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 17 21 NOVEMBER 2012 PAGES 1824 TO 1876

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE

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21st November 2012

MARIKANA COMMISSION OF INQUIRY

RUSTENBURG

[PROCEEDINGS ON 21 NOVEMBER 2012]

[09:46]

CHAIRPERSON: The Commission resumes.

I'm told that the air conditioning is in the process of being attended to, and may come to our assistance at some stage. I can only express the hope that that will be soon.

MR CHASKALSON: Mr Chairperson, before we start off on the new videos for the day, if I might first withdraw a retraction that I made yesterday and replace it with a new retraction? The retraction to be withdrawn relates to Exhibit X2, and you may recall that I had initially said that the time of that exhibit was 10:10 and then upon hearing Mr Botha's voice over, I said in fact it's 10:08. Mr Botha's voice over is describing the date, not the time, 11/08/2012, and he proceeds to say it is approximately ten minutes past, so it is in fact 10:10, Exhibit X2.

The retraction which I must make, which is of a much more important nature, relates to Exhibit X1, which is the aerial footage taken from fixed camera 218, which I described yesterday of footage of a small crowd of protestors marching down to the NUM offices, in advance of the incident of that day.

NUM has informed us that there will be evidence to show that this crowd was not a crowd of protestors marching to the NUM offices; it was in fact a group of NUM members marching back from having engaged with the other, so for present purposes I would merely place on record that we should regard Exhibit 1, until shown otherwise by evidence, as merely reflecting a group marching near - back in the direction of, or in the direction of NUM offices. We're not suggesting that it is NUM or protestors.

Then if we might start with the videos, and before we show the videos, we're going to show two overhead aerial photographs which will serve to orientate members and legal representatives in relation to the fixed camera footage from Lonmin.

We've asked for the lights to be switched off and they - if we can move then to the first aerial photograph? This is an aerial photograph of the two fixed cameras of Lonmin from which footage was taken of the events at scene 1 and not of scene 2. It explains why there wasn't footage of scene 2 from those cameras. The point of convergence to the furthest right of that picture is Mr Wessley, I wonder if you could point that out with the mouse again. That is the position of camera 241.

Then the next camera is what is referred to as the Flir – F-L-I-R, and Mr Wessley if you can point out that position? Koppie 1 is the area of the map that's highlighted in green. Scene 2 is to the left, as we look at it. And if I can stop at this point to point out that the line of sight of both cameras to scene 2 is obscured in respect of the Flir camera by the power station, that's the large red circle. And in respect of the camera 241, there is a part of Rowland Shaft building structure is in the way there. That's the small red circle.

If we can move then to the next aerial photograph? This is an aerial photograph of the two fixed cameras of Lonmin from which footage was taken of the events at scene 1 and not of scene 2. It explains why there wasn't footage of scene 2 from those cameras. The point of convergence to the furthest right of that picture is Mr Wessley, I wonder if you could point that out with the mouse again. That is the position of camera 241.

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MR CHASKALSON: Certainly, Mr Chair, they are on the Lonmin hard drive, \Photos\2012-08-11-NUM AMCU Clash\NUM AMCU Clash-11-08-2012.jpg. And also on the Lonmin hard drive \Photos\2012-08-16-SAPS Engagement\SAPS Engagement 16-08-2012. Sorry, the filename is in fact SAPS Engagement 16-08-2012 edited with lines.jpg.

The last aerial – before we get to the videos, there is one last aerial photograph which is useful for orientation. It is an aerial photograph taken by Colonel Vermaak, which is on the SAPS hard drive in the directory \Photos\Thursday 16\Lieutenant-Colonel Vermaak 16th, and the file is IMGP4544.jpg. That is an aerial photograph taken shortly after scene 1. The small kraal is being pointed out by Mr Wessley. To right, as we look at it, there is a small hut, which we will be pointing out on the videos, and behind the hut are some rocks. Camera 241, which is the camera in respect of which we will use this photograph for orientation purposes, is on a line so that the rocks appear almost immediately to the right of the hut. Mr Wessley can you draw a line in the direction of camera 241, thank you.

If we can move to our first shots from camera 241, and these are on the hard drive at \Videos\2012-08-16, when I say the hard drive, it's the SAPS hard drive - \16-08-2012 Camera 241.

We will be showing a clip that's taken from the running time on the CCTV. We know that, that time is not accurate, but it's accurate to within about 15 minutes, but it shouldn't be viewed as precise time. It will run – the whole clip runs to 10:54:50. We will pick up the first two minutes 23 seconds, which show the SAPS deployment on the day, and we'll then move through the clip to use it as a source of orientation at a time when there weren't events taking place around small kraal and certain features are visible which are much less visible at a later stage when we really want to be looking at the small kraal.

I have a sign from upstairs that they're having technical difficulties. We can do the orientation, this video, a little later. If we can move then to the next video which is a video of the arrival of Mr Mathunjwa at scene 1 at approximately midday.

[10:06] It is a video taken by Warrant Officer Ndlovu and it is to be found on the Lonmin hard drive at \Videos\SAPS\SAPSrecordings\2012-08-16\046.MTS. A later generation copy of the same file is in fact on the SAPS hard drive at \Videos\2012-08-16\CIB's\00024.MTS. We use the version on the Lonmin hard drive because it seems closer to an original copy and its correct timestamp. This video shows the arrival of Mr Mathunjwa, it also shows the crowd at approximately 12 o'clock.

If we can move then to the next video which is shortly after this point, it is a short clip of negotiations between Mr Mathunjwa and the SAPS concerning his arrangements for his address to the mineworkers and its address is again on the Lonmin hard drive \Videos\SAPS\SAPSrecordings\2010-08-16\047.MTS. Again we are using the Lonmin hard drive copy because it is closer to the original. The SAPS is a later generation copy without a correct timestamp, it is to be found on the SAPS hard drive, \Videos\2012-08-16\CIB\00025.MTS. This is the video from which slide 162 of the SAPS' presentation was taken, although that's not a video, it's a still. If we can then play the video.

[VIDEO SHOWN]

The next clip that we would include as an annexure is in fact Mr Mathunjwa's speech but that has already been played and it is 30 minutes long, we don't propose to replay it but we would give its address and its details and make one observation about its location inside the SAPS' presentation. The address is Lonmin hard drive \Videos-SAPS\SAPSrecordings\2010-08-16\048.MTS. It is a video taken by Warrant Officer Ndlovu and it starts at . The video is the video to which there was a hyperlink at slide 169 of the SAPS' presentation, 169. This video is going to be come Exhibits CC7, that will be CC7. The point that we would make about this exhibit in relation to the SAPS' presentation is that it is in fact wrongly positioned in the SAPS' presentation because the slides that are slides 163, 164, 165, 166 and 167 in the SAPS' presentation and 168. So 163 to 168 which is the protestor speaking are slides that actually in real life took place after Mr Mathunjwa's speech, not before Mr Mathunjwa's speech.

So although Mr Mathunjwa's speech is slide 169 in the presentation chronologically it should appear before slide 163. This is clear both from the timestamp on Warrant Officer Ndlovu's form of the speech and also from a timestamp on Warrant Officer Masenya's simultaneous form of the start of the speech, which is a two second clip which we will show now.

[VIDEO SHOWN]

The timestamp on that clip which is the entire clip is 12:27. As Annexure CC9 we would include the videos that have already been shown in the SAPS' presentation of protestors 1 to 6, and if I might give the directory addresses for each of those clips, it is the Lonmin hard
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1 drive \ videosrecordings\2012-08-16\00014.MTS for protestor
2 1 which was slide 163, 00014 for protestor 1 which was
3 slide 163, 00015 for protestor 2 which was slide 164, 00016
4 for protestor 3 which was slide 165, 00018 for protestor
5 14, slide 169, 00019 for protestor 5 which is slide 167,
6 00020 for protestor 6 which is slide 168.
7 The next clips that we would like to show have, I
8 am afraid, we made the same error that SAPS made in terms
9 of chronologies, we would like to show some clips or we
10 will now show some clips of the reaction of the crowd
11 during Mr Mathunjwa's speech. So chronologically these
12 clips are taking place while Mr Mathunjwa is speaking
13 before the protestors are speaking. They are to be found
14 at \ video recordings, on the Lonmin hard drive, \2012-08-16
15 and they start at Quadruple 09.MTS which is at 12:30:26 and
16 it is [inaudible] by Warrant Officer Masenya. This will be
17 Annexure CC, it is 0008, CC10, and if I can ask that we
18 just roll through 10, 11 and 12 which are all shots of the
19 reaction of the crowd and Mr Mathunjwa between 12:28:38
20 which is when 10 starts and 12:32:46, which is when 12
21 starts.
22 [VIDEO SHOWN]
23 MR MAHLANGU: Mr Mathunjwa is greeting,
24 he says, I greet you and how during the day, I am
25 Mathunjwa, the son of, he mentions his father.

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1 [VIDEO SHOWN]
2 I want to humble myself before you, coming to
3 talk to you about the problem that we are facing, the
4 problem of capitalism and then he says, power.
5 [VIDEO SHOWN]
6 The crowd reacts by also shouting, power is ours.
7 [VIDEO SHOWN]
8 We are facing problems, we are facing serious
9 problems.
10 [VIDEO SHOWN]
11 It was stopped before the sentence was actually
12 complete. We are saying the problem we are facing is that
13 the economy of South Africa is –
14 MR CHASKALSON: Yes, if I might explain
15 why there are these interruptions, the whole of Mr
16 Mathunjwa's speech was being from Warrant Officer Ndlovu,
17 at the same time Warrant Officer Masenya was just taking
18 clips of the crowd. So these clips are not designed to
19 capture the speech.
20 [VIDEO SHOWN]
21 MR MAHLANGU: There is quite a bit that
22 has been skipped, the film, he ended up where he was
23 saying, he was talking about the economy of South Africa
24 being something and it wasn’t clear.
25 [VIDEO SHOWN]

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1 The different nations have been selling us, they
2 have been selling us out, their children are able to go to
3 universities.
4 [VIDEO SHOWN]
5 They go to universities and come back to be in
6 charge of our children, this is because we working at the
7 mines here are still being paid in the region of 2 000 –
8 [VIDEO SHOWN]
9 2 500, power and then the crowd says, power is
10 ours.
11 [VIDEO SHOWN]
12 Some of us have even forgotten how long ago it
13 was that we voted, but the economy in the mines is still ... 
14 [10:26] MR CHASKALSON: There will be an
15 interruption before this clip.
16 [VIDEO SHOWN]
17 MR MAHLANGU: We arrived here yesterday
18 and spoke to you.
19 [VIDEO SHOWN]
20 You sent us to go to the employer.
21 [VIDEO SHOWN]
22 We mentioned to the employer, what is it that you
23 people wanted?
24 [VIDEO SHOWN]
25 The employer also mentioned what it is that he

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1 expected from the employees, from the workers.
2 [VIDEO SHOWN]
3 Comrades, there were different leaders present
4 yesterday.
5 [VIDEO SHOWN]
6 I wouldn't go much deep into that because I know
7 what your conclusion was.
8 [VIDEO SHOWN]
9 And that is the reason we have today, these
10 leaders that you see here before you.
11 [VIDEO SHOWN]
12 Again, Comrade, we came this morning as you had
13 sent us to go and talk to the employer.
14 [VIDEO SHOWN]
15 We arrived as we were supposed to talk to the
16 employer at eight o’clock, we as AMCU arrived.
17 [VIDEO SHOWN]
18 But we only managed to meet the employer there
19 after 11.
20 [VIDEO SHOWN]
21 We realised why it was so, it is because,
22 Comrades, the bigger unions which are well known, were not
23 there at the time.
24 [VIDEO SHOWN]
25 The reason we were taken for granted by the
employer was that the bigger unions which are well known were not there, they are not visible anymore.

We are not taken seriously because it is said we are a small union that knows nothing, power.

And the crowd then repeat after him, power is ours and then he says -

But what we know is that we are Africans who are entitled to certain rights and that our children –

- so that we should have homes and support our children.

- so that we can support our children, so that our children could go to schools in order that they come back and be in charge of this Africa. Power is ours.

As we've said yesterday, Comrades, that the place where we now are has been declared by the government as a security zone.

MR CHASKALSON: That is the last clip Warrant Officer Masenya took of the crowd during Mr Mathunjwa's speech. From the sequence of clips it appears he went off to film a protest of women at that point. The next annexures that will become CC13 through to 17 are the clips of the protestors 1 to 5, which have already been shown, I've given the addresses and their corresponding numbers in the SAPS' presentation, I don't propose to repeat them now, but I would like to repeat the speech of protestor 6 because we have crowd reaction to protestor 6, which is significant and that will become CC18. It is a speech that is made at 11 minutes past 1, filmed by Warrant Officer Masenya and it is at Lonmin hard drive videorecordings\2010-08-16\00020.MTS. It is the slide 168 in the SAPS' presentation, and if we can play that video again, it is only 30 seconds of repeated showing, but it gets important to contextualise the crowd's response. It is a speech that is made at 11 minutes past 1, filmed by Warrant Officer Masenya and it is at Lonmin hard drive videorecordings\2010-08-16\00020.MTS. It is the slide 168 in the SAPS' presentation, and if we can play that video again, it is only 30 seconds of repeated showing, but it gets important to contextualise the crowd's response.

MR MAHLANGU: That was not very clear, if it could be repeated again?

MR MAHLANGU: That wasn't very clear, if it could be repeated again?

MR CHASKALSON: Mr Chairperson, that clip is time stamped 1:11:24pm. It is a 35 second clip, and 24 seconds. It runs for 35 seconds. The next clip is time stamped 1:13 and 6 seconds. It is a clip of the crowd also taken by Warrant Officer Masenya.

MR MAHLANGU: There is a possibility, there was a cut off, if it could be replayed, Mr Chairperson?

MR MAHLANGU: There is a possibility, there was a cut off, if it could be replayed, Mr Chairperson?

MR MAHLANGU: That wasn't very clear, if it could be repeated again?

MR CHASKALSON: Let them go immediately, if a policeman has been fetched from over there at our homes, at the homelands to come here –

He is going to remain here and will not get into that hippo.

We will finish them up here, let them leave here.

Then there is laughter from the gathering.

MR CHASKALSON: Mr Chairperson, that clip is time stamped 1:11:24pm. It is a 35 second clip, and 24 seconds. It runs for 35 seconds. The next clip is time stamped 1:13 and 6 seconds. It is a clip of the crowd also taken by Warrant Officer Masenya.

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MR CHASKALSON: Let them go immediately, if a policeman has been fetched from over there at our homes, at the homelands to come here –

He is going to remain here and will not get into that hippo.

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Then there is laughter from the gathering.

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MR MAHLANGU: That wasn't very clear, if it could be repeated again?
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<th>Page 1842</th>
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</thead>
<tbody>
<tr>
<td>1 [VIDEO SHOWN]</td>
<td>1 CHAIRPERSON:</td>
<td>1 the adjournment at 11 o'clock, can this clip be</td>
</tr>
<tr>
<td>2 There is some singing there and the song is not</td>
<td>2 conveniently interrupted in the middle or is it best to</td>
<td>2 take the adjournment now and then take it as one unit</td>
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<tr>
<td>3 very clear.</td>
<td>3 take the adjournment now and then take it as one unit</td>
<td>4 without interruption?</td>
</tr>
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<td>4 MR CHASKALSON:</td>
<td>4 CHAIRPERSON:</td>
<td>5 MR CHASKALSON:</td>
</tr>
<tr>
<td>5 The next two annexures we</td>
<td>5 It may be more convenient</td>
<td>5 It may be more convenient</td>
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<tr>
<td>6 would like to leave open at the moment as CC20 and CC21,</td>
<td>6 to take the adjournment now and rather run on longer after</td>
<td>7 to take the adjournment now and rather run on longer after</td>
</tr>
<tr>
<td>7 these will be in due course water cannon videos which have</td>
<td>8 the tea break.</td>
<td>8 the tea break.</td>
</tr>
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<td>8 emerged later in the day, but we're not yet ready to show</td>
<td>9 CHAIRPERSON:</td>
<td>10 [COMMISSION ADJOURNS COMMISSION RESUMES]</td>
</tr>
<tr>
<td>9 them because we're making further inquiries about further</td>
<td>9 Very well, the commission</td>
<td>11 [11:16] CHAIRPERSON:</td>
</tr>
<tr>
<td>10 footage, so CC20 will be left open for the northwest water</td>
<td>10 will adjourn for the tea break.</td>
<td>11 The commission resumes. Mr</td>
</tr>
<tr>
<td>11 cannon and CC21 will be left open for the Johannesburg</td>
<td>11 Chaskalson, once the lights have been turned out so that we</td>
<td>12 Chaskalson, once the lights have been turned out so that we</td>
</tr>
<tr>
<td>12 POP's water cannon. The next video is the aerial video</td>
<td>12 can see clearly, then we can carry on.</td>
<td>13 can see clearly, then we can carry on.</td>
</tr>
<tr>
<td>13 that was taken and it appears on the SAPS hard drive under</td>
<td>13 MR CHASKALSON:</td>
<td>14 MR CHASKALSON:</td>
</tr>
<tr>
<td>14 the file name Lonmin Chopper MP4 in the directory</td>
<td>14 Mr Chairperson, in</td>
<td>15 Mr Chairperson, in</td>
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<tr>
<td>15 \videos\2012-08-16. The name is something of a misnomer</td>
<td>15 relation to the time of this video, I said it was</td>
<td>16 relation to the time of this video, I said it was</td>
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<tr>
<td>16 because in fact the helicopter was not Lonmin's helicopter,</td>
<td>16 approximately 4:03, there are two different ways of timing</td>
<td>17 16 approximately 4:03, there are two different ways of timing</td>
</tr>
<tr>
<td>17 it was the helicopter of Coin Security. This video was</td>
<td>17 the commencement of this video. The file on which it is</td>
<td>18 the commencement of this video. The file on which it is</td>
</tr>
<tr>
<td>18 taken by Mr De Waal, the chief operating officer of Coin</td>
<td>18 contained is time stamped 4:41:12 for the end of the video</td>
<td>19 contained is time stamped 4:41:12 for the end of the video</td>
</tr>
<tr>
<td>19 Security. We have a statement from Mr De Waal who confirms</td>
<td>19 and the video is 38 minutes 34 seconds, which, if you</td>
<td>20 and the video is 38 minutes 34 seconds, which, if you</td>
</tr>
<tr>
<td>20 that Major-General Mpembe and Brigadier Tewane were on</td>
<td>20 subtract 38 minutes 34 seconds from 4:41:12 one is left</td>
<td>21 subtract 38 minutes 34 seconds from 4:41:12 one is left</td>
</tr>
<tr>
<td>21 board in the helicopter with him. The video we have</td>
<td>21 with 4:02:28. So according to the clock of the video</td>
<td>22 with 4:02:28. So according to the clock of the video</td>
</tr>
<tr>
<td>22 estimated to commence at 16:03 –</td>
<td>22 camera that took the video it started at 4:02:28. There is</td>
<td>23 camera that took the video it started at 4:02:28. There is</td>
</tr>
<tr>
<td>23 CHAIRPERSON:</td>
<td>23 however a passage of the radio communications on this video</td>
<td>24 however a passage of the radio communications on this video</td>
</tr>
<tr>
<td>23 I am sorry, Mr Chaskalson,</td>
<td>24 which one can match to radio communications on the first</td>
<td>25 which one can match to radio communications on the first</td>
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<tr>
<td>24 do we know what the call sign of that helicopter was, that</td>
<td>24 video of Captain Ryland's and if one takes the time of</td>
<td>25 video of Captain Ryland's and if one takes the time of</td>
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<td>25 may be helpful in relation to entries in the occurrence</td>
<td>25 video of Captain Ryland's and if one takes the time of</td>
<td>26 video of Captain Ryland's and if one takes the time of</td>
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<td>26 book and other documents?</td>
<td>26 video of Captain Ryland's and if one takes the time of</td>
<td>27 video of Captain Ryland's and if one takes the time of</td>
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<tr>
<th>Page 1843</th>
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<tbody>
<tr>
<td>1 MR CHASKALSON:</td>
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<td>2 Mr Chairperson, it didn’t</td>
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<td>3 have a call sign, it wasn’t part, it wasn’t a formal part</td>
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<td>4 of the operation. As we understand that Coin were</td>
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<td>5 requested at a late stage to take Major-General Mpembe up n</td>
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<td>6 the helicopter, above all of the other helicopters, to</td>
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<tr>
<td>7 observe the operation.</td>
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<td>8 CHAIRPERSON:</td>
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<td>9 Okay.</td>
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<td>10 MR CHASKALSON:</td>
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<tr>
<td>11 The helicopter is very high in the air, so the images are</td>
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<td>12 unfortunately it starts after the end of scene 1. The</td>
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<td>13 other value of this helicopter is that one of the police</td>
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<td>14 officers’ radios was placed next to the video camera, so</td>
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<td>15 one hears a great deal of the police radio communications</td>
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<td>16 through this video and it may be useful to go, to allow the</td>
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<td>17 interpreter to interpret as we go along, because certainly</td>
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<td>18 for the first 20 minutes or so of this video one hears the</td>
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<td>19 police radio communications. This clip runs for 38</td>
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<td>20 minutes.</td>
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<td>21 CHAIRPERSON:</td>
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<td>22 Mr Chaskalson, how long is</td>
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<td>23 this clip?</td>
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<tr>
<td>24 MR CHASKALSON: This clip runs for 38</td>
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<tr>
<td>25 minutes.</td>
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<tr>
<td>26 CHAIRPERSON:</td>
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<tr>
<td>27 Oh, I was supposed to take</td>
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</table>
Chairperson: If counsel wants the section that you're omitting now to be seen at a later stage it can be asked for but I suggest we proceed as you're asking.

Mr Chaskalson: And if we can take it to 4:20 and then stop a still there so that we can re-orient ourselves?

[VIDEO SHOWN]

And it looks like my attempts to save time, wasted time.

[VIDEO SHOWN]

This is the point at which the radio communications start becoming intelligible and I wonder if we can have those translated as they come across?

[VIDEO SHOWN]

We've been instructed that the direction from above is the voice of Colonel Vermaak, that Colonel Vermaak was issuing these directions.

[VIDEO SHOWN]

If we can just orient ourselves on this picture, Mr Wesley, I am hoping you can help us in this regard, can you point out scene 2? Can you point out the line of retreating protestors from the koppie 2 to scene 2?

There is a line of retreating protestors, this expires in front scene 2, this is scene 2, there is a line of protestors retreating to just at this stage in front of where the fires have been lit.

Mr Chaskalson: At a later stage on the video we'll see one of the water cannons come through to disburse that line. If we can continue? Is it possible, you point out scene 2? Can you point out the line of retreating protestors from the koppie 2 to scene 2?

There is a line of retreating protestors, this expires in front scene 2, this is scene 2, there is a line of protestors retreating to just at this stage in front of where the fires have been lit.

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Mr Chaskalson: And if we can take it to 4:20 and then stop a still there so that we can re-orient ourselves?

[VIDEO SHOWN]

And it looks like my attempts to save time, wasted time.

[VIDEO SHOWN]

This is the point at which the radio communications start becoming intelligible and I wonder if we can have those translated as they come across?

[VIDEO SHOWN]

We've been instructed that the direction from above is the voice of Colonel Vermaak, that Colonel Vermaak was issuing these directions.

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If we can just orient ourselves on this picture, Mr Wesley, I am hoping you can help us in this regard, can you point out scene 2? Can you point out the line of retreating protestors from the koppie 2 to scene 2?

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Chairperson: Mr Chaskalson, can you perhaps tell us what you think is being said and possibly if there is any disputes about it, someone can listen carefully to the recording and prepare a transcript for us, which hopefully can be agreed by all the parties, because if it is such an important, I must confess I couldn’t understand it very clearly at all, and if it is so important it is necessary, I would imagine, for the - verba as it were to be the subject of agreement.

Mr Chaskalson: The passage is at 7 minutes 10 seconds into the video and I hear no need for, and it is indistinct, but I think it is firearms now, unless the target engage you, no need to shoot while they are running unless the target engages you.

Mr Mahlangu: If that could be repeated, Mr Chairperson?

[VIDEO SHOWN]

It is clear.

[11:36] [VIDEO SHOWN]

Mr Chaskalson: If I might point out, the operation hasn't yet reached scene 2. Mr Wesley, can you just point out that line of protestors again.

[VIDEO SHOWN]

That is scene 1, the small kraal is scene 1.

[VIDEO SHOWN]

The northern edge of scene 2, the koppie at scene 2.

[VIDEO SHOWN]

Mr Wesley, if you can just point out where the water cannon is shooting at the protestors?

[VIDEO SHOWN]

Is it possible to zoom in at that point?
<table>
<thead>
<tr>
<th>Page 1848</th>
<th>Page 1849</th>
<th>Page 1850</th>
<th>Page 1851</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong></td>
<td>helicopter that is capable of directing the proceedings.</td>
<td><strong>1</strong></td>
<td>Sorry, if we could rewind that exchange again?</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>[VIDEO SHOWN]</td>
<td><strong>2</strong></td>
<td>[VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>If we can zoom in a little closer and if we see</td>
<td><strong>3</strong></td>
<td>My note is, okay, water cannons, hold back there,</td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>now the water cannons have split, there is a water cannon</td>
<td><strong>4</strong></td>
<td>guys, get out of the Nyalas, as a protection, as a</td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>that’s starting to fire blue dye from the north end of the</td>
<td><strong>5</strong></td>
<td>protection get out there, get out there, engaged. Those</td>
</tr>
<tr>
<td><strong>6</strong></td>
<td>koppie, and there is one to the south of the koppie that is</td>
<td><strong>6</strong></td>
<td>vehicles of the transports will come next.</td>
</tr>
<tr>
<td><strong>7</strong></td>
<td>being escorted by a Casper. If we can roll abroad?</td>
<td><strong>7</strong></td>
<td>[VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>8</strong></td>
<td>[VIDEO SHOWN]</td>
<td><strong>8</strong></td>
<td>That exchange related to the movement of the</td>
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<tr>
<td><strong>9</strong></td>
<td>If we can go back slightly to the point at which</td>
<td><strong>9</strong></td>
<td>canters with Colonel Vermaak saying, okay, go straight in,</td>
</tr>
<tr>
<td><strong>10</strong></td>
<td>both water cannons are shooting, there will be a blue dye</td>
<td><strong>10</strong></td>
<td>once he was informed that he had canters underneath them.</td>
</tr>
<tr>
<td><strong>11</strong></td>
<td>from the north and white on the south? This is an</td>
<td><strong>11</strong></td>
<td>The canters are soft vehicles which are there for the</td>
</tr>
<tr>
<td><strong>12</strong></td>
<td>important point for synchronising photographic sequences</td>
<td><strong>12</strong></td>
<td>purposes of making arrests.</td>
</tr>
<tr>
<td><strong>13</strong></td>
<td>with videos because there are several sets of photographs</td>
<td><strong>13</strong></td>
<td>[VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>14</strong></td>
<td>which have this image or two, which have this image, which</td>
<td><strong>14</strong></td>
<td>We’re now 14 minutes and 35 seconds into the</td>
</tr>
<tr>
<td><strong>15</strong></td>
<td>can then be matched to the time sequence of this video.</td>
<td><strong>15</strong></td>
<td>running time of this video.</td>
</tr>
<tr>
<td><strong>16</strong></td>
<td>Each set of photographs in each video has its own camera</td>
<td><strong>16</strong></td>
<td>[VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>17</strong></td>
<td>clock, which is not synchronised but this is one way of</td>
<td><strong>17</strong></td>
<td>Mr Chairperson, from this point on the</td>
</tr>
<tr>
<td><strong>18</strong></td>
<td>synchronising them.</td>
<td><strong>18</strong></td>
<td>communications becomes quite indistinct. I wonder if we</td>
</tr>
<tr>
<td><strong>19</strong></td>
<td>[VIDEO SHOWN]</td>
<td><strong>19</strong></td>
<td>can, I have fragmentary notes for the next three minutes,</td>
</tr>
<tr>
<td><strong>20</strong></td>
<td>Again that’s an important piece of communication,</td>
<td><strong>20</strong></td>
<td>but maybe we should play through it anyway, because other</td>
</tr>
<tr>
<td><strong>21</strong></td>
<td>if we can replay it?</td>
<td><strong>21</strong></td>
<td>people may hear things that I don’t.</td>
</tr>
<tr>
<td><strong>22</strong></td>
<td>[VIDEO SHOWN]</td>
<td><strong>22</strong></td>
<td>[VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>23</strong></td>
<td>Again if we can repeat that or I don’t know if</td>
<td><strong>23</strong></td>
<td>[11:56] [VIDEO SHOWN]</td>
</tr>
<tr>
<td><strong>24</strong></td>
<td>everybody heard that? Could I repeat it? Jock chopper, 2</td>
<td><strong>24</strong></td>
<td>This dialogue, which comes 17 minutes and 12</td>
</tr>
<tr>
<td><strong>25</strong></td>
<td>bodies, 2 bodies at the back of the second koppie, 2</td>
<td><strong>25</strong></td>
<td>seconds into the video has on my note, is dialogue that we</td>
</tr>
</tbody>
</table>

### Additional Notes

1. *Sorry, if we could rewind that exchange again?*
2. *My note is, okay, water cannons, hold back there, guys, get out of the Nyalas, as a protection, as a protection get out there, get out there, engaged. Those vehicles of the transports will come next.*
3. *That exchange related to the movement of the canters with Colonel Vermaak saying, okay, go straight in, once he was informed that he had canters underneath them. The canters are soft vehicles which are there for the purposes of making arrests.*
4. *We’re now 14 minutes and 35 seconds into the running time of this video.*
5. *Mr Chairperson, from this point on the communications becomes quite indistinct. I wonder if we can, I have fragmentary notes for the next three minutes, but maybe we should play through it anyway, because other people may hear things that I don’t.*
6. *This dialogue, which comes 17 minutes and 12 seconds into the video has on my note, is dialogue that we can pick up on Colonel Ryland’s cell phone. It’s right at the start of the very first cell phone video of Colonel Ryland’s which on his cell phone clock is at 4:13:18. This line, go to your left, go to your left, two canters, go to your left.*
7. *So Colonel Ryland’s video start for 17 minutes into this video.*
8. *Mr Chairperson, I do not have anything else of value to point out on this video from this point in and there isn’t much radio communication that remains audible. Maybe if we could zoom in and just orient ourselves one last time to see where the operation is at this stage and then move to the next video.*
9. *Yes, I suggest we do.*
10. *If we can start again with the small kraal at scene 1.*
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[VIDEO SHOWN]

We show that clip because it showed in fact two

[VIDEO SHOWN]

Let’s move to the next. There is a shot, one can

[VIDEO SHOWN]

see the movement of the protestors towards scene 2 from

[VIDEO SHOWN]

scene 1, but we can move to the next.

[VIDEO SHOWN]

That is Captain Venter motioning to the TRT line
to the south west of scene 2. Sergeant Venter, I

apologise.

[VIDEO SHOWN]

That video is eight minutes after, between eight

[VIDEO SHOWN]

minutes and, it runs from eight minutes, from 8:11 to 8:52

after take-off, so the instruction to the TRT line from

[VIDEO SHOWN]

Captain Venter was in that time period. If we can run

quickly through the next two videos.

[VIDEO SHOWN]

We are now, by the end of that short clip, we are

now 9½ minutes after take-off. If we can run the next

[VIDEO SHOWN]

video and stop that video 28 seconds in.

[VIDEO SHOWN]

If we scroll a little bit forward we’ll see

[VIDEO SHOWN]

Sergeant Venter has a stun grenade in her right hand. If

[VIDEO SHOWN]

one looks in Sergeant Venter’s right hand

[VIDEO SHOWN]

be stopped at round about 24 seconds in.

[VIDEO SHOWN]

If we can run quickly through the next two sets in

[VIDEO SHOWN]

we stop again around 54 seconds we will be able to orient

ourselves relative to scene 2. So can we roll forward to

45 seconds?

[VIDEO SHOWN]

We show that clip because it showed in fact two
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Rustenburg

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I beg your pardon. If we can go back to that video, and just freeze it early on at the scene at scene 2, and if you can zoom in.

[VIDEO SHOWN]

This scene of scene 2 is approximately 20 minutes after the vehicle took off — after that helicopter took off. Mr Wesley is pointing out the water canon again, two armoured vehicles but I wouldn’t want to commit. Maybe if we can scroll out a little bit to see the arrangement of the police vehicles at this point. The blue dye area that we see is the — is on the northern side of the — of scene 2, so that’s north. Mr Wesley, if you can mark west, that’s where the TRT line would have come up from the south-west under Captain Kidd, I think. If we can then quickly move to the last video which times the landing of that helicopter.

[VIDEO SHOWN]

That shot of the helicopter landing was 45 minutes and 18 seconds after take off. That was the length of the helicopter flight. Mr Chairperson, we are moving now to footage of scene 1, and certainly the first clip that we show is going to be of a distressing nature. It’s now to footage of scene 1, and certainly the first clip which is a video which is on the SAPS hard drive/videos/2012-08-16 16:08 2012 camera 241, and this is footage taken from the camera, camera 241, that was on that aerial photograph that we saw at the start of today. This footage is taken in the morning. The first two minutes of the footage describe the SAPS or depict the SAPS deployment on the day. The clip that we are showing starts at 10:43:55 on the — that’s on the running clock on the CCTV camera which we believe is approximately 15 minutes past. If we can run the first two minutes of this video, and this is the deployment of the SAPS on the morning of the 16th.

[VIDEO SHOWN]

Mr Wesley, for orientation later, if you can point out koppie 1 and little koppie 2 on this shot. That’s the edge of koppie 1, on the left of our screen. Small koppie 2 is what is being pointed out now. If we can then run it through until two minutes 15 seconds. If we can then scroll forward to approximately 7 minutes and 15 seconds into this clip and play one or two seconds further. [VIDEO SHOWN]

Sorry, you missed my call for stop at about three seconds or four seconds ago. Mr Wesley, will you point out what you describe as the rugby poles? Those two poles mark a line from the camera, the line from the camera through those poles is essentially to the entrance of kraal 2, of the small kraal, where scene 1 takes place. If you just mark — then highlight the pole to the left, not the left rugby pole the one to the left of the rugby poles. The line on that pole, takes you to the left hedge of the small kraal which is where Nyala 4 ended up. And if you can circle the whole of the small kraal. And if you can mark the hut to the right of the small kraal, and the rocks to the right of the hut. And if you take a line through those rocks, you will reach an electricity pylon that will be glowing by the time we reach scene 1. Those markers are very helpful as orientation for when we come to see the footage to which we will now move.

[12:36] That footage is from the same camera, it is the footage of scene 1 from that camera, and it will be Annexure CC37, it is to be found on the SAPS hard drive/videos/2012-08-16/16082012romansheadgear. Our clip starts at 16:08:35, 4:08:35 on that running clock, as I said.

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protesters, which is important for marking development in relation to other videos where — which were taken from a further distance.

[CHAIRPERSON:] We’ve issued this warning before, those in the auditorium who are family members of persons who died, at scene 1, may find what is going to be shown on the screen will cause them a great deal of distress, and grief, and therefore, I ask those responsible for showing the videos to wait for a minute to enable those who wish to do so, to leave the auditorium.

[MR CHASKALSON:] Most of the rest of this footage, with some exceptions we are going to be looking at that footage relating to the deaths on the 16th, and it seems to me that any family member on the 16th who would not want to see that footage, should not be watching from this point on.

[VIDEO SHOWN]

If we can just rewind to the start of that video, which is a video which is on the SAPS hard drive/videos 2012-00-16 side view.MP4 which is a view from the eastern side. We will see water canon spray coming through, just at the point at which the shooting starts. That’s the only purpose for which we wanted to show that video. If we can move then to the next video, where we will use the end of water canon spraying as a point to mark when the shooting takes place but before — sorry the next video is the footage from the Roland Headgear of scene 1. I understand that the orientation video that we wanted right at the beginning has now been sorted out, and if we can briefly go to that in advance of Roland Headgear because it’s the same camera but the shots from early in the morning enable us to position ourselves with more accuracy. So if we can go back to what was or what is annexure CC4, which is SAPS hard drive\videos\2012-08-16 16:08 2012 camera 241, and this is footage taken from the camera, camera 241, that was on that aerial photograph that we saw at the start of today. This footage is taken in the morning. The first two minutes of the footage describe the SAPS or depict the SAPS deployment on the day. The clip that we are showing starts at 10:43:55 on the — that’s on the running clock on the CCTV camera which we believe is approximately 15 minutes past. If we can run the first two minutes of this video, and this is the deployment of the SAPS on the morning of the 16th.

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earlier we estimate that that running clock is approximately 15 minutes past.

And, Mr Wesley, if we could stop at this point and if you could mark what we understand to be Nyala 4, and if you can just mark it chain trailer, it is a barbed wire trailer. If we go forward we will see Nyala 3 or what we understand to be Nyala 3 coming up to Nyala 4.

Nyala 4 stops with Nyala 3 behind it and people appear to come out to inspect Nyala 4's barbed wire trailer. Nyala 4 then reverses slightly to close up the gap with Nyala 3.

I would ask people to time the period in which these two Nyalas are static.

Nyala 4 has started to move off now. It had moved slightly forward, it stops again. We've seen approximately 30 seconds that were moved forward properly.

Nyala 4 then reverses slightly to close up the gap with Nyala 3.

Let's scroll the video forward, what we were going to point out was what we understand to be the STF, the equivalent high speed.

The vehicles are moving in the direction of a small crowd.

And the rugby post comes into view again, if we can just freeze?

So we now have our orientation on the small crowd.

That’s the middle of the small crowd and, Mr Wesley, if you can point the left of the small crowd?

If we can scroll forward? [VIDEO SHOWN] That’s the right hand side. [VIDEO SHOWN] That is the first teargas that we see on the spill and this would be approximately 20 seconds to 30 seconds before the shooting takes place.

If I am not qualifying the observation that I just made, we’ve seen a fair amount of dust from vehicles moving at high speed but our view is that this is the first teargas or stun grenade that we see, in our view this is teargas, the stun grenades will follow shortly.

Those are the two stun grenades.

That is the first water cannon spraying that we see in this video as well.

Mr Wesley is pointing out the police line and, Mr Wesley, can you just point again to the entrance to the small crowd?

We understand the shooting to have taken place at the point at which that water cannon spray stop being visible.

And we can now see vehicles moving to the koppie.

If we can then move to the Flir camera and I am hoping that we can get through this clip before the one o'clock break, Mr Chairperson.

CHAIRPERSON: If - it won't be a problem, but we won’t go beyond quarter past one, whatever happens.

MR CHASKALSON: This is the file in the SAPS directory \videos\2012-08-16\16082012, and the file name is 16082012-Flir camera. This, we are informed, is the only footage that was visible from within the Jock, so we show this video for two reasons. The one is to see what it depicts, but the second is to see what it depicts having regard to this is what the command structure in the JOC was able to see on the day.

We started from 15:54:59 on the running clock, and this is what members in the JOC would have seen.

[12:56] If we can stop the tape. Mr Wesley, will you mark the water canon that is moving up from rear area
towards where the engagement will take place. That is at 15:58:16 on the running clock of this video. If we can stop there. This is apparently, we’re informed by the water cannon operators, the operators of the Johannesburg water cannon, if we can indicate that. Inadvertently spraying their colleagues in the North West water cannon. But if we can go forward, the water cannons are going to engage at this point. The point where we’re interested in when the North West water cannon starts shooting. Which is now and which is when we mark the beginning of the water cannon spray that we saw at the shooting. If we can roll it forward. By this stage the shooting is taking place. If we can stop there. That is the Johannesburg water cannon, driving into a tree, we think. It’s a point that can be used to synchronise this video with other videos. If you can just run back two seconds and illustrate. Mr Wesley’s marking the Johannesburg water cannon. Where that collides with something or just brakes sharp, where it is a point that you can pick up on other videos to marry these two. And that is all we would want to show from this video.

**CHAIRPERSON:** Is this an appropriate stage to take the lunch adjournment?

**MR CHASKALSON:** It would be, Mr Chairperson. We are then going to skip to annexure 45 to 49, the file called IMG0356.

**CHAIRPERSON:** The commission will adjourn for lunch.

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**[COMMISSION ADJOURNS COMMISSION RESUMES]**

**[14:09] CHAIRPERSON:** The Commission will resume. I understand that the video, the portion of videos we still have to see or the videos we still have to see, will take something over and hour, is that correct, Mr Chaskalson?

**MR CHASKALSON:** Maybe slightly less than an hour, but not much less than an hour.

**CHAIRPERSON:** Well of course, we’ve got some time now because we were hoping that the air-conditioning would be fixed by the time we start, and we deliberately delayed coming in to ensure that that would happen, and it hasn’t. In the circumstances, what I am suggesting is that when the video material is over, and we’ve seen it, we should then take the adjournment rather than starting a witness and not finishing him. So I am mentioning that now, so those who appreciate having that kind of information in advance have now got it. Mr Chaskalson.

**MR CHASKALSON:** Mr Chairperson, the next set of videos that we will be showing are videos from the cell phone Sergeant Malatsi who was a TRT member who was part of the line coming up from the south-west of scene 2. The first annexure of Sergeant Malatsi, annexure CC39, that in fact is simply footage of a prayer meeting of the TRT before they moved off. We don’t need to show it here but if we can start then with – my apologies, it is – I want to check that I have the correct, it’s in the material that was distributed on the 15th of November, in the directory, I suspect the directory name has changed since it was written here, but the new material from SAPS for distribution 12-11-15\SAPS 2 Marikana videos. It may be that what was distributed was all of the contents of this directory were taken up to a level higher, so \SAPS 2 Marikana videos\Sergeant Norman Malatsi, and the clips that we will be asking to become annexures 39 to 51, are the entire contents of that directors with the exception of the file IMG0354, which is a couple of seconds of video footage of a helicopter in the sky. So, if we could start then showing annexure CC40 and 41 in succession. There is no time stamp on these videos and there is no sound, so all that we have is the visuals. And these are the visuals of the line forming up from the south-west.

**CHAIRPERSON:** I take it the lights are going to be turned out, it’s difficult to see the screen properly with the lights on. Mr Chairperson, we seem to be resorting to self help. You know, people who’ve come back into the auditorium after lunch, left it at an earlier stage, before we took the lunch adjournment, and whether there’s anything on the videos we are now going to be shown in respect of which a warning should be given.

**MR CHASKALSON:** Very definitely, Mr Chairperson. Very early in the footage of Sergeant Malatsi there are images which would be distressing to family members of any people who died at scene 2.

**[VIDEO SHOWN]**

**MR CHASKALSON:** Sorry, Mr Chairperson. I am afraid I am not hearing you without your microphone.

**CHAIRPERSON:** I am sorry, I say, I got the impression Mr Wesley was trying to attract your attention.

**MR CHASKALSON:** Thank you, Mr Chairperson. That would be the TRT line forming up to the south-west of scene 2. If we can now move to annexure CC42 and 43, which is footage from scene 2. That footage was south of scene 2. If we can continue with the next clip. I appear to have – there appears to be a miscommunication between myself –

**CHAIRPERSON:** 43 flashed past very quickly. Maybe we must go back to it and we get our bearings from the beginning.

**MR CHASKALSON:** We are looking at the file called IMG0356.

**[VIDEO SHOWN]**

We are then going to skip to annexure 45 to 49,
these contain fairly graphic footage of people injured and dead at scene 2. If we can keep running through these clips.

Chairperson: Mr Chaskalson, Mr Bizos wants to know whether we have the time when these clips were taken.

Mr Chaskalson: Unfortunately at the moment, we do not have the time. We may be able to establish the time, but on the files that we have at the moment, we have no time stamps and no sound.

[video shown]

Those are all of Sergeant Malatsi’s videos with the exception of one clip which depicts the helicopter in the sky. The next series of clips that would do so is our last series is Captain Ryland’s videos, parts of Captain Ryland’s videos, parts of the second of Captain Ryland’s video have already been shown. We would like to show it again in its complete form and also to make some observations in relation to that video. We have five videos of Captain Ryland’s which will be annexure CC52 to 56.

[video shown]

The first starts at 16:13:18 on Captain Ryland’s cell phone clock. I beg you pardon, Mr Commissioner, I thought I heard the passage which is the point at which we synchronise the times on this video with the times on the Lonmin chopper video but in fact it comes later. This is the audio that one hears at 17 minutes and 12 seconds into the Lonmin chopper video as well. So that is the point of synchronisation. The position in Captain Ryland’s video is just after 1 minute and 1 second into this video.

[14:29] [video shown]

Sorry, there is an important piece of recording there, if we can rewind, it is Captain Rylands himself speaking, and he is saying, don’t shoot him, don’t shoot him.

[video shown]

See if we can run forward?

[video shown]

If we can then run to the next of the videos?

[video shown]

And if I may just ask that it stops at 42 seconds?

[video shown]

Mr Wesley, can you identify where a man is running from right to left on the screen, the man who we believe is Mr Mpumza, victim C at scene 2? If we can then roll the video forward?

[video shown]

We believe that that gunfire that you hear there is the shooting from Sergeant Sibiyane, and the death of Mr Mpumza.

[video shown]

If we can replay that audio, which is Captain Rylands saying, is he alright?

[video shown]

And again Captain Rylands is apparently asking Sergeant Sibiyane, are you okay?

[video shown]

That was Captain Rylands saying, ja, ja, leave him, he is alright. The body that we can see is the body of Mr Mpumza.

[video shown]

That is Colonel Macintosh, the same man we saw in the engagement with Mr Mathunjwa at the, the two separate engagements with Mr Mathunjwa when arrangements were being made for his speech both on the night of the 15th and on the day of the 16th. Colonel Macintosh is apparently trained as a paramedic.

[video shown]

If I may just say there is somebody who speaks in the background in the Sotho language who says, I have broken him.

[video shown]

Yes, there is use of the word, the I hit him with a stick.

[video shown]

And something said about, leave the muti, it is not clear where.

[video shown]

The last word that was said was, lie on the ground.

[video shown]

The last thing that has been said, it is somebody speaking the Afrikaans, I must unfortunately say that is usually spoken by the coloured, people are saying, het jy gesien hoe pyp hy vir ons aanmekaar, he is piping us continuously.

[video shown]

Mr Netsebeza SC: Mr Chairman, I didn’t get the rendition, I didn’t hear properly what the translation is?

[video shown]

Mr Mahlangu: The translation of, hy pyp ons aanmekaar? He says he is piping us continuously, that’s the only translation I can give because that’s really slang. Maybe if we could get again the Afrikaans version, I just didn’t hear properly. If that could be
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Mr Chairperson, can you inform us anything about the points that were being raised by Ms Pillay in relation to Exhibit T?

MR SEMENYA SC: Mr Chair, the first document relates to the withdrawal of the use of rubber bullets. The subsequent letter is re-introducing different rubber balls.

CHAIRPERSON: Essentially the main difference between the two?

MR SEMENYA SC: That’s the difference between the two.

CHAIRPERSON: Alright, Ms Pillay, have you got copies to distribute now or are you going to distribute them tomorrow morning?

MS PILLAY: Mr Chairperson, Exhibit T does form part of the SAPS bundle already, I think it is in the region of page 400, 401 –

CHAIRPERSON: No, I know, I am aware of that but all the bundles aren’t going to be exhibits, so the idea is to extract from the bundles documents which are before the commission as exhibits to which reference can be made. I don’t know that, when we come to argument people will be able to refer without a document having been approved or admitted merely because it is somewhere in the bundle, but anyway, I don’t know how many pages these various bundles amount to because I’ve only got them in hard drive form, I think, but I would suspect that the number of pages is quite substantial and in order to preserve some structure and focus I think it is desirable to prepare for tonight, for tomorrow.

CHAIRPERSON: Well, I understood and perhaps Mr Mpofu can tell us, I understood that the bishop of Pretoria is to come back into the witness box to be, for the cross-examination by Mr Burger to continue, and for him thereafter to be cross-examined, I think by Mr Semenya and such other people who wish to cross-examine him, that is my understanding, but we have been surprised within the past, so let me ask Mr Mpofu whether another surprise awaits us?

MR MPOFU: It does not, Mr Chairman.

CHAIRPERSON: So there is the bishop, there is the bishop and there is also, I’ve been handed a document, I take it, I don’t know if you have, it is a statement by Warrant Officer Albert Ockers Wessels who is giving evidence –

MR BIZOS SC: Yes, I have a copy of that.

CHAIRPERSON: Yes.

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MR CHASKALSON: That second video ran from 16:18:23 for 5 minutes and 47 seconds on Captain Rylands’ phone. The next video is a 24 second clip that starts at 16:35:14 on his phone.

[VIDEO SHOWN]

The next video is a 36 second slip, almost immediately after the video which we’ve just seen, the timestamp on that video is 16:36:50.

[VIDEO SHOWN]

And if we can then show the last video which is a 2 minute 16 second video at 17:52?

[VIDEO SHOWN]

Mr Chairperson, those are all the videos which we would want to play to the commission at this stage.

CHAIRPERSON: CC56, what was the last annexure, CC56?

MR CHASKALSON: It was CC56, I have been informed by Ms Pillay that in fact CC52 to 56 have already been included as Annexure I(1) to (5) and so I think we should keep them with their original numbering, which is Annexure I(1) to (5). I mean Captain Rylands’ videos were, the videos were first shown, all five were apparently introduced as annexures. So this series will now end with Sergeant Malatsi’s videos at CC51.

CHAIRPERSON: Thank you. Yes, before we take the adjournment until tomorrow morning at 09:30, is there anyone who wishes to raise any points that we can deal with shortly now?

MS PILLAY: Mr Chairperson, if I may just raise the issue of Exhibit T, you’ll recall that we reserved Exhibit T for the December letter, the December 2011 letter –

CHAIRPERSON: It had been quoted, so have you got copies for distribution?

MS PILLAY: We were first waiting for SAPS to clear up the differences between the December letter and the July letter and then it was going to be admitted as an exhibit.

[14:49] CHAIRPERSON: Mr Semenya, can you in the dark tell us anything about the points that were being dealt with shortly now?
MR BIZOS SC: And that is the reason why I wanted to make sure that he may be called tomorrow.

CHAIRPERSON: Well, let’s find out from Mr Semenya. Mr Semenya, what are your plans as far as Warrant Officer Wessels is concerned?

MR SEMENYA SC: He is ready to testify once his slot comes, Chair.

CHAIRPERSON: I take it that the plan is that Mr Mpofu will recall the bishop. He will continue with his cross-examination, well, Mr Burger will continue with his cross-examination of the bishop. Mr Semenya will then cross-examine and any other people who wish to cross-examine will do so, and thereafter there will be re-examination and the bishop will then be excused, and if we still have time left before the end of the day, which I hope we will, then Warrant Officer Wessels will give evidence. Does that answer your question, Mr Bizos?

MR BIZOS SC: Thank you, yes.

CHAIRPERSON: So the commission will then be adjourned until tomorrow morning at 09:30.

[COMMISSION ADJOURNED]
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