7953:24 7954:19 aware 7870:16 7880:21 7880:22,23 7886:7 7887:20 7919:14
			B	
			Ba 7877:17,21 back 7849:20 7863:22 7866:18 7869:5 7881:24 7903:25 7912:12 7923:19 7948:21 7952:2,18,23 7952:24 7953:6 background 7874:14 7912:1 balls 7928:1 Bapo 7877:17,21 bargain 7894:24 bargaining 7894:23 based 7859:6 7875:15 7879:17 7952:12 basically 7893:5 basis 7850:6 7867:5 7891:4,23 7901:16 7954:9,10 beg 7864:8 7865:1 7871:1 7874:19 7943:17 7946:25 beginning 7849:6 7867:12 7954:24 behalf 7850:18 7851:1 7877:17 believe 7931:19 7945:7 believed 7945:1 benefit 7876:14 best 7861:11 7864:14 7919:19 better 7868:24 beyond 7861:11 7937:7 7941:4 big 7923:24 bit 7883:13 7922:5 7930:3 7952:18 book 7863:3 7889:21 7889:25 7890:2,4,6,9 boss 7906:7 bottom 7884:15 7892:1 break 7875:25 7879:19 7914:19 7932:4 7938:20 breakdown 7888:25 breaks 7938:19 bridge 7851:6 brief 7938:2 briefed 7923:19 7925:13 briefing 7922:9 7923:20 7943:9	

<p>Brigadier 7928:9,16 bring 7906:8 7913:18 7936:9 bringing 7856:23 7927:12 7952:22 broad 7871:19 7925:1 broadly 7939:10 brought 7867:17 7884:3 bullets 7927:25 burned 7915:21 busho 7944:4 business 7952:24 7953:6 byderhand 7879:16</p> <hr/> <p style="text-align: center;">C</p> <p>call 7856:1 7860:21 7861:2,8,15,21 7890:14 7902:21,22 7918:3,3 7947:15 called 7868:4 7899:13 7900:6 7920:23 7927:21 7932:22 7945:14 7952:8 calling 7930:2 calls 7949:4 cannon 7886:25 canvass 7918:19 can't 7850:22 7876:16 7891:2,11 7895:25 7929:14 7932:25 capacitate 7855:12 capacitation 7919:7 7920:8 capacity 7855:11,17 7856:4,7,14,15,17 7857:4,8,15,17,20,23 7860:17,19,25 7861:20 7882:21 7884:2 7885:22 7886:5 7908:15,18 7915:6,17 7916:5,7,9 7922:2 7929:1 7941:8 7941:21 7942:4,8,11 7942:14,17 7952:6,10 7952:12,15,15 careful 7934:25 carried 7930:18 carry 7850:23 7860:18 7934:9 case 7872:3 7945:12 cases 7852:13,14 casualties 7888:19 categories 7899:17 caution 7927:11 central 7929:2 Centurion 7849:23 7877:25 certain 7943:22 certainly 7879:24 7886:2 7891:15 7934:17 Chair 7851:2,16 7865:9 7870:1 7872:2 7876:3 7878:22 7879:5</p>	<p>7884:10 7889:23 7890:8,15 7891:7 7898:25 7909:3 7910:15 7925:21,23 7927:16 7931:25 7939:18 7954:20 Chairman 7954:2 chambers 7849:3 chance 7914:10 7932:17 changed 7952:25 chapter 7939:10 charge 7858:10 7859:7 7859:19 7882:3,4,8 7882:11,14 check 7854:4 checked 7890:19,24 chief 7902:11 child 7859:19 choice 7872:17 circumstances 7863:7 clarified 7878:15 clarify 7865:10 clarity 7866:3 7898:22 clear 7888:5 7908:6 7921:20 7929:9 clearly 7882:5 7899:17 7926:12 7936:5,12,13 client 7877:20 7878:7 Cluster 7879:25 colleague 7954:21 colleagues 7897:21 7898:2,8 7901:15 Colonel 7919:24 7926:24 7928:15,18 colonels 7934:12 come 7849:5 7859:14 7863:18,23 7868:5 7887:13 7898:2,8 7900:6 7904:15 7912:21 7925:13 7929:3 7934:19 7949:19 7953:10 comes 7860:6 7895:14 7925:5 7929:19,25 7949:7 comfortable 7896:5 coming 7871:11 7917:18 7929:2,4 Commander 7879:25 7879:25 commanders 7866:6 7871:14 7881:17 7883:1,22 7887:13 7892:16 7906:20,24 7907:12,23 7908:11 7915:25 7916:1,12 7920:4 7925:1,18,19 7926:3 7931:8,22 7932:11 7935:1,25 7936:19 commends 7933:11 comment 7910:18 Commission 7849:2,6 7849:22 7852:16 7877:14,14,19,24,24</p>	<p>7893:7 7914:4,4,5 7931:19 7939:24,24 7939:25 7949:9 7954:3 7955:4 commissioners 7857:19 7918:4 7929:5,5,18 7941:3,4,5 7942:2 7952:3,10 commit 7896:9 commitment 7895:23 7896:4 common 7898:15 commonality 7881:9 communicated 7878:10 7936:5 communities 7935:17 Community 7878:3 compare 7885:13 compared 7875:9 compiled 7920:21,25 complained 7875:9 complaining 7955:1 completely 7939:11 complex 7859:5 complied 7931:14 7932:15 comply 7926:16,20 7933:23 7934:10,11 7934:15 concern 7867:1,3 concerned 7849:7 7892:25 7899:25 7916:2,12 7936:7,9 7937:16 7953:7 conditions 7875:11 conference 7939:17 confirm 7916:8 confirmation 7899:2 confirmatory 7878:4 confirmed 7852:20 7871:11 confused 7856:19 7912:14 connection 7933:25 connotes 7888:24 consequences 7949:1 consider 7856:23 considered 7933:4,12 consistent 7856:4 7883:19 Construction 7875:7 consulting 7926:15 contacted 7912:6 contained 7944:16 contains 7884:8 7920:19 CONTD 7879:18 7914:18 7940:5 context 7891:19 contingency 7874:25 7876:6,23 7878:24,25 7879:4 7884:5,14 7910:11 7913:15 7920:20 continuation 7906:5 continue 7850:3,7</p>	<p>7902:9 7942:25 continued 7855:2 7862:16,17,18 7902:12,15 7917:17 7917:19 7919:5 continues 7881:25 7891:12 7923:20 continuing 7854:5 7862:19 continuous 7915:7 7920:8 7922:2 continuously 7862:20 7916:8,9 control 7861:16,18 7882:20 controlled 7929:21 controversy 7892:25 convenient 7910:16 7954:24 conversation 7855:25 7857:12 7858:14 7859:16 7860:14 7946:23 7947:1 7948:9,18 7949:6,10 7949:14 7950:16 conversations 7856:13 converse 7859:17 conversed 7858:18 convey 7851:3 conveyed 7944:9 conveying 7883:16 cooperation 7849:10 coordinated 7922:15 7922:22 7923:4,11 cope 7882:24 7883:10 7883:23 copies 7875:21 7890:13 7892:21 copy 7854:2 7877:16 7878:8,10 7890:20 7891:5 7908:24 7909:4,6,8,12,14,15 core 7935:16 corners 7857:6 correct 7850:13 7852:1 7852:6 7854:9 7858:5 7862:7 7863:25 7864:17,18,22 7865:15,17,18 7866:5 7866:12 7867:21 7868:1,22 7871:10 7872:18,23 7873:7 7874:4 7877:7,13 7884:10 7886:10 7890:5,8,11 7893:23 7894:7 7897:25 7898:1 7899:4,14,15 7900:4 7901:19,20 7913:21 7917:9 7921:19 7925:20 7935:11 7940:7 7947:3,13 7954:22 corrected 7928:5 correcting 7885:5 correctly 7875:11,14 7884:11 7888:6</p>	<p>7910:7,13 7922:16,17 7924:22 couldn't 7901:13,17 7917:15 counsel 7849:14 7850:12,24 7868:10 7869:1,18 7873:20 7878:1 7900:14 countermanded 7933:17 counterparts 7875:10 course 7851:8 7856:22 7881:19 7884:7 7888:14,16 7915:14 7924:15 7931:7 7936:6 7948:18 7950:5,9,19 cover 7878:23 7879:5 covered 7900:16 Crime 7921:4 critical 7860:9 7933:2,5 7933:8,12 7935:15 criticise 7933:11 criticising 7929:8 cross 7850:7 7851:6,8 7851:14,20 7858:22 cross-examination 7850:3 7851:7,22 7879:17,18 7891:12 7898:21 7914:18 7940:5 7954:19 cross-examine 7850:5 7850:12,16,20,25 7953:21 7954:5 cross-examining 7940:4 crowd 7950:15 crucial 7935:14 curb 7858:22</p> <hr/> <p style="text-align: center;">D</p> <p>Dali 7849:15 damage 7862:19 7939:14 7953:7 damaged 7881:23 day 7880:2 7886:8 7905:1,21 7912:24 7915:19 7938:3 7946:10,14 7949:16 7951:1,24 days 7849:18 7935:11 7951:13 DD 7908:22,23,24 7909:5,16 dead 7915:23 deal 7856:1,10 7864:25 7865:13,20 7866:9 7868:14 7871:17 7874:17 7877:18 7880:3 7891:21 7897:7 7900:6 7915:3 7916:14,20 7920:14 7926:12 dealing 7859:22 7864:1 7871:16 7887:19 7897:15 7920:23</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7928:21 7934:12 7952:9 dealt 7860:1 7878:11 7881:18 7894:13 7905:24 7927:19,25 7928:1 death 7862:9 deaths 7936:8 7939:15 debated 7932:16 December 7927:22 decide 7873:3 7908:8 7916:19 decided 7910:2 7913:9 decision 7873:14,15 7877:23 7910:24 7913:18 7947:15 decisions 7916:23,25 decline 7897:24 deep 7882:25 definitely 7855:9 7898:14 defuse 7924:19 delegation 7895:20 7922:9,11 7953:13 demand 7894:9 demur 7896:13 7897:24 denying 7865:23 depend 7891:13 depends 7914:13 deploy 7855:9,14 7857:4 7859:14 deployed 7921:14 deploying 7920:17 deployment 7855:3,6 7856:15,21 7857:11 7860:23 7861:4,9 7882:17 7917:22,23 7921:17,21 deployments 7854:23 7856:1,10 deploys 7859:13 Deputy 7942:5 describe 7862:23 7876:20 described 7878:21 7902:5,6 desirous 7849:22 destabilisation 7862:18 7903:4 7935:13 detail 7932:8 detailed 7870:24 details 7860:3 7881:9 7881:10,11 7942:19 7949:16 detective 7867:20,23 7868:8,12 7903:8 develop 7922:15,21,25 7923:4,11,21 7925:19 7926:5 developed 7922:25 developing 7863:2 devise 7926:14 7931:9 de-escalate 7936:2 de-escalation 7935:5 dialogue 7924:13	diary 7905:12 didn't 7854:2 7855:16 7863:9 7868:11,14 7869:21 7870:12 7882:5 7887:6 7888:2 7888:2 7894:21 7896:14,16 7897:20 7897:24 7900:8,18,19 7900:21 7901:3,14,14 7915:9 7916:13 7926:19,25 7928:1 7946:9,14 7947:22 7948:1,22 7949:6 different 7919:10 difficult 7851:13 7891:9 difficulty 7865:25 7933:15 7934:18,22 dimensions 7863:16 direct 7895:25 7944:2 direction 7863:21 directly 7893:21 disagreed 7896:21 disagreement 7900:22 disarm 7862:16 7943:1 7948:15 7949:2,12,19 7950:11 7951:5,11,19 7951:20 disarming 7945:15,25 7946:2 7951:15 discrepancies 7891:2 discuss 7856:17 7868:4 7880:11 7887:25 7888:2,2 7889:15 7915:5,10,18 7916:6 7919:5 7920:11 7924:7,8 7925:4,7,9 7925:15 7945:21 7946:14,15,19 7947:10 discussed 7856:15 7857:16 7861:1 7871:18,21 7880:14 7910:2 7915:13 7916:5,10,19 7924:11 7927:4 7941:25 discusses 7925:6 discussing 7880:20 7921:1 7923:13,15 7953:11 discussion 7856:5 7859:6 7866:23 7867:6 7868:20 7873:5 7894:25 7907:12 7910:22,24 7911:4 7912:15 7913:6 7915:7 7920:3 7922:3 7926:24 7927:1,6,8 7943:11 7945:2 7948:3 discussions 7860:8 7915:2 7917:17 7919:6 7920:9 7939:7 7939:8 7952:13 dispersal 7947:16,23 7948:25	disperse 7943:1 7947:23 7948:13,16 7949:2,12,19 7950:11 7951:5,19 dispersing 7945:25 7946:2 dispute 7918:12 7933:13 disruption 7862:17 7868:15 Divisional 7941:6 7942:4 document 7871:24 7874:17 7877:5,6 7878:22,24 7879:2,3 7879:5 7890:17 7891:4,8,10,12,15,16 7891:20,23 7920:17 7920:22 7921:12,20 7921:25 7937:9,11 documented 7935:6 documents 7872:12,19 7872:24 7873:20,23 7874:3,12 7876:9 7877:10 7878:19 7879:15 7884:8 7918:7,16 7920:24 7950:22 doesn't 7875:24 7883:17 7909:5 7929:3 7933:11 7945:25 doing 7859:11 7862:3 7864:3 7897:11 7899:8 7923:18 7925:11 7933:11 don't 7851:5,6,24 7857:16,21 7858:18 7858:21 7866:22 7867:14,22 7868:18 7869:11 7872:4,4,8 7873:22 7883:6,15,18 7884:11,12 7890:4,17 7890:23,25 7891:16 7892:19 7900:11 7909:8 7911:3 7912:10 7923:7 7926:18 7928:18,19 7929:10 7930:6 7931:22 7932:23 7936:18,21 7937:14 7937:23 7939:9 7951:7 7953:2,17,17 7953:20 7954:17 double 7865:22,25 7876:6 doubt 7954:16 drag 7944:4 drastic 7908:12 7910:2 7910:24 7913:9 7915:14 7916:3 7917:4 7918:24 7919:1,1 7920:4 draws 7921:24 drinking 7877:9 drive 7890:19	dropped 7855:18 Due 7920:23 7921:2 duties 7862:4 duty 7853:5 7857:9 7859:11 7883:2 <hr/> E <hr/> ear 7864:7 earlier 7863:23 7874:10,11 7878:11 7881:21 7885:21 7904:25 7919:24 7922:5 7926:7 7927:21 7933:17 7943:5,6 early 7904:8 7920:21 7921:23 7938:19 7944:5 East 7849:17 7875:5 7885:9 7921:6 economic 7859:15 7862:18 7880:23 7935:13 effect 7933:17,19 effectively 7912:3 either 7900:9 7920:21 7921:13,23 7939:20 7945:14 element 7934:7 elementary 7934:15 embarked 7875:8 emphasised 7896:6 7907:15 employee 7903:1 employees 7853:5,6,19 7863:11,14 7867:7 7868:22 7870:25 7875:5,9 7881:12 7897:6,23 7898:18,19 7899:14 7900:7 7901:9,10,18 7902:2 7902:20,20,23 7903:3 7903:6,9 7907:5 7919:16 7931:21 7932:9 employer 7903:2,5,21 employers 7898:18 7903:16 employer/employee 7902:25 enable 7924:17 encircle 7948:15 7949:2,12,18 7950:11 7951:5,19 encircling 7950:14 7951:2 encourage 7895:25 7908:2,3,3 encouraged 7895:5,7 7895:11,23,23 7896:2 7896:6,11,13,20 7897:9,23 7898:6 7900:15,17 7907:6 encouragement 7897:7 7898:4,7 7900:10 7901:4 7903:13	encouraging 7907:6 endeavoured 7913:24 energy 7932:7,10 7933:3,5 enforce 7924:18 engage 7859:13 7863:1 7863:5 7895:24 7898:18 7929:1,5,11 engaged 7881:11 7924:16 7931:21 engagement 7868:3 7902:16,17 engagements 7898:3 engages 7859:12 English 7944:2,5 ensure 7859:12,15,16 7867:8 7883:2 7906:10 7907:7 7926:16 7935:16 7947:23 7948:6 7951:14 ensures 7859:14 ensuring 7952:23 entirely 7888:5 entities 7928:22 entitled 7934:12,14 entry 7892:2,7 environment 7908:17 7929:25 7951:3 equally 7896:16 equipment 7886:13,17 7886:19 7887:3,14 7889:15 ES 7878:1 escalate 7917:18 escalated 7855:1 7886:11 7922:14 escalating 7862:12,13 7916:15 7926:13 7935:2 escalation 7855:2 7862:21 7908:12 7910:3,10,25 7912:20 7913:10,13 7915:2,14 7916:3 7918:21,24 7919:1,2 7920:4,4,8 7920:24 7921:2 7923:9,24 7926:14 7935:5,10,12 7936:1 essentially 7868:12 7871:9 establish 7933:8 7939:11 established 7867:9 7905:23 estimation 7892:18 etcetera 7875:20 evening 7865:18 7867:20 7870:18 7893:11 7902:7 7904:5,8 7910:1 7915:5,10,25 7920:25 7921:22 7922:12 7928:10,12 7931:7 7943:16,20,24 7944:5 7944:10,11,12,14
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7945:2,21 event 7930:5 events 7864:17 everybody 7849:16 7895:8 7908:2 7931:16 7941:2 evidence 7855:2 7858:23 7867:12 7874:11 7883:19 7894:4 7937:23,24 exact 7903:24 exactly 7857:21 7864:11 7905:12 7945:17 examination 7850:8 7851:9,15,21 7858:22 example 7860:17 examples 7860:20 exceeded 7855:10 Excellency 7849:4 excess 7894:2 exchange 7861:23 exchanges 7949:4 excuse 7850:6 execute 7916:25 executive 7883:6 executives 7952:11 exercise 7902:21 7903:8 7904:18 7906:12 exhaustion 7939:18,20 7955:2 exhibit 7871:23 7872:1 7873:8,9,21 7874:17 7874:20 7876:5,11,19 7877:5 7879:1,1,4,7 7879:20,23 7880:10 7881:7 7884:5 7890:7 7890:9 7891:24 7892:20 7904:20 7908:21 7909:5,16 7919:23 7920:19 7930:21 7931:1 exhibits 7876:10 7878:20 7879:11 7890:4 expect 7850:22 7859:18 7939:10 expectation 7859:7 expected 7858:11 7859:11 7898:18 expecting 7858:12,17 7934:8 experience 7867:13 expertise 7867:13 explained 7921:16 exploring 7949:11 express 7900:21 expression 7911:8 extend 7913:16 extended 7910:12 extra 7911:12 7913:18 7933:24 extraordinary 7941:7 7941:18 7952:8	F	7882:16 7885:14 7886:6,23 7887:4,10 7887:18,23 7889:16 7891:18,22 7892:15 7893:15 7894:5 7895:15 7897:18 7907:13,23 7924:13 7924:16 7927:25 7928:8 7950:10,19 7951:4,8,21 7953:22 7953:24 7954:12 firsthand 7863:1 fit 7935:21 five 7867:4 flows 7920:16 7926:22 follow 7891:9 following 7870:19 7909:24 7945:4 follows 7864:15 7913:9 7918:8 7921:3 footage 7899:7 7951:12 force 7920:23,24 7921:2 7928:8,14,17 7928:23 7935:2,4,19 7936:2,10 forget 7924:2 forgive 7865:9,10 7885:5 7915:9 form 7866:2 7877:12 7890:22 forms 7920:2 forth 7849:12 7924:6 7926:24 forum 7937:4 7940:10 7940:18 7941:4 7943:20 forward 7864:25 7865:14 7907:1,7,13 found 7901:11 7907:8 7930:24 7933:7 7948:5 four 7867:4 franca 7950:23 frankly 7889:6 Friday 7853:4 7875:4 7876:22 Fritz 7928:9,16 frolic 7878:6 front 7874:21 7909:14 7919:25 7922:7 full 7855:11,17 7857:4 7915:9 fumble 7873:10 function 7946:12 funny 7884:17 further 7855:11 7868:19 7897:18 7898:4,13 7901:6 7913:7 7940:15 7941:20 7952:19 7953:18	G	7882:16 7885:14 7886:6,23 7887:4,10 7887:18,23 7889:16 7891:18,22 7892:15 7893:15 7894:5 7895:15 7897:18 7907:13,23 7924:13 7924:16 7927:25 7928:8 7950:10,19 7951:4,8,21 7953:22 7953:24 7954:12 generally 7922:13 7923:3 generals 7934:12 genesis 7900:25 gentlemen 7930:7,14 getting 7891:8 7950:23 give 7851:14 7854:1 7856:7 7857:8 7858:11,17 7863:20 7864:8,15 7870:20,24 7872:17 7876:13 7882:16 7895:14 7906:25 7909:4,7,8 7914:1,10 7928:1,25 7930:15 7932:1,17 7941:8 7942:13 7949:16 7951:23 7953:9 given 7852:1,3,10,14 7852:17 7856:6,20 7857:14,25 7858:5,10 7858:14 7860:10 7861:11 7871:8 7883:19 7909:2 7911:5 7918:2 7919:18,21 7920:10 7923:8,9,12 7926:20 7930:18 7933:18,24 7935:21 7943:2 7948:3 gives 7949:17 giving 7853:15 7858:23 7859:3 7879:14 7932:4 glosses 7927:20 glossies 7933:19 go 7851:24 7853:24 7857:9,9 7863:9,22 7866:25 7868:11 7869:4 7874:13 7892:1,19 7893:21 7900:16 7906:4 7907:7 7925:19 7926:4,12,14,17 7928:15 7929:24 7930:14 7931:8 7933:22 7937:4 7940:9 7942:25 7946:5 7947:23,23 7948:21 7952:23 7953:6,14,24 7954:12 7954:18 goes 7882:12 7885:2 7910:9 going 7850:16,17 7851:7,19,19,24 7855:18 7859:1 7864:25 7865:14 7878:18 7881:14 7891:17,23 7894:23 7898:10,11 7906:19 7907:17 7909:7 7912:24 7922:25 7923:11,13,20,23 7925:19 7926:4 7931:19 7933:25	7934:19 7945:3 7947:22 7948:12,15 7949:1 7951:9,21 7952:18 7953:21 7954:4,21 good 7932:15 7936:22 gotten 7899:2 government 7849:6,10 go-ahead 7919:15 great 7891:14 Greek 7884:15,18 7885:2 ground 7882:3,8 7900:16 group 7916:20 guidance 7864:15 7907:1 guide 7935:23 guidelines 7935:23
	H				
			hadn't 7896:21 7899:5 half 7893:19 7937:7 7940:20,21 7943:21 hand 7863:24 7873:9 7875:19,21 7876:1,9 7890:12 7931:20 handed 7877:3 7878:19 7890:7 7920:18 hands-on 7933:12 happen 7855:18 7865:6 7885:24 7912:24 7919:14 7947:22 7948:1,4 7949:6 happened 7853:14 7866:16 7870:25 7881:23 7899:4 7902:5,6,21 7903:8 7907:4 7913:2,2,3 7915:20 7937:25 7948:14 happening 7852:7 7862:11,15 7870:20 7871:20 7881:20 7895:4 7924:2 7938:5 7950:14 happens 7907:9 7908:20 7912:22 happy 7914:13 hard 7890:19 hasn't 7909:1 haven't 7871:20,21 7872:25 7874:3 7875:12 7876:5 7890:24 7891:1 7910:7 7924:22 7929:8 head 7860:3,4 7866:20 7885:23 7901:21 7906:2 7913:25 headed 7920:18 heading 7874:25 7886:17,19 heads 7908:16 7929:23 hear 7849:25 7855:16 7864:14,20 7876:16		

7876:19 7882:5 7915:9 7930:2 7950:10,19,25 7951:4 heard 7865:11 7888:6 7950:24,25 7951:2,18 hearing 7895:24 heed 7927:13 held 7922:12 help 7873:19,23 7874:3 7874:4 7907:9 7930:8 helping 7874:7,9 HEMRAJ 7882:4 7896:25 7917:20 he'll 7874:3 he's 7850:7 7869:21,23 7872:25 7913:24 7923:2 7932:15 7953:24 high 7849:4,12 7881:1 7945:7,8 highlighted 7881:3 home 7904:17 hope 7849:21 7891:21 7898:23 7913:21 7945:17,19 hoped 7876:18 7945:17 hopes 7945:7,8 hospital 7853:6,20 7854:6 hostage 7924:12,13,17 hour 7893:18,19 7904:2,13,13 7905:13 7905:13 7906:25 hours 7851:17 7893:9 7894:2 7904:2,3 7905:1,20 huge 7884:15	impress 7934:25 impression 7903:20 inability 7862:16 inaudible 7876:15 7886:7,8 7914:16 incidences 7853:18 incident 7853:5 inclination 7932:8,10 include 7907:21 included 7871:3 incorrect 7901:17 increase 7917:4 7952:5 increased 7918:8 7921:3 increasing 7919:17 7922:14 indicate 7880:20 7893:5 7921:12 7944:18 indicated 7849:24 7850:4 7866:22 7878:11 7894:22 7900:24 7911:2,4 7915:4 7916:4 7925:11 7949:3,13,14 indications 7849:19 inference 7921:24 information 7849:18 7880:3,9,16,16,20 7930:15 7943:6 informed 7893:3 7937:18 informing 7947:15 initial 7922:8 injured 7853:19 7881:24 injuries 7854:11 input 7857:15 7876:14 inquiry 7937:24 insofar 7878:6 instance 7928:22 instructed 7877:22 7928:11 instruction 7926:6,16 7926:17,20 7927:13 7927:17 7928:2,3 7930:17,22 7931:5,11 7931:13,15,23 7932:12 7933:16,17 7936:14,22 instructions 7926:10 7933:24 7934:9 7935:6,22 7936:4 7950:22 Intelligence 7921:4 interchanged 7906:6 interest 7878:7 7883:15 7883:18 interested 7849:7 7883:9,14 7903:2 interpret 7923:7 interpretation 7896:24 7897:4 7913:19 interrupt 7884:25 7933:14 interrupted 7898:21	interrupting 7885:5 intervene 7862:23 7867:8 7935:23 intervention 7864:4,8,9 7864:12 7868:9 7884:3 7924:18,20 7951:11 intimidation 7853:5 7854:11 7859:23 intimidations 7853:18 introduced 7886:9 introduction 7885:15 7885:19 7886:24 7887:11 invested 7933:3 investigation 7910:5 7913:12 7923:10 invited 7854:14 7897:10 involve 7928:14 involved 7864:14 7868:15,22 7900:18 7910:22 7915:1 7928:17 7931:20 7932:8 involvement 7928:8 Isaac 7878:3 isn't 7850:24 7852:2 7872:14 7884:11 7916:15 7917:10 7934:11 issue 7856:4,5,16 7881:12 7887:3 7931:13 7932:24 7933:1,13 7942:4 7951:15 issued 7931:15 issues 7857:25 7858:5 7858:11,15 7859:3 7860:9,25 7861:13 7863:1 7880:23,24 7881:3,14 7882:1 7894:25 7901:2 7903:2 7904:6 7915:6 7915:17 7916:5,9 7920:8 7922:2 7923:10 7925:14 7935:13,14 7939:15 7952:10,12 7953:8 it's 7850:16 7851:3,13 7857:1 7858:11 7859:8 7865:18 7868:7 7872:8 7873:8 7874:25 7877:23 7878:12,24 7879:1,3 7883:5,18 7884:12 7886:16 7888:20 7890:4 7891:16 7892:7,22 7893:3 7896:23 7897:5,6,6 7903:23 7905:3 7908:15 7909:4,5,10 7909:11,18 7912:13 7917:25 7921:18,20 7922:1 7923:6,11,12 7930:2 7931:14	7932:15 7934:19 7935:5 7936:13 7940:14 7946:6 7954:22 I'd 7905:11 7911:10 7918:13 7928:13 7929:5 7952:13 7953:23 I'll 7851:2 7853:10,24 7854:1 7891:21 7892:17 7909:3 7920:7 7926:2 7928:5 7937:3 7946:21 7948:24 I've 7854:6 7856:13 7858:16 7859:25 7860:10,10,16,24,25 7861:11 7864:12 7871:18 7875:11 7876:18,19 7880:18 7881:8 7885:21 7898:22 7900:24 7903:10 7906:1 7910:13 7913:24 7915:5,17,17 7919:4 7919:12,18,20 7920:10 7922:16 7924:8,21 7925:15 7928:20 7929:16 7931:12 7933:19 7936:3 7943:9 7948:25 7949:13 7950:21,22 7951:2	Kgomo 7877:16 killed 7849:9 7871:1,1 7888:19,20,20 kind 7891:19 knew 7854:14,17,18,19 7855:8 7882:10,13,20 7884:1 7899:6 7905:11 7931:15 7948:1 7951:9,11 know 7850:23 7851:5,6 7851:10,13,14 7859:18 7866:18,22 7867:7,12 7868:6,15 7868:18 7871:7 7872:4 7878:8 7881:1 7882:23 7883:3,15 7886:1 7890:17,18,21 7891:16 7892:19 7894:9 7896:11 7897:20 7900:15 7901:14,23 7903:23 7904:7 7905:11 7907:6,9,17,18 7911:3 7916:22 7917:3 7918:7 7923:7 7926:20 7927:4 7928:13,15,18,19 7929:2,10 7930:6 7932:21,23 7934:19 7949:3,4,23 7951:7 7951:20,21 7953:17 7953:17,20 7954:17 known 7901:18 7935:6 7950:2 knows 7849:16 7860:4 koppie 7894:6 7895:4 7938:11,12 7950:12 KwaMhlanga 7885:10 7921:9 KZN 7857:9
<hr/> I <hr/> idea 7928:13,16 7929:10,11,13,13,14 7930:7,13 identification 7905:24 identified 7902:14 7906:12 identify 7866:24 7867:4,25 7899:6 7906:9,15,18 7929:14 7929:15 identifying 7902:19 7931:21 7932:8 imagine 7851:16 immediately 7873:19 7893:12 implementation 7947:19 implication 7901:13 implies 7883:14 important 7857:1 7863:15 7878:13 7883:5 7895:24 7902:24 7903:4 7907:3 7922:24 7923:6 7939:2 7945:18,24 impracticality 7934:8			<hr/> J <hr/> ja 7851:11 7855:23 7873:4 7876:25 7889:18 7905:6 7906:15 7912:11 7913:3 job 7873:19 JOC 7882:12 7906:3,7 7906:8 7923:9 7927:9 7946:12 Johannesburg 7885:9 7921:6 7954:11 Judge 7868:23 7872:21 7873:4 7896:24 7898:1 7900:23 7911:16 7921:18 7922:1 7927:2,7 7928:21 7930:10 judged 7933:6 July 7927:24 jumped 7918:11 junior 7918:9	
			<hr/> K <hr/> Karee 7875:6 7881:10 keen 7868:6 7938:7 keep 7935:2 keeping 7931:22 kept 7890:21,22 7905:12 key 7860:16 Kgaka 7878:1	<hr/> L <hr/> labour 7854:15,17,20 7856:1,11 7859:22 7880:4,21 7881:18 7887:19 7888:12,15 7888:16,18,22 7900:6 7900:7 7901:1 7907:1 7932:20,22 lady 7890:11 language 7881:1,1 7944:3 large 7950:15 lastly 7927:10 late 7933:18 7949:11 law 7888:25 7924:19 lay 7938:11 7944:8 7948:1,5,6 laying 7943:3 7944:7 7944:19,19 7947:21 leader 7860:7 7863:2,7 7948:4,4 7949:5 leaders 7868:4 7916:20 7949:15 leadership 7946:12 learned 7918:8

<p>leave 7906:17 7938:12 7948:20</p> <p>led 7864:1 7865:5</p> <p>left 7866:17 7898:12 7905:18 7917:14 7927:5,8,9 7954:25</p> <p>legal 7918:16</p> <p>legislation 7934:10</p> <p>lend 7864:5,7,12</p> <p>lengthy 7891:16</p> <p>letter 7877:16,19 7878:8</p> <p>letters 7884:15,16,18 7885:2</p> <p>letting 7946:5</p> <p>let's 7851:6 7869:4 7872:17 7891:18 7893:10 7898:17,17 7906:17 7909:21 7911:23 7932:16 7938:8 7953:25</p> <p>level 7881:1</p> <p>levels 7920:23</p> <p>Lewis 7850:17,19 7851:2,11,16</p> <p>Lieutenant 7919:23 7926:23 7928:14,17</p> <p>Lieutenant-Colonel 7904:20 7920:13,15 7922:6,20 7924:11 7928:9 7929:12 7930:1,13</p> <p>Lieutenant-General 7892:4 7937:19 7940:24</p> <p>life 7922:14 7935:14</p> <p>light 7935:1</p> <p>Limpopo 7857:9</p> <p>line 7931:9</p> <p>lines 7948:22</p> <p>lingua 7950:23</p> <p>listen 7864:7 7934:5</p> <p>listening 7872:22 7927:5</p> <p>little 7856:19 7905:12 7922:5 7952:18</p> <p>lives 7862:19</p> <p>local 7854:25 7921:4,5</p> <p>London 7849:17</p> <p>long 7851:5,7,10,14,19 7893:15,24 7904:10 7905:9 7909:18 7954:7,17</p> <p>longer 7903:9 7905:14</p> <p>longish 7894:1 7904:14 7904:18 7905:20 7909:9</p> <p>Lonmin 7849:8 7854:18 7864:20 7866:6,17,21 7867:2 7867:2 7868:14 7869:7,9,16,20,22,25 7870:2,7,15 7881:12 7889:25 7890:9 7893:21,25 7894:4,5 7894:16 7895:2,11,18</p>	<p>7895:19 7896:2,8 7897:2,18,19 7898:25 7899:1,11,11,13,16 7899:19 7900:2,8,13 7900:17,18 7902:16 7902:19,22 7903:8 7904:3 7905:17,25 7910:1 7922:10 7928:11 7932:21,21 7952:19,20 7953:5,6 7953:13,15,16</p> <p>Lonmin's 7864:20 7865:11</p> <p>look 7853:10 7855:5,11 7855:12 7868:17 7874:25 7875:22 7877:9 7878:23 7879:2,6,20 7891:15 7892:1 7893:2 7906:14 7913:7 7920:22 7922:6 7923:23 7925:12 7933:22</p> <p>looked 7866:19 7886:13 7890:25 7899:5,13 7933:4</p> <p>looking 7861:13 7873:10 7891:11 7928:6 7937:10</p> <p>loss 7922:14</p> <p>lost 7862:20</p> <p>lot 7867:14 7915:2,19 7915:21 7939:16 7950:21</p> <p>lunch 7909:19,22 7910:19 7913:22 7914:1,3</p> <p>lunchtime 7937:25</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>machine 7875:5 7881:10</p> <p>MAHLANGU 7858:2 7865:2 7871:24 7899:22 7900:11</p> <p>main 7867:5 7952:24</p> <p>maintained 7935:17</p> <p>making 7872:14,15</p> <p>manage 7883:6</p> <p>managed 7895:15,16 7907:5</p> <p>management 7894:16 7895:2,11,19 7896:3 7896:8 7922:10 7937:4 7940:10,18 7943:20 7948:21</p> <p>managerial 7867:13</p> <p>managers 7929:23 7949:21</p> <p>MANGWASHI 7850:10 7878:17 7914:7 7940:2</p> <p>manner 7856:12 7880:25 7881:3 7884:1 7899:6 7912:14</p>	<p>Mantapama 7944:3</p> <p>Marake 7879:25</p> <p>Marikana 7849:8 7852:7,23 7853:14,23 7854:12,21 7856:2,10 7856:22 7859:3,23 7861:16 7862:6,11,14 7862:16,24 7863:21 7863:24 7864:9 7865:13,19 7866:6,10 7867:20 7869:13 7881:16 7882:8,17 7883:10 7885:16,20 7886:3,9,25,25 7887:11 7889:13 7893:8 7907:2 7908:13,15 7911:1 7915:3 7916:3 7917:5 7918:11 7921:3 7923:25 7928:8,11,15 7929:12 7932:20 7935:9 7936:7 7938:5 7939:5 7941:11,24 7942:23 7946:7 7950:12,14 7951:10 7952:6,10 7953:4</p> <p>mark 7876:2,4 7877:11</p> <p>marked 7876:7 7877:12 7879:1,2</p> <p>marks 7850:14</p> <p>Masemola 7928:24 7929:20</p> <p>match 7855:2</p> <p>materially 7891:5</p> <p>Mathunjwa 7938:10 7944:7</p> <p>matter 7864:4 7867:9 7868:19 7878:11 7895:9 7898:13,15 7900:6 7903:1 7932:16 7933:9</p> <p>matters 7861:16,17 7891:10</p> <p>Mawela 7928:24 7929:20 7930:17</p> <p>Mbombo 7861:12 7895:14 7915:7 7919:6 7929:6 7937:19 7938:2 7940:24 7942:14 7943:10 7946:16,20 7947:15</p> <p>mean 7850:22 7854:17 7858:9 7865:8 7867:23 7868:7 7879:24 7888:23 7890:25 7923:7 7934:11 7940:14 7951:12</p> <p>means 7944:3</p> <p>meant 7948:25</p> <p>measures 7935:20</p> <p>meet 7895:16,20 7897:2 7934:23</p> <p>meetings 7869:22 7870:2 7904:4,14,18</p>	<p>7905:16,20 7906:5</p> <p>member 7873:18</p> <p>members 7849:11 7852:9 7903:4 7908:1 7911:22 7916:7 7918:14,21 7926:9 7932:20 7935:7,23 7936:5 7948:6,16 7949:2 7954:2</p> <p>memory 7884:11</p> <p>mention 7878:7</p> <p>mentioned 7863:23 7894:24 7925:15 7930:14 7938:1</p> <p>mentioning 7943:12</p> <p>mere 7926:6</p> <p>met 7865:17,18,22,24 7866:5 7904:11 7906:22</p> <p>micro 7883:6</p> <p>microphone 7876:17</p> <p>military 7934:13,13</p> <p>mind 7872:8 7875:25 7900:3 7934:6</p> <p>mine 7875:6,11 7881:10 7894:19 7895:23 7907:5 7908:3 7922:10 7928:11 7953:17</p> <p>miners 7849:15</p> <p>mines 7875:10</p> <p>Mineworkers 7875:6,7 7936:2,10</p> <p>Minister 7861:22</p> <p>minute 7860:3,7</p> <p>minutes 7909:10 7954:18</p> <p>misunderstand 7912:10</p> <p>misunderstanding 7897:14</p> <p>Mmm 7896:18 7899:21 7910:8,14 7940:22</p> <p>mobilise 7860:18</p> <p>Mogale 7877:17,21</p> <p>Mokhetle 7877:16</p> <p>moment 7855:6 7875:21 7891:4 7937:9</p> <p>Monamodi 7878:4</p> <p>Monday 7849:20,22 7850:2 7864:7 7867:20 7877:5 7878:12 7887:18,23 7888:10 7916:13 7920:18</p> <p>months 7950:21</p> <p>morning 7849:3,19,25 7850:3 7921:13,23 7925:9 7938:4,19 7943:3,7,10 7944:9,9 7945:4 7947:20 7949:5 7955:3</p> <p>move 7874:17 7877:24 7919:17,25 7926:2</p>	<p>7937:3 7946:22</p> <p>moving 7869:4 7924:18</p> <p>Mpofu 7849:15 7878:12</p> <p>Mpumalanga 7921:10 7921:22</p> <p>multi-faceted 7863:15</p> <p>murdered 7889:1</p> <p>murders 7910:5 7913:12</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>Naidoo 7909:4 7910:23 7915:12</p> <p>Naidoo's 7912:19 7913:6,8 7914:20</p> <p>names 7867:25</p> <p>national 7850:4,6,8,20 7851:8,23 7855:15 7858:25 7865:10,12 7870:6 7872:3,18 7874:18 7875:6,22 7876:12 7877:8 7878:15 7879:19 7883:20 7892:3 7896:1 7897:16 7900:1 7902:4 7903:24 7905:22 7906:24 7909:5,25 7910:21 7914:6,10,13 7914:14 7915:8 7916:1,6 7917:2 7922:4,9,11 7925:18 7926:5,15 7927:10,13 7930:20,21 7931:5,6 7931:10,17,23 7932:3 7932:12,19 7933:7,10 7934:23 7935:8 7936:14,22 7937:4,17 7939:19 7940:1,10 7942:5 7943:14 7946:24</p> <p>nationally 7929:21</p> <p>nationals 7849:8</p> <p>NATJOC 7910:11 7913:14</p> <p>nature 7860:1</p> <p>nearby 7873:9</p> <p>necessarily 7917:24 7948:13</p> <p>necessary 7856:17 7862:25 7863:20 7868:3 7910:3,25 7912:7 7913:10,18 7920:6 7922:15,21 7923:4 7934:14 7942:13</p> <p>need 7857:8,15,20 7860:22 7861:3,9,22 7864:11 7882:21 7883:3,4 7884:2 7891:15 7908:15,18 7911:5,8,9,16 7912:20,21 7916:2 7924:20 7928:25</p> <p>needed 7860:19</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7861:19 7863:4 7907:10 7933:8 needs 7851:3 7860:5 7916:24 7946:6 negatively 7900:9 negotiable 7931:14 negotiate 7901:11,14 7901:17 7907:13 negotiation 7948:10 7949:12 negotiators 7924:13,17 neither 7903:19 7953:16 never 7857:5 7888:17 7888:21 7900:3 7948:25 7949:10 7953:16 nice 7905:12 night 7869:6 7904:22 7913:6,19 7917:12 7919:15 7920:1,11 7921:14 7932:9 7935:9 nine 7915:22 NIU 7924:6 NMF 7941:12 7952:3 nodded 7913:25 non 7903:3 7931:13 normal 7859:15 7862:3 7868:9 normally 7855:20 North 7855:10,17 7871:5,9,15 7885:15 7952:5 note 7877:7 7926:10,15 November 7927:23 Ntsebeza 7850:21 7851:3 7953:20 7954:2,4,6,9,11,14,15 7954:21 NUM 7880:22 7894:17 7894:20 7895:3 7899:19 7902:22 7903:3 number 7884:8 7891:24 7892:2,8 7918:17 7923:24,25 numbered 7884:12,17 7885:3 numbers 7876:11 7884:15 7894:21 7917:4 7918:7,9 7919:1,8,17	7934:5 7938:7 7941:24 7948:10 7950:4 occasion 7889:21 7947:18 occurred 7910:6 7913:13 occurrence 7889:21,25 7890:2,3,6,13,20 occurring 7854:12 October 7894:24 office 7885:23 7917:23 officers 7856:21 7862:9 7863:11 7870:19 7880:8 7910:6 7913:13 7922:13 7933:22 official 7894:20,22 Oh 7873:24 7876:18 7892:9 okay 7858:9 7876:25 7893:1,4,10 7909:21 once 7881:15 7940:7 ones 7884:19 onwards 7866:10 open 7934:6 opened 7920:12 operate 7936:5 operating 7949:21 operation 7864:2 7888:2 7908:1 7910:12 7913:16 7934:16 7947:16,24 7948:12,25 operational 7916:23,25 7918:14 7922:13 7925:1,19 7926:3 7931:8 operationalised 7910:12 7913:16 operationally 7908:9 operations 7860:4,4,8 7887:13 7888:1 7918:19 7922:24 7923:8,18 7924:12 7942:5 7946:7 7949:21 7950:7 operators 7875:5 7881:10 opportune 7875:21 opportunity 7932:5 7936:19,21 opposition 7878:5,13 7878:14,14 ops 7857:7 7887:3 7923:13,14 7949:23 opting 7924:14 option 7924:14 order 7884:24 7885:7 7888:25 7891:4 7892:5 7910:4 7913:11 7921:5 7926:17 7927:20,21 7928:4 7933:20,24 7935:17 7936:10 7953:8	Orders 7934:10 ordinarily 7918:2 organisation 7950:21 original 7890:17 7891:6 ORS 7885:23 7929:3 7929:22 7941:5 7942:20 7952:11 Oupa 7878:4 outcome 7948:14 outside 7885:15,19,22 7886:5,9 7894:23 7911:17 7912:13,15 7928:22 7938:2 overview 7881:16 7882:16 o'clock 7889:17 7892:15 7893:11 7904:1,4,22 7905:4 7925:9 7928:10 7944:8 7947:1	7898:22 7931:10 7935:21 7943:11 7952:22 particularly 7906:5 7908:18 7911:19 7927:14 7929:11 7931:4 7939:1 7943:12 parties 7850:15 7859:16 7948:19 party 7877:20 7910:24 7922:20 7923:3 pass 7880:15 passage 7909:9,19 passages 7913:20 peace 7944:23 peaceful 7867:8 7895:8 7897:13 7907:8,16,21 7907:24 7908:5 7924:17,21 7937:19 7939:2 7944:24 7945:3,11 7948:10 7951:14 peacefully 7948:21 perfect 7853:25 perfectly 7899:24 period 7882:9 7894:23 permit 7926:22 permitted 7946:22 person 7868:9 7873:6 7873:22 7874:13 7885:24 7922:24 7942:6 personal 7863:21 personally 7862:24 7863:20 7866:5 7890:24 7933:7 personnel 7857:12 7880:2 7882:17 7885:9,19 7886:3,8 7917:4,5,21 7918:10 7919:9 7921:14,17,21 7923:25 persuade 7868:20 pertinently 7916:18 perusal 7891:20 Petros 7892:4 phase 7945:15 philosophies 7908:2 phone 7856:25 phoned 7928:9,15 photograph 7905:24 photographs 7899:13 7932:9 photos 7899:3 phrases 7880:25 picked 7891:1 7918:17 pictures 7866:19,22 7868:17 7901:22 7902:10,13,14 7906:4 7906:7,15 7925:13 piece 7850:14 pile 7890:12 Pillay 7876:1,3,9 7877:11 7878:18,22 7879:10,13 7890:5,8	7890:13,15 pin 7899:10 place 7851:1 7852:22 7853:22 7854:20,23 7868:4 7873:5 7877:22 7880:24 7881:6 7897:11 7903:5 7906:13 7910:11 7913:15 7925:14 7927:6 7947:24 7951:14 placed 7877:25 plan 7865:13,19,22,24 7866:9 7871:19,20,21 7874:25 7875:19 7876:23 7878:24,25 7878:25 7879:4,6,6 7880:12,14 7883:2 7884:5,14,21 7885:1 7885:13,13 7886:13 7886:16,23 7888:3 7907:25 7908:8 7910:11 7913:15 7915:5,10 7916:6 7919:5 7920:11,20 7924:4,9 7925:1,4,7 7925:15,19 7926:5,15 7931:9,9 7932:11 7933:22 7942:25 7945:18,24 7946:6,7 7946:10,14,16,18,20 7947:19 7951:6 planned 7864:24 7865:6 7946:6 planning 7871:16 7936:20 7945:20 plans 7871:8 7875:20 7875:25 7876:6 7879:11 platform 7929:3 play 7867:20 7901:3 playing 7867:23 please 7871:22 7884:4 7886:12 7889:4 7902:2 7906:9 7908:21 7930:21 7931:6 7933:23 7934:9 pleased 7849:12 pleasure 7849:3 plural 7865:8 plus-minus 7875:4 point 7854:13 7855:7 7857:16 7858:24 7861:18,24 7863:3 7872:14,15 7881:18 7882:23 7883:10,23 7891:14,21 7898:22 7913:17 7923:19 7930:6 7933:3,6 7936:8 pointed 7905:3 police 7854:14 7855:1 7859:25 7862:4 7863:14,17 7866:20 7888:20 7890:2
<hr/> O <hr/> oath 7850:9 7878:15 7914:6 7940:1 OB 7890:9 objection 7925:24 objectionable 7891:10 objections 7937:2 obtained 7909:12 obviously 7873:8 7878:12 7890:18 7891:1 7909:6 7912:7 7920:25 7921:4,7		<hr/> P <hr/> page 7851:23 7876:21 7876:24 7878:23 7880:1 7884:14,23 7885:2,2 7891:17 7892:1,7 7909:24 7913:8 7914:20 7920:22 7921:2 7931:4 7937:15,16 pages 7884:17 7885:3 paginated 7884:12,14 7884:18 7885:1 painfully 7891:17 paper 7850:15 papers 7873:6 7890:12 7928:7 paragraph 7875:3 7879:20 7880:9 7881:7 7886:13,17,18 7893:3 7894:14 7901:7 7904:21 7905:4,17 7909:24 7910:16 7913:8 7914:20 7920:13 7921:1 7922:6,8 7924:10 7926:25 7931:4,10 7937:13,18 7944:16 7947:4 paraphrase 7913:24,25 parcel 7947:12 pardon 7864:9 7865:1 7871:1 7874:19 7946:25 part 7862:12 7867:18 7883:1 7884:7,8 7892:24 7920:19 7925:12 7928:21 7938:13,25 7947:12 7951:5 participants 7899:18 participate 7927:1 participated 7906:11 7907:12 particular 7884:5		

7899:7 7910:3,6,10 7910:25 7913:10,13 7913:14 7915:14 7921:17 7922:8 7936:4 7950:7,7,23 7951:3,11,21 policemen 7888:20 policing 7884:24 7885:7 7921:5 7926:18 7949:22 poor 7875:9,10 POP 7857:12 7871:5,9 7876:23 7880:2 7885:8,9,9,10 7911:22 7921:5,6,7,9 7924:5 7929:4 POPs 7855:6,9 7871:15 posing 7859:5 position 7862:1 7877:22 7928:4 7953:23 positively 7900:9 possibility 7937:19 7949:11 possible 7851:4 7876:3 7897:13 7907:16 7935:3 7948:9,19 possibly 7921:13 practical 7891:5 preamble 7954:23 preceding 7877:6 7935:11 precise 7858:24 precisely 7907:18 7913:1 7917:11 7942:1 prediction 7851:14 prefer 7872:16 7873:1 7873:12,14 prefers 7914:13 premature 7930:3 prepared 7873:1 7896:9 prerogative 7857:7 prescript 7859:12 prescripts 7907:18,19 7908:6 7936:4,12,17 present 7869:20 7870:7 7880:8 7881:17 7883:22 7910:23 7923:15 7924:25 7927:3 presentation 7881:2 presents 7883:4 press 7853:4,11 7881:21 7939:17 presumably 7890:12 7890:20 7898:12 Pretoria 7877:25 previous 7856:9,19 7857:2 7906:2 7933:18 principle 7907:16 7912:12 7920:5 principles 7908:2 probably 7858:19	7905:11 7947:12 7954:17 problem 7851:9 7869:2 7881:16 7900:25 7901:1 7916:15,21 proceed 7879:17 7891:3 proceedings 7849:1,5 7877:21 process 7852:4,6,9 7855:1 7856:16 7861:1 7894:25 7904:16 7917:25 processes 7907:21 7949:23 produce 7889:21 product 7917:15,16 product 7944:20,22 promise 7943:2 7944:7 7944:9,15 7948:1,3 promised 7938:10 7947:21 proper 7944:2,4 properly 7896:2 property 7862:19 7881:23 7915:21 7939:15 7953:7 proposition 7923:12 propositions 7954:23 protest 7859:10 7868:5 7897:11 7900:7 7901:1 7951:14 protesters 7901:8 7924:16 7938:11 7943:1 7944:8 7951:12,15 protesting 7862:17 7898:19 7932:23 7933:1 7953:8 protests 7854:20 protocol 7918:4 protocols 7908:6 provided 7936:12,13 province 7855:9,13 7857:3,6,23 7858:10 7859:7,22 7860:7 7864:3 7882:13 7885:20,23 7886:5,9 7911:17,24,24,24 7912:13,16,16 7929:1 7952:16 provinces 7855:21 7856:24 7886:3 7908:19 7917:8 7919:10 7920:17 7921:15,17 7927:12 7929:3,4,18 provincial 7852:14,18 7855:25 7856:9,20,21 7857:11 7858:4,23 7859:21 7861:15,23 7864:1 7882:11,15 7883:21 7908:17 7909:25 7911:9 7915:18 7916:9,23 7918:3 7920:9 7922:3	7929:18 7940:6,16 7941:3,4,5 7942:2,20 7945:2,13,21 7946:23 7947:2 7952:3,4,10 7952:13 provision 7889:12 public 7884:24 7885:7 7910:4 7913:11 7921:5 7926:17 7935:17 7953:8 pulled 7924:5 purpose 7866:8,13,15 7902:19 7906:16,23 7910:13 7913:16 7952:14 purposes 7891:5 pursue 7887:8 7948:9 put 7856:15 7868:23 7875:15 7878:5 7891:14 7904:7 7910:17,21 7931:18 7934:21 puts 7868:11 putting 7856:13 7888:13 7913:5 7933:15 7934:18 7953:14	7921:11 7929:8 7954:22 <hr/> R <hr/> raise 7891:11,18 raised 7925:25 Rand 7885:9 7921:7 rank 7934:13 rational 7868:8 reach 7855:17 reached 7937:20 read 7853:2,9,11 7875:11,13,16,16 7876:13 7881:21 7891:10 7901:13 7907:19 7908:7 7909:9 7910:6,13,16 7911:7 7913:20 7914:23 7922:16,17 7924:21 7926:25 7939:18 7950:24 reading 7853:8 7858:7 7875:25 7902:1 7914:25 7950:21 reads 7875:4 7876:21 7877:1 7913:9 ready 7850:7 realise 7903:17 really 7860:2 7870:13 7899:10 7903:1 7905:25 7951:20 7954:21,23 reason 7862:8,23 7863:11 7867:16,19 7900:17 7901:11 7918:23 7932:16 7952:7,25 reasoning 7932:13 reasons 7891:8 7932:1 recall 7857:16,21 7859:21 7911:3 7916:7 7917:13 7939:1 7952:21 received 7849:10,18 7853:16 7877:16 7947:14 recollect 7937:24 recollection 7858:24 recommended 7924:15 record 7857:19 7858:7 7858:18 7877:22 7878:1 7908:14 7918:1 recorded 7851:25 7917:23 recording 7918:5 records 7853:10 recovery 7849:21 redress 7888:12 refer 7892:17 7893:5 7931:4 reference 7887:11 7889:22 7921:10 7937:23 referred 7873:20,21 7901:12 7914:19	7919:24 7921:25 referring 7887:25 7888:24 7889:24 reflect 7854:2 7909:20 reflected 7854:3 reformulate 7883:13 7883:17 reformulated 7889:5 reformulation 7928:6 regard 7849:11 7877:23 7908:17 7920:11 7955:2 register 7890:13,20 rejection 7901:3 relating 7877:4,6 relation 7927:14 7950:11 relationship 7902:25 relay 7880:9 relayed 7880:24 release 7924:12 7941:2 released 7942:6,15 relevant 7891:20 relieve 7873:6 remain 7856:4 7941:6 remained 7900:20 7942:6 remember 7854:24 7874:10 7900:24 7902:8 7904:14 7906:2 7914:21 7923:19 7927:20 7933:16 7934:9 7939:10 7950:20 7953:2 remind 7859:1 7926:5 7931:8 7932:11 7936:21 remiss 7860:2 removal 7849:23 7877:18 renew 7891:21 repeat 7857:2 7860:15 7888:6,7 7914:9,15 7930:9 7936:23 repeating 7914:11 repetition 7925:25 7937:2 rephrase 7889:2 7902:18 7926:3 7946:25 replying 7849:24 report 7880:2 7881:21 7887:12,18,21 7888:9 7892:3,8 7919:17 7923:8 7928:11 reported 7853:5,18 7854:4,7 7864:16 7939:16 reports 7853:16 7871:8 report-back 7866:6 representatives 7850:15 representing 7849:15 request 7878:10 7917:11 7928:25
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>7929:22 7941:8 7952:4,22 7953:2 requested 7866:25 7874:13 7942:12,13 requests 7917:21 7929:6 require 7856:7 7866:2 7891:20 7916:25 7942:21 required 7864:5 7911:13 7912:6 requirement 7907:23 requires 7884:2 7918:4 7928:5 requisite 7894:21 reserve 7851:4 resolution 7867:8 7897:13 7924:18,21 7937:20 7945:4,11 resolve 7907:24 7922:16,22 7923:5 7924:14 7933:8 resources 7882:23 7883:9,23 7908:12 7910:3,10,25 7911:6 7911:9,10,13,16 7912:13,15,20 7913:10,14 7915:3,14 7916:3,14 7920:5,6 7923:25 7924:4 7952:5 respect 7883:1 respectful 7863:8 respond 7859:6 7900:9 7932:5 response 7856:6 7863:2 7876:14 7897:1,3 7903:12,18 7906:2 7921:11 responsibility 7857:4 7860:18 7903:22 7935:16 responsible 7936:1 rest 7849:19 7852:5 7919:20 7940:15 restoration 7859:15 resumes 7849:2 7877:14 7914:4,5 7939:24,25 return 7850:7 returned 7922:11 returns 7850:1,2 7878:12 revisit 7851:11 right 7858:1 7863:13 7869:25 7879:8 7900:22,23 7904:23 7907:14 7916:15 7923:2 7927:1 7943:24 rightfully 7933:5 ring 7906:15 robbed 7849:16 role 7867:24 7868:1 7901:3 Roman 7884:16,19</p>	<p>room 7927:4,6,8 round 7904:4 7937:25 rows 7873:18 royal 7877:17,21 7878:2 rubber 7927:25,25 7928:1 rules 7934:15 run 7952:23 runs 7857:8 Russo-Bello 7905:15 Rustenburg 7855:6,12 7876:23 7877:19 7880:3 7885:8 7921:5 R5 7886:24 7887:11</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 7930:21 7931:1 salaries 7875:9 7880:23 7881:13 salary 7901:1 SAPS 7862:9 7863:21 7864:16,24 7865:17 7866:9 7867:6,17 7869:5,7,12,19,22,24 7870:2,2,5,18,19,25 7871:9 7880:2,7,8 7881:5,17 7882:8,17 7886:7,8 7890:3,6,13 7892:16 7893:12,21 7895:19 7899:12 7900:1 7902:15 7904:2,11 7906:19,22 7907:10 7915:25 7916:1,20 7917:4 7919:9 7924:13,17 7935:2 7936:1,9 7940:10 7952:20 7953:3,3,13,13 SAPS15 7918:7,16 sat 7849:14 satisfied 7861:18 Saturday 7877:4 save 7875:24 saw 7916:14,14 saying 7854:20 7856:14 7857:19 7865:16 7866:21 7870:11 7886:4 7887:13 7896:6 7897:8,9,25 7899:6 7901:2,12 7903:15 7905:7 7908:1,14 7911:8,12 7911:14,16 7912:7,14 7912:20 7917:14 7921:20 7930:6 7932:21 7939:13 7941:13 7945:17 7950:6 says 7865:23 7872:25 7874:2,9 7904:21 7905:3,17 7915:13 7922:8,25 7923:3,9 7924:11 7947:14 scene 7871:15 7905:18 7928:18</p>	<p>Scott 7904:21 7919:24 7920:15 7922:20 7924:11 7925:5 7926:24 7928:9,15,18 7929:12,24 7930:2,13 Scott's 7920:13 7922:7 se 7888:18 seat 7877:19 Seboko 7878:3 Sebokane 7880:1 second 7865:17 7902:9 7902:11 7906:5 7909:24 7913:7 7914:20 7922:12 secondly 7863:25 section 7891:20 secure 7895:8 security 7866:20,23,25 7868:17 7873:23 7899:13 7901:21,24 7902:8,11,19 7904:15 7904:17 7906:2,7,14 7906:15 see 7849:12,21 7851:20 7873:24,24 7875:1,2 7879:3 7880:9 7881:7 7881:9 7885:8 7886:20,24 7887:4,10 7887:13 7890:11,16 7890:19 7892:5,9,10 7898:17 7909:10,24 7913:9 7918:1 7919:13 7931:17 7932:23,25 7934:5,22 7935:8 7937:20 7940:23 7951:17 7954:8 seeing 7895:7 seek 7907:23 7924:17 seen 7899:2 7948:13 segment 7954:24 Semenya 7891:7 7925:21 7927:16 7931:24,25 7936:24 7939:18 7955:1 send 7849:13 senior 7883:6 sense 7903:14 7915:15 7946:1 sensible 7873:8 7875:24 sent 7878:9 sentence 7855:16 7913:7 separate 7869:22 Sepedi 7944:2 sequence 7899:11 series 7877:6 serious 7932:24 seriously 7849:16 serves 7884:11 service 7873:18 session 7941:7,19,21 7944:12 7952:8 sessions 7943:9 set 7926:24 7928:3</p>	<p>7954:22 sets 7929:17 settled 7849:23 seven 7921:6 share 7882:1 shared 7881:20,22 7925:10 7942:24 7943:2,13 sharing 7874:22 sharp 7888:12,21 7927:17,19 7928:2 sharp-point 7887:18,23 7888:9 7889:8,13 7927:14 she's 7858:10 7859:11 7859:13 7865:23 7874:9,15 7883:19 short 7954:21 shot 7853:6,19 7870:25 shouldn't 7933:3 show 7868:17 7897:22 7901:3,16,22 7902:10 7902:12 7904:16 7906:3,7 showed 7883:18 7899:3 7899:13 7902:13 shows 7879:24 7951:12 side 7851:15 7864:20 7865:12 signed 7878:4 7879:24 7920:2 7926:6,9,9 7927:24 7936:14 7950:22 significant 7938:25 sign-off 7923:17 similar 7881:7 similarly 7879:5 simply 7885:25 7887:9 7888:22 single 7866:2 singular 7865:8 Sir 7858:2 7871:25 7922:18 sitting 7872:5 7874:12 7888:1 7905:11 7927:5 situation 7849:7 7860:10 7862:22 7863:9,16,16,24 7875:4 7888:18,23 7892:3,8 7900:2 7907:2,19 7908:7 7910:2,4 7913:11 7915:20,22 7922:14 7922:16,22 7923:5 7924:14,20 7926:13 7926:18 7929:12 7933:4 7935:21,22 7936:7,9 7939:4 7948:13 six 7885:3 7921:6 7954:22 social 7862:18 7935:14 7950:1 societies 7935:17 sole 7952:14</p>	<p>solution 7895:9 7907:8 7907:17,21,24 7908:5 7939:2 7944:24 7948:10 somebody 7872:2 7890:25 7897:8 7929:13 7950:4 sooner 7934:19 SOPs 7908:6 7935:6,22 sorry 7855:15 7870:10 7871:1 7872:1,21 7876:18 7882:4,6 7884:25 7898:20 7902:18 7909:3 7918:10 7926:3 7930:4 7933:14 7940:8 7952:2 sort 7889:23 7920:2 sorted 7869:2 sorting 7903:2 sorts 7859:23 sound 7904:23 sounds 7877:5 7897:17 7943:15 space 7860:6 7953:9 speak 7900:17 7940:23 Special 7928:8,14,17 specialist 7929:19 specific 7911:4 7946:7 7952:4 specifically 7881:2 specifics 7918:21 7930:18 7942:19 speedy 7849:21 spoiled 7875:25 spoke 7849:17 7855:5 7855:25 7857:19 7862:20 7866:20 7897:18 7901:8 7902:19 7939:14,15 7939:15 7940:6 7943:23 7947:17 spoken 7868:16 7929:17,19,20 7950:15 spoon-feeding 7873:5 SS3 7876:5 7879:7,7,12 7884:5,8,8,12 7920:19 stabilise 7910:4 7913:11 stability 7952:22 stage 7861:3,8,15 7864:17 7871:4 7874:11 7875:14 7913:23 7918:12 7939:22 7949:11 stakeholders 7863:14 7895:24 7897:7,15 7908:4 stance 7857:22 7878:2 standby 7887:6 standing 7890:11 7927:20,21 7928:3,4 7933:20,23 7934:10 start 7851:20 7853:3</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7855:12 7893:12 7954:19 started 7854:25,25 7892:15 7900:25 7902:1 7904:16,22 7905:4 7917:17 7950:23 statement 7853:3,4,11 7853:11,25 7854:2,3 7866:17 7881:21,22 7892:18,18,19,22,25 7894:14 7901:6,7 7904:9 7905:3 7911:7 7913:6,8 7937:13 7944:6,17 7947:14 statements 7939:16 stating 7912:3 stay 7941:17 7943:22 7943:22 stays 7931:9 STF 7924:6,12 7929:11 stick 7932:11 stop 7859:1 7936:20 7944:2 story 7864:21 7865:12 strategic 7860:9,12,20 7863:4 7864:4,8,9,12 7864:15 7884:2 7907:1 7915:7 strategy 7922:15,22 7923:1,5,11,21 7924:19 strength 7945:4 stretched 7904:8,9 strictly 7931:23 strike 7854:18 7862:16 7875:8 7881:25 7931:21 7953:6,14 strikers 7867:25 7894:5,10 7899:18 7900:3 7902:20,23 7945:15 7948:20 7950:12 structures 7910:11 7913:15 stuff 7859:9 submission 7932:6,6,14 7933:25 7934:6,24,24 7935:15 subsequent 7927:22,24 substance 7879:10 succeeded 7898:23 successful 7924:19 sufficient 7856:22 7860:17 7882:24 7883:23 suggest 7883:17 suggested 7888:21 7896:22 7898:10 suggesting 7869:21,23 7870:6 7880:14 7920:1,3 7933:20 7939:21 suggestion 7897:1 suggests 7922:20 7923:3 7924:24	summary 7853:16 7883:12 7896:22 7930:8,11 summon 7934:6 Sunday 7877:4 supplied 7918:16 supply 7920:6 support 7856:7 7920:10 7932:14 7941:9 7942:13 7952:15 suppose 7875:20 7889:22 7955:2 supposed 7859:13 7867:1 7907:20 sure 7858:6 7860:5 7861:12 7870:15 7871:11 7874:10 7876:4,6 7883:11 7887:4,6 7888:6 7895:14 7898:2,7 7902:2 7908:19 7911:11 7912:22 7921:11 7925:5 7929:22 7930:1,6,12 7933:23 7934:11 7937:6 7949:7,15,21 surely 7858:9 7931:25 7932:10 Swazi 7849:6,10 Swaziland 7849:4 switch 7865:2,3 sympathetically 7891:22 sympathy 7891:14 system 7888:25 s.u.o 7850:10 7878:17 7914:7 7940:2	7895:3,11,17 7896:3 7896:9 7898:3,8,11 7898:17 7902:2,14,22 7902:23 7903:5,9 7906:10 7911:23 7918:14 7925:14 7928:23 7931:22 7942:3,7 7946:9,17 7948:19,21 7949:15 7950:8 7952:12,15 7953:13 talked 7856:10,21,24 7873:8 7887:22 7925:1 7945:24 talking 7868:11 7870:11 7898:5 7915:20,22 7926:13 7928:23 7932:22 7936:20 7939:4 7941:7,11,21 7945:13 talks 7892:20,23 7900:2 7945:17 Task 7928:8,14,17,23 Taung 7857:6 tea 7875:14,18,25 7876:2,4,10,14 7877:8,9,13 7879:19 7938:20 7939:22,23 team 7849:19 7857:7 7860:8 7861:19 7863:25 7864:16 7865:13,19,19 7866:6 7866:9 7867:6 7882:11 7890:25 7895:2,11 7906:14 7908:3 7918:16 7921:11 7923:9 7925:7,16 telephone 7849:17 7854:8 7855:5 7857:12 7860:13 telephoned 7854:16 tell 7851:25 7852:25 7853:21 7857:18,21 7860:5 7868:5 7870:14 7871:14,14 7876:1,9,11 7877:11 7878:19 7883:5 7887:5 7889:8,12 7895:15 7905:12 7912:21 7918:22 7925:3,6 7939:3 7949:22 7953:16,16 telling 7854:1 7866:17 7867:2 7900:25 7923:18,22 tells 7852:22 7892:18 tendering 7873:11 terminology 7950:7 terms 7856:7 7857:3 7861:10 7864:3,3 7908:6 7917:25 7919:20 7950:13 testify 7887:14 7949:8 testimony 7885:22 7895:14 7949:17	thank 7851:23 7855:22 7869:3 7873:25 7874:24 7879:14 7890:16 7922:4 7931:6 7942:9 7944:13 7951:25 7952:17 7953:19 7954:13,15 thanks 7937:3 that's 7850:1 7852:1 7854:4 7857:7 7860:24 7863:11 7867:16 7868:2 7870:8,11 7871:13 7872:15 7873:7,13 7874:1,14 7877:21 7879:7,7,13 7883:1 7883:11,16 7890:8 7893:7 7894:13 7906:18 7910:16 7912:1 7918:11,13,18 7921:3,3 7922:2 7928:4 7932:13 7934:2,6 7940:13 7945:24 7946:11 7953:9,10 theirs 7871:19 thereof 7920:8 7935:5 7935:5 there'd 7881:8 there's 7876:7 7885:14 7892:2,25 7897:10 7899:19,19 7912:20 7918:4 7921:10 7927:16 7935:25 7954:25 they'll 7855:12 7898:2 they're 7855:13 7867:10 7876:10,11 7877:12 7907:20 7920:22 7921:7 7923:17,18,18,23 7926:4 7927:11 7937:15 7949:24 they've 7855:10 7898:3 7900:24 thing 7854:25 7870:23 7874:2 7907:4,8 7908:10 7916:12 7920:2 things 7853:17 7859:17 7868:14 7875:8 7881:11,22 7882:12 7883:4 7887:25 7917:15 7923:23 7924:8 7934:25 7941:11 7951:3 think 7849:15 7851:15 7855:18 7857:1 7858:16 7859:4 7861:10 7868:2,3,8 7868:10,23,25 7869:1 7869:10 7880:18 7883:5,13,15,18 7884:11,12 7887:2 7889:21 7890:4,23,24	7892:22 7893:4,6 7896:23 7897:19 7898:22 7900:15,20 7903:25 7907:3 7912:11 7913:21,23 7914:1,9 7917:25 7921:10 7922:23 7923:6,24 7924:1 7927:22 7932:14 7933:2 7936:24 7938:3,18 7941:21 7944:1 7945:14 7954:7 thinking 7868:9 7890:6 7927:11 third 7902:5,6 7904:10 7904:22 7905:8 7906:17,19 7909:24 7913:7 7914:19 7931:4,7 7935:25 7945:15 thought 7856:19 7864:14 7870:10 7873:1,4,12 7888:13 7896:10 7898:10,15 7903:16 7925:10 three 7867:4 7870:2 7884:24 7899:17 7904:18 7926:6 7936:14 time 7849:16 7853:14 7854:1,13 7855:7 7857:7,14,16 7858:10 7859:8 7861:18 7863:3 7865:17 7875:24 7882:18 7885:14 7886:8 7887:4,10 7889:19 7891:15 7892:19 7893:9,17 7895:15 7898:5 7903:24 7904:6,12 7906:25 7911:5 7915:15 7923:20 7925:12 7932:7,10 7933:3,6 7935:21 7937:4,11 7938:17 7940:17 7943:21 7944:4 7948:5 7951:9 7954:25 times 7856:6 7919:6 7920:10 7925:22 7936:25 Tip 7850:14,16,17 7953:19,23 7954:5,6 7954:16,20 Tlou 7877:17 today 7849:5 7850:21 7851:7 7907:4 7943:6 7954:19 told 7853:14,17 7854:1 7867:12 7894:19 7899:1 7938:10,23 7939:12 7943:19 7944:15,16 7945:5 7947:5 7950:4
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

T

table 7872:6
tactical 7921:11
7924:14,20 7945:14
take 7859:10 7868:19
7875:13,14 7876:2
7877:8,13 7881:16
7891:17 7893:16
7896:19 7897:9
7898:9 7905:9 7906:6
7913:22 7914:2
7916:23 7920:21
7921:4,15 7926:10
7933:23 7936:18,21
7939:22,22 7940:14
7940:15 7947:24
7952:2,18 7954:17
taken 7866:19 7878:6
7881:6 7890:18
7898:13 7899:7
7917:1 7927:6
takes 7904:2,3 7951:14
talk 7855:21 7857:11
7859:8 7861:22
7866:17 7870:16
7871:12 7881:10
7887:3 7894:9,12,17

<p>tomorrow 7851:4 7951:1 7954:18 7955:3 total 7918:10 touch 7856:14 Traditional 7878:3 transcript 7851:24 translation 7944:2 travelled 7862:5 treated 7853:6,20 trouble 7865:21 TRT 7924:6 true 7852:24 7871:6 7921:18 7922:1 7947:16 try 7897:12 7915:16 7948:19 trying 7897:12 7898:21 7899:10 7906:18 7907:21 7923:16 7939:11 7949:15 Tuesday 7905:18 turn 7871:22 7884:4,23 7886:13 7908:21 7919:22 7930:21 7931:5 turns 7884:16 two 7851:17 7853:6,19 7862:9 7866:3 7867:4 7873:18 7881:13 7885:3 7893:19 7894:2 7895:16,16,21 7896:9 7897:2 7900:2 7901:1 7904:2,3,3,13 7905:13 7927:20 7929:17 7930:7,14 7939:8 7943:9 7950:21 type 7863:2 7942:14 typed 7890:17,18 types 7859:17 7860:3 7882:1 typewritten 7890:22</p>	<p>7934:22 7937:22 7946:22 understanding 7863:1 7869:1 7881:6 7888:17 7926:4 7928:4 7933:15 7948:11 understands 7863:9 understood 7856:8 7869:11 7873:17 7881:12 7888:11 7899:24 7903:21 7912:2 7953:23 7954:6 undertook 7895:20 undue 7925:25 7937:2 unfair 7883:13 unfortunately 7951:24 unintended 7948:14 7949:1 union 7875:6,7 7894:20 7894:22 7939:7 unions 7881:13 7894:19 7895:12,16 7895:16,21 7896:3,9 7897:2 7898:12 7900:2,18 7901:1 7939:8 Unit 7879:25 units 7919:10 7924:5 7927:13 7929:19 unknown 7901:9,11 unlock 7883:4 unmarked 7876:13 unprotected 7875:8 7881:25 unrest 7854:15,17,20 7856:2,11 7859:22 7864:25 7865:14,20 7866:10 7871:16,17 7880:4,21 7881:18 7882:24 7883:10,24 7887:19 7888:12,15 7888:17,18,22,23 7907:1,24 7915:3 7932:20,22 untoward 7862:3 update 7852:1,7,11,14 7852:17 7938:4,7,8 7938:24 7943:10 updates 7852:4,10 use 7865:5 7880:25,25 7881:1 7886:3,25 7887:11 7889:12 7924:12 7927:14,17 7927:19,25 7928:2 7935:4,18,20 7936:2 7945:16 7951:18 7954:18 useful 7879:16 usual 7869:4 utilised 7924:15</p>	<p>various 7919:6,9 verbalise 7897:2 verbatim 7858:18 7861:13 7939:14 verse 7939:10 versed 7934:2 VICTORIA 7850:10 7878:17 7914:7 7940:2 view 7896:20 7898:15 violence 7888:25 7920:24 7921:2 7926:14 7935:2,10,12 7936:1,2,20 visited 7892:4 voice 7855:19</p>	<p>7923:19 weren't 7868:20 7897:22 7898:10,11 7949:6 West 7855:10,17 7871:5,9,15 7885:15 7952:5 Western 7875:5 we'd 7867:9 7872:7 we'll 7850:2 7851:20 7852:5 7855:13 7872:14 7876:2 7877:13 7891:11 7909:6 7914:2 7939:22 7940:14,15 we're 7849:9,12 7880:20 7891:8 7898:24 7906:18 7926:13 we've 7871:8 7878:19 7905:23 7907:4,6 7918:16 7923:10 7932:21 7937:1 what's 7891:22 who'd 7882:2 winning 7855:13 wish 7849:20 7850:20 wishes 7850:15 wishing 7951:11 witness 7865:7 7889:5 7908:24 7910:18 7927:24 7933:16,21 7934:3 7940:15 wonder 7912:9 won't 7896:14 7900:19 word 7885:2 7888:24 7945:16 words 7865:5 7901:10 7904:16 7941:10 7949:18,25 7950:2,3 7950:11,19 7951:18 work 7849:8 7881:14 7881:24,25 7897:6,12 7899:8 7901:14 7907:7 7908:4 7933:22 7948:21 7952:24 7953:17 worked 7906:14 worker 7950:1 workers 7867:2 7948:20 7952:24 7953:8 working 7875:10 worry 7937:14 wouldn't 7863:17 7897:9 7939:14 7945:6 7950:2 7951:1 wrap 7907:10 writing 7887:5 written 7863:3 wrong 7913:20 7928:5 wrongly 7933:5</p>	<p style="text-align: center;">Y</p> <p>Y 7911:24 year 7862:5 7894:24 7933:18 years 7860:1 yesterday 7951:1 you'd 7856:19 7868:16 7873:1,12 7880:4 7896:20 7898:9,10 7921:22 7926:6 7936:6 you'll 7854:1 7877:10 7879:3 7880:1 7913:8 7913:21 7954:17 you're 7850:8 7851:19 7856:13 7858:7 7861:13 7865:15 7868:13 7872:20 7878:15 7884:1 7887:25 7888:13 7890:10 7891:23 7899:15 7911:14 7912:7 7914:6 7930:6 7930:12 7933:15 7939:21 7940:1,3 7943:12 7945:17 you've 7865:25 7875:13,15 7897:24 7902:5,6 7914:23 7919:10 7921:16 7931:1 7932:15</p>	
U		W		Z	
<p>U 7871:23 7872:1 7873:8,9,21 7874:17 7874:20 7876:19,24 7877:5 7879:1,1,4,20 7879:23 7880:10 7881:7 Uh-uh 7896:15 7908:25 unable 7850:3 7894:12 unavoidable 7921:24 understand 7850:11,13 7860:9 7863:15,24 7867:22 7868:13,24 7869:7,11,23 7870:9 7877:7 7888:21 7891:24 7894:4 7896:7 7899:10 7900:11 7911:12,25 7912:10 7913:4,17,20 7915:19 7920:19 7925:17 7928:20 7929:7 7930:12</p>	<p style="text-align: center;">V</p> <p>vague 7946:25 valid 7891:8</p>	<p>wait 7850:1 7904:15 waiting 7918:8 want 7850:23 7853:2 7853:25 7858:21 7872:2,10,13 7875:16 7876:4,6 7877:25 7880:15 7881:2 7882:23 7886:1 7902:10,12 7909:9 7910:16,17,19,21 7912:10 7914:8 7924:4 7931:3 7951:20 wanted 7854:4 7864:20 7893:5 7894:16 7895:3 7952:11 7953:3,5,6 wants 7900:15,16 7933:6 warm 7849:13 wasn't 7856:22 7862:10 7863:16 7870:16 7872:21 7883:14 7898:15 7916:13 7929:9 7948:9,13,18 7949:5 7952:25 water 7886:24 way 7859:4,13 7864:13 7868:24 7875:24 7880:19 7883:17 7884:17 7898:13 7907:1,13,24 7934:2 7934:8,23 7937:7 7940:19 7949:20 weapons 7938:11 7944:19,20 7947:22 7948:6,7 week 7950:5,10,19,24 7951:6 weeks 7926:6 7936:15 welcome 7849:13 went 7863:8,12,19 7864:6 7866:18 7867:19 7868:13 7897:17 7901:6 7902:13 7913:6 7918:9,17 7922:9</p>	<p style="text-align: center;">X</p> <p>X 7911:24</p>	<p style="text-align: center;">0</p> <p>000 7860:1 7875:5 7926:9</p> <p style="text-align: center;">1</p> <p>1 7909:10 7929:17 7952:8 10 7852:1 7857:12 7876:23 7882:3,9 7904:4 7938:21 7954:18 10th 7852:7,11,17 7853:4 7854:3 7855:4 7856:15,25 7857:17 7857:22,22 7858:14 7877:7 7878:25 7879:4,24 7880:2 7885:14 10-8 7874:25 10:20 7849:2 10:40 7857:20 11 7904:22 7905:4 7925:9 7938:21 11th 7875:20 7877:4 7878:23 11:00 7865:21 11:49 7877:15 12th 7875:20 7877:4 7879:2 7920:21 7921:14,23</p>	

<p>12:09 7885:25 12:29 7896:10 12:49 7906:1 13 7862:1 7882:3,9 7884:6 7886:15 7893:3 7905:18 7920:19 13th 7863:8,20 7864:25 7865:14,18 7866:10 7869:6,9,12 7870:13 7870:18,25 7871:9 7875:20 7877:5 7879:6,7,13 7880:7 7881:5 7884:21 7885:13,18 7886:1,2 7886:17,24 7887:10 7889:9 7912:24 7913:2 7915:19 7918:9,10,25 7919:5 7919:15 7920:20,22 7921:1,13,22,23 7925:2 7928:10,12 7931:8 7935:10 7950:10 7951:6,13 7952:19 14 7918:24 14th 7917:3,18 7918:11 7918:17 7919:8 14:05 7914:5 14:25 7922:23 14:45 7932:13 15 7918:24 7921:9 15th 7857:18 7913:3 7917:18 7918:1,18 7919:9 7937:5,25 7938:2,4,16 7939:12 7943:1,7,9,13 7947:11 7952:2 15:21 7939:25 15:41 7949:13 151 7860:1 16 7849:1 7938:12 16th 7853:12 7940:6,9 7943:3 7946:22,24 7947:1,7,11,14 7948:14 7949:1 7951:22 17 7894:14 7901:7 17th 7853:12 18 7860:1 7889:19 18:00 7889:19 7893:6,9</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 7913:8 7925:9 2AM 7917:14 2:30 7905:18 20 7905:4 7947:13 20:20 7892:2,8 7893:8 200 7926:9 2011 7927:22,23 2012 7875:1 7876:23 7884:6 7905:18 7927:24 7938:12 2012-08 7920:18 2012-08-10 7875:4 7876:22</p>	<p>2013 7849:1 21 7937:13,18 7944:16 217 7918:10 23 7947:4 7948:12 23:00 7922:12 24 7947:12 25 7890:16 262 7933:20,24</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 7893:3 7909:10 7920:22 7921:2 7931:4,10,10 3.6 7931:10</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 7947:1 4.1 7921:1 4.1.3 7884:24 7885:6</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 7937:7 580 7918:11,17</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 7892:1,7 7893:11 7904:1,1,21 7920:13 7922:6,8 7928:10 7937:7,16 7940:19,19 7940:20,21,21 7943:21,21 6PM 7928:10 60 7892:2,8 6804 7851:23 7852:21 7854:23 7857:24 7858:3</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 7875:5 7893:9,11 7904:1 7922:6 7924:10 7940:20,21 7943:21 7.12 7905:17 7:30PM 7928:12 761 7918:18</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 7886:13,17,18 7888:1 7889:17 7892:14</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 7938:11 7944:8 9th 7870:11,12,21 7871:5,9,15,19 7952:25 9:30 7955:3</p>			
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--