TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

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

HELD ON

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HELD AT

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### Proceedings on 25 April 2013

**Chairperson:** Perhaps the way forward is to proceed, as we did yesterday, in monitoring the situation. The criticism is that the plan did not have the time axis that should exist in a plan such as that one, i.e., it does not have the four phases, that would be prevention, prevention, de-escalation and debriefing.

**General-Major Annandale:** Voorsitter, met graagte, ja. Ek sien dit eerder as 'n kombinasie van proaktiewe en voorkomende optrede, so half gekombineerd.

**Commissioner:** Mr Mahlangu, I'm still sorry, let me finish. I don't think there's any other document that they've got that we haven't got but if I'm wrong we'll be corrected.

**General-Major Annandale:** Dit is reg. Maar Voorsitter, in die konteks van hoe hy uiteengestel is, sien ek dit ook dan as aktiwiteite lank voordat daar enige 'n insident is.

**Commissioner:** We have the four phases, that would be provention, prevention, de-escalation and debriefing.

**General-Major Annandale:** A combination of proactive and preventative action. Is that –

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**Chairperson:** Perhaps the way forward is to proceed, as we did yesterday, in monitoring the situation. The criticism is that the plan did not have the time axis that should exist in a plan such as that one, i.e., it does not have the four phases, that would be prevention, prevention, de-escalation and debriefing.

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**Commissioner:** We have the four phases, that would be provention, prevention, de-escalation and debriefing.
quickly. Mr Burger?

MR BURGER: Chair, I share my learned

friend's frustration. Those words come, I think, from page 4 in paragraph 13 but I haven't had the benefit of reading the document. I get shown the document when we start hearing evidence, the witness is prepared and the cross-examiner is prepared and it really makes the process very difficult.

CHAIRPERSON: The evidence-in-chief is prepared, there's a difference.

MR BURGER: It's not always a difference in this inquiry, but I take your guidance, Chair.

CHAIRPERSON: I'm happy to give it to you. When was this document in fact circulated, this morning? Because I see it's dated the 1st of February. I was approached in chambers and told that it was thought it had already been handed in as an exhibit and therefore I was asked to wait until it has been copied and distributed but –

MS PILLAY: Chair, the Hendrickx statement has been distributed since the 3rd of February this year.

CHAIRPERSON: That's the document we have now?

MS PILLAY: That's correct, that's GGG1, GGG2.

CHAIRPERSON: So that's your answer, Mr Burger.

MR BURGER: No, with respect, not, Chair. With this was distributed thousands of documents over the time. We weren't aware that this document is going to be addressed today, so we spent last night not preparing on this.

CHAIRPERSON: I must say we also asked, as Commissioners, whether the documents that were going to be referred to could be given to us the day before so we could spend the evening beforehand preparing. That didn't happen but the solution, I think, is not to waste time. Let Mr Semenya proceed for the moment. If anyone who is cross-examining is prejudiced thereby and wishes extra time, an application can be made and will be considered but Mr Semenya, I think you appreciate the points that have been raised are points of substance and I take it you'll do your best to ensure that in future we don't have problems of this kind.

MR SEMENYA: Chair, we give notice immediately that in the conduct of these hearings we will use, from time to time, all documents that have been discovered by all the parties.

CHAIRPERSON: I don't think that's good enough. Mr Burger has said that thousands of documents have been discovered, so to say that Mr Burger must spend the evening before you continue the examination-in-chief going through the hard drive and looking at thousands of documents is not a practical way of moving forward, but apart from that we, the Commission, haven't considered it advisable to study all the documents on the hard drive and so we've asked that where documents are going to be referred to, they should be given to us the day before so we can prepare and make a meaningful contribution to the proceedings. So I think you must bear that in mind in future please, Mr Semenya.

MR SEMENYA: General, let's go to page 4 so that we can accommodate Mr Msimang. Against paragraph 12 says Mr Hendrickx there, “Crowd management, as opposed to crowd control model, understands public order policing in terms of a time axis which can be split into three phases, preparation or planning, the gathering and the aftermath.” And then it says those are split, against paragraph 13, “There are four phases in any crowd management event, prevention, prevention, de-escalation and debriefing.” With that in mind arises some of the criticism of the plan which we see on page 13 and the criticism is that Operation Platinum, which is the plan,
25th April 2013
Marikana Commission of Inquiry
Rustenburg

MR SEMENYA SC: As the Chair says, this seems to be a concept of a particular meaning. Mr Hendrickx seems to deal with it against paragraph 21.2.1.1 as steps which he says may have been taken as a prevention method. Firstly he says there, “This would have included meetings with, and establishing relationships with the relevant stakeholders including the trade unions, Lonmin management and community leaders.” As my learned junior says, it may relate to proactive prevention.

CHAIRPERSON: That seems to be reasonably clear. I hope that the people sitting in the auditorium understand it. Alright, is there anything else you want to say about this, Mr Semenya? Shall we carry on then in the meanwhile.

Generaal Mpembe kan meer duidelikheid gee.

MR HANABE: I have finished.

CHAIRPERSON: I would be grateful, Mr Mbeki.

MR MAHLANGU: Thank you, Chair. I also had that problem unfortunately and I was about to ask the Chairperson.

CHAIRPERSON: Mr Hendrickx lists a working group with the aim to study and propose a whole range of things on page 14, including setting up a working group with the aim to study and propose preventative measures.

MR MAHLANGU: I omitted Lonmin. Lonmin, discussions between General Mpembe and the unions.

CHAIRPERSON: Lonmin, discussions between General Mpembe, Lonmin and the unions.

MR MAHLANGU: I ommitted Lonmin. Lonmin and the unions, yes.

CHAIRPERSON: Then Mr Hendrickx lists a whole range of things on page 14, including setting up a working group with the aim to study and propose preventative measures.

MR SEMENYA SC: Before we deal with that, shall we deal with 21.2.1.2 which is setting up contact and negotiation channels between the different parties and the SAPS.

[10:32] GENERAAL-MAJoor ANNANDALE: Voorsitter,

dankie. Dan, ek sien mnr Hendrickx verwys na patrolling van die area.

MR SEMENYA SC: Before we deal with that, shall we deal with 21.2.1.2 which is setting up contact and negotiation channels between the different parties and the SAPS.

[10:32] GENERAAL-MAJoor ANNANDALE: Voorsitter,

dit het vir seker plasgevind, as ek kan verwys na Generaal Mpembe se interaksie met Lonmin, met AMCU en met NUM, maar ek verstaan ook dat dit nie die eerste interaksie was tussen die polisie en Lonmin byvoorbeeld of dan en/of die unies nie en dat daar vorige interaksies was pertinent tussen Lonmin en provinsiale bestuur.

MR SEMENYA SC: Patrolling the area?

GENERAl-MAJoor ANNANDALE: Mnr die Voorsitter, dit is ‘n sektor polisieringskonsep en dis deel van die benadering wat ons het in die polisie tot misdaadbekamping- en voorkoming. Met die ontlooiing vanaf persidente die 14de wat ek oor kan getuig, het ons addisionele patrollies daargestel ook in ‘n sektor polisieringskonsep model.

MR MAHLANGU: We had additional deployment.

CHAIRPERSON: Additional patrols in a sector policing model, I think he said.

GENERAl-MAJoor ANNANDALE: Dit het ons gedoen deur die hele gebied, die groter Marikana-gebied het ons opgedeel in sones. Dit het ‘n hoër sigbaarheid daargestel.

MR MAHLANGU: It made it possible –

MAJOR-GENERAL ANNANDALE: Visibility.

CHAIRPERSON: We put in place a high visibility - ons het daargestel.

GENERAl-MAJoor ANNANDALE: Dis korrek, mnr die Voorsitter. En dit het ook die polisie die geleentheid gegee om van verskeie punte af te reageer. Ek het vroeër in my getuenis pertinent verwys na die hoër sigbaarheid op die pertinente roetes van busse, maar ook die tipiese werkersroetes, so die roetes wat die mense gebruik om na en van hulle werkstasies te beweeg.

MR SEMENYA SC: Then Mr Hendrickx lists a whole range of things on page 14, including setting up a working group with the aim to study and propose preventative measures.
25th April 2013
Marikana Commission of Inquiry
Rustenburg

MR SEMENYA SC: There are no police prescripts that require consultation with the Minister in relation to operations, is there?

GENERAL-MAJOR ANNANDALE: Nee, Voorsitter.

MR SEMENYA SC: Mr Hendrickx says there ought to have been also gathering of appropriate intelligence. As a matter of fact, was this done?

GENERAL-MAJOR ANNANDALE: Ek merk dit so op, dis reg.

MR SEMENYA SC: Was there any intelligence gathered?

GENERAL-MAJOR ANNANDALE: Voorsitter, daar was 'n speurspan, 'n substansiële speurspan wat verduidelik die pertinente probleem wat ons gehad het. Mnr die Voorsitter, ek weet nie of ek dit weer moet herhaal, in detail moet ingaan nie.

CHAIRPERSON: He dealt with that in his evidence. Having set out what is desirable in para 21.2, Mr Hendrickx I see goes on to deal with his criticisms later on and in relation to information he doesn't say there was no information gathered, his complaint in 21.5 is there was scant and inadequate information. That's a point the witness has already dealt with. He explained the problems they had and so forth. So I don't know if it's necessary to deal with this as fully as you are at the moment, but I don't want to hamper you in presenting your case but I am entitled to advise from time to time.

MR SEMENYA SC: I heed the advice, so let's just go to page 15, General. There you'll see Mr Hendrickx is dealing with preventive measures and he says, "Those would have included actively and visibly pursuing criminal investigations into the events on Monday and effecting arrests." I just want to know whether, as a matter of fact, this happened or did not.

GENERAL-MAJOR ANNANDALE: Voorsitter, daar is 'n speurspan, 'n substansiële speurspan wat ondersoek doen na die gebeure, nie net op die Maandag nie maar vooraf gebeure wat insluit ander moorde, gevalle van ernstige aanranding en aanranding, intimidasie en saakbeskadiging. Voorsitter, en ek weet daar was ook arrestasies uitgeoer.

MR SEMENYA SC: Well, in relation to the 13th we will talk to General Mpembe, whether or not there was any debriefing, but the other thing that Mr Hendrickx refers to is that there ought to have been identified leaders of the miners and, if necessary, taking action against them. Do you know if there were any attempts at identifying the leaders of the miners?
25th April 2013
Marikana Commission of Inquiry
Rustenburg

CHAIRPERSON: He’s probably referring to some kind of psychometric testing. Some of your more advanced units, you have to pass a psychometric test before you can be admitted. I imagine screening here means some kind of test of that nature to see whether the person has the right personality to deal with that kind of work, I would suspect, and then he goes on to talk about adequate training.

GENERAAL-MAJOR ANNANDALE: Voorsitter, as dit die – as dit is waarna hy verwys dan al die lede van mobile operations, spesiale taakmag, nasionale intervensie-eenhed en dan al die TRT-lede wat vanaf 2011 gekeur is, het sodanige psigometriese keuring deurloop maar ook elke polisiebeampte voordat hulle in diens geneem word, gaan deur psigometriese keuring. Dan die gedeelt wat hy verwys na toepaslik opgelei, die openbare orde personeel wat daar ontplouoi was, is opgelei in die hantering van skarebestuur, plus nog ander lede wie by ander eenhede ontplouoi was maar het ‘n agtergrond het in openbare orde en ook sodanig opgelei was.

MR SEMENYA SC: In paragraph 24 says Mr Hendrickx, “The equipment for the operation was not appropriate to the rural context of the gathering” and he’s using the water cannons as an example.

GENERAAL-MAJOR ANNANDALE: Voorsitter, ek stem nie saam met mnr Hendrickx nie. Waterkannone, as ek voorheen in my getuienis verwys het, is eenheidelike hulpmiddel in terme van die uiteendrywing van skares, vernaam as sodanige skare [onhoorbaar].

MR MAHLANGU: Uiteen dryf, yes, that’s in its place.

MR SEMENYA SC: I think you said they are useful tools in crowd dispersal, General –

GENERAAL-MAJOR ANNANDALE: Uiteen dryf, dis korrek.

MR MAHLANGU: Uiteen dryf, yes, that’s in crowd dispersal, yes.

MR SEMENYA SC: Mr Hendrickx then repeats the criticism relating to Nkaneng settlement as a negative attraction. We have handled that, haven’t we?

GENERAAL-MAJOR ANNANDALE: Dit is korrek, Voorsitter.

MR SEMENYA SC: Then there’s the other criticism, that he says there was no evidence of a good command and control. What was the command structure? You did touch on it as well.

GENERAAL-MAJOR ANNANDALE: Voorsitter, die bevelstreek is dan General Mpmеbbe, was die oorhooftoefening van die oorlaaiende bevelvoerder en dan Brigadier Callitz as die oorlaaiende bevelvoerder, dan myself as die koördinerende vir die eenhede nasionale intervensie, spesiale taakmag en mobiele operasies en dan pertaining my rol as die voorsitter van die gesamentlike operasionele komitee. Maar dan was daar ook pertinente bevelvoerders.
25th April 2013
Marikana Commission of Inquiry
Rustenburg

2:50 PM

23 actually, but before you move on to your next question, in
22 minutes to finish.
21 stage I'll give it to you.
20 a particular reason for asking for an adjournment at this
19 thought we'd carry on till quarter past 11 but if you have
18 since we started late, I
17 o'clock.
16 if you have
15 Voorsitter. Dis nie 'n akkurate waarneming nie.
14 accurate?
13 real negotiation or dialogue with the crowd. Is that
12 with Lonmin management. "That's the point you've got to
11 relation to the point that's just been made, 28.4, you
10 where there was no real negotiation or dialogue but
9 ek kan dit tweeledig antwoord. Die polisie onderhandelaars
8 to deal with.
7 kom dit gaan onderhandel.
6 terwyl die digitale stelsel 'n Tetra-sisteem is. Die
5 radio's en dit sal hoofsaaklik die analoog radio's wees,
4 
3 digitale stelsel.
2 the thrust of Colonel Hendrickx' criticism is in the next
1 sentence. "The SAPS issued an ultimatum but were not able
to offer anything to the crowd in response to its demand to
meet with Lonmin management. That's the point you've got
to deal with.

Generaal-Major Annandale:
Voorsitter, ek kan dit tweeledig antwoord. Die polisie onderhandelaars
tetelkens oorgedra dat die boodskap wat ons vanaf Lonmin
kry en ons het dit gekry hoofsaaklik deur mnr Abey, Abey
Kgotle en mnr Kwadi, maar ook pertinente deur die terugvoer
deur die verteenwoordiger van Lonmin, mnr Dirk Botes, waar
daar aangedui was dat Lonmin totaal bereid is om in gesprek
te tree maar dat sodanige onderhandeling nie kan plaasvind
met mense wat sit met, gewapen nie. Hulle het gevra dat
die boodskap moet oorgedra word, dat daar pertinente
strukture gevestig is vir onderhandeling en dat as mense
soo terugkeer na hulle werkstasies dan kan dit die proses
net vergemaklik, maar hulle het ook aangedui as daar 'n
pertinente delegasie is wat sou beskikbaar wees dan kon
sodanige onderhandeling gefasiliteer word. Basies, dat dit
'n abnormale situasie is om in sulke omstandighede te gaan
probeer onderhandel.

Chairperson:
Yes, I would prefer that

Mr Mahlangu: Opdeling? Die opdeling,
I'm not sure of that.

Mr Semenya SC: Division, subdivision of
- the various units as

Mr Mahlangu: Subdivisions that occurred.

Mr Semenya SC: - the various units as
well. The other criticism, General, is that there was no
real negotiation or dialogue with the crowd. Is that
accurate?

Generaal-Major Annandale:
Nee, Voorsitter. Dis nie 'n akkurate waarneming nie.
Mr Semenya SC: Chair, I see it is 11
o'clock.

Chairperson:
Since we started late, I
thought we'd carry on till quarter past 11 but if you have
a particular reason for asking for an adjournment at this
stage I'll give it to you.

Mr Semenya SC: I might just use the 15
minutes to finish.

Chairperson:
Yes, I would prefer that

actually, but before you move on to your next question, in

basies twee stelsels in gebruik in die Suid-Afrikaanse
Polesiendien, die een is analoog en die ander is 'n
digitale stelsel.

[11:12] U sal dalk verneem dat daar verwys was na Orca
radio's en dit sal hoofsaaklik die analoog radio's wees,
met ses eenhede wat toegekend is om in gesprek
tee met mense wat sit met, gewapen nie. Hulle het gevra dat
die boodskap moet oorgedra word, dat daar pertinente
strukture gevestig is vir onderhandeling en dat as mense
soo terugkeer na hulle werkstasies dan kan dit die proses
net vergemaklik, maar hulle het ook aangedui as daar 'n
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sodanige onderhandeling gefasiliteer word. Basies, dat dit
'n abnormale situasie is om in sulke omstandighede te gaan
probeer onderhandel.

Mr Mahlangu: Basically the situation

Chairperson:
An abnormal situation for
negotiation, that's what the witness said, I think.

Mr Mahlangu: For negotiations, yes, that
is so. The situation that existed then was basically
abnormal for negotiation.

Generaal-Major Annandale:
 Dit was ook
gemeld die Woensdagaaand, Voorsitter, toe ons bespreek het,
waar daar vinnig verwys was na die induksie program. So,
Voorsitter, daar was 'n 'n geleentheid. Daar was 'n ander
uitweg vir die groep om dan ook te kan sien daar is 'n
proses wat gevolg kan word in onderhandeling.

Mr Semenya SC: General, then Mr
Hendrickx says against paragraph 28.7 that the radio
communications were problematic and specifically mentions
that some of the radio equipment appeared not to be
compatible. What is the evidence in relation to the radio
operations that were there?

Generaal-Major Annandale:
Voorsitter,
ok wil nie te tegnies raak nie want ek is nie tegnies
angelaë nie, maar ek het dit so probeer verduidelik van my
perspektief as 'n gebruiker van die polisie radio stelsel
en ek weet ook dat daar dokumente aangevra is en ek weet
nie of dit 'n bewysstuk is nie, maar ek weet dit is
aangevra in terme van verduideliking te gee. Maar daar is

Page 8486
Page 8488
Page 8487
Page 8489
25th April 2013       Marikana Commission of Inquiry       Rustenburg

In 'n analoogsisteem het hy twee persone wat kan praat, maar een op 'n slag. So as ek die radio se knoppie druk, kan die res net luister. Tetra het egter die voordeel dat hy kan praatgroep vorm, so hy kan byvoorbeeld 'n groepie van openbare orde lede, kan ondermekaar praat sonder dat die res van die mense dit sou hoor, maar hulle kan ook uit praat met die res en ook moniteer. Voorsitter, jy kan selfs net een persoon, kan hy amper soos jy op die telefoon kan jy die persoon, amper wil ek sê skakel. So dan as ek daardie persoon se praatgroep of sy kodes of sy-

MR MAHLANGU: If, for instance, I know that person's talk code or his code name -

MAJOR-GENERAL ANNANDALE: Not code name, Chairperson, net sy kode om te goeg te kry tot hom.

CHAIRPERSON: That's his code to contact him -

MR MAHLANGU: - his code to get to that person.

GENERaal-MAJoor ANNANDALE: Dan kan net twee persone ook met mekaar praat oor die radio, amper soos 'n telefoongesprek, sonder dat enigiemand anders die gesprek sou hoor. En dan is daar ook 'n voordeel van 'n -

MR MAHLANGU: s.o.e.

21 Major-General, u is nog steeds onder eed.

22 Hendrickx says in paragraph 28.7, the one we've just been

23 occupied by other radio traffic." Then in paragraph 81, which is on page 19, Mr De Rover says this. "At the timing

24 of scene 1," I'm not sure his English is accurate, but

25 never mind, we know what he means. "At the timing of scene

1 I and immediately thereafter the problems with the analogue radio network conspired to prevent the overall commander to stay abreast of developments and to call halts to police operations in a bid to regroup and reassess." And then he goes on to say, "It virtually goes without saying that SAPS doctrine and experience in crowd management to take such a decision," and in B2 he says, "In the absence of a countermanding order the implementation of the operation at scene 2 went ahead, with the on-scene commander unaware of the incidents that had just produced," I think he means "just been produced, at scene 1."

2 Now it's against that background that Colonel Hendrickx says in paragraph 28.7, the one we've just been looking at, at the foot of page 18 of exhibit GGG2, he says this, a passage that was already read, "Apparently the radio communications were problematic. Some of the radio equipment appeared to be non-compatible," that you dealt with. That's the Orca-Tetra problem. "There is no written evidence of a planned radio communications network," and this is the sentence I want to read you particularly for your comment, "As is common international practice, there should have been two radio networks, one for information/intelligence management, and another, an operational network coordinating the units in the field. This operation required an inflow of information to the CJOC on a communications system separate from that
25th April 2013

Marikana Commission of Inquiry
Rustenburg

Page 8494

1 dedicated to coordinate deployments, movements, and interventions of the units in the field." What comment do you have to make in regard to those passages that I read to you?

5 GENERAAL-MAJ OOR ANNANDALE: Voorsitter,
6 ek moet onderskei tussen die probleme ervaar en die limitasies, die beperkings op die radiostelsel.
7 MR JOHNSON: Come again.
8 CHAIRPERSON: It’s to distinguish between the problems encountered and the limitations on the radio system.
9 GENERAAL-MAJ OOR ANNANDALE: Dis reg. Die probleme was ons oortuig het ons uitgesorteer toe ons die voertuig geïnstalleerde. Ons het die stelsel laat beplanning dat ons nooit voorsien het dat so ‘n situasie waarin die halflede beskikbaar was. Ek wil net verwys na paragraaf 28.7 van Kolonel Hendrickx se verklaring wat hy verwys na twee kanale wat aan ons toegestaan was, en twee kanale was beskikbaar gestel aan ons wat beskikbaar was. Ek wil net verwys na paragraaf 28.7 van Kolonel Hendrickx se verklaring wat hy verwys na twee radionetwerke. Voorsitter, ons het nie twee radionetwerke wat in die hele land beskikbaar is nie.
10 MR JOHNSON: We have two network radios in the whole land –
11 CHAIRPERSON: I think he says we haven’t. Page 8495

Page 8496

1 The point is that you haven’t got two networks available in the whole country. Is that what you say?
3 GENERAAL-MAJ OOR ANNANDALE: Ons het een of die ander, Voorsitter, so dis of die Tetra, of die analoog, maar dis nie Tetra en analoog regdeur die land nie. Die twee kanale wat aan ons toegestaan was, het ons dan gebruik, die een vir die operasionele kanaal, en die ander een het gedien as rugsteun.
4 MR JOHNSON: And the other one was used?
5 CHAIRPERSON: Support backup, I should imagine.
6 MAJOR-GENERAL ANNANDALE: Ja, backup.
7 Voorsitter, dis die beste wat ek kan verduidelik, goed net. Ek sien totaal en al wat die leemtes is in terme van ons wat behoorlike tegnologie nodig het.
8 CHAIRPERSON: One of the major points made by Mr De Rover was because of the way the system was occupied by other radio traffic.
9 GENERAAL-MAJ OOR ANNANDALE: Ja.
10 CHAIRPERSON: Is that right?
11 GENERAAL-MAJ OOR ANNANDALE: Dis reg.
12 Voorsitter. Ek kan dit net verduidelik in terme van ons beplanning dat ons nooit voorsien het dat so ‘n situasie.
25th April 2013 Marikana Commission of Inquiry Rustenburg

We wouldn’t have to wait for gaps, as it were, in the general conversations that were going on, on the one channel. That’s why he should have his own separate dedicated channel. The point is now, you didn’t have that.

So I mean that’s clear from what you told us, but point is that what Colonel Hendrickx says, that that was a departure from what he describes as common international practice.

What do you say about that?

GENERAL-MAJOR ANNANDALE: Voorsitter, dit is verskrik de ideale situasie, en as ons groot gebeurtenisse het –

MR JOHNSON: If there was big happenings –

CHAIRPERSON: No, what he says is that’s the ideal situation and if we had big, I think big events, or big occurrences, then –

GENERAL-MAJOR ANNANDALE: - wat vooraf beplan word en waar die infrastruktuur beskikbaar is, dan werk ons presies op daai beginsel. [12:17] CHAIRPERSON: The trouble is that’s not an answer to the point. The point is he says that this was common international practice. You say, we didn’t have that system available. Is it correct that that – I understand it’s ideal, but the question is, is it common international practice and, if so, did we deviate from it?

Move forward. Is that what you’re saying?

GENERAL-MAJOR ANNANDALE: Dis absoluut reg. So die punt wat ek wil illustreer, dit sou pertinente opdragte geeuws het. Die mense was toegelig en het geweet wat van hulle verwag word. So dis opdrag van die operasionele bevelvoerder na die volgende bevelvoerder vir sy betrokke verantwoordelikheid, en dan die volgende vlak weer die bevelvoerder weer na die res van sy mense. So dit sou ‘n geordende radiokommunikasie proses geeuws het.

MR JOHNSON: It was going to be an order radio communication process.

CHAIRPERSON: It’s “ordered,” I think. Major-General, the problem is that Colonel Hendrickx says that it’s common international practice that there should be two networks, one of them being for information and intelligence management, and the other an operational network coordinating units in the field, and he then goes on to say – I’ve read this before – “This operation required an inflow of information to the CJOC on a communication system separate from that dedicated to coordinate deployment movements, interventions of units in the field.” It sounds as if there should have been a dedicated channel available only to the CJOC so that the CJOC could immediately either received information directly for him, and send out instructions directly from him, and

We wouldn’t have to wait for gaps, as it were, in the general conversations that were going on, on the one channel. That’s why he should have his own separate dedicated channel. The point is now, you didn’t have that.

So I mean that’s clear from what you told us, but point is that what Colonel Hendrickx says, that that was a departure from what he describes as common international practice.

What do you say about that?
25th April 2013 Marikana Commission of Inquiry Rustenburg

25 u sê dat ek 'n syfer gehoor het van R600 miljoen vir een
24 GENERAAL-MAJOOR ANNANDALE: En as ek vir
23 MR JOHNSON: Shocking cost.
22 are frightening.
21 MR JOHNSON: I don't know about the
20 costs, but I've heard some huge costs.
19 CHAIRPERSON: I think he says costs that
18 are frightening.
17 CHAIRPERSON: Yes, well is it necessary
16 to deal with that with this witness?
15 MR SEMENYA SC: That's precisely what I
14 said, that we will not deal -
13 CHAIRPERSON: You will not, I see. It
12 seems I misheard you. I'm pleased that you've corrected,
11 removed this apprehension which caused me some concern.
10 MR SEMENYA SC: General, let's go though
9 to some of the questions raised at various stages of cross-
8 EXAMINATION BY MR SEMENYA SC (CONTD.):
7 sooner rather than later. Would you like to carry on now?
6 GENERAAL-MAJOOR ANNANDALE: I take it you're referring
5 to exhibit FFF24?
4 MR SEMENYA SC: Yes, I'm told it is,
3 Chair.
2 CHAIRPERSON: Yes, well is it necessary
1 to deal with that with this witness?
0 MR SEMENYA SC: That's precisely what I

<table>
<thead>
<tr>
<th>Page 8506</th>
<th>Page 8507</th>
<th>Page 8508</th>
<th>Page 8509</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ek het net seker gemaak dat ek reg verstaan, maar daar bestaan nie enige so 'n beleid of doktrine van geweld nie.</td>
<td>1 polisie optrede en die vestiging van 'n divisie nie.</td>
<td>1 adjourn at this stage until half past 1.</td>
<td>1 General, can we revisit one subject just quickly?</td>
</tr>
<tr>
<td>2</td>
<td>2 Whether there is a division</td>
<td>2 [COMMISSION ADJOURNS COMMISSION RESUMES]</td>
<td>2 Regarding the use of radio, Mr Hendrickx talks about two</td>
</tr>
<tr>
<td>3</td>
<td>3 of the police –</td>
<td>3 [13:41] CHAIRPERSON: The Commission will resume.</td>
<td>3 networks that are an international standard, and there is a</td>
</tr>
<tr>
<td>4</td>
<td>4 Whether there is a line</td>
<td>4 Majoorgeneraal, u is nog steeds onder eed.</td>
<td>4 distinction between a network that has various channels,</td>
</tr>
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<td>5</td>
<td>5 that can be drawn between the re-establishment of ORS and</td>
<td>5 CHARL ANNANDALE: s.o.e.</td>
<td>5 such as a Tetra system. For effective achievement of goals</td>
</tr>
<tr>
<td>6</td>
<td>6 the fatalities as a result of police action.</td>
<td>6 CHAIRPERSON: Mr Semenya?</td>
<td>6 that are articulated by Mr Hendrickx, do you require two</td>
</tr>
<tr>
<td>7</td>
<td>7 CHAIRPERSON: Mr Semenya, how far are you</td>
<td>7 MR SEMENYA SC: Chair, before we</td>
<td>7 networks, or do you require a network which has multiple</td>
</tr>
<tr>
<td>8</td>
<td>8 from the end of the evidence-in-chief?</td>
<td>8 commence, might I record our disquiet at the newspaper</td>
<td>8 channels?</td>
</tr>
<tr>
<td>9</td>
<td>9 MR SEMENYA SC: I am three questions</td>
<td>9 articles suggesting that the witness has given testimony</td>
<td>9 GENERAAL-MAO OR ANNANDALE: Voorsitter,</td>
</tr>
<tr>
<td>10</td>
<td>10 away.</td>
<td>10 contradicting that of General Phiyega.</td>
<td>10 nie twee netwerke nie. Dit sal beteken ons moet 'n</td>
</tr>
<tr>
<td>11</td>
<td>11 CHAIRPERSON: Alright, well we'll take</td>
<td>11 I'm not aware of those</td>
<td>11 duplisering hê van 'n totale radionetwerk, maar eerder een</td>
</tr>
<tr>
<td>12</td>
<td>12 the three questions and then I think we'll take the lunch</td>
<td>12 articles and whether there are contradictions between the</td>
<td>12 stelsel, een radio - so net een stelsel, een netwerkstelsel</td>
</tr>
<tr>
<td>13</td>
<td>13 adjournment, but carry on.</td>
<td>13 evidenced of General Phiyega, National Commissioner Phiyega</td>
<td>12 wat vir ons sal 'n verskeidenheid van kanaalopsies gee.</td>
</tr>
<tr>
<td>14</td>
<td>14 MR SEMENYA SC: You had just completed,</td>
<td>14 and this witness is a matter that can be dealt with in</td>
<td>13 MR SEMENYA SC: General, there is a</td>
</tr>
<tr>
<td>15</td>
<td>15 General, to say that you cannot see how a line can be drawn</td>
<td>15 argument at a later stage. You've put what you want to say</td>
<td>15 document in front of you which is a document dealing with a</td>
</tr>
<tr>
<td>16</td>
<td>16 between the two events.</td>
<td>16 on record and my response is as you've heard. Before you</td>
<td>15 call-up systems for people to attend Potchefstroom.</td>
</tr>
<tr>
<td>17</td>
<td>17 GENERAAL-MAO OR ANNANDALE: Dis absolutu so, Voorsitter. ORS as 'n divisie was al hierso iwerne in</td>
<td>17 GENERAAL-MAO OR ANNANDALE: Ek sien die</td>
<td>16 GENERAAL-MAO OR ANNANDALE: Ek sien die</td>
</tr>
<tr>
<td>18</td>
<td>18 die vroeë 90s, '95 dink ek, het hy al sy oorsprong gehad en</td>
<td>18 dokument. Dit is reg.</td>
<td>18 dossier.</td>
</tr>
<tr>
<td>19</td>
<td>19 daar was naamveranderings geweens daar was op 'n stadium</td>
<td>19 CHAIRPERSON: Mr Semenya, do you want me</td>
<td>19 CHAIRPERSON: Please, Chair.</td>
</tr>
<tr>
<td>20</td>
<td>20 wat hy gegroepeer was en weer gevestig was. Ons is in 1</td>
<td>20 to give this an exhibit number?</td>
<td>20 I think it will be – I take</td>
</tr>
<tr>
<td>21</td>
<td>21 Jandiurie 2011 is ons weer, het ons geskuiw vanaf die</td>
<td>21 MR SEMENYA SC: Please, Chair.</td>
<td>21 my life in my hands now, but I think it will be GGG3. Is</td>
</tr>
<tr>
<td>22</td>
<td>22 divisie Sigbare Polisiering.</td>
<td>22 CHAIRPERSON: I think it will be – I take</td>
<td>22 that right, Ms Pillay?</td>
</tr>
<tr>
<td>23</td>
<td>23 CHAIRPERSON: Mr Semenya, I think this is</td>
<td>23 MS PILLAY: That's correct, Chair.</td>
<td>23 MS PILLAY: That's correct, Chair.</td>
</tr>
<tr>
<td>24</td>
<td>24 going to take longer than we thought. So I think we'll</td>
<td>24 going to take longer than we thought. So I think we'll</td>
<td>24 going to take longer than we thought. So I think we'll</td>
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</table>
25th April 2013

Marikana Commission of Inquiry
Rustenburg

[Excerpts from the transcript]

Page 8510

1. CHAIRPERSON: The exhibit is marked exhibit GGG3.
2. MR SEMENYA SC: Thank you, Chair. The three first pages of that document are various call-up calls by one Major-General Naidoo, dated 25 August 2012.
3. The second one you’ll see is by General Mpembe dated 29 August 2012. The third is the one dated 30 August 2012 by General Mbombo, all of which have attachments to them, which are an attendance register. Is that how the members were called and were those attendance registers completed, as we see?

Page 8511

1. annexure is not here, as far as I can see. What we do have are the attendance lists, but presumably the ones listed in the annexure are the ones listed in the two preceding documents, so the fact that we haven’t got the annexure doesn’t take it any further.
2. GENERAAL-MAJOR ANNANDALE: Voorsitter, dit is korrek. Die eerste een, die eerste drie bladsye sal u merk dat die oproepinstruksie was vanaf 27 Augustus tot 31 Augustus. Die tweede een was, wat deur Generaal Mpembe getekens is, is net gedateer vir die 30ste Augustus.

Page 8512

1. similarities, or attempts at drawing similarities between the Sharpeville incident and the Marikana incident. What’s your comment there?
2. GENERAAL-MAJOR ANNANDALE: Voorsitter, Sharpeville was voor die demokrasie in ons land, voor ‘94. Die protesaksie in Sharpeville was gemik gewees teen die regering van die dag. Marikana het sy ontstaan gehad as ‘n arbeidsgeskil. Tydens Sharpeville was daar slegs skerp-punt ammunisie gebruik en dit was gebruik om mense uiteen te dryf. Marikana het ons geen skerp-punt ammunisie gebruik in die uiteendryf van ‘n skare nie.
3. MR SEMENYA SC: General, what is the South African Police Service presently doing flowing from the Marikana incident, in its attempt at making sure that there is no recurrence? What were the lessons learned there?
4. GENERAAL-MAJOR ANNANDALE: Voorsitter, daar is ‘n aantal. Die een is ons het gesien hoe ontoereikend ons radiokommunikasiestelsel is. Daar is reeds ‘n proses aan die gang al vir ‘n aantal jare om te kyk na ‘n geskikte stelsel. Voorsitter, ons video-opnames het ons reeds voor die insident by Marikana al plaasgevind, het, ons al reeds begin met ‘n proses waar ons begin het met die eindverbruiker se behoefte te behoefte van termie van ‘n videostel, of ‘n videokamera. Voorsitter, dit was ‘n
Mr. Budlender, I think it’s not a difficult for me. So that?

MR MAHLANGU: Thank you, Sir.


MR MAHLANGU: Thank you, Mr Chairperson.

GENERALE-MAJOR ANNANDALE: Voorsitter, ons het reeds besoek van, ook van Justisie, en dan ook ons Korporatiewe Kommunikasie, van Termiese hantering en aspekte van die kamera, maar ook van ons Forensiese Afdeling in terme van die aanwending en die korrekte gebruik van hierdie kameras.

MR MAHLANGU: Thank you, Sir.

GENERALE-MAJOR ANNANDALE: Voorsitter, ons het reeds besoek van, ook van Justisie, en dan ook ons Korporatiewe Kommunikasie. U sal ook merk dat daar is ‘n konsep dokument wat ons reeds begin het om te gaan kyk hoe gaan ons die prosessering, of die hantering van hierdie video’s nadat die opnames gemaak is, sodat die hele proses van om dit te aktiveer, in kort die hele proses met die hantering vandat dit geneem is totdat dit dan terughandig is sodat ons ‘n behoorlike proses kon volg. Waarna ons ook kyk is die hardeskywe en die oorhoofse projekters sodat die eenhede die geleentheid het om hulle nabetragting te doen. Dit behels ondersyds dat ons sal nabetragting te doen.

MR MAHLANGU: Chairperson, this is a bit difficult for me. So that?

MAJOR-GENERAL ANNANDALE: So that the repeat that maybe.

GENERALE-MAJOR ANNANDALE: Met die insette van, ook van J justisie, en dan ook ons Korporatiewe Kommunikasie, Corporate Communication. U sal ook merk dat daar is ‘n konsep dokument wat ons reeds begin het om te gaan kyk hoe gaan ons die prosessering, of die hantering van hierdie video’s nadat die opnames gemaak is, sodat die hele proses van om dit te aktiveer, in kort die hele proses met die hantering vandat dit geneem is totdat dit dan terughandig is sodat ons ‘n behoorlike proses kon volg. Waarna ons ook kyk is die hardeskywe en die oorhoofse projekters sodat die eenhede die geleentheid het om hulle nabetragting te doen.

MR MAHLANGU: Thank you, Mr Chairperson.

GENERALE-MAJOR ANNANDALE: Voorsitter, ons het reeds besoek van, ook van Justisie, en dan ook ons Korporatiewe Kommunikasie, van Termiese hantering en aspekte van die kamera, maar ook van ons Forensiese Afdeling in terme van die aanwending en die korrekte gebruik van hierdie kameras.

MR MAHLANGU: Thank you, Sir.

GENERALE-MAJOR ANNANDALE: Voorsitter, en dan is ons besig wat ons wil kyk dat die eenhede dit kan oplaai by, op eenheidsvlak, die videogemtaal en dat hulle dit kan deurstuur na die verantwoordelike kantoor by hoofkantoor wat verantwoordelik is vir openbare orde. Dit kan deurstuur na die verantwoordelike kantoor by hoofkantoor wat verantwoordelik is vir openbare orde. Dit kan deurstuur na die verantwoordelike kantoor by hoofkantoor wat verantwoordelik is vir openbare orde.

MR SEMENYA SC: General, yes we understand there will be some improvements in relation to the videos, the cameras, the overheads, to deal with public order management environments. We will also –

GENERALE-MAJOR ANNANDALE: Voorsitter, verskoning, ek aanvaar ek is besig om te veel detail te gee.

CHAIRPERSON: – going to stop you, but I thought to be fair, you were probably responding to the comments I made earlier and you probably felt it important to put those on record. So that’s why I refrained from interrupting you. Don’t assume that that license will apply to everything else you say –

GENERALE-MAJOR ANNANDALE: Voorsitter, daar is ongelukkig nie ‘n kortpad om die lesse wat ons geleer het te verduidelik nie, so inderdaad -

MR SEMENYA SC: There is budget provision, as you told us, in relation to these matters.

Is there anything else contemplated in relation to additional POP member recruitment and training?

GENERALE-MAJOR ANNANDALE: Voorsitter, ek wens ek kan hierdie net in ‘n kort antwoord – maar ek gaan probeer. Ons het ‘n uitvoerende komitee gevestig en daar is verskeie aspekte wat hulle na moet kyk, onder andere dit wat vermeld is. Dit behels enersyds dat ons sal nasionale mobiele Openbare Orde eenhede vestig, national mobile reserve units. Chairperson, I’ve taken note of the National Commissioner’s response that she’s going to take specific remedial actions. I see one of the actions already, that I’ve been demoted.

CHAIRPERSON: That is a bit unfair. We haven’t made a finding against you yet and we may never –

MAJOR-GENERAL ANNANDALE: That’s what I thought. That’s what I thought. Voorsitter, ons het reeds een van hierdie nasionale eenhede het ons gevestig in Pretoria. Ons beoog, en dis alles afhangende van die bestaande kameras wat die eenhede het sal dan addisioneel bestaande kameras wat die eenhede het sal dan addisioneel.
25th April 2013

Marikana Commission of Inquiry
Rustenburg

Page 8518

1 understand you're going to cross-examination on behalf of
2 the evidence leaders.
3 MR BUDLENDER SC: Yes, I am, Chairperson.
4 CHAIRPERSON: Mr Burger?
5 MR BURGER SC: Chair, may I raise
6 something before my learned friend starts?
7 CHAIRPERSON: Yes.
8 MR BURGER SC: If you'll bear with me,
9 and may I address at this stage the scope of the
10 examination being conducted up to now both in the form of
11 evidence-in-chief and in cross-examination. We are now in
12 the seventh month of this Commission since we started. The
13 final report requested by the President had to be filed by
14 the 23rd of January of this year. There was then an
15 extension granted to next month, to May 2013. It's clear
16 to all of us that that date is not going to be achieved.
17 I've heard rumours that August might be a date, but I've
18 made my calculations with reference to the list of generals
19 to come and give evidence, the remaining experts, my own
20 witnesses, other parties' remaining witnesses. I estimate
21 that we'll need another eight months for evidence. That
22 estimation of mine intersects with the estimation of some
23 of the colleagues around the table, although we all agree
24 that's a conservative estimate. That, Chair, will be the
25 end of phase 1. When we do phase 2, we don't know yet. We

Page 8519

1 hear that there are dates being agreed now for the filing
2 of documents, but it seems on my prognosis unlikely that
3 phase 2 will see the light of day anywhere before some time
4 in 2014. There are distortions caused by this delay.
5 We have heard the evidence now by the General
6 about the remedial action being implemented by SAPS. I'd
7 like to have a debate with him on that in due course. It's
8 the first time I hear of that in the Commission. Up to now
9 my recollection of the evidence is that the SAPS was
10 awaiting the outcome of this Commission. They were
11 awaiting the recommendations and they wouldn't
12 prognosticate on what might come out, on what their
13 mistakes were, on who will take responsibility, if anyone,
14 and we have that limbo section, and I must submit that
15 present and recent events in the SAPS suggest that they
16 might well need some guidance onto procedures.
17 As to the nature of this process, as I understand
18 the law, this is an inquisitorial process, not an
19 adversarial process. This is your process, Chair. You run
20 it. You allow cross-examination only to the extent that
21 the cross-examination assists you in coming to a speedy and
22 an informed decision. This is not the forum to probe
23 potential civil claims. It is not the forum to settle
24 scores between warring factions. It's not the forum for
25 grandstanding and sensation, and I submit - and I speak to

Page 8520

1 myself and to my colleagues - that the way in which we have
2 thus far led the evidence and did the cross-examination is
3 unfair to all of us. It is unfair to the public of this
4 country because they would like to know what happened, and
5 this week in one of the leading newspapers in this country
6 there was an editorial posing the following question, which
7 really typifies what happens in the public debate.
8 Business Day on the 23rd, and in an editorial said, "Until
9 the Commission concludes its probe, the working assumption
10 is that no-one knows what happened at Marikana, including
11 whether or not police killed 34 of the strikers. That was
12 not an intended consequence when the Commission was
13 appointed." That's unfair on the fiscus, the length we
14 take, and it's unfair on the public. Secondly, it's unfair
15 to the families of those people killed and injured. It
16 prolongs their pain; they don't know what had happened on
17 that fateful day and in a recent affidavit filed on behalf
18 of, for SERI, it seems that their funding is being
19 threatened now. I read from the affidavit of Mr Mosikili
20 filed week in the contents of going to Pretoria, where he
21 says, "I point out in particular that a number of donors
22 have suggested that they are unwilling to contribute
23 funding to the Commission if there's no sense of when the
24 Commission's hearings will come to a conclusion. I have
25 been unable to honestly advise donors when the Commission

Page 8521

1 will conclude its work, as the Commission's period of
2 operations keeps extending. At this stage it seems that
3 the Commission will not conclude its hearing before the end
4 of the year."
5 It's unfair to the police, the time we take.
6 Where did they go wrong? They get accused in the
7 marketplace of all sorts of things. There was last night
8 on BBC a programme, it was a film shown by a previous
9 minister in the labour government, and in that film he
10 says, "There is a report to the extent that filming at
11 Marikana," says Mr Peter Hain, "I was told by lawyers
12 representing the families of the dead miners that the
13 massacre was pre-planned." Now that's the story out in the
14 international community. It's unfair to SAPS if we cannot
15 come to a conclusion and have a finding whether there's any
16 substance in that serious accusation. It's unfair to my
17 client, to Lonmin. We would like to know whether we should
18 address our debate with our unions differently, whether
19 there should be central bargaining in the platinum
20 industry, or whether collective bargaining is to be
21 preferred, but that's phase 2. Do we really have to wait
22 to 2014 to commence that debate? And it's unfair in a
23 phase 1 context. We were appointed as one of - I was
24 appointed as one of five lawyers so that we have
25 continuity, we could represent our client up to the 23rd of
<table>
<thead>
<tr>
<th>Page 8522</th>
<th>Page 8523</th>
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<tr>
<td>1 January. Well, I’ve lost most of my colleagues. Our diary</td>
<td>1 I’m sorry to interrupt you</td>
<td>1 there, just to say that</td>
<td>1 - to make the points to be made, but thereafter, Sir, that</td>
</tr>
<tr>
<td>2 simply can’t accommodate another year of this. We don’t</td>
<td>2 know that anyone has</td>
<td>2 allowing same points to be repeated ad nauseam with</td>
<td>2 whoever is not the lead cross-examiner, will be limited to</td>
</tr>
<tr>
<td>3 know till when we have to book. We don’t know whether we</td>
<td>3 no intention of</td>
<td>3 numerous witnesses. If the evidence on a particular point</td>
<td>3 I’ve suggested in the past 30 minutes, that’s for you to</td>
</tr>
<tr>
<td>4 are going to have a break in June or not. We don’t know</td>
<td>4 allowing same points to be repeated ad nauseam with</td>
<td>4 is being given – take for example the plan, the alleged</td>
<td>4 direct us, but for a limited incision. We have seen in</td>
</tr>
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<td>5 whether we go to August or December, and I don’t blame it,</td>
<td>5诸多 point to be repeated ad nauseam with</td>
<td>5 merits or demerits of the plan – and answers are given to</td>
<td>5 this inquiry cross-examination covering the same ground,</td>
</tr>
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<td>6 but I really say that is unacceptable from the point of</td>
<td>6 诸多 point to be repeated ad nauseam with</td>
<td>6 the criticism, well, the criticism won’t get stronger by</td>
<td>6 not always as coherently as it should, over and over again.</td>
</tr>
<tr>
<td>7 view of us as colleagues and the way we handle the evidence</td>
<td>6 诸多 point to be repeated ad nauseam with</td>
<td>6 being repeated over and over again; the answers won’t get</td>
<td>6 That is unfair to everybody around the table, and I call</td>
</tr>
<tr>
<td>8 before you, Sir.</td>
<td>7 诸多 point to be repeated ad nauseam with</td>
<td>7 stronger by being repeated over and over again, and I have</td>
<td>7 upon you, we’ve tried to agree, to discuss it, we can do</td>
</tr>
<tr>
<td>9 Let me then conclude to say on the evidence-in-</td>
<td>8 诸多 point to be repeated ad nauseam with</td>
<td>8 no intention – and I want everybody to know that now – I’m</td>
<td>7 that again, but I may well request you respectfully to give</td>
</tr>
<tr>
<td>10 chief we have just seen how the first police general is led</td>
<td>9 诸多 point to be repeated ad nauseam with</td>
<td>9 not going to allow that kind of unnecessary repetition.</td>
<td>8 us a direction on how cross-examination is to go forward.</td>
</tr>
<tr>
<td>11 off a statement which didn’t take more than about a third</td>
<td>10 诸多 point to be repeated ad nauseam with</td>
<td>11 Thank you for the opportunity. I’m sorry that I have to</td>
<td>10 Thank you for the opportunity. I’m sorry that I have to</td>
</tr>
<tr>
<td>12 of the time he told us his story. He was led for nearly</td>
<td>11 诸多 point to be repeated ad nauseam with</td>
<td>11 raise it, but it’s a real concern with me, and I think I</td>
<td>10 raise it, but it’s a real concern with me, and I think I</td>
</tr>
<tr>
<td>13 four days. How long he’s going to be cross-examined, I</td>
<td>12 诸多 point to be repeated ad nauseam with</td>
<td>12 speak for some of my colleagues that it’s a concern of</td>
<td>11 speak for some of my colleagues that it’s a concern of</td>
</tr>
<tr>
<td>14 don’t know. I don’t want to think that far. But what I</td>
<td>13 诸多 point to be repeated ad nauseam with</td>
<td>13 ours.</td>
<td>12 ours.</td>
</tr>
<tr>
<td>15 want to submit is that the time has really come for a</td>
<td>14 诸多 point to be repeated ad nauseam with</td>
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2013  

Marikana Commission of Inquiry  
Rustenburg  

Page 8527

1. MR MSIMANG: Thank you, Mr Chairman. I  
2. must say that one has to answer by shooting from the calve,  
3. because what was said, we're taken completely by surprise.  
4. It was not discussed with us, and you know, these are  
5. issues of concern, we know, of course, because lots of  
6. evidence has been led and in my opinion some of the people  
7. who were called and who were given the platform to stay for  
8. days there were not even at the scene as to exactly what  
9. happened. We have discussed this in the past and we have  
10. said that we should try and curtail the witnesses. That  
11. has not happened. There are people who've got versions, I  
12. mean our clients are directly involved in this. We don't  
13. want to see this matter running for ad infinitum. I mean  
14. we are, we travel with our own money to come and help these  
15. people. We are not paid a dime by the government, by  
16. anyone else, and we suffer lots of prejudice because if we  
17. were to pull out tomorrow, they are there without  
18. assistance. We certainly would want to see this matter  
19. running through. We objected yesterday when a witness who  
20. was part of drawing all these things immediately seems to  
21. turn an expert witness, but that was permitted to go on –  
22. CHAIRPERSON: I think if he was an expert  
23. he can give expert evidence, but I don't mean to interrupt  
24. you unduly, but may I interrupt you by making the  
25. suggestion which I think may address the problem you want  

Page 8528

1. expressing?  
2. MR MSIMANG: I support it wholeheartedly,  
3. Chairperson. I support it wholeheartedly. We would want  
4. to see this matter brought to finality. We are, as I say,  
5. some of us are paying from our pockets to come here every  
6. day and if really I were to suggest certain things,  
7. probably would be even that the people who should be called  
8. really would be the generals and the people who were  
9. involved in the shooting, because these are the people who  
10. were on the ground and tell us what happened on that day.  
11. We keep on getting witnesses and witnesses and we are not  
12. moving an inch. We want to see finality to this matter,  
13. Chairperson. It has cost my clients, it has cost us in  
14. particular a fortune to come and sit here and really, it's  
15. so painful to come and sit here the whole day and you ask  
16. yourself when you get back to the hotel, what has been  
17. achieved today, and you simply say I can't say what, we  
18. have not moved an inch.  
19. The other thing, we also want to know, going  
20. forward, as correctly stated by Mr Burger, if we can tell  
21. at this stage that this Commission is not going to reach  
22. the – June, come June would not even, probably this witness  
23. may still be in the box, judging by the way we go.  
24. CHAIRPERSON: If he's still in the box I  
25. will have failed in my duty; that I can tell you, but carry  

Page 8529

1. on.  
2. MR MSIMANG: But we also would like to  
3. know if, what extension is likely to be granted and if  
4. there are going to be break periods, what break periods,  
5. because some of – we've got other work in our offices that  
6. we have to take through. Thanks, Mr Chairperson.  
7. CHAIRPERSON: I can tell you we've  
8. already entered into negotiation with the President's  
9. office in regard to an extension. I can't tell you what  
10. extension they'll give us, but we have made strong  
11. representations to them. From their side concerns have  
12. been raised along the lines of those that we've heard  
13. today, so we've got to find a way of dealing with those  
14. concerns, bringing the Commission to a conclusion sooner  
15. rather than later, but on the other hand not in any way  
16. affecting the quality of the findings that are ultimately  
17. made. But may I suggest that you have the meeting that I  
18. suggested and then report back. You can report back to me  
19. and then we can deal with the matter, if necessary, in open  
20. Commission, otherwise we could have a meeting in chambers.  
21. In regard to the recess that has been requested,  
22. or the recess that's been requested, obviously once we've  
23. heard from the Presidency what their stance is in relation  
24. to the request we made to them, we will then be able to fix  
25. a time when the Commission will not be sitting, to address
25 April 2013
Marikana Commission of Inquiry
Rustenburg

25th April 2013 Marikana Commission of Inquiry Rustenburg

25 be serious for a moment, I think we may well have reached a
24 whose names could be mentioned, but won't be. But also to
23 the impression that was created. There are other people
22           CHAIRPERSON:          I don't think that that was
21           MR SEMENYA SC:          Chair, might I dispel any
20 soon. Mr Semenya?
19 we haven't seen that from all of the parties thus far.
18 the greater good we will give some ground. Unfortunately
17 the greater good we will give some ground. Unfortunately
16 most like to do but in the greater good, in the interest of
15 attitude which says well, this might not be what I would
14 effort to do better and it will require people to take an
13 so we all have to do better and that will require a team
12 else must do better but me; that will take us nowhere, and
11 psychological stage - that's why I'm glad Mr Burger said
10 perhaps had their meeting we can discuss it further. I'd
9 I'll give Mr Bizos a moment - to attend a meeting with the
8 on the basis that you all promise, undertake solemnly to -
7 I don't want the impression to be
6 against repetition.
5 examination to take and put limitations on me and everyone
4 a few minutes to tell you about it, and allow the cross-
3           As you know, Chair, we have made a number of
2 able to give any evidence. As you know, Chair, we have made a number of
1 able to give any evidence and has never purported to be

Page 8530

Page 8531

Page 8532

Page 8533
25th April 2013

Marikana Commission of Inquiry

Rustenburg

25 GENERAAL-MAJOOR ANNANDALE:        Ek aanvaar 24 points.
24 questions are not aimed at tripping you up or at scoring
23 or that I want to question whether they're correct, my
22 and I certainly, and I don't think any such criticism will
21 that I disagree with some of the things that you suggest,
20 between us that while you will not be surprised to learn
19 before this Commission?
18 coordinating the preparation and presentation of the police
case before this Commission?
17 case before this Commission?
16 coordinating the preparation and presentation of the police
case before this Commission?
15 in understanding that you played a central role in
14           MR BUDLENDER SC:          General, am I correct
13 voortgaan, Meneer.
12 ek was een 'n hele span wat betrokke was.
11 MR BUDLENDER SC:          I understand that.
10 the ground; that by way of preliminary.  Then unless you
9 raise those questions with the police officers who were on
8 because you were in the JOC, not on the ground.  We'll
7 detail of what happened on the 16th of August
6 explanation, I'm not going to ask you questions about the
detail of what happened on the 16th of August
5 you to answer that.  I'm explaining myself.  Also by way of
4 want to avoid a repetition on this tragedy.  I don't expect
3 identifying what should be done or should not be done if we
2 They are aimed at
1 dit so, Voorsitter.

25 MR BUDLENDER SC:          Dit is so, Voorsitter.
24 Voorsitter.
23 and it was entailed in any way in the prescripts that the police
22 directed at them, even if objects are thrown at them.
21 maintain tolerance even if hostile words and insults are
20 prescripts that the police are instructed that they must
19 And we know from the
18 we had an unfortunate situation in the beginning
17 of this witness's evidence - and I'm not criticising Mr
16 of the CV of the witness, that can be produced in writing,
can be handed up, the witness can confirm it's correct, and
possibly a short little summary can be given lasting a
couple of minutes, of the broad outline, but I don't
propose ever to allow anybody to give a detailed curriculum
vitae unless that procedure is followed. Having said that,
we will close off this discussion for the moment. I hope
to receive speedy feedback on the meeting that's been
agreed to. Mr Budlender, would you like to cross-examine
the witness once what I've just said has been interpreted?
[14:41] CROSS-EXAMINATION BY MR BUDLENDER SC:
7 Thank you, Chair. General Annandale, I'm sure you'll agree
that what happened at Marikana on the 16th of August last
year was a tragedy for the people affected directly, and
for the police service, and for our country?
6 beide dokumente onder oë gehad, dit is korrek.
5 in fact yourself said this, that the first goal of the
4 of them before they were presented to the Commission?
3 L are concerned, am I correct in assuming that you saw both
2 police opening statement and the SAPS presentation exhibit
1           MR BUDLENDER SC:          And as far as the
11 Dit is korrek, Voorsitter.
10 resolve the conflict and avoid confrontation.
9 SAPS, particularly in public order situations, is to
to in one of the prescripts as the highest degree of
tolerance.
8 in fact yourself said this, that the first goal of the
7 MR BUDLENDER SC:          I think you've
6 beide dokumente onder oë gehad, dit is korrek.
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4 of them before they were presented to the Commission?
3 L are concerned, am I correct in assuming that you saw both
2 police opening statement and the SAPS presentation exhibit
1           MR BUDLENDER SC:          And as far as the
25th April 2013

Marikana Commission of Inquiry
Rustenburg

Page 8538

specifically to Marikana, it was in that spirit of
tolerance that the police service tried to find a
resolution of the dispute.

GENERAL-MAJOR ANNANDALE: Met sodanige
benadering, ja, om wet en orde te handhaaf.

MR BUDLENDER SC: And we know that the
rock drill operators wanted to speak to management, and
this was their repeated demand from the 10th of August.

GENERAL-MAJOR ANNANDALE: Ja, ek weet nie.

Voorsitter, of die groepe onderhandelaars en
bevelelement by name Brigadier Calitz oorgedra dat hulle
verskil is nie met die polisie nie maar met die mynbestuur.

MR BUDLENDER SC: I understand. It was
the failure to achieve that interaction with management
which raised the temperature of the dispute.

GENERAL-MAJOR ANNANDALE: Voorsitter,
dit was oorgedra aan Generaal Mpembe dink ek alreeds op die
13de en dit was ook aan die polisie onderhandelaars en
die polisie onderhandelaars en
bevelelement by name Brigadier Calitz oorgedra dat hulle
verskil – as ek nou net kan min of meer dit saamvat – hulle
verskil nie met die polisie nie maar met die mynbestuur.

MR BUDLENDER SC: Thank you, General.

That’s just the point I was going to make, yes. Now slide
L133 says that the police strategy is to enter into
negotiations. Look at the last bullet there, General.

Page 8539

GENERAL-MAJOR ANNANDALE: Ja, dit is
reg. Ek neem dit so waar en dit is so.

MR BUDLENDER SC: The aim was to try to
resolve the matter without going to what is called in
police language a tactical resolution.

GENERAL-MAJOR ANNANDALE: As ons los
daarna verwys, ja.

MR BUDLENDER SC: Now if one was going to
reach some agreement, one needs to understand what the
different parties wanted in this situation. Clearly as
it’s a negotiation, you need to know what each of the
parties want.

GENERAL-MAJOR ANNANDALE: Ja,
agtergrond moet jy sekerlik van bewus wees, maar dit was
nie ons intensie om op arbeids-verwante aspekte in elk
geval te onderhandel nie.

MR BUDLENDER SC: I understand that and I
want to just identify briefly what each of the parties was
wanting out of the situation. Firstly the police, what the
police wanted, the South African Police Service wanted, was
very clear; that the strikers should lay down their weapons
and leave the koppie.

GENERAL-MAJOR ANNANDALE: Een van die
aspekte, ja.

MR BUDLENDER SC: What Lonmin wanted was
Page 8540

clear; they wanted the strikers to leave the koppie and go
back to work.

GENERAL-MAJOR ANNANDALE: Ek hoor wat u
sê.

MR BUDLENDER SC: And what the strikers
wanted was they wanted Lonmin to negotiate with them and to
increase their wages.

GENERAL-MAJOR ANNANDALE: Ek neem
kennis.

MR BUDLENDER SC: Now I’m sure you’ll
agree, General, from your experience that usually
successful negotiation involves some give and take by the
different parties.

GENERAL-MAJOR ANNANDALE: Dit is so,
Voorsitter.

MR BUDLENDER SC: Lonmin’s proposal was
that the workers should go back to work and they would then
talk to them through the union which had bargaining rights,
NUM.

GENERAL-MAJOR ANNANDALE: Een van die
aspekte wat ek so verstaan het, ja.

MR BUDLENDER SC: And it seems to me that
that was really the core problem which Colonel McIntosh
had, because all he could propose was that the – or I’m
sorry, the problem that Colonel McIntosh had was that he

Page 8541

had nothing to offer the strikers. All he could propose
was in effect that they should capitulate. They should
surrender their weapons, end the strike, go back to work,
and negotiate through NUM.

GENERAL-MAJOR ANNANDALE: Ja, dit is
seker iets wat hy gehad het om hulle te offer.

MR BUDLENDER SC: Well, yes, but that was
always open to them. He wasn’t able to offer them anything
more than they already had.

GENERAL-MAJOR ANNANDALE: Ek dink van
die polisie kant af, van sy kant af het hy dit net
bevestig. Daar is ‘n kanaal, daar was ‘n bereidwilligheid
van die werkgewer om te sit en dit te bespreek, wanneer die
werkgewer nie in ‘n abnormale situasie wil onderhandel met
so ‘n groot groep swaar gewapende individue nie, en
McIntosh het hierdie probeer oorkry dat lié die wapens neer,
synde dat daar ‘n konstruktiewe geleentheid is om te
onderhandel, om te praat, om hierdie verskille uit die weg
te ruim.

MR BUDLENDER SC: Did management say that
they were willing to negotiate with representatives of the
strikers, chosen by the strikers themselves?

GENERAL-MAJOR ANNANDALE: Daar is
oorgedra dat die bestuur nie na die koppie toe gaan nie,
dat daar unies is wat behoorlik verteenwoordig is, en dat
25th April 2013 Marikana Commission of Inquiry Rustenburg

Page 8542

1 sou daar 'n groepie wees wat deur hulle unie bereid is om te onderhandel, dan is hulle ontvanklik daarmee.  
2 MR BUDLENDER SC:     General, you yourself  
3 said in your evidence that Lonmin indicated that they can't enter into negotiations with AMCU because there's already a two-year agreement signed.  
4 GENERAAL-MAJOR ANNANDALE:     Op salaris onderhandeling, ja.  
5 en toe daar 'n verhoging was nie, so ek het nie bedrag sou kry.  
6 ek is bewus dat daar 'n ooreenkoms was dat hulle 'n sekere bedrag sou kry.  
7 ek is bewus van ontmoetings.  
8 ek is bewus van ontmoetings nie.  
9 ek is bewus van ontmoetings nie.  
10 ek is bewus van ontmoetings nie.  
11 ek is bewus van ontmoetings.  
12 ek is bewus van ontmoetings nie.  
13 ek is bewus van ontmoetings nie.  
14 ek is bewus van ontmoetings nie.  
15 ek is bewus van ontmoetings nie.  
16 ek is bewus van ontmoetings nie.  
17 ek is bewus van ontmoetings nie.  
18 ek is bewus van ontmoetings nie.  
19 ek is bewus van ontmoetings nie.  
20 ek is bewus van ontmoetings nie.  
21 ek is bewus van ontmoetings nie.  
22 ek is bewus van ontmoetings nie.  
23 ek is bewus van ontmoetings nie.  
24 ek is bewus van ontmoetings nie.  
25 ek is bewus van ontmoetings nie.  

Page 8543

1 now 3 o'clock. I wonder whether you wouldn't like to direct the attention of the Major-General to the passage in the opening statement that's relevant to your questions that you're going to ask, and he can perhaps look at it while he's having a cup of tea and then we can reassemble after that and you can carry on.  
2 MR BUDLENDER SC:     I'd be happy to do that, Chair. General, do you have the statement? Could you go to page 8, the foot of the page, the very last sentence, you see there's a sentence starting "Senior officers."  
3 [15:01]   MAJOR-GENERAL ANNANDALE:     Yes.  
4 MR BUDLENDER SC:     I just want to read that to you. It says, "Senior officers also made efforts to get Lonmin management to address workers, but management's constant refrain was that it was not prepared to negotiate outside collective bargaining structures." Is that your understanding of what the position was?  
5 GENERAAL-MAJOR ANNANDALE:     Dit is reg.  
6 Ek het geantwoord van my perspektief in die gesamentlike operasionele sentrum in terme van die terugvoer, in terme van die samesprekings wat Generaal Mpembe gehad het was dit so oorgedra.  
7 MR BUDLENDER SC:     Thank you, Chair.  
8 CHAIRPERSON:     We'll take the tea  

Page 8544

1 involved in debates about how much mineworkers are or should be paid.  
2 GENERAAL-MAJOR ANNANDALE:     Dit is reg so, Voorsitter.  
3 MR BUDLENDER SC:     But with the benefit of hindsight – and I stress, with the benefit of hindsight – would it not have been a good thing if the South African Police Service had said the following to Lonmin, "Look here, you've previously spoken to representatives of the rock drill operators about the amounts of money they are paid. Why don't you speak to representatives of this group, if necessary through a trusted mediator with experience of labour matters?"  
4 MR BURGER SC:     I object to that question, Chair. That's a matter for argument. What this witness thinks should have been done by the police at that point is quite irrelevant. It doesn't bind you. That's a matter for argument. Mr Da Costa will give evidence; he's filed a full statement on the negotiations at the time, and in my submission this debate goes nowhere with this witness.  
5 MR BUDLENDER SC:     With respect, no. The purpose of this Commission is to try to avoid a repetition of what happened at Marikana. This is a very experienced policeman who now with the benefit of hindsight can look back and say what could have been done differently and what
25th April 2013
Marikana Commission of Inquiry
Rustenburg

Page 8546
1 might the outcome have been. He can only express an opinion. He can't express a judgment. That's for the Commission, but his opinion must be helpful to the Commission in making, forming its own judgment.

5 MR BURGER SC: Chair, this is a very experienced policeman who has disavowed any expertise in labour relations, in negotiations between a mine and its workers, and his view on that will be irrelevant and will not assist you.

10 CHAIRPERSON: I'll allow the question.

11 It seems to me that the question is what should the police have done in order to restore law and order, and this is a possible approach which could have been – I'll allow the question, but I think inherent in what Mr Burger is saying is this is not a matter to be gone into in much depth with the witness.

17 GENERAAL-MAJOR ANNANDALE: Voorsitter, wat ons nou weet met nabetragting en gegewe die en van die uitkoms, sal van die polisie kant af sal ons waarskynlik 'n ekstra poging aanwend, sonder om die kwotasie wat aangehaal is deur Adv Budlender noodwendig die strekking van die woorde sodanig te gebruik, Voorsitter, en alhoewel ons totaal respek te keer dat daar 'n arbeidsverwagting, sal, ons versoek gegrond wees op die feit dat dit 'n abnormale situasie is, en ek wil amper sê dat ons ons diskresie moet gebruik om die reëls te buig.

22 GENERAAL-MAJOR ANNANDALE: Dis korrek.

23 MR BUDLENDER SC: Now we know that there was no notice; it's about, as you say, giving notice and convening. Is that correct?

24 GENERAAL-MAJOR ANNANDALE: Dis korrek, maar ons het so nie. En sê dat die uitkom, sal van die polisie kant af sal ons waarskynlik 'n ekstra poging aanwend, sonder om die kwotasie wat aangehaal is deur Adv Budlender noodwendig die strekking van die woorde sodanig te gebruik, Voorsitter, en alhoewel ons totaal respektieer dat daar 'n arbeidsverwagting, sal, ons versoek gegrond wees op die feit dat dit 'n abnormale situasie is, en ek wil amper sê dat ons ons diskresie moet gebruik om die reëls te buig.

Page 8547
1 diskresie moet gebruik om die reëls te buig.

2 CHAIRPERSON: I didn't understand him to say "we should have." It's more a question of should, he's stressing he's speaking from hindsight, more looking to the future as to what should be done rather than what should have been done in the past. I think that's a fair interpretation. Is that correct?

5 MR MAHLANGU: That is correct, that with hindsight that we as the police should, that is now in future.

11 CHAIRPERSON: Alright.

12 GENERAAL-MAJOR ANNANDALE: En sê dat die potensiaal vir lewensverliese sodanig dat ons uit ons pad moet gaan om te kyk of ons nie kan 'n oplossing kry, of 'n voorkomende oplossing kry nie.

16 CHAIRPERSON: Again I'm sorry, but I think the point he's made is a preventative resolution, one which, a resolution –

19 GENERAAL-MAJOR ANNANDALE: Voorkomend –

20 CHAIRPERSON: - which prevents things from happening.

22 GENERAAL-MAJOR ANNANDALE: Laastens wil ek net sê dat ons kan nie gesien word as die polisie dat ons iets gaan afdwing nie, so dit sal, ons sal nog steeds die besluit moet regverdig. Vanaf die polisie het ons 'n

Page 8548
1 eerste verantwoordelikheid om wetgewing te respekteer.

2 MR BUDLENDER SC: Thank you, General, I think that's very fair, if I may make a remark of my own. General, while you mentioned a need to enforce the law, and it might be helpful if we obtained clarity as to the parameters of the law in a situation of gatherings like this. Now I've been through the Regulation of Gatherings Act, which I imagine you know better than I do; it does not require people to obtain permission to attend a gathering.

10 Is that right? It deals with permission for convening gatherings, but not permission for attending a gathering.

12 GENERAAL-MAJOR ANNANDALE: Voorsitter, ek dink die groot verskil is ja, dat dit het 'n verskuiwing van toestemming verkry tot kennis gee van sodanige byeenkoms.

15 MR BUDLENDER SC: That's as I understand it. Of course there is then an offence created if you're ordered to disperse and you don't disperse, but until that order is given the presence at the gathering is not the problem; it's about, as you say, giving notice and convening. Is that correct?

17 GENERAAL-MAJOR ANNANDALE: Dis korrek.

20 MR BUDLENDER SC: Now we know that there were people who were on the koppy who were carrying dangerous weapons and some very dangerous weapons. That of

Page 8549
1 course is also an offence.

2 GENERAAL-MAJOR ANNANDALE: Die dra van gevaarlike wapens, ja, in terme van die Wet op Gevaarlike Wapens.

5 MR BUDLENDER SC: But at all times the people who sat on the koppy without carrying an illegal weapons were not committing any offence.

8 GENERAAL-MAJOR ANNANDALE: Voorsitter, nou moet ek versigtig wees. Ek weet ons open 'n dossier vir ondersoek as daar so 'n byeenkoms is sonder dat dit deur die prosesse gegaan het.

11 MNR MAHLANGU: Daar is nie toestemming verleen?

14 GENERAAL-MAJOR ANNANDALE: Ja, dis nie -

15 MR MAHLANGU: And there was no permission prior granted for it.

17 CHAIRPERSON: I think he said no notice given. That's the whole point; you don't need permission, you've got to give notice.

20 MR MAHLANGU: If I may correct it as that, if there has been no notice given.

22 CHAIRPERSON: Mr Budlender, it's not appropriate to cross-examine the witness on the law. You can I suppose on his understanding of the law. The point you're making, I presume, is that the people on the koppy
25th April 2013
Marikana Commission of Inquiry
Rustenburg

25th question. There was a meeting which you referred to
24 in-chief you stated that at the JOC – or sorry, let me ask
23 MR BUDLENDER SC: Now in your evidence-
22 korrek, Voorsitter.
21 MR BUDLENDER SC: The General's opinion
20 as to the law is no more relevant than my opinion on the
19 law, but I want to see whether we have the same
18 understanding of the law, which is that leaving aside the
17 people who carry illegal weapons, and leaving aside the
16 people who just attend without carrying dangerous weapons
15 are not committing any offence. That's my understanding.
14 Is that also your understanding, General?
13 MR SEMENYA SC: Chair, of course the
debate shouldn't be about law, but the provisions of such
[inaudible] are quite different. They created various
11 penalties for this, but over and above that we know there
10 had been an indictment for the miners not to enter into an
9 unprotected strike.
8 CHAIRPERSON: - what we're talking about
7 people being on the kopje. We're not talking about
6 people striking, and we can solve it very easily. The
5 police, were the police at any stage seeking to deal with
4 people for contempt of court who were not complying with
3 the indictment?
2 GENERAAL-MAJOR ANNANDALE: Voorsitter,
1 ek weet nie of daar so 'n ondersoek aan die gang was nie.
2 Ek kan nie -
1 MR BUDLENDER SC: Chair, I'll move on.
3 General, the next topic I want to discuss is the plan. Now
2 we know that by the evening of Wednesday, 15 August, the
1 plan had already been prepared.
4 GENERAAL-MAJOR ANNANDALE: Kan ek net
3 vir u vra of u verwys na die plan gedateer die 13de
2 Augustus wat sê “contingency plan,” of na Operasie
1 Platinum?
12 MR BUDLENDER SC: I'm sorry, I'm
11 referring to the version of Operation Platinum which I
10 think was prepared on the 14th of August.
9 GENERAAL-MAJOR ANNANDALE: Dis reg, dis
8 die operasionalisering wat begin het op die 14de in lyn met
7 die beginsels van die Operasie Platinum.
6 MR BUDLENDER SC: And I'm stating the
5 obvious, but just to lay the platform, that you had seen it
4 and General Mpembe, who was the overall commander, had seen
3 it.
2 GENERAAL-MAJOR ANNANDALE: Dit is
1 korrek, Voorsitter.
23 MR BUDLENDER SC: Now in your evidence-
22 korrek, Voorsitter.
21 MR BUDLENDER SC: The General's opinion
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4 people for contempt of court who were not complying with
3 the indictment?
2 GENERAAL-MAJOR ANNANDALE: Voorsitter,
1 ek weet nie of daar so 'n ondersoek aan die gang was nie.
2 Ek kan nie -
1 MR BUDLENDER SC: Chair, I'll move on.
3 General, the next topic I want to discuss is the plan. Now
2 we know that by the evening of Wednesday, 15 August, the
1 plan had already been prepared.
4 GENERAAL-MAJOR ANNANDALE: Kan ek net
3 vir u vra of u verwys na die plan gedateer die 13de
2 Augustus wat sê “contingency plan,” of na Operasie
1 Platinum?
12 MR BUDLENDER SC: I'm sorry, I'm
11 referring to the version of Operation Platinum which I
10 think was prepared on the 14th of August.
9 GENERAAL-MAJOR ANNANDALE: Dis reg, dis
8 die operasionalisering wat begin het op die 14de in lyn met
7 die beginsels van die Operasie Platinum.
6 MR BUDLENDER SC: And I'm stating the
5 obvious, but just to lay the platform, that you had seen it
4 and General Mpembe, who was the overall commander, had seen
3 it.
2 GENERAAL-MAJOR ANNANDALE: Dit is
1 korrek, Voorsitter.
25th April 2013
Marikana Commission of Inquiry
Rustenburg

25 in my verklaring verwys nie na “stage 3,” fase 3 nie. Moes daar weegsien word as korrek. Die draad ontplooi nie. Die aggressiewe aksies was ook nie die luuksheid van tyd om dit te doen nie, maar die punt wat Adv Budlender na verwys is dat dit ‘n redelijke weergawe is.

MR BUDLENDER SC: And I’ll read it, what happened at that JOCOM meeting?

GENERAL-MAJOR ANNANDALE: Voorsitter, ek dink ek kan sommer nuur antwoord, die korrektheid van die notule, dat geeneen van die vergaderings wat ons gehou het was gedoen in terme van vergaderings-prosedure soos wat die res van ons dit ken nie. So dit sou beteken dat daar ‘n vooraf-opgestelde agenda is, dat notules van ‘n vorige vergadering sou voorgehou word, en dat daar korreksies uitgewys sou word, regstellingen gedoen word en dan dit as sulks aanvaar word as ‘n korrekte weergawe nie. Daar was maar die punt wat Adv Budlender na verwys is dat dit ‘n eenvoudig net nie die luuksheid van tyd om dit te doen nie, maar die punt wat Adv Budlender na verwys is dat dit ‘n redelijke weergawe is.

MR BUDLENDER SC: That you accept, that it was a reasonable version. Is that what you’re saying?

MAJOR-GENERAL ANNANDALE: That part, ja.

MR BUDLENDER SC: And can I refer you to your statement, which is exhibit GGG1 at page 7. At the top of the page you say, if one goes to the previous page one sees that this is in the context of the JOCOM meeting at 6 o’clock on the 16th, and you say at the top of the page, “It was agreed that a contingency must be in place if the call to lay down arms fails and that the South African Police Service will again deploy a visible monitoring force with an addition of standby POP Nyalas with barbed wire trailers position to deploy in case of aggressive actions from protesters.” You see that?

GENERAL-MAJOR ANNANDALE: Ek sien dit, Voorstetter.

MR BUDLENDER SC: And that’s really consistent with what’s in that minutes which we’ve just looked at, where it refers to deployment, stage 3 implemented if the situation escalates.

GENERAL-MAJOR ANNANDALE: Die paragraaf in my verklaring verwys nie na “stage 3,” fase 3 nie, nee.
25th April 2013

Marikana Commission of Inquiry

Rustenburg

Page 4
25th April 2013

Marikana Commission of Inquiry
Rustenburg

Page 5
25th April 2013
Marikana Commission of Inquiry
Rustenburg
Page 10

25th April 2013

Marikana Commission of Inquiry

Rustenburg

output 8495:17,25
outside 8543:17
overall 8493:1 8551:19
overheads 8515:17
overnight 8553:11,17
owerheid 8473:24
8474:2 8477:3
œ 8477:16 8537:6
o'clock 8543:1 8552:24
8555:11
o'clock 8486:17

pace 8530:18 8532:20
paid 8547:13
page 8467:9 8470:3
8472:14 8424 8473:24
8479:6 8492:22
8493:13 8510:19
8513:8
8533:9 8555:8,9,9
8555:12

days 8467:7 8510:4
paid 8526:15 8544:16
8542:5,11
pain 8520:16
painless 8528:15
Pappai 8491:11
para 8478:19 8492:9,13
pargraaf 8481:21
8496:19 8555:24
8556:1
paragraph 8470:4
8472:15,21 8474:19
8480:8 8484:19
8488:14 8492:9,11,21
8512:12 8553:23,24
8553:24 8554:10
8556:17

parameters 8548:6
part 8526:20 8544:25
8555:6

particular 8474:18
8481:17 8486:20
8502:17 8506:13
8520:21 8524:4
8528:14 8532:11
particularly 8467:14
8493:19 8537:9

parties 8471:25
8475:11 8518:20
8525:20 8527:2,4,10
8532:22 8533:4,18,19
8533:22 8539:10,12
8539:18 8540:13
party 8530:24 8534:6
pass 8484:1

passage 8492:12,12,13
8492:20 8493:14
8543:2

passages 8494:3
patroloering 8475:7
patrollies 8476:1
Patroling 8475:20
patrols 8476:5
paying 8528:5
penalties 8550:16
25th April 2013

Rustenburg

Marikana Commission of Inquiry

Page 11

Tel: 011 440 3647 Fax: 011 440 9119
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4 8470:4 8472:15
8517:10
400 8482:17

5 8492:13 8538:11

6 8510:22 8552:24
8555:11
6de 8511:8
600 8517:8
63 8492:9,11,13

7 8555:8
750 8482:22

8 8543:9
81 8492:9,12,21
82 8493:6
83 8489:17
85 8489:17

9 8466:11 8482:1
8523:24
9:30 8508:20 8557:10
8557:11
90s 8507:19
94 8512:5
95 8507:19