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 78  23 APRIL 2013  PAGES 8263 TO 8374

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE

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the limits of force under the circumstances that is required to protect rights of the individual, that they do not exceed the powers of the authority as vested in policy and personnel effecting arrests must ensure that they do not infringe on the constitutional or human rights of the individual, that they do not exceed the limits of force under the circumstances that is required to protect

Is he a POP commander as indicated on that document?

Chairperson.

And we commented on his experience yesterday, did we not?

That is correct, Chairperson.

That is indeed correct.

That's indeed correct.

That's correct.

That's correct.

That's correct.

That's correct.

That's correct.

That is indeed the document that I have in front of me, Chairperson.

General, as you point out, the plan in paragraph 1 describes the situation, the nature of the operation, do you see that?

I see that, Chairperson.

I note the analysis as it's reflected on that 1.3, yes, Chairperson.

What do they read there?
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25

MAJOR-GENERAL ANNANDALE: It indicates by crime intelligence to give direction of the deployment.

24

by the overall commander and daily briefings will be given further, the daily threat analysis must be used to determine the daily force deployments.

23

MR SEMENYA SC: It also touches on a number of things but against paragraph 3 it deals with the concept and focus.

22

One assignment given to the public order police under paragraph 5.2.4?

21

MAJOR-GENERAL ANNANDALE: It indicates that, Chairperson.

20

MR SEMENYA SC: It then also records against paragraph 5.2.2 under the heading "Intelligence" that intelligence – "must liaise with intelligence community regarding all available intelligence and provide it to the joint operational centre for operational planning purposes." Do you see that?

19

MAJOR-GENERAL ANNANDALE: I do see that, yes, Chairperson.

18

MR SEMENYA SC: And what is the assignment given to the public order police under paragraph 5.2.4?

17

MAJOR-GENERAL ANNANDALE: It indicates that, "Public order police will be responsible to do the following" – first bullet, "Crowd management in terms of the national policy on crowd management," second bullet, "record all incidents as they occur," third bullet, "post a record clerk at the JOC."

16

MR SEMENYA SC: Against paragraph 7 the plan deals with the use of force.

15

Chairperson.

14

MR SEMENYA SC: Can you tell us what is stated there?

13

MAJOR-GENERAL ANNANDALE: It states under paragraph 7, “Use of force only on command or self-defence in accordance with legislation.”

12

MR SEMENYA SC: And of course it repeats the policy on the arrest against paragraph 10.4.1 and if we go to the last page of the document, do you recognise any of the signatures that appear there?

11

MAJOR-GENERAL ANNANDALE: I recognise three signatures, that of Brigadier Calitz, that of Major-General Naidoo and that of Major-General Mpembe.

10

MR SEMENYA SC: Any of those individuals with POP experience?

9

MAJOR-GENERAL ANNANDALE: Chairperson yes, specifically Brigadier Calitz. I think his POP experience is spanning a period of about 12 years, directly actively involved with public order policing and then subsequent to that in his current post as the operational, or the provincial commander for operational response services, one of his functions includes the function of public order policing. And then General Mpembe, as far as I know, he’s been the deputy provincial commissioner for probably a good – it must be more than 10 years and the nature of his post as a deputy provincial commissioner for operations would also give him that specific exposure in terms of public order policing. General Naidoo, I am not too sure, I think that he served in KwaZulu Natal and he was either part of a public order policing unit or he worked together in terms of numerous public order policing incidents in the KwaZulu Natal area.

8

MR SEMENYA SC: And we do know that the evening of the 13th, Colonel Scott then joined the team.

7

MAJOR-GENERAL ANNANDALE: That is correct, yes, Chairperson.

6

MR SEMENYA SC: And the plan was further developed following the happenings of the 13th into the 14th.

5

MAJOR-GENERAL ANNANDALE: That is indeed so, yes, Chairperson.

4

MR SEMENYA SC: We will spend a little bit more time with Colonel Scott about how the plans were developed from that point but for the purposes of your evidence, can we deal with what was conceived to happen in the event the promise to lay down their weapons was not –

3

CHAIRPERSON: Before you get on to that, can I ask a question that arises just before you move on to that point? In this document we’ve been looking at, or series of documents actually, SS3, the first document as we’ve seen is a document that actually began at page 1665 of the hard drive. That appears to be the contingency plan as it was on the 10th. It looks as if it was – it was on the 10th and it was signed on...
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Chairperson:

MR SEMENYA SC: Yes. General, that plan
1. Operation Platinum, as we will deal with it more fully with
2. Colonel Scott, does it look familiar to you with the
3. various slides that are in it?
4. MAJOR-GENERAL ANNANDALE: It does look
5. familiar, yes Chairperson.
6. MR SEMENYA SC: And in broad brush, how
7. was this from time to time developed in the JOC?
8. MAJOR-GENERAL ANNANDALE: Chairperson, it
9. the plan was developed on that Tuesday in terms of six
10. stages, starting with monitoring and dialogue, then it was
11. the stage 2, the phase 2 as a positioning of police assets,
12. specifically referring to the barbed wire as well as a show
13. of force. The third phase was one in terms of dispersal,
14. disarming as well as arrest. The fourth phase would have
15. been the arrest and the processing of those people that
16. have been arrested as well as then the dangerous weapons
17. confiscated, the fifth phase being intelligence led
18. operation in terms of intelligence information that would
19. have been gained by those people arrested and then the last
20. phase was the cordonning and search of specific identified
21. areas, inclusive but not limited to specific hostels.
22. Every one of the phases would have started with the
23. monitoring and the dialogue.
24. MAJOR-GENERAL ANNANDALE: Chairperson, the
25. decisions were made, I think on the evening of the 13th as
26. you’ve described. That’s the third meeting, is that –
27. would that be correct?
28. MAJOR-GENERAL ANNANDALE: Chairperson,
29. yes, it’s correct. It started with the arrival of Colonel
30. Scott at around 19:30 on that Monday evening and then it
31. continued basically after the direction that was given
32. during that third meeting.
33. CHAIRPERSON: Now what I’m leading up to
34. is, we don’t have a page here that says – as we have in the
35. other two – so is there such a document in existence, do
36. you know, or can we, can you just tell us what that
37. document would contain if there were one. In other words
38. like the last page of the other two plans. The first
39. signature is, I take it, the person responsible for drawing
40. up the plan. The second is the recommender and the third
41. is the approver. Is that how this one would have worked
42. also?
43. MAJOR-GENERAL ANNANDALE: Chairperson,
44. there is no such a plan that was compiled in the same
45. format as the one of the 10th and the 13th, so there’s no
46. plan where there are signatures attached. The reason for
47. that is that there was already now an active protest
48. environment and what we do is we go and operationalise that
49. specific planning, that’s why it was referred to as a
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MAJOR-GENERAL ANNANDALE:  
Phase 2 was six
broadly what phase 2 contemplated?

MR SEMENYA SC:  
Can you now tell us
yes, Chairperson.

MAJOR-GENERAL ANNANDALE:  
Despite that,
no, Chairperson.

MR SEMENYA SC:  
But of course we know
that the group at the koppie did not disarm.

MAJOR-GENERAL ANNANDALE:  
They did not,
no, Chairperson.

MR SEMENYA SC:  
Despite the negotiations
that were engaged with its leadership.

MAJOR-GENERAL ANNANDALE:  
Despite that,
yes, Chairperson.

MR SEMENYA SC:  
Can you now tell us
broadly what phase 2 contemplated?

MAJOR-GENERAL ANNANDALE:  
Phase 2 was six
armoured Nyala vehicles, all six of them had barbed wire
trailers that had the potential of deploying three strands
or three rows of barbed wire for a distance of maximum 100
metres. They were under the command of Colonel Makhubela.

He also had approximately 50, I think just less than or
just over 50 public order policing members in those Nyalas.

Those Nyalas were kept back at the forward holding area 1
for the Tuesday as well as the Wednesday. They were moved
forward on the Thursday and they were pre-positioned just
about 10 metres in front of the command line, the
negotiators and monitoring group of Brigadier Calitz and
Colonel Mere. They were positioned from the power station,
that is to the – basically to the south of the koppie.

That power station formed a natural barrier in terms of the
fence that’s erected around the power station and they were
then positioned from that southern position more towards
the north, about 80 metres apart and five of them being in
line, with the sixth Nyala initially slightly forward and
in a westerly direction. They were just pre-positioned and
the barbed wire was not deployed. The stage 2 Nyalas moved
in during the stage 1 deployment. It was done as a
contingency based on the intelligence that we received
during that morning at the JOCOM meeting.

MR SEMENYA SC:  
What intelligence was
that?

MAJOR-GENERAL ANNANDALE:  
Colonel Isaacs
that represented Brigadier Engelbrecht from crime
intelligence indicated to us at the time of the meeting at
6 o’clock that there were already 300 people at the koppie
and that they are armed with dangerous weapons, that the
information indicates that the people will not lay down
their arms, that they will not disperse and leave the
koppie and that they were willing to fight the police if an
attempt is made to disarm them. That made us then to put
that contingency in place because we were convinced at that
stage and we had a firm belief that at 9 o’clock the people
will disarm as per the discussions we had the previous day,
specifically with the president of AMCU, Mr Mathunjwa.

Chairperson, it didn’t make sense to us that the
people, if they intended to disarm, that they will come
with their arms to the koppie, then they just might as well
just leave it at their homes. So the first indications
was, that there were still people coming to the koppie now
with arms. So we thought of not leaving the stage 2 barbed
wire trailers to move in later on because we were mindful
of the fact that that might raise alarm because it’s
something that is different to the previous day’s
development. So it was moved in, these six Nyalas with the
other five Nyalas and then positioned as indicated.

MR SEMENYA SC:  
What was the thinking of
MAJOR-GENERAL ANNANDALE: Chairperson, that would have been, together with a show of force, in terms of moving reserve groups from the forward holding areas also forward. This is part of a specific show of force that has worked successfully for us over many, many years in thousands and thousands of specific dealing with crowd management situations. The principle is that if you go and deploy additional personnel, that those personnel deploy in a disciplined manner, that those personnel will have a variety of resources, specifically armoured vehicles as well as other vehicles, other units present, then it will give the indication that the police are organised and the police have the numbers to actually deal with any aspect of lawlessness. So the idea was that should there be any threat, specific threat made at the negotiating Nyalas as well as the police officers deployed behind that, inclusive of the media, that the police will be able to rapidly deploy that six barbed wire or the wire on the barbed wire trailers and that would have enclosed the police then basically on three sides.

MR SEMENYA SC: Before we deal with the barbed wire and its presence there, what message is sought to be communicated by this display of force?

MAJOR-GENERAL ANNANDALE: Chairperson, we were mindful of what had happened on the Monday when there was a police line that was behind a group of protesters and we also know the challenges, that once the protesters move in between police officers as they are positioned and then the difficulty to deal with individual confrontations, because the moment you have that you will have protesters and police officers and you will have them all mixed together. It then makes it extremely difficult for police officers to use aspects like CS gas or that they use stun grenades or even rubber because there will be just police officers and people mixed. So the intention was to create a physical barrier but also a psychological barrier, that we can indicate that this is where the line stops, this is police area, this is a no-go area.

MR SEMENYA SC: That tactic, historically, what result has it yielded for public order management?

MAJOR-GENERAL ANNANDALE: Chairperson, the deployment of barbed wire is known as a defensive measure. It is used and has been used successfully in terms of protecting assets, be it a key point, an identified key point or in this case then human resources. And I'm not particularly aware of any historical data that police or that people, protesters, tend to move towards that. People normally move away from that, whether it's a barricade that you put, whether it's a road block, whether it's a closure of a road – which we have done on thousands of occasions – people do not want to enter into that area because they see that as a police action and the barricade that's erected, people traditionally move away from that. We saw it in that sense but we also made sure that we had a distance of approximately 80 metres away from the protesters at the koppie.

[10:23] MR SEMENYA SC: Okay, now that we're talking about the barbed wire, what distance does that, when deployed, give the police and protesters in this example?

MAJOR-GENERAL ANNANDALE: Chairperson, let me just understand the question, what distance does it?

MR SEMENYA SC: The barrier that is created by the barbed wire itself, what distance would that create between the police line and the protesters?

CHAIRPERSON: Are you interested in the measurement? How far would the police be from the protesters after the barbed wire was in place, is that the question?

MR SEMENYA SC: That is the question, properly phrased there, Chair.

MAJOR-GENERAL ANNANDALE: Chairperson, the closest police officers were then approximately 80 metres from the smaller group. There were two distinct groups, a bigger group and then a smaller group.

MR SEMENYA SC: What was the thinking behind that strategy?

MAJOR-GENERAL ANNANDALE: It was initially that when we deploy that, that it's not deployed directly in front of them so that the people can see that there's a distance still kept and it was also communicated because I must just indicate that at around 11 o'clock there was a small group, that smaller group moved their position and they positioned themselves in front of the sixth Nyalas that was slightly towards the west. Then there were also specific threats made to say that we should move those Nyalas and they are not going to ask again. It was then explained by the negotiators to Mr Noki but it was explained over the public address system for obviously everybody to hear what the purpose of the wire was, that the wire is positioned there exactly for the protection of the police, to indicate that's the police neutral area. So that was the initial thinking, that we can keep it away so that we can just deploy that without raising alarm and then the people starting, responding to that. I can then mention, based on that threat we moved that Nyalas, that sixth Nyalas then back more to the eastern side, more to enclose the police officers.
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CHAIRPERSON: I understand. You think it
24 be able to give exact detail in terms of the time.
23 think that Brigadier Calitz and/or Colonel Macintosh will
22 based on that then we moved the position of the Nyala. I
21 there was the positioning in front of the Nyala and then
20 can also be that exchange and that the 11, 11:20 was when
19 yes, I'm under correction. It can be 11 to 11:20 but it
18 MAJOR-GENERAL ANNANDALE: Chairperson, let us –
17 CMR SEMENYA SC: General, let us –
16 MAJOR-GENERAL ANNANDALE: That is the
15 Chairperson, yes.
14 CHAIRPERSON: Can I ask a question?
13 MAJOR-GENERAL ANNANDALE: That's correct.
12 CHAIRPERSON: Responsible for keeping the
11 occurrence register?
10 MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.
9 CHAIRPERSON: Sorry, did I say – it's
8 called occurrence register –
7 MR HANABE: Occurrence book.
6 CHAIRPERSON: Occurrence book, ja. And
5 that's the document we have, FFF25, am I right?
4 MR SEMENYA SC: General, let us –
3 CHAIRPERSON: There is a note, I notice
2 now, in support of what you say at page 23 of exhibit
1 FFF25. 11:20, it's note number 998 and it says, "Situation
23 report Papa 1" – you'll tell us in a moment who Papa 1 was
22 –
21 MAJOR-GENERAL ANNANDALE: That is


1 COMMISSIONER HEMRAJ: General, you say it
2 was explained by the negotiators, the purpose of the barbed
3 wire?
4 MAJOR-GENERAL ANNANDALE: Chairperson,
5 yes. The feedback that we received from the command Nyala
6 to the joint operational centre was that – and we also
7 received a picture that was sent by Colonel Vermaak from
8 his Blackberry device to indicate this smaller grouping
9 that have now positioned themselves in front of that
10 specific Nyala. And then there was, Mr Noki came forward
11 and he said that what is this wire doing here, it must be
12 removed and we're not going to ask again. And then it was
13 explained what the purpose of this barbed wire is.
14 CHAIRPERSON: What time was that?
15 General?
16 MAJOR-GENERAL ANNANDALE: Chairperson,
17 that must have been around between 11 o'clock and 11:20.
18 Maybe 10 to 11 and 11:20 if I can remember.
19 MR SEMENYA SC: We will later, General,
20 deal with what actually happened. For now I just want us
21 to understand what the plan contemplated.
22 CHAIRPERSON: Sorry, before we move on
23 though, this discussion that you've mentioned between Mr
24 Noki and – would it have been Brigadier Calitz or whom did
25 he speak to, or was it Lieutenant-General Macintosh?


1 MAJOR-GENERAL ANNANDALE: Chairperson, it
2 was with Macintosh and I'm not 100% sure but I think he was
3 at this stage in the same Nyala of Brigadier Calitz. It
4 might be that it was in any of the other five so-called
5 monitoring Nyalas.
6 CHAIRPERSON: You see, the only reason I
7 ask the question is, this is a detail which is not in
8 exhibit L at all. It doesn't mean it isn't correct but
9 it's just not in exhibit L. There is mention of two later
10 exchanges involving Mr Noki at slide 192, one being at
11 13:40 when Noki apparently approached the Nyala – I think
12 that's the negotiation Nyala – and he said he can see the
13 SAPS are making ready for war and then that goes on. And
14 then there's a subsequent exchange according to slide 192
15 at 15:49 but the exchange you're now talking about, it was
16 an earlier one you say, somewhere between 11 and 11:30AM.
17 Do I understand you correctly?
18 MAJOR-GENERAL ANNANDALE: Chairperson
19 yes, I'm under correction. It can be 11 to 11:20 but it
20 can also be that exchange and that the 11, 11:20 was when
21 there was the positioning in front of the Nyala and then
22 based on that then we moved the position of the Nyala. I
23 think that Brigadier Calitz and/or Colonel Macintosh will
24 be able to give exact detail in terms of the time.
25 CHAIRPERSON: I understand. You think it


1 Brigadier Calitz.
2 CHAIRPERSON: "- reported that the group
3 are moving towards the Nyala. The group leader" – that
4 must be Noki, I take it, "asked the police official to
5 remove their wires and he said he's not going to ask them
6 again as he's also aggressive. About 3 500 people
7 gathered." That's note number 998. So that's obviously
8 the piece of evidence that you're busy with at the moment,
9 is that correct?
10 MAJOR-GENERAL ANNANDALE: That is the
11 part and as I remember it, that it was at that time, yes,
12 Chair.
13 CHAIRPERSON: And that was recorded
14 presumably contemporaneously by the recording clerk in the
15 occurrence book, exhibit FFF25. Is that – do I understand
16 it correctly?
17 MAJOR-GENERAL ANNANDALE: Yes, sir.
18 CHAIRPERSON: Thank you. And you were
19 going to tell me who Papa 1 was, if you remember, otherwise
20 Mr Semenya will have to tell us.
21 MAJOR-GENERAL ANNANDALE: Papa 1 was the
22 overall commander, Brigadier Calitz.
23 MR SEMENYA SC: General, let me invite
24 you again to step back and we examine what it is that the
25 plan contemplated before we deal with the actuals. You
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1. have referred earlier to the use of barbed wire as a defensive measure. What do you mean by that?
2. **MAJOR-GENERAL ANNANDALE:** Chairperson, defensive measures are not concerned as part of the deployment of the continuum of force. So you will have defensive measures and then you will have offensive measures and with offensive measures then you'll start with the first level of potential, or the use of the minimum force continuum.
3. **MR SEMENYA SC:** That's pretty technical.
4. Let's try to simplify it. You would remember around the use of barbed wire is an accusation that one cannot deploy it before you announce its deployment, do you remember that?
5. **MAJOR-GENERAL ANNANDALE:** I remember that, yes, Chairperson.
6. **MR SEMENYA SC:** Please explain the defensive deploy - strategy and offensive strategy in relation to at which point does one make the announcement and at which point does one not make the announcement.
7. **MAJOR-GENERAL ANNANDALE:** Chairperson, I see the advocate wants to turn me into a public order policing expert, which I'm not, but I have a good understanding in terms of the processes. The defensive measures would be a number of measures, for instance patrolling, that is seen as a defensive measure. It can be isolating a specific area to prevent people from having access to a specific area. It can be cordoning a specific area, also have negotiations that you're doing. So you do not require, it's not a police action that would be seen of having the potential that you have to use any form of force. If I deal specifically with the deployment of barbed wire as a defensive measure, it is not appropriate to go and give a warning prior to deploying that because then you can find a group of people that, knowing that you're going to do that, to move exactly into that area that you want to enclose or cordon off. It's also not a requirement that any such warning has to be given, not in terms of the Regulation of Gatherings Act, nor in the standing order 262. The warning that's referred to is warnings that you must give prior to implementing offensive measures, so basically before you would start with dispersal actions.
8. **MR SEMENYA SC:** So if you're going to put a road block, you don't tell people I'm going to put a road block.
9. **MAJOR-GENERAL ANNANDALE:** No, I haven't done it in my career, no.
10. **MR SEMENYA SC:** So the plan in phase 2 would have had the barbed wire rolled out at a particular point and at what point would the announcements be made?
11. **MAJOR-GENERAL ANNANDALE:** Chairperson, on the completion of the deployment of the barbed wire then there will be an announcement made, as per requirement, that it should be in two of the official languages and also if possible in a third language that is mostly understood by the people in the specific area. That warning should be audible, making use of the equipment available at the time. That will be typically on a public address system or a megaphone. Then the protesters would be informed in terms of the actions the police intend to take. They will be given a reasonable time, so the overall commander in his discretion or her discretion will then go and decide, this is reasonable given the size of the group and then the specific environment and indicate that dispersal actions will then follow on failing to disperse.
12. **MR SEMENYA SC:** Just so that we understand the configuration as contemplated by phase 2 of the plan, shall we look at slide 191 of exhibit L? Do you have the - that slide?
13. **MAJOR-GENERAL ANNANDALE:** I do have the slide, yes, Chairperson.
14. **MR SEMENYA SC:** Is that what was contemplated about the positioning of the police service, the Nyalas, et cetera?

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1. **MAJOR-GENERAL ANNANDALE:** Chairperson yes, the only difference was that initially that sixth Nyala that you will now see that is basically close to where it says 50 metres, that initially in terms of the planning would have been in a position, if you take the fifth Nyala and you will basically take that same angle and that same distance and you just move it towards the west, that is the only difference in terms of the initial contemplation but the plan was adapted after the specific threat that was made to that sixth Nyala. The rest of that is in terms of the distances, the positioning of the negotiators and the monitoring group Nyalas behind it and then in terms of the distance where the TRT members were deployed. You will also then see that they are covering the rear flank of the Nyalas, the negotiators' Nyalas as well as there you have a northern flank, a side flank in a sort of an L, that they are also providing protection on that open side.
2. **MR SEMENYA SC:** So Nyala 6, according to the plan, would have been as depicted on slide 160 of exhibit L, would it?
3. [10:43] **MAJOR-GENERAL ANNANDALE:** That is the planning and that is the position, yes, Chairperson.
4. **MR SEMENYA SC:** And can we now go and, again in broad terms, explain what was contemplated by...
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<tbody>
<tr>
<td>1 phase 3?</td>
<td>1 kill them.</td>
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<tr>
<td>2 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
<td>2 MAJOR-GENERAL ANNANDALE: That is indeed</td>
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<td>3 once the stage 3 deployment was necessitated, it would have</td>
<td>3 so, yes, Chairperson.</td>
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<td>4 gone over to stage 3 but it all started with phase 1</td>
<td>4 MR SEMENYA SC: Also reports from the</td>
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<td>5 obviously which was in position and then the phase 2</td>
<td>5 negotiations Nyala are that they have received threats from</td>
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<td>6 deployment as I've explained and then only stage 3.</td>
<td>6 the protester representatives.</td>
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<td>7 CHAIRPERSON: Where is phase 3 in the</td>
<td>7 MAJOR-GENERAL ANNANDALE: Indeed so, yes,</td>
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<td>8 document, in exhibit SS3 which we've been looking at, which</td>
<td>8 Chairperson.</td>
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<td>9 is the Operation Platinum document – or is it not there?</td>
<td>9 MR SEMENYA SC: Also reports from the</td>
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<td>10 It appears to be the fifth page from the end, is that the</td>
<td>10 police on the frontline are that the group is still</td>
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<td>11 part of the document which sets out what you're now going to</td>
<td>11 militant.</td>
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<td>12 deal with?</td>
<td>12 MAJOR-GENERAL ANNANDALE: That is indeed</td>
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<td>13 MR SEMENYA SC: Are you, General, at that</td>
<td>13 so, yes, Chairperson.</td>
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<td>14 document but a slide dealing with stage 3 and the word</td>
<td>14 MR SEMENYA SC: Also the media have</td>
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<td>15 “Mission”02-28</td>
<td>15 picked up that there is a restlessness amongst the</td>
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<td>16 MAJOR-GENERAL ANNANDALE: Chairperson, I</td>
<td>16 protesters and have been shown a firearm wrapped in a</td>
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<td>17 have in exhibit SS3 close to the end, there's a heading</td>
<td>17 blanket.</td>
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<td>18 that says “Operational overview of stage 3.”</td>
<td>18 MAJOR-GENERAL ANNANDALE: Yes,</td>
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<td>19 CHAIRPERSON: That appears to be the</td>
<td>19 Chairperson.</td>
</tr>
<tr>
<td>20 penultimate page of the exhibit SS3, second last page.</td>
<td>20 MR SEMENYA SC: Also the deadline to lay</td>
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<td>21 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
<td>21 down arms at the morning of the 16th has not been honoured.</td>
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<td>22 I’m missing that part.</td>
<td>22 MAJOR-GENERAL ANNANDALE: Yes,</td>
</tr>
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<td>23 CHAIRPERSON: The last page is headed</td>
<td>23 Chairperson.</td>
</tr>
<tr>
<td>24 “Stage 3 operational overview” and the page before that is</td>
<td>24 CHAIRPERSON: This document can’t be part</td>
</tr>
<tr>
<td>25 headed “Operational overview of stage 3” and then the page</td>
<td>25 of the original written plan as it existed in the morning</td>
</tr>
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<table>
<thead>
<tr>
<th>Page 8292</th>
<th>Page 8294</th>
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<tbody>
<tr>
<td>1 before that is headed the “Strategic guidelines” and the</td>
<td>1 because it appears from slide 170, the incident with the</td>
</tr>
<tr>
<td>2 page before that is headed “Risk assessment.”</td>
<td>2 video operators appears to have occurred at 13:25. So this</td>
</tr>
<tr>
<td>3 MAJOR-GENERAL ANNANDALE: That's right.</td>
<td>3 document we have before us now, the slide headed “Current</td>
</tr>
<tr>
<td>4 CHAIRPERSON: And the page before that</td>
<td>4 information” must have been compiled at some time after</td>
</tr>
<tr>
<td>5 has got the police logo and then the words “Operation</td>
<td>5 13:25. So is there a document anywhere which sets out</td>
</tr>
<tr>
<td>6 Platinum, Lonmin Mine, Marikana, 16 August 2012 stage 3.”</td>
<td>6 stage 3 as it was envisaged on the morning of the 16th</td>
</tr>
<tr>
<td>7 That's followed by “Current information,” do you see?</td>
<td>7 before these things started happening?</td>
</tr>
<tr>
<td>8 That's where we are now.</td>
<td>8 MAJOR-GENERAL ANNANDALE: Yes,</td>
</tr>
<tr>
<td>9 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
<td>9 Chairperson, there is a document to that extent.</td>
</tr>
<tr>
<td>10 yes, I have the page that says “Strategic guidelines” and</td>
<td>10 CHAIRPERSON: Do you know whether it’s in</td>
</tr>
<tr>
<td>11 then the second slide on that page starts with the</td>
<td>11 SS3 or whether it’s somewhere else?</td>
</tr>
<tr>
<td>12 operational overview of stage 3.</td>
<td>12 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
</tr>
<tr>
<td>13 MR SEMENYA SC: That plan records,</td>
<td>13 the specific slides as it was reflected during our planning</td>
</tr>
<tr>
<td>14 General, that if we start with the page with the police</td>
<td>14 is contained in SS3 but then there's other slides that were</td>
</tr>
<tr>
<td>15 logo on it, “The current information that was available at</td>
<td>15 prepared for the Commission in terms of reflecting that</td>
</tr>
<tr>
<td>16 that time on the 16th of August 2012,” correct?</td>
<td>16 detail. So it is contained here, yes.</td>
</tr>
<tr>
<td>17 MAJOR-GENERAL ANNANDALE: That is</td>
<td>17 CHAIRPERSON: I suppose it’s unfair for</td>
</tr>
<tr>
<td>18 correct, Chairperson.</td>
<td>18 me to throw the question at you now. Possibly at some</td>
</tr>
<tr>
<td>19 MR SEMENYA SC: The document, the plan</td>
<td>19 stage in one of the adjournments you can endeavour to find</td>
</tr>
<tr>
<td>20 had noted that the threat level is increasing.</td>
<td>20 the actual formulation of stage 3 as it existed on paper,</td>
</tr>
<tr>
<td>21 MAJOR-GENERAL ANNANDALE: It is noting</td>
<td>21 as it were, at the beginning of the 16th and then we can</td>
</tr>
<tr>
<td>22 that, yes, Chairperson.</td>
<td>22 take it further but I don't want to interrupt you in any</td>
</tr>
<tr>
<td>23 MR SEMENYA SC: And minuted there is</td>
<td>23 way. It’s not fair to expect you to hunt around looking</td>
</tr>
<tr>
<td>24 that, “The media reported to Captain Adriao the crowd have</td>
<td>24 for the document at this stage, unless you can lay your</td>
</tr>
<tr>
<td>25 identified the SAPS video operators and are threatening to</td>
<td>25 finger on it immediately.</td>
</tr>
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</table>
endeavour to find such a document, Chairperson.

MR SEMENYA SC: Of course, General, SS3

as it looks, it is slides emanating also from the
compilation of the preparation for the Commission.

MAJOR-GENERAL ANNANDALE: Yes,
Chairperson.

CHAIRPERSON: At the moment, you
understand, I’m interested in the actual plans as they were
at the time. I’m not interested in documents that were
prepared later because, without wishing to reflect on the
people who prepared them, it’s obviously safer for our
purposes to look at the original documents, not filtered
through interpretations that come from hindsight from
things that happened thereafter. Anyway, but at some stage
you can draw our attention or one of your assistants can
draw our attention to the document as it existed in the
morning and then there was a revision, I think, at 2
o’clock that afternoon but that’s something that you’ll get
to later, I take it.

MAJOR-GENERAL ANNANDALE: I understand,
yes, Chairperson.

MR SEMENYA SC: General, I admonish
myself. I’m seeking really to have us discuss stage 3 as
contemplated in the plan, not the actuals. How would that
unfold if it went according to plan?

MAJOR-GENERAL ANNANDALE: Chairperson, I
must state that that was always, stage 3 was always
considered as a last resort, when there was a total
breakdown in dialogue and communication and negotiation and
if the protesters failed to lay down their weapons. The
way we intended it to unfold started off with that, after
the pre-positioning of the stage 2 and of the deployment of
the barbed wire as a defensive measure, then the moving
forward of the last of the reserves in terms of a maximum
deployment on the show of force. Then after that the
warning would be given, time would be allowed for the
people to disperse. In that time then the chopper would
have also then, the second chopper would have joined. The
air force chopper with the additional 12 NIU members would
have been airborne. We expected that the majority of the
people would, out of their own accord at that stage
themselves would disperse. Should there then be people
that do not disperse, a second warning would have been
given, in that process also to convince the people again to
lay down their weapons. Then the forming up in terms of a
line with Nyala vehicles, that would have been the command
group, Lieutenant-Colonel Mere and the monitoring Nyala
with Brigadier Calitz, five of them joined by the
additional Nyalas of Lieutenant-Colonel Pitsi who has moved
forward with his four Nyals as well as one Casspir
armoured vehicle and then the two water cannons would have
been positioned just directly behind that line of Nyalas.
The TRT members that were positioned 100 metres back would
have then formed up behind that line and then the dispersal
action would have started, aimed at those people that still
remained and did not want to disperse on their own accord,
by moving this line out on the side of our barbed wire that
was deployed, so to the northern side, then move forward
towards that specific group that remained. They will then
start with the deployment of the water cannons and then,
depending on their response, then they would go to the next
levels in terms of the use of force. In this case it
excluded police officers that will use shields and tonfas
because those shields can just not provide the protection
to that sharp-edged weapons that we have seen that were in
the possession of the protesters.

Apart from that we have also noted what has
happened on the Monday and that the people had two weapons,
also a lot of them had two weapons. So a typical attack would
be that you go low and that you go high at the same time
and that you will just not be able to protect yourselves.
So that part, in terms of the whole force of continuum,
that part was excluded.

The next phase would have been the utilisation of
pyrotechnics which consist basically of what is known as a
stun grenade. A stun grenade is an acoustic device that
would give, after a delay of 1.5 seconds, it would give a
double bang. Apart from the high frequency of the noise
also in terms of, it would have the effect in terms of
disorientating an individual. And then also CS gas that
will then have been used to get the people to then move
away and break into smaller groups. Should it then still
have been required and that does not have the desired
effect and as a last resort in terms of the crowd
management principles of applying force, it would have been
the utilisation of shotguns with double ball rubber
cartridges. At that stage we had the firm belief that we
would have broken up this group into much smaller,
manageable groups.

Chairperson, I think I must pause here just to
give you an explanation that in terms of our analysis we
never thought that we would have to deal with the bigger
3 000 group because there were two distinct groups. The
bigger group were mostly armed with what is known as
traditional weapons whilst they were loosely basically
positioned on a bigger koppie area and the smaller group
were about 400 people, were totally different. They had
sharpened rods, pangas, spears, they were differently
dressed, they were always operating in a group. They had
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25 adjournment.

CHAIRPERSON: That's a topic you can deal continue in terms of how we will break up this smaller people will leave out of own accord. If I can then have been necessary, that even this group, that some of the that once we start with the dispersal action, should it have been necessary, that even this group, that some of the people will leave out of own accord. If I can then continue in terms of how we will break up this smaller group that remained in their movement.

[11:03] CHAIRPERSON: That's a topic you can deal with after we've taken the tea adjournment, if that's convenient.

MAJOR-GENERAL ANNANDALE: That would be.

CHAIRPERSON: We'll take the tea adjournment.

[COMMISSION ADJOURS COMMISSION RESUMES]


CHARL ANNANDALE: s.o.e.

CHAIRPERSON: I'd like to ask you a question, if I may, before you carry on. You were explaining to us what you envisaged would happen and how the plan was drafted, and so on, and there was going to be a show of force and various things were going to follow after that. Did you know that – or I must put it on the basis of an allegation. It is alleged that some of the strikers, possibly all the hard group had received “muti” which was designed to make them invisible, invincible, and invulnerable. That's an allegation; it's denied, but this was apparently police information – we've got slides which appear to indicate people undergoing some kind of ceremony of some kind. Were you aware of that when the plan was drafted? Maybe I should formulate the question more carefully. At the moment it's an allegation, but what we've been told is that this was information – whether correct or not is another matter – this was information which the police had received. Were you aware that that information had been received when the plan was drafted?

MAJOR-GENERAL ANNANDALE: Chairperson, I was aware of four incidents that is relative to what you might not have been deterred by a show of force because they would believe, if this information is correct of course, they would believe that the bullets will bounce off, that they have nothing to fear from a show of force, members of the police service armed with R5s and so on, because it can have no effect on them? Was that taken into account when the plan was drafted? In fairness to you I think I should ask you first, was your information that the people had received “muti” which they believed – or so it is now alleged, they believed would render them invincible and invulnerable?

MAJOR-GENERAL ANNANDALE: Chairperson, can I just ask, there's – it seems to be a technical glitch on our system here. I do not know if the rest of the house experience the same, so we really struggle to hear.

CHAIRPERSON: Let me ask the question, raising my voice somewhat. The question is this; when the plan was drafted had you already received information to the effect that the – or so it is now alleged, whether it's true or not is not the purpose of the question. The question is your information. Had you received information already when the plan was drafted that the protesters, or some of them at least in the hard group had received “muti” which they believed, or allegedly believed would render them invisible, invulnerable, and – ja, well that's enough.
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MAJOR-GENERAL ANNANDALE: Chairperson, it was never envisaged that – we did not foresee it, and we did not plan for that that person would be killed.

CHAIRPERSON: I didn’t say “would be,” I said “might be.” Was it foreseen that some small number perhaps of the members of the front group might in the process be killed?

MAJOR-GENERAL ANNANDALE: Chairperson, no, not in the way that we intended the plan to roll out because there would have been a line of armoured vehicles and that the people would have been broken down into such small groups that they would be able to deal with that without loss of life.

CHAIRPERSON: Thank you. I must report that when I turn my microphone off it – when I turn it on it seems to be alright, but when I turn it off the light flickers and it makes a scratching noise [inaudible]. When I turn it off, when it’s on, it’s on now, when it seems to be in order, but when I turn it off the light flickers around where the light normally is, and it makes a scratchy kind of sound. Does that mean there’s something wrong with my microphone? Adv Tokota has got a similar problem, I understand.

MR HANABE: And also the interpreter’s mike, I cannot hear at all, Commissioner.

CHAIRPERSON: As long as I don’t say anything it doesn’t matter, but is the interpreter’s microphone now working properly?

MR HANABE: No, it’s having this distorting sound, Commissioner.

CHAIRPERSON: Can you really not hear me when I speak loudly?

MR HANABE: I can hear only when I’m looking at you, then I can hear what you are saying.

MAJOR-GENERAL ANNANDALE: Chairperson, we can hear you over the mike, but it’s making such a noise here that -

CHAIRPERSON: I think what you’re saying...
free atmosphere, would you like to proceed?

EXAMINATION BY MR SEMENYA SC (CONTD.):

Indeed, Chair. The subject we have been dealing with now, General, can I invite you to exhibit FFF25? At page 14 there is all the recordings of the 15th of August.

MAJOR-GENERAL ANNANDALE: Chairperson, I see that in front of me.

MR SEMENYA SC: And on page 17 against the hour 14:00, entry 192 –

MAJOR-GENERAL ANNANDALE: I see the entry, yes, Chairperson.

MR SEMENYA SC: It is reported there that “Pappa 1 reports that there is a Toyota bakkie, white in colour, drove towards the group at koppie to deliver buckets of ‘muti’ (suggest so) and lot of people moving back from the village to the koppie.”

MAJOR-GENERAL ANNANDALE: Yes, Chairperson.

MR SEMENYA SC: That’s what you were referring to?

MAJOR-GENERAL ANNANDALE: Yes, Chairperson.

MR SEMENYA SC: On page 18 against the time 16:10, entry 204, there is also a situation report indicated there.

MAJOR-GENERAL ANNANDALE: That’s correct, Chairperson.

MR SEMENYA SC: And the entry reads, “Situation report, chopper 2 reported that approximately 800 people are at the back of the koppie, all undressed, and the traditional healer is busy with them and the white Toyota bakkie bringing water in buckets.”

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.

MR SEMENYA SC: That information is also captured in the various slides running from 85 of exhibit L, as the Chair had indicated.

MAJOR-GENERAL ANNANDALE: I see that, yes, Chairperson.

MR SEMENYA SC: Now General, we were discussing stage 3. Can I invite you to look at exhibit L from slide 78? Is that the plan as summarised in those slides?

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.

MR SEMENYA SC: So for the record, the plan deals with negotiations, engagement of stage 3 where negotiations are deemed unsuccessful.

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.
25           MAJOR-GENERAL ANNANDALE:          Chairperson, I
24           MR SEMENYA SC:          General, let me interrupt
23           That the belief that the people will disarm proves
22           incorrect.
21           And can we then proceed
20           with the morning of the 16th of August 2012?  We now know
19           that about?
18           MR SEMENYA SC:          You have also made
17           reference to the media briefing.  What in broad terms was
16           that about?
15           MAJOR-GENERAL ANNANDALE:          Chairperson, it
14           was a media briefing that was called by the Provincial
13           Commissioner of North West, Lieutenant-General Mbombo.  It
12           was decided that we go and brief the public in terms of the
11           happenings in the Marikana area that was basically a build-
10           up from the 10th.  The media briefing from the police’s side
09           was attended by General Mbombo, as I’ve indicated, and then
08           also myself and Major-General Mpembe, and we also had
07           Captain Dennis Adriaan from our Communication Services
06           present.  General Mbombo then in a release in her briefing
05           she informed the media that, she gave the history in terms
04           of what has happened.
03           She gave an overview in terms of the happenings
02           on the Friday that there was a march, then on the Saturday
01           there was the conflict between NUM, as well as AMCU, as
23           alsoSEMENYA SC:          And can we then proceed
22           with the morning of the 16th of August 2012?  We now know
21           that about?
20           MAJOR-GENERAL ANNANDALE:          Chairperson, I
19           left at around 8:30, just after 8:30, with Lieutenant-
18           General Mbombo to go to a press briefing and I only
17           returned to the JOC after that media briefing.  The media
16           briefing was not held at the general area where the JOC was
15           situated.  On my return I received an update in terms of
14           some of the aspects that have transpired during our absence
13           - because it was also General Mpembe was present in that
12           media briefing, so both of us were away at the time -
11           basically touched on a number of aspects; at about 9
10           o’clock the helicopter reported that there were people
09           moving in the streets and that people are moving to the
08           koppie, also that the two Special Task Force members that
07           were posted on the observation post on the BMR smelter
06           reported that they noticed about 600 people arriving at the
05           koppie and that they are all heavily armed, and that more
04           people are on their way to the koppie from specifically the
03           eastern side, and then the report that I referred to
02           earlier that it was reported by Brigadier Calitz at around
01           11 o’clock that the leader group approached them and said
00           that the wire must be removed and that they’re not going to
- lightning, the assaults, damage to property, specifically, if I can recall, referring to a number of vehicles that were burned.
- She indicated that the escalation in terms of the
- violence necessitated that there will, that more police
- officers were to be deployed in the Marikana area, in terms
- of the police’s responsibility to maintain law and order,
- public order.
- She gave a short overview in terms of the
- incident on the Monday.  She indicated that there was a
- specific negotiation with a group of protestors that were
- armed, and that they refused to disarm, and that there was
- an incident where there then were two police officers
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<tbody>
<tr>
<td>1 killed, as well as a further police officer that was</td>
<td>1 CHAIRPERSON: I see, thank you.</td>
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<tr>
<td>2 seriously injured, and she indicated that three other mine</td>
<td>2 MR SEMENYA SC: We saw it; it's not a</td>
</tr>
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<td>3 employees also died during this whole situation.</td>
<td>3 complete footage of the media briefing.</td>
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<td>4 [12:09] She indicated that there was a further escalation</td>
<td>4 CHAIRPERSON: Yes, okay. If you consider</td>
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<td>5 in terms of police resources, that we also have the support</td>
<td>5 it necessary that the Major-General should give the</td>
</tr>
<tr>
<td>6 from other provinces, and there was already reports in the</td>
<td>6 evidence about material that's not available on the video,</td>
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<td>7 media that the National Defence Force is deployed, and she</td>
<td>7 then obviously he must proceed. I just thought if there's</td>
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<tr>
<td>8 explained that the people that is generally referred to as</td>
<td>8 stuff that's available on video we can safe time by passing</td>
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<tr>
<td>9 National Defence Force, that they are members from the</td>
<td>9 over it fairly quickly.</td>
</tr>
<tr>
<td>10 South African Police Service Special Task Force, and they</td>
<td>10 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
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<tr>
<td>11 wear a different uniform, which might be perceived as being</td>
<td>11 that's about all I can remember of that specific media</td>
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<tr>
<td>12 National Defence Force.</td>
<td>12 briefing in anyway. Chairperson, I would expect that it</td>
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<td>13 She also explained that there's a, the only asset</td>
<td>13 would be available somewhere on video because there were a</td>
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<td>14 and the support that we have from the National Defence</td>
<td>14 number of media houses present.</td>
</tr>
<tr>
<td>15 Force is through the South African Air Force, through their</td>
<td>15 MR SEMENYA SC: On page 7 of your</td>
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<td>16 provision of an Oryx helicopter. She indicated that</td>
<td>16 statement at the top you address the situation if the group</td>
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<td>17 there's discussions between ourselves and the unions in an</td>
<td>17 did not keep true to laying down their arms.</td>
</tr>
<tr>
<td>18 attempt to ensure that there’s, there would be a peaceful</td>
<td>18 MAJOR-GENERAL ANNANDALE: Chairperson</td>
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<tr>
<td>19 resolution to this, and that she's confident that we will</td>
<td>19 yes, I refer to a contingency that must be in place and</td>
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<td>20 be able to end this today.</td>
<td>20 that contingency was the prepositioning of the barbed wire</td>
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<td>21 Chairperson, the, I think there were then</td>
<td>21 trailers that was positioned, but not deployed, but that</td>
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<td>22 questions and some of the questions, if I can remember</td>
<td>22 can do a rapid deployment in the case of an aggressive</td>
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<td>23 people asked in terms of the wellbeing of the officer that</td>
<td>23 action towards the police. But I reiterated that we will</td>
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<td>24 was injured. They have asked in terms of the, if there</td>
<td>24 still continue with negotiations; we will still try to find</td>
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<td>25 were any arrests performed and carried out, and she</td>
<td>25 a solution in terms of the peaceful resolution of the</td>
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<tr>
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<tr>
<td>1 mentioned that there were already six people suspected to</td>
<td>1 event.</td>
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<tr>
<td>2 be involved in some of the murder cases, that were</td>
<td>2 MR SEMENYA SC: You also deal with the</td>
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<td>3 arrested, not necessarily relating to the police officers</td>
<td>3 deployment of various personnel there.</td>
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<td>4 but in terms of the nine people that already died.</td>
<td>4 MAJOR-GENERAL ANNANDALE: Chairperson,</td>
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<td>5 CHAIRPERSON: Am I correct in thinking</td>
<td>5 yes, it was basically the same as per the previous day, on</td>
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<td>6 that the media briefing is available on video? Slide 155,</td>
<td>6 the Wednesday, with deployment, the front deployment, the</td>
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<td>7 is that right, Mr Semenya? Or is it only, I think we saw a</td>
<td>7 positioning of the wires and the backup in terms of that</td>
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<td>8 small part of it because if we have it available on video</td>
<td>8 deployment, and then the forward holding area 1 under the</td>
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<td>9 you don't have to take us through it fully because we will</td>
<td>9 command of Major-General Naidoo, with the assistance of</td>
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<td>10 have it, but let's just check that that's correct. Am I</td>
<td>10 Lieutenant-Colonel Gafley. He had a reserve in terms of a</td>
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<td>11 correct, Mr Semenya?</td>
<td>11 small number of Public Order Policing members, Tactical</td>
</tr>
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<td>12 MR SEMENYA SC: Not in full. Slide 155,</td>
<td>12 Response Team members, National Intervention Unit members,</td>
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<td>13 it does not depict in full what the General -</td>
<td>13 Detective Services, a few detectives - I think there were</td>
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<tr>
<td>14 CHAIRPERSON: Yes, yes, I understand, but</td>
<td>14 four detectives or so, a few members from the Local</td>
</tr>
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<td>15 - no, I understand that, thank you, but apart from what we</td>
<td>15 Criminal Record Centre, also K9 handlers and their dogs.</td>
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<td>16 were shown is the whole media briefing available on a video</td>
<td>16 He had a number of Mounted Unit members and horses, and</td>
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<td>17 clip? Because if it is then we can safe time by not going</td>
<td>17 then they had the assistance of the Lonmin Mine's disaster</td>
</tr>
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<td>18 through the detail.</td>
<td>18 unit, if I can call it that, in terms of fire brigade. I</td>
</tr>
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<td>19 MS PILLAY: It is an exhibit, Chair,</td>
<td>19 think there were - and then contracted, and that's my</td>
</tr>
<tr>
<td>20 FFF18.</td>
<td>20 understanding, contracted 911 medical personnel, contracted</td>
</tr>
<tr>
<td>21 CHAIRPERSON: Is that the whole media</td>
<td>21 by Lonmin in terms of their normal agreement that they</td>
</tr>
<tr>
<td>22 briefing?</td>
<td>22 have.</td>
</tr>
<tr>
<td>23 MS PILLAY: I'm not sure it's the entire</td>
<td>23 Then also a forward holding area 2, Lieutenant-</td>
</tr>
<tr>
<td>24 media briefing, but it is Lieutenant-General Mbombo's</td>
<td>24 Colonel Pitsi was in command of that holding area. He had</td>
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<tr>
<td>25 address during the media briefing.</td>
<td>25 a bigger deployment available in terms of a reserve for</td>
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25 tracks, and there were 10 people allocated to them from Page 822
24 Viable policing, and probable support from another police station.
23 and two teams of water cannot operate. I think they were
22 and two were two votes, I'm not so sure. Chairperson.
21 when we were to have the press briefing, which actually started later. 9
20 Mathunjwa would say it was on his cell phone, but I can
19 I am sure it was on his cell phone, but it was not
18 Chairperson.
17 then indicated to me later that he was on the koppie and
16 to him over her cell phone, but potentially it could have
15 her cell phone, because she did not have his number at – or
14 promised. He then indicated to me later that she was on the koppie as he
13 he asked why she did not go to the koppie as he promised. She then
12 he then said that he was on the koppie, and he
11 not to catch up. It was then reported -
10 600 people. There was a further report that the helicopter
9 to earlier that the observation post also then reported the
8 and 10 people from a police station and probable support from another police station.
7 a member from the Special Task Force, two members on the
6 the TRT members.
5 and that they are not going to ask again. We were asked to
4 that the mobile operations unit, which I explained yesterday
3 ‘No, that is what I referred to as the, let’s call it the
2 with the South African Air Force Oryx helicopter. Then
1 MR SEMENYA SC: The deployment, General, was probably
25 yes.
24 against paragraph 19 of the statement you then deal with what happens next after
23 correct, Chairperson.
22 that two were two votes, I'm not so sure. Chairperson.
21 TRT members because of a specific key
20 promised. He then indicated that he was at Lonmin and
19 return after the media briefing?
18 Commission, Chairperson.
17 MAJOR-GENERAL ANNANDALE: Commissioner, Chairperson.
16 that must have been around 10:30, I reckon, maybe slightly
15 Lonmin do not want to commit to further negotiations, but
14 Chairperson.
13 we were in the belief that there would be a lay-down of
12 people would lay down their arms comes short.
11 Commanders as reflected in the respective slides, yes, Chairperson.
10 that is what I referred to as the, let’s call it the
9 to the JOC and then
8 Chairperson.
7 Mahmoud indicated to me that he had to come to the JOC and then
6 the TRT members.
5 and that they are not going to ask again. We were asked to
4 that the mobile operations unit, which I explained yesterday
3 ‘No, that is what I referred to as the, let’s call it the
2 that the mobile operations unit, which I explained yesterday
1 MAJOR-GENERAL ANNANDALE: Chairperson.
25 that have for that purpose. What I left out is we had
24 the koppie, speaking to the people, only to find
23 Mathunjwa would say it was on his cell phone, but I can
22 he arrived at the JOC shortly after that.
21 he indicated to me later that he was on the koppie as he
20 he indicated to me later that he was on the koppie as he
19 to earlier that the observation post also then reported the
18 Commission, Chairperson.
17 MAJOR-GENERAL ANNANDALE: Commissioner, Chairperson.
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21 he indicated to me later that he was on the koppie as he
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23 Mathunjwa would say it was on his cell phone, but I can
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21 he indicated to me later that he was on the koppie as he
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17 MAJOR-GENERAL ANNANDALE: Commissioner, Chairperson.
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21 he indicated to me later that he was on the koppie as he
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19 to earlier that the observation post also then reported the
18 Commission, Chairperson.
17 MAJOR-GENERAL ANNANDALE: Commissioner, Chairperson.
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7 Mahmoud indicated to me that he had to come to the JOC and then
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3 ‘No, that is what I referred to as the, let’s call it the
2 that the mobile operations unit, which I explained yesterday
1 MAJOR-GENERAL ANNANDALE: Chairperson.
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1 critical that the people lay down their arms.

2 [12:29] He responded and then he said that he had a
3 meeting that morning at the same time when we had the press
4 briefing, he had a meeting with representatives from
5 Lonmin, I do not know if it’s part of the management but he
6 had a meeting with a person or persons at Lonmin, and he
7 wanted to have some commitments there – that was my
8 understanding in terms of the process of further
9 negotiations, which I assumed was then between AMCU and
10 Lonmin, and he said it’s because of that reason that he did
11 not go to the koppie, because he needed that commitment
12 before he can go and address the people at the koppie. He
13 was reminded by Lieutenant-General Mbombo that her concern
14 is with finding a peaceful resolution and that he must live
15 up to his responsibility in addressing the group and
16 convince them to lay down their arms. Chairperson, he was
17 not too happy with that because he says that he has reasons
18 why he didn’t go there, and he referred to Lonmin in terms
19 of that he do not get their commitment and that they do not
20 want to get onboard, but he said he will go to the koppie
21 now. He then asked us that we should provide transport for
22 him and his delegation to go there, and I indicated to him
23 that we do not have transport readily available at that
24 moment. He then showed me the two Vitos, the Vitos that
25 was used on the Wednesday to go to the koppie. He

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1 indicated but there are those same Vitos that took us –
2 Vito is a Mercedes Benz minibus – that took us there, so
3 they are available there, and I indicated to them yes, the
4 vehicles are there but the personnel, the members from the
5 Special Task Force are already, everyone is deployed, but I
6 then in anyway, I think I asked Colonel Scott or Brigadier
7 Tsiloane to go and see if we can make arrangements that we
8 can still take him to the koppie. He then left, and it was
9 my understanding that he left then with his own vehicle,
10 and he left the rest of the delegation, he travelled on his
11 own. He left the delegation behind and then he went on his
12 own; that must have been just prior to 12 o’clock.
13 MR SEMENYA SC: So he was not refused
14 transport to go to the koppie; it was explained why that
15 was not practically feasible.
16 MAJOR-GENERAL ANNANDALE: Chairperson,
17 no, after he left, Brigadier Tsiloane came back and he
18 indicated to me that he has arranged now for the members of
19 Mobile Operations to take him through to the forward
20 holding area 1, but then he has already left.
21 MR SEMENYA SC: In paragraph 21 you deal
22 with the report you receive about Mr Mathunjwa being at the
23 koppie.
24 MAJOR-GENERAL ANNANDALE: That is
25 correct, Chairperson.

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1 MR SEMENYA SC: What was the report?
2 MAJOR-GENERAL ANNANDALE: We received a
3 JOC report that he arrived shortly after he left, probably
4 10 minutes or so, he arrived then at the koppie in his own
5 vehicle. If I can remember, it’s a report that’s a Toyota
6 Fortuner. They also reported that there were a number of
7 speakers, people addressing the protesters at the koppie,
8 but on his arrival he did not directly address the people
9 at the koppie, but he had a meeting with some of the media
10 people that were standing around and he addressed the media
11 then specifically, and that later on, probably - I do not
12 know - in the area of 1 o’clock or so, it might have been a
13 bit later, he then in turn also addressed the protesters.
14 I did not get the detail in terms of his address, apart
15 from the commander who reported that the people, there was
16 a change in behaviour after his address to them; he said
17 there was a noticeable change – he used the word, if I can
18 remember, that the people were unhappy when he left.
19 MR SEMENYA SC: That is recorded in slide
20 161 of exhibit L. Am I right?
21 MAJOR-GENERAL ANNANDALE: Ja, I see that,
22 yes, Chairperson.
23 MR SEMENYA SC: At around 13:30 there is
24 a special JOCOM meeting called, as you deal with it against
25 paragraph 22.

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1 MAJOR-GENERAL ANNANDALE: That is
2 correct, Chairperson.
3 MR SEMENYA SC: Can you tell us more
4 about it?
5 MAJOR-GENERAL ANNANDALE: Chairperson,
6 prior to that meeting at 13:30 Major-General Mpembe briefed
7 the Provincial Commissioner, General Mbombo. I was
8 partially present during that briefing, but he, and she was
9 also there from time to time, so she was aware of a number
10 of the happenings. It was not as if she’s now receiving
11 the first information of what has transpired on that day,
12 but he indicated the feedback that we received from the
13 operational commander. He indicated the change in
14 behaviour of the people. He indicated the threats that’s
15 been made by the leadership of the protesters to the
16 police, and he indicated that there’s a real risk
17 associated if we would not take action to disperse the
18 people. The risk was discussed without much detail, but it
19 basically boiled down to the fact that if this disgruntled
20 group of people, that we all had the impression that they
21 would lay down their arms and that they would disperse
22 peacefully, that that didn’t happen and seems like the,
23 even the president of AMCU, that he cannot control the
24 members, he cannot convince them to actually lay down, and
25 that the real risk is here that these people would go back
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from the koppie, all of them in that group, armed as they were, that they would move into the neighbourhoods and the villages and then we will have incidents again of serious intimidation, of assaults and murders, and damage to property. Chairperson, we’re only too mindful what has happened in Implats earlier in the year where there were several cases reported in terms of exactly the risk that we feared. My only experience in that regard is that it’s extremely difficult to control any such groupings once they break up into literally tens of smaller groupings, and people go into the neighbourhoods and then you cannot control individual actions.

In Sasolburg in Zamdela is a recent specific reference to what I’m referring to because that started with a small group of about 100 people; they were joined with a number more and then the people took to the streets.

Chairperson, in that process there were more than 32 shops that were looted and about 180 foreign shops but we’ve experienced that in my years that you will get, the moment you break up such a group and those groups go back, then they will loot and they will intimidate and they will attack and people can get killed.

The Provincial Commissioner in terms of that briefing then said that we should go over on a stage 3 deployment and based on that I called a special JOCOM meeting because even although stage 3 was always part of the plan from the Tuesday, during the morning JOCOM meeting we did not go into the detail of that planning because we were still confident that there will be a lay-down of arms.

We started with the special JOCOM meeting at 13:30. Present was Provincial Commissioner Lieutenant-General Mbombo, the overall commander Major-General Mpembe, myself as the chairperson, we had Brigadier Fritz, Brigadier Tsioane, Brigadier Van Zyl from the Detectives, Colonel Issacs from Intelligence, and we had Brigadier Pretorius as the operational room commander, and Adv Moolman from the Police Legal.

We started the meeting by Lieutenant-General Mbombo giving an overview of the happenings of that morning in terms of specifically her discussions with Mr Mathunjwa, and in terms of his failures to go back and to be able to convince the bigger group to actually lay down their arms. She indicated that we go over to the stage in terms of the dispersal and then the disarming and the arrest. We then went into some detail of the plan and we agreed that the overall commander will again attempt to communicate and see if he can pick up again the negotiations. We were still hopeful that the people will, when he announces that, when he starts giving the warning, that the people will still lay down their arms, and it was communicated when he gives the warning that they should just lay down their arms where they are seated and then leave on their own. It was agreed that should dispersal still be necessary, that it will be aimed against those people that remain and that do not lay down their arms out of own accord, and then in the process dispersal to isolate the people into smaller manageable groups, confiscate the specific arms, and to perform arrests, and after that there will be a further sweeping of the area for weapons and that would entail the involvement of the TRT on the smaller koppie adjacent to the big koppie, and NIU and Special Task Force on the bigger koppie, and then bringing the K9 as well as the Mounted Unit.

Lieutenant Scott then did an official presentation on a PowerPoint format. He indicated that it was already decided, and we have already repositioned the sixth barbed wire trailer to basically form an enclosure on the side of the police neutral area where the media is also situated, and then he gave an overview in terms of the three phases under stage 3, first one being the deployment of the barbed wire, phase 2 being the two lines that we will form with the Public Order Policing members in the armoured Nyala vehicles and the water cannons in the middle. He reiterated the force in continuum –

MR HANABE: He reiterated?
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that this was not a police officer.

The reason why I've sent Brigadier Pretorius as the operational room commander to accompany Colonel Scott was so that she can also be totally familiar in terms of the deployment, that she can again confirm the call signs, and I've instructed Colonel Scott to take aerial photographs, or in a Google format, so it's actually not an aerial photograph, a Google format of the area, where he indicates in graphics in terms of how this deployment will unfold. I indicated to them that they must be back at quarter past 3 as I was mindful, or I indicated to them that I want to start the operation at 15:30. Chairperson, I was mindful of the fact that around quarter to 6 at latest, it would be the setting of the sun, and that I do not want the operation to go into the dark hours because that presents its own challenges.

Chairperson, before, after the initial presentation by Colonel Scott, the Provincial Commissioner departed. She left to go and visit Lieutenant Baloyi, who was still recovering from his injuries sustained on the Monday. After she left, I just continued with a checklist where I indicated that the commanders must make sure in terms of certain things to be in place, and then the meeting concluded at 14:00 and Colonel Scott and Brigadier Pretorius then left a couple of minutes later.

MR SEMENYA SC: You also deal with the contact you would have had with Mr Mathunjwa via SMSes.

MAJOR-GENERAL ANNANDALE: Chairperson, that is correct, yes. At 14:15 I received an SMS from Mr Mathunjwa and if I can just read the exact details of the SMS. The SMS indicated, and I quote, “Since no person who is available to give feedback to, we are going back to employees to inform them that no-one is available. We have tried our best, without cooperation from anyone. Let peace prevail.” This SMS concerned me, Chairperson, and I found Major-General Mpembe was just standing outside of the joint operation centre and I discussed it with him, and he indicated that he also received such an SMS. He indicated to me that he tried on a number of occasions after receiving that SMS to see if he can get hold of Mr Mathunjwa on his cell phone, but he did not succeed.

I then at 14:28 I replied also by SMS, and I quote, “SAPS is available at exactly the same spot as we had our earlier discussions. We are always available and willing to have discussions towards finding an amicable and peaceful solution.” I did not receive a response from him and it was my understanding from Major-General Mpembe that some of his delegation, of the AMCU delegation, indicated that Mr Mathunjwa was at the JOC area, and that must have been the time when we had the special JOCOM meeting, and he indicated to me that it’s his understanding that Mr Mathunjwa is upset. I then asked the joint operational centre, I think I asked Brigadier Pretorius, or it might have been one of the radio operators, to speak to Major-General Naidoo at the forward holding area 1 and see if he cannot intercept Mr Mathunjwa on his way to the koppie so that he can have a discussion with him and indicate the SAPS availability so that whatever he would then go and speak to the people, that he would be not still upset in terms of when he speaks to the people, and I left it at that. It’s my understanding later on that they did not manage it. He drove past that forward holding area; he did not go through that area, took another route, and they saw him as he approached the actual koppie again with his vehicle.

MR SEMENYA SC: Chair, may we perhaps deal with what then happens after lunch?

CHAIRPERSON: Very well. We will take the lunch adjournment and resume at 2 o’clock.

[COMMISSION ADJOURNS]

[COMMISSION RESUMES]
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It was further indicated - and I cannot really recall whether it was Vermaak or whether it was Calitz at specific times - that people are moving, that the police officers have deployed teargas and stun, and rubber. I can also remember that it was mentioned that there were people standing around in the villages, that the veld was set on fire, that people are moving, that Brigadier Calitz indicated that the water cannon should move, and he also remarked that where's the TRT line, the TRT line must move, and from the colonel that Colonel Vermaak indicated direction that people must move. There was a stage where Brigadier Calitz indicated that the people must not engage unless you're being engaged, or words to that effect.

There was a stage where he mentioned that people must get out of the Nyalas and that they must perform arrests. I can also remember that he said, "Take the panga; take the panga." I can remember Colonel Vermaak mentioned that there are bodies lying down and that he indicated that the water cannons, that the water cannons must split, that the one must be on the other side.

It was also indicated to a group of officers, I think it was to TRT members, a direction that they should move, and it's indicated that there's a gap or an area where the people will go through and he indicated then that the water cannons must stop spraying, which Brigadier Calitz then repeated and he said "Water cannons, stop spraying," and that the group, or the people, that they are encircled, and Brigadier Calitz indicated that the people must get out and perform arrests. That is the flow, not necessarily in that order, Chairperson.

Can we, General, break this into the scenes as we now are told that is scene 1 and scene 2? Shall we start with scene 1? What are the reports that you received around what happened at scene 1?

MAJOR-GENERAL ANNANDALE: Chairperson, the picture I had in my mind whilst it was unfolding was that there was, all of these are happening within the area of the koppie and that when the people were regrouping and that the people at the koppie, I saw then that the people then basically moved back to that koppie area, the bigger koppie area. In terms of the feedback I received and what has happened at, now known as scene 1, that when the barbed wire was deployed there was a movement of a sizeable group of protesters, probably around 400 plus, and the -

MR SEMENYA SC: Shall we break it a little bit there, and General, perhaps - unless there are objections that will come, I would wish to solicit your evidence in relation to the video material that you have had an opportunity to see as well, and can we do this also in relation to slide 152 so that we are able to follow your evidence -

MR BUDLENDER SC: Chair, I don't want to interrupt my learned friend. Can I suggest it might be helpful for the Commission and for all of us if the General first described what was in his mind at the time from what, from the reports and information that he's receiving, and then deals separately with what he described from videos which he subsequently saw, because otherwise it will be difficult to know what he knew and what he did at the time, unencumbered by subsequent discoveries.

CHAIRPERSON: It seems sensible, Mr Semenya. I think you'd agree with that.

MR SEMENYA SC: Except, Chair, as the witness was testifying, from the information related then there's no scene 1, scene 2. That's why I attempted to break it, otherwise he'll be speaking as though he's speaking about scene 2 when I'm trying to focus his attention on scene 1, but just tell us what you were told and then we'll go back to where I think we should.

MAJOR-GENERAL ANNANDALE: It was indicated that whilst the wire was being deployed, and it was up to the third Nyla that has deployed and at the position of the fourth Nyla, that this group tried to go in front of the Nyla before it deployed, to access into that neutral area, that there was the first incident of where the police then responded in terms of utilising rubber and stun and CS, if I'm not mistaken. This Nyla then proceeded with deploying the wire and managed to prevent this group from actually entering at that position of the first incident.

There was then a second incident in terms of this same group a minute or two later where they then basically just moved back and moved forward again to a further point in line with the deployment of the wire, and that that was close to the one side of a kraal. I say the one side, the more southern side of that kraal, that this Nyla, this Nyla 4 then continued, he did not go as per the deployment of wire to the next position where 5 would then move to 6, and 6 would move onwards. He continued driving and he then drove right into the side of that kraal to cut them off again from going into the neutral area. They indicated that there's some group, that the majority, if not all of the people, had dangerous weapons, specifically sharp-edged weapons, pangas, spears, with them, and that there was also shooting from this group at the police line, indicate that the same group then basically went back and then went around the kraal to the northern side of that kraal, and that the Public Order Policing members of the reserve that, as they, the incident 1 unfolded and so on, that they moved towards that flank and then the members were outside of the
Nylas, some of them; others were still inside the Nylas, and that they were responding again with stun grenade, CS gas, as well as then rubber rounds. They indicated that none of these had any effect on this advancing group, that this group was still continuing forward into this unprotected – if I can call it unprotected area, because there was no wire on that side, that they, as they entered into the space between the Nylas where the Public Order Policing members were, a number of these Public Order Policing members then retreated back into the Nylas and that the group continued, they went into that policing area, and they indicated that members reported that a number of members fired rounds with a combination of 9mm and R5 assault rifles, and that the members reported that they did so in defence of their own and their colleagues, as well as then the media’s lives.

They also indicated – but these reports now come through probably after half past 6 – 4 o’clock, after half past 5, half past 4, 4:30, that then they started reporting that there’s a number of people that's been injured, that there’s also a number of people that have been killed. They indicated that was in that immediate area around the kraal where most of the people were that were found to be killed.

MR SEMENYA SC: And what were the reports

MAJOR-GENERAL ANNANDALE: I have slide 152 in front of me.

MR SEMENYA SC: Would that be the formation that was conceived in the plan?

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.

MR SEMENYA SC: According to plan, what would have constituted the positive attraction points in relation to that slide?

MAJOR-GENERAL ANNANDALE: Chairperson, in fact, General, my learned colleague says perhaps what would give us a better understanding, is slide 116, although it was the day before. Are you on that slide?
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Chairperson.

MAJOR-GENERAL ANNANDALE: I am, yes,

MR SEMENYA SC: So in relation to that slide your positive attraction would be where?

MAJOR-GENERAL ANNANDALE: Positive attraction would be to the left of the slide in the area behind the, where the, we can see the people are gathering, but also to the top of the slide, which will be in a general northern direction.

MR SEMENYA SC: Were you given information what would have happened to the 3 000 more people that were at the koppie at the time of the deployment of the wire? What happened to those people?

MAJOR-GENERAL ANNANDALE: Chairperson, yes, it was confirmed, and I also saw that on pictures, that the vast majority, probably 90% of the total collective people gathered there moved away in that specific direction.

MR BUDLENDER SC: Sorry, Chair, to interrupt. In what direction is the General talking about?

Chairperson.

MAJOR-GENERAL ANNANDALE: General?

MR SEMENYA SC: General?

MAJOR-GENERAL ANNANDALE: That would have been most of them going to the west, so to the left, but also a percentage, a good percentage, it was filter lines.

It was groups of people, they were consisting smaller groups of people, but also going north and then going back sort of easterly direction into that, in that corner we can see it looks like a – I do not know if it’s a squatter camp or whatever the case might be, or an informal settlement, but also moving from more of a northern, coming back, area, that there was indications of people.

MR SEMENYA SC: Would the police line have prevented people moving in those directions you mentioned?

MAJOR-GENERAL ANNANDALE: No, Chairperson.

MR SEMENYA SC: Given your experience, what do you make of a version that says the, what you call the warrior group, the small 3 to 400 member group, were unable to go to the informal settlement except through the police line?

MAJOR-GENERAL ANNANDALE: Chairperson, no, that’s, that cannot be. There’s, that police line was about not even 400 metres. That police line was five vehicles in a straight line with the sixth vehicle turned back towards the police. My experience in terms of any public order event and any major event where there’s an obstruction placed by the police, is that people move away from that and not move towards that, and the area to the back, to the west is probably a couple of kilometres. It can be as far as four kilometres before you really go into real built-up neighbourhood areas, and also the width of that area, if you take it from north to south, is probably more than a kilometre. So it’s a vast open area, just field and there’s some pathways with short grass and then the few koppies, the three koppies that we can see in the area. Chairperson, even if you wanted to go to the eastern side, it just required that you move a couple of metres back towards the west and then you head north, and then you can enter into that, in that village area.

MR SEMENYA SC: Would the police line also prevent people moving from the koppie to the, to the top of the slide?

Chairperson.

MAJOR-GENERAL ANNANDALE: I am, yes, the police line?

MR SEMENYA SC: I am, yes, the police line?

Chairperson.

MAJOR-GENERAL ANNANDALE: I have exhibit EEE14.1, it seems like an aerial photo, in front of me,

Chairperson.

MAJOR-GENERAL ANNANDALE: I take note, Chairperson.

MR SEMENYA SC: This more or less represents what was seen from the helicopter on that day.

MAJOR-GENERAL ANNANDALE: I take note, Chairperson.

MR SEMENYA SC: What do we make of the evidence when the barbed wire was deployed, it was going to encircle the protesters?

MAJOR-GENERAL ANNANDALE: Chairperson,

there was, there were six vehicles with barbed wire trailers, which are quite sizeable trailers with barbed wire on them, that was visible less than 80 metres from this gathering group. Chairperson, there was no other barbed wire standing behind that line. There was no other barbed wire that we had at the forward holding area. There was no other positioning of barbed wire available. It was in a clear line and it indicated the actual gaps between the vehicles, what would be the movement when they deploy, and it was also explained as such to the leadership element, that five representatives of the protesters, when they were told that these barbed wires that you see here, they are for the defence and for creating a specific area, a neutral area for the police. Chairperson, I can really not understand that, if you look of the vastness of that area, that you would think that you would be able to go and encircle that. If we would go around that koppie to encircle that koppie, it’s probably 1.3 kilometre of wire that we will need.

MR SEMENYA SC: In fact, when we look at EEE14.1, what would you say is the positive attraction there?

MAJOR-GENERAL ANNANDALE: Chairperson, if
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MR SEMENYA SC: Also evident, and for the record, is a distinct group of people going towards koppie 2.

MAJOR-GENERAL ANNANDALE: Chairperson, I see – koppie 2 is the one that's adjacent to the bigger koppie?

MR SEMENYA SC: Indeed.

MAJOR-GENERAL ANNANDALE: I see them, ja, from the police line behind that koppie.

MR SEMENYA SC: General, I would want to deal with you with the various criticisms that have been made in relation to the operation by the police in Marikana now.

CHAIRPERSON: Have you now finished dealing with GGG1, or are you going to go back to the last part of paragraph 25?

[14:42] MR SEMENYA SC: Maybe let's finalise your statement, General. Are you there?

MAJOR-GENERAL ANNANDALE: I am, yes, Chairperson.

MR SEMENYA SC: You were still telling us your evidence in relation to paragraph 25.

MAJOR-GENERAL ANNANDALE: That's correct, Chairperson. Then General Naidoo said that the K9 members as well as the NIU members, members from TRT that responded from the forward holding area 2 side, that individual members came under individual attacks, that there were shots fired. He indicated that there was specifically a shot fired at him and that there was then response by a number of police officers, and that in the process there were a number of people that were shot and killed, and that there were also people that were injured. It was also later on confirmed as we received the figures that there were a number of people arrested - we only had the full figure much later on that evening - and that there were 259 specifically arrested at the koppie area.

MR SEMENYA SC: And just for completeness, the National Commissioner arrived that evening in Marikana.

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.

MR SEMENYA SC: And as she testified, she received various briefings. Is that correct?

CHAIRPERSON: Can I ask – answer the question first and then I want to ask you a question before we – perhaps my question first before that. You mentioned what Brigadier Calitz told you and Lieutenant-Colonel Vermaak, and then you said later Major-General Naidoo also told you certain things. Now when exactly was that? When did Major-General Naidoo make that report to you that did Major-General Naidoo make that report to you that...
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| Page 8351 |
|---|---|
| 1 | you’ve repeated to us? |
| 2 | **MAJOR-GENERAL ANNANDALE:** Chairperson, |
| 3 | the first report was a telephone conversation between |
| 4 | himself and me on our cellular phones where he gave an |
| 5 | overview, and then afterwards, much, much later that |
| 6 | evening in terms of when we were at the joint operational |
| 7 | centre. |
| 8 | **CHAIRPERSON:** Can you give an estimate of |
| 9 | the time, firstly the conversation you had on your cell |
| 10 | phones - I’m more interested in a ballpark kind of figure |
| 11 | than a precise one - and then later the meeting at the JOC, |
| 12 | was it, where you met him? |
| 13 | **MAJOR-GENERAL ANNANDALE:** Chairperson, I |
| 14 | know that the first conversation was whilst it was still |
| 15 | light. Chairperson, if I have to guess, it must have been |
| 16 | in the area of 5 o’clock maybe, and he, the report |
| 17 | afterwards, Chairperson, he was on the scene at IPID there. |
| 18 | He responded at the time for, to a scene where there were a |
| 19 | number of vehicles that were set alight. Chairperson, you |
| 20 | know at that time there’s so many things that’s happening, |
| 21 | and time at a stage feels as if it stands still. It could |
| 22 | have been 9 o’clock. It was probably later, but |
| 23 | Chairperson, I really cannot say. |
| 24 | **CHAIRPERSON:** At what stage did you |
| 25 | become aware that there were – it must have been earlier |

| Page 8352 |
|---|---|
| 1 | than that – that there were two scenes, as it were? You |
| 2 | know, we talk about scene 1 and scene 2. Presumably you |
| 3 | weren’t aware of that in the JOC when you were just getting |
| 4 | messages over the radio, but obviously at some stage you |
| 5 | became aware of the fact that there was one particular set |
| 6 | of actions at what we call scene 1, and thereafter the |
| 7 | action moved, as it were, to scene 2. More or less when |
| 8 | did you become aware of that? |
| 9 | **MAJOR-GENERAL ANNANDALE:** Chairperson, |
| 10 | that was probably in the discussion I had with him over the |
| 11 | telephone, because I did not understand that, because in |
| 12 | our planning it was focussed mostly in terms of that bigger |
| 13 | koppie with the adjacent koppie, and then he said no, |
| 14 | behind that there’s another koppie, so the people – so it |
| 15 | was probably there even although I still did not have a |
| 16 | proper visual in terms of that, and I looked then in terms |
| 17 | of a bigger aerial and then I saw the koppie, which was the |
| 18 | most likely koppie which it could have been. |
| 19 | **CHAIRPERSON:** So this was before sunset, |
| 20 | in other words, while it was still light? |
| 21 | **MAJOR-GENERAL ANNANDALE:** Yes, Sir. |
| 22 | **CHAIRPERSON:** You became aware that what |
| 23 | amounts to the division, I suppose – to use a loose word – |
| 24 | between the actions at scene 1 and the actions at scene 2? |
| 25 | **MAJOR-GENERAL ANNANDALE:** Ja, initially |

| Page 8353 |
|---|---|
| 1 | we thought that there was more than one incident where |
| 2 | there was – but it was in this very same, so I had the |
| 3 | picture that the people are moving around at this koppie |
| 4 | area, that there an incident that took place, that they |
| 5 | were moving behind people and dispersing them and that |
| 6 | there was another incident probably coming from that bigger |
| 7 | koppie area. |
| 8 | **CHAIRPERSON:** But you were disabused of |
| 9 | that idea at some stage in that telephone conversation. |
| 10 | **MAJOR-GENERAL ANNANDALE:** Yes, Sir. |
| 11 | **CHAIRPERSON:** Some time after 5 o’clock, |
| 12 | before sunset, anyway. |
| 13 | **MAJOR-GENERAL ANNANDALE:** Yes, |
| 14 | Chairperson. |
| 15 | **CHAIRPERSON:** Thank you. |
| 16 | **MR SEMENYA SC:** Exhibit FFF25 on page 27 |
| 17 | has an entry against the time 19:20 reading, “Major-General |
| 18 | Naidoo confirmed four vehicles is burning and they cannot |
| 19 | get in the yard of mine premises as there is no access.” |
| 20 | Does that refresh your memory? |
| 21 | **MAJOR-GENERAL ANNANDALE:** Chairperson, |
| 22 | yes, but that was after he already responded to that, so it |
| 23 | was a bit earlier where the report came through in the JOC |
| 24 | that they need assistance. |
| 25 | **CHAIRPERSON:** On the previous page |

| Page 8354 |
|---|---|
| 1 | there’s a reference on page 25 to, or part of entry number |
| 2 | 1018 at 16:10 the JOC, “Major-General Naidoo informed the |
| 3 | JOC that the medics must go to the kraal.” That’s |
| 4 | obviously earlier than that, isn’t it? “Major-General |
| 5 | Naidoo informed the JOC that medics must go to the kraal |
| 6 | with [inaudible] where the bodies are lying. They will |
| 7 | need more EMS for assistance.” That’s obviously before the |
| 8 | conversation that you’re talking about? |
| 9 | **MAJOR-GENERAL ANNANDALE:** Yes, |
| 10 | Chairperson, that was well before the conversation. |
| 11 | **CHAIRPERSON:** I see that there is an |
| 12 | entry, 17:40, a number of entries, but the last one is, “At |
| 13 | the small koppie/scene 2, 15 people wounded, 12 dead,” and |
| 14 | it looks like 3 out of 15 are critically injured.” So |
| 15 | already by 17:40 the record clerk is recording that there, |
| 16 | talking in terms of scene 2. |
| 17 | **MR SEMENYA SC:** Is there anything you |
| 18 | need to tell us before the arrival of the National |
| 19 | Commissioner at the JOC? |
| 20 | **MAJOR-GENERAL ANNANDALE:** Chairperson, |
| 21 | just that there was then deployment of additional |
| 22 | ambulances, that, and that was mostly done by the |
| 23 | assistance of the representative we had from Lonmin, a Mr |
| 24 | Dirk Botes. That was ambulances that needed to be |
| 25 | despatched, that hospitals were placed on standby. I know |
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<tr>
<td>1. there was a chopper of Protea Coin that transported medics from the JOC.</td>
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<td>2. There were reports coming through in terms of numbers, in terms of people being injured, in terms of people being dead, but at that stage we did not have confirmation in terms of the exact numbers.</td>
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<td>3. It was the IPID that was contacted. There were reports of groupings of people.</td>
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<td>4. Where the National Commissioner, the Provincial Criminal Record Centre members that need to be despatched.</td>
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<td>5. MR SEMENYA SC: And as the National Commissioner has testified, she arrived and she was briefed.</td>
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<td>6. MAJOR-GENERAL ANNANDALE: I take note, yes, Chairperson.</td>
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<td>7. MR SEMENYA SC: And that it was decided that a press briefing would take place the following day.</td>
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<td>8. MAJOR-GENERAL ANNANDALE: Chairperson, yes, the briefing, there were initial briefing when the National Commissioner arrived and then there was a meeting where the National Commissioner, the Provincial Commissioner, the overall commander at a later stage, and so on, were in a separate facility, not in the JOC area. I assume it was made then at that briefing.</td>
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<td>9. COMMISSIONER HEMRAJ: Was the National Commissioner briefed by any one person specifically, or by everyone who was present?</td>
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<td>10. MAJOR-GENERAL ANNANDALE: Chairperson, I do not think at that time – General Naidoo was still in the field; Brigadier Calitz was still in the field. It would have been probably done by the Provincial Commissioner, because she was also in and out of the JOC during the time, so she received most of the reports that we received there, apart from that we filled her in at the time that she was on the telephone or outside.</td>
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<td>11. CHAIRPERSON: Did you assist Lieutenant-General Mbombo to brief the National Commissioner?</td>
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<td>12. MAJOR-GENERAL ANNANDALE: Chairperson, no, I did not brief the National Commissioner, even though I was present at the JOC area. At that time we were running around, specifically Brigadier Pretorius and myself</td>
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<td>13. CHAIRPERSON: Did I understand you to say you were not present when the decision was taken to hold a press briefing the following day, or did I misunderstand you?</td>
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<td>14. MAJOR-GENERAL ANNANDALE: I was aware of that, Chairperson.</td>
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<td>15. CHAIRPERSON: It’s one thing to be aware, but you weren’t present when -</td>
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<td>16. MAJOR-GENERAL ANNANDALE: No, I was not present, but they consistently contacted me in terms of details that must be included in the press release in terms of number of people injured and so on, so as I got update I SMsed it or I would speak to General Mawela mostly, or to Colonel Scott who was busy, also sitting in that group.</td>
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<td>17. CHAIRPERSON: Now you say they constantly approached you, or contacted you for information. You used the plural, but was there one particular person who was sort of coordinating the receipt of information, or were there a number of people who asked questions?</td>
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<td>18. MAJOR-GENERAL ANNANDALE: Chairperson, it was General Mawela and it was, General Mpembe would ask for clarification and then Colonel Scott would get detail, so it was mostly between the three of them. Maybe there was somebody else, maybe the PC that have asked, but I can</td>
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<td>1. know that Lieutenant-General Mawela, the Divisional Commissioner for Operational Response Services was there.</td>
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<td>2. So they were in offices very close to the JOC, but not in the JOC, and I remained in the JOC, and then from time to time there would be communication where if we get more information that we have said that. So in terms of the press briefing decision, it was not made in the JOC. I assume it was made then at that briefing.</td>
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<tr>
<td>3. COMMISSIONER HEMRAJ: Was the National Commissioner approached you, or contacted you for information. You used the plural, but was there one particular person who was sort of coordinating the receipt of information, or were there a number of people who asked questions?</td>
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<td>4. MR SEMENYA SC: Will this be a convenient stage, Chair?</td>
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<td>5. CHAIRPERSON: The Commission will now take the tea adjournment and resume just after quarter past 3, if we can manage.</td>
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<td>7. CHARL ANNANDALE: s.u.o.</td>
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<td>8. CHAIRPERSON: Mr Semenya?</td>
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<td>9. EXAMINATION BY MR SEMENYA SC (CONTD.): Thank you, Chair. The media briefing of 17 August by the National Commissioner, do you know how that was compiled?</td>
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<td>10. MAJOR-GENERAL ANNANDALE: Chairperson, no, I do not know the exact people that were involved, but I, it was my understanding that it was the same group of people that were with the National Commissioner that also compiled the report to the President, and that it was done</td>
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MR SEMENYA SC: General, the National Commissioner, what did you understand to explain the police action resulting in the deaths and injuries of those who were affected?

CHAIRPERSON: I don't understand the question. I don't know if the witness does. Did he say “Like the National Commissioner, what did you understand was the cause of the deaths?” I mean surely you must ask him what he understood to be the cause and then one can follow on from there. Or am I misunderstanding the question?

MR SEMENYA SC: General, the National Commissioner, what did you understand to be the cause and then one can

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Commissioner was not there at the scene when these events took place.

MAJOR-GENERAL ANNANDALE: No, she was not, Chairperson.

MR SEMENYA SC: You were also not present where these events actually took place.

MAJOR-GENERAL ANNANDALE: No, I was not, Chairperson.

MR SEMENYA SC: There was an account given by the commanders in relation to what happened.

MAJOR-GENERAL ANNANDALE: That is correct, Chairperson.

MR SEMENYA SC: Through that account, what explanation was given to the National Commissioner in relation to the explanation for the various events resulting in the fatalities, as well as injuries?

MAJOR-GENERAL ANNANDALE: Chairperson, it was reported by the commanders that there are individual accounts of the members that fired their weapons, that they fired their weapons in self-defence.

MR SEMENYA SC: Or what is called private defence?

CHAIRPERSON: You see, self-defence is you defend yourself. Private defence is you’re under attack, I defend you. That's private defence. So what did they say? They acted in private defence or self-defence, or both?

MAJOR-GENERAL ANNANDALE: Chairperson, the, most words were used in terms of self-defence, but there was also mention made in terms of private defence by some of the commanders.

CHAIRPERSON: It may be, I suppose, the commander didn’t quite know the distinction, but it's clear what they intended to convey, I should imagine.

MAJOR-GENERAL ANNANDALE: Ja, I would hope that they would know, but there’s confusion in terms of that still in our midst.

MR SEMENYA SC: Now General, there would ordinarily have followed a debriefing after an event like this. What happened?

MAJOR-GENERAL ANNANDALE: Chairperson, ja, there's, in our language there are levels of debriefing. The one would be where the members themselves will give an account in terms of what has happened to their commander, and then there would be a next level of debriefing where the overall commander would sit down with all of the commanders, and then there would be one where all role-players, also including the role-players that’s not necessarily from the police, would sit in, in terms of a final debriefing. It is my understanding that the first level of debriefing that I described took place in terms of the members giving an account to their commanders, but a debriefing in terms of as it's prescribed in Standing Order 262, we did not do such a debriefing. There was, however, a meeting that we had in Potchefstroom, that was from the 27th of August until the 6th of September, excluding the 1st and the 2nd of September, which was a Saturday and a Sunday. That – yes.

MR SEMENYA SC: Before we get to that debriefing, did a debriefing happen, the one you describe as between the commanders and their overall commander?

MAJOR-GENERAL ANNANDALE: Chairperson, there was feedback given by the commanders in terms of our JOCOM meeting the following day. That evening there were groups that we relieved as they would come back, some people 11 o’clock, some people at 1 o’clock, because there were still regroupings; there was the vehicles that were set alight. There was still a lot of activities that went into that night. I think myself left something like quarter to 3 the next morning. So we did not have a sit-down with the commanders. There was individual accounts as the people came in, accounting for their members. But feedback took place, but that's not a debriefing in terms of our understanding of how a debriefing should be, because that would be a SWAT analysis that we would do in terms of

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25

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1 the event and which that did not take place, no.
2 MR SEMENYA SC: Okay, now the meeting in
3 Potchefstroom, how did that come about?
4 MAJOR-GENERAL ANNANDALE: Chairperson,
5 would that be, this be an appropriate time that I can go
6 back to Afrikaans? Because it was easier with my statement
7 that's prepared, but –
8 CHAIRPERSON: No, no, I always understood
9 that we only asked you to speak in English on matters
10 covered by the statement because we thought you shouldn't
11 be uncomfortable about that, but you're entitled to speak
12 in your first language and I can't stop you, and if you'd
13 be happier, particularly dealing with this part of it in
14 Afrikaans, you must do so.
15 MAJOR-GENERAL ANNANDALE: Thank you,
16 Chairperson.
17 CHAIRPERSON: I think I have to ask the
18 two interpreters the way they did before, it's difficult
19 for one interpreter to translate into English and into
20 isiXhosa, so the way it was done previously, I think it
21 must be done again. I see we have both interpreters here,
22 so there won't be a problem.
23 GENERAAL-MAJ OOR ANNANDALE: Dankie,
24 Voorsitter. Daar was ? bespreking gewees tussen Generaal
25 Mbombo, Generaal Mpembe, Generaal Naidoo, en myself. In

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1 25 Mbombo, Generaal Mpembe, Generaal Naidoo, en myself. In
2 24 Voorsitter. Daar was ? bespreking gewees tussen Generaal
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22 4 GENERAAL-MAJ OOR ANNANDALE: Dankie,
23 3 Voorsitter. Daar was ? bespreking gewees tussen Generaal
24 2 MBombo, Generaal Mpembe, Generaal Naidoo, en myself. In
25 1 the event and which that did not take place, no.

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1 die week wat – ons het ons oëntrek op die 25ste Augustus
2 vanaf Marikana. As ek verwys na “ons,” Voorsitter, dan
3 praat ek van die bevelstruktuur en dan ook ? persentasie
4 van die lede wat daar ontplooi was het nie oëntrek direk na
5 die 16de nie.
6 VOORSITTER: Ons moet die isiXhosa tolk
7 ook kans gee om sy werk te doen.
8 GENERAAL-MAJ OOR ANNANDALE: En welwetende
9 dat daar ? kommissie, ? regtelike kommissie van ondersoek
10 aangestel was deur die President op die 17de, en ons net
11 eenvoudig nog nie geleentheid gehad het om te begin
12 dokumente te versamel en onself voor te berei om dokumente
13 te leer van die kommissie nie, synde dat ons steeds besig
14 was met ? aktiewe protes omgewing in die tydperk aanlopend
15 tot die 25ste Augustus, het ons dit bespreek om bymekaar te
16 kom as bevelvoerders sodat ons kan inligting bekom en
17 versamel ter voorbereiding van die kommissie. Daar is toe
18 ? oproepinstruksie uitgereik uit die kantoor van die
19 Provinsiale Kommissaris Noord-Wes, waarin daar dan
20 vermelding gemaak was van die grootste aantal bevelvoerders
21 wat teenwoordig was op die dag, asook dan ? aantal
22 addisionele persone wat meestal van die polisie
23 regsafdeling was.
24 MR MAHLANGU: Once again I’m going to ask
25 if the sentences should be made a bit shorter.

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1 seksie Organisatoriese Ontwikkeling van die Noord-wes
2 provinsie, en ons het hom gevra om die informasie te
3 konsolider [onhoorbaar]. Ons het dan ook vir Luitenant-
4 Kolonel Scott gevra dat hy vir ons moet ? PowerPoint
5 voorlegging moet hy vir ons voorberei, so een dokument was
6 ? voorlegging, elektronies, en die ander een was die
7 narratiewe wat dan gepraat het met die voorlegging.
8 [15:43] MNR MAHLANGU: Kan vir voorsitter vir my
9 help?
10 MAJOR-GENERAL ANNANDALE: Narratives.
11 CHAIRPERSON: The one document was a -
12 MR MAHLANGU: The one document was a
13 narrative -
14 CHAIRPERSON: - was a narrative, and the
15 other one was an electronic presentation.
16 MR MAHLANGU: The other one was an
17 electrical presentation
19 Is dit reg? Het ons dit korrek vertaal?
20 GENERAAL-MAJ OOR ANNANDALE: Ja, ek denk
21 so –
22 VOORSITTER: Voorlegging synde ?
23 “presentation,” en daar was ook ?, wat u as ? narratiewe
deele beskryf het, klaarblyklik ? “narrative section.”
24 MAJOR-GENERAL ANNANDALE: Chairperson,
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Rustenburg

1. Yes, because in the presentation we would typically have just bullet points, so we just wanted a full description, volledige beskrywing.
2. Voorsitter, dit was dan ook ? geleentheid wat ons gehad het, daar was ? procureursmaatskappy aangestel.
3. Intussentyd, syndie dat die Onafhanklike Polisie Klagte Direktoaraat –
4. CHAIRPERSON: IPID.
5. MAJOR-GENERAL ANNANDALE: IPID, yes, Sir.
6. CHAIRPERSON: He’s talking about IPID, the Independent Police Investigation Directorate.
7. MAJOR-GENERAL ANNANDALE: Yes.
8. MR MAHLANGU: IPID should do what?
9. MAJOR-GENERAL ANNANDALE: They have already started with their investigation. Die ondersoekers het reeds, hulle was uiteraard die dag, die aand van die 16de was hulle reeds op die toneel en hulle het al op die 17de begin om waarskuwing verklarings te neem van polisiebeamptes, en met die aanwyng van die procureur was daar dan ? ooreenkoms tussen die ondersoekers, asook ons prokureur –
10. CHAIRPERSON: I think he means “the IPID investigators and our lawyer.” Is dit korrek?
11. GENERAAL-MAJ OOR ANNANDALE: Dit is korrek, Voorsitter.
12. MR MAHLANGU: It was one on the 13th and then two additional others on the 14th and the 15th.

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1. CHAIRPERSON: It sounds as if they didn’t have a full account of the events, of what happened. The lawyers didn’t have a full account of what happened. Ek neem aan u verwys na wat op die 16de Augustus en die dae voor die 16de plaasgevind het?
2. CHAIRPERSON: Chairperson, it was one on the 13th.
3. MR MAHLANGU: I omitted that, yes.  The media video which had been shown on the news.
4. MR MAHLANGU: It was one on the 13th and then two additional others on the 14th and the 15th.
5. CHAIRPERSON: I think he said the third one, the first one was on the 13th. Thereafter there were two who took video material together, it seems, on the 14th, 15th, and 16th, all three being members of the POP. Is dit nie; daar was ? ander een gewees op die 13de, maar deur die twee video-operateurs wat toegeweys was aan die operasie.
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<tr>
<td>1 stel en ons dit dan ook, na The Roots konferensie het ons</td>
<td>1 toe deur na Pretoria toe wat hy gesê het hy sal kyk, hy het</td>
</tr>
<tr>
<td>2 dit dan gekry toe dit beskikbaar gestel word.</td>
<td>tegniese agtergrond in terme van sy -</td>
</tr>
<tr>
<td>3 Ons het ook nie gekyk na die opnames van die twee</td>
<td>3 [16:03] Die videomateriaal is toe, ek, die 11de of die</td>
</tr>
<tr>
<td>4 waterkanonne nie. Daar was reeds aan ons terugvoer gegee</td>
<td>4 14de van November toe dink ek kon hulle daarin slaag om dit</td>
</tr>
<tr>
<td>5 op die 17de Augustus deur die beveelvoerders van die twee</td>
<td>5 af te laai, of oor te laai. Voorsitter, dan sien ek die</td>
</tr>
<tr>
<td>6 waterkanon operateurs dat die een het gesê die Noord-Wes</td>
<td>6 advokaat maak vir my ogies, so ek weet nie of dit nou</td>
</tr>
<tr>
<td>7 waterkanon, die operateur het gesê dat die sisteem nie</td>
<td>7 bedoel ons moet nou iemers breek nie.</td>
</tr>
<tr>
<td>8 funksioneer nie en dat daar nie sodanige opname was nie.</td>
<td>8 VOORSITTER: Ek wil net vir u vra hoe</td>
</tr>
<tr>
<td>9 Die Johannesburg water operateur het gesê dat hy nie</td>
<td>9 lank verder gaan u getuig, soever u weet? As dit vryf minute</td>
</tr>
<tr>
<td>10 heetemal vertrou was met die werking van die videoestel</td>
<td>10 is, dan kan ons by die einde kom van u hoofgetuieis, kan</td>
</tr>
<tr>
<td>11 nie, maar dat hy geweet het dat jy moet, die hardeskyf het</td>
<td>11 ons? ekstra paar minute sit, maar as dit bietjie langer as</td>
</tr>
<tr>
<td>12 beperkings op in terme van die opname, en dat hy dit self</td>
<td>12 dit sal wees, dan sal ons more moet voortgaan. Wat stel u</td>
</tr>
<tr>
<td>13 moes aktiveer, dat hy dit nie net aansit as dit begin en</td>
<td>13 voor, mnr Semenya?</td>
</tr>
<tr>
<td>14 dit af los nie, maar dat hy dit elke keer moes aktiveer,</td>
<td>14 GENERAAL-MAJ OOR ANNANDALE: Voorsitter,</td>
</tr>
<tr>
<td>15 en dan met die wat daar? aanval op die polisiefront was en</td>
<td>15 vryf minute, as ons kan klaarmaak, asseblief.</td>
</tr>
<tr>
<td>16 dat dit nie volgens die beplanning gegaan nie, het hy</td>
<td>16 MNR SEMENYA SC: Daar is nog steeds -</td>
</tr>
<tr>
<td>17 net nooit die - het egter moes activateer. Ek het eers</td>
<td>17 CHAIRPERSON: I'm misbehaving again. I</td>
</tr>
<tr>
<td>18 bewus geraak dat daar wel opnames was, ek dink dit was op</td>
<td>18 forgot to put my microphone on. If it's going to be a</td>
</tr>
<tr>
<td>19 die 6de November van 2012 -</td>
<td>19 couple of minutes before the end of his evidence-in-chief</td>
</tr>
<tr>
<td>20 CHAIRPERSON: The 6th of November, the day</td>
<td>20 we can do it, but if it's going to take a bit longer than</td>
</tr>
<tr>
<td>21 after Guy Fawkes, he became aware of it.</td>
<td>21 that, we'll finish his evidence-in-chief tomorrow. What do</td>
</tr>
<tr>
<td>22 MAJOR-GENERAL ANNANDALE: - nadat daar?</td>
<td>22 you suggest, Mr Semenya?</td>
</tr>
<tr>
<td>23 berig aan my gemak was terwyl ek teenwoordig was hierso by</td>
<td>23 MR SEMENYA SC: That we go up to</td>
</tr>
<tr>
<td>24 die Burgersentrum, dat Kolonel Makhubela, wie opgedraag was</td>
<td>24 tomorrow, Chair. We're still a little while.</td>
</tr>
<tr>
<td>25 op die 16de, dat hy op die betrokke dag vir sy mense gevra</td>
<td>25 CHAIRPERSON: Anyway, we will now adjourn</td>
</tr>
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<tr>
<td>1 het dat hulle vir hom moet wys hoe werk hierdie waterkanon</td>
<td>1 until tomorrow morning at 9:30.</td>
</tr>
<tr>
<td>2 se, die hele stelsel, en dit was tydens hierdie opleiding,</td>
<td>[COMMISSION ADJOURNED]</td>
</tr>
<tr>
<td>3 as ek dit so kan stel, wat hulle vir hom gewys het hoe die</td>
<td>3 .</td>
</tr>
<tr>
<td>4 verskille stelsels werk, dat hy waargeneem het dat daar</td>
<td>4 .</td>
</tr>
<tr>
<td>5 beeldmateriaal is van die Marikana omgewing. Ek het daarop</td>
<td>5 .</td>
</tr>
<tr>
<td>6 het ek gesê dat ons die, beide waterkanonne moet ons op die</td>
<td>6 .</td>
</tr>
<tr>
<td>7 volgende dag, die 7de November, moet hulle rapporteer</td>
<td>7 .</td>
</tr>
<tr>
<td>8 hierso in Rustenburg, en op die 7de was ek teenwoordig by</td>
<td>8 .</td>
</tr>
<tr>
<td>9 ons provateurs, aangestelde provateursmaatskappy, waarna</td>
<td>9 .</td>
</tr>
<tr>
<td>10 daar ook gevind was dat daar op die Noord-Wes waterkanon</td>
<td>10 .</td>
</tr>
<tr>
<td>11 ook beeldmateriaal beskikbaar is. Een van die operateurs,</td>
<td>11 .</td>
</tr>
<tr>
<td>12 of een van die opleiers in die hantering van waterkanonne</td>
<td>12 .</td>
</tr>
<tr>
<td>14 nie sy van onthou nie - ek het hom gevra of die</td>
<td>14 .</td>
</tr>
<tr>
<td>15 videomateriaal kan afgelaai word sodat ons daarna kan kyk,</td>
<td>15 .</td>
</tr>
<tr>
<td>16 en hy het vir my gesê dit kan slegs waargeneem word, gekyk</td>
<td>16 .</td>
</tr>
<tr>
<td>17 word terwyl jy in die waterkanon sit. Hy het aangedui dat</td>
<td>17 .</td>
</tr>
<tr>
<td>18 dit?, ek dink dis Israeliese waterkanon, die, dis? BAT</td>
<td>18 .</td>
</tr>
<tr>
<td>19 Systems waterkanon, en hy het vir my gesê dat hulle net nie</td>
<td>19 .</td>
</tr>
<tr>
<td>20 die tegnologie beskikbaar het om dit af te laai sodat ons</td>
<td>20 .</td>
</tr>
<tr>
<td>21 dit op? gewone rekenaar kan kyk nie. Ek het toe begin</td>
<td>21 .</td>
</tr>
<tr>
<td>22 rond bel en ek het geskakel met ons Plaaslike Krimine</td>
<td>22 .</td>
</tr>
<tr>
<td>23 Rekordcentrum, Pretoria, en ook Forensies, en ek het, ek is</td>
<td>23 .</td>
</tr>
<tr>
<td>24 verwys na? Kolonel Sales toe wat by die Onahanklike, of</td>
<td>24 .</td>
</tr>
<tr>
<td>25 by die polisie se Hawks-eenheid is, en die waterkanonne is</td>
<td>25 .</td>
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Marikana Commission of Inquiry

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Tom Thabane on 21st of April 2013:

The majority's...
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