

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

MARIKANA

BEFORE TRIBUNAL

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

HELD ON

DAY 37 25 JANUARY 2013 PAGES 3969 TO 4081

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



© REALTIME TRANSCRIPTIONS

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



Page 3969

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

Page 3970

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

Page 3971

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

Page 3972

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

Page 3973

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

Page 3974

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

Page 3975

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

Page 3976

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

Page 3977

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

Page 3978

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

Page 3979

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

Page 3980

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

Page 3981

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

Page 3982

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

Page 3983

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

Page 3984

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

Page 3985

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

Page 3986

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

Page 3987

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

Page 3988

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

Page 3989

1 participate in unprotected strike.

2 MS BARNES: Correct, but nevertheless NUM

3 members did participate in the unprotected strike at

4 Lonmin. Correct?

5 MR GCILITSHANA: That's correct.

6 MS BARNES: Evidence has been led that

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

8 unprotected strike. You agree with that?

9 MR GCILITSHANA: That is correct, yes.

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

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

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

13 MS BARNES: Now were you present at

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

15 MR MAHLANGU: Is the date the 10th?

16 MS BARNES: 10th.

17 MR GCILITSHANA: No.

18 MS BARNES: And you were also not present

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

20 MR GCILITSHANA: I only came late on the

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

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

23 the 11th, of the 12th.

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

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

Page 3990

1 and 12th at Lonmin, is that correct?

2 MR GCILITSHANA: That's correct. I have

3 been informed of the incidents.

4 MS BARNES: But you were at Lonmin on the

5 15th and 16th of August, correct?

6 MR GCILITSHANA: That's correct.

7 MS BARNES: Can you tell us why you

8 didn't put that in your statement?

9 MR GCILITSHANA: It would be difficult

10 for me because there are many things that have been

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

12 statement.

13 MS BARNES: Your statement makes no

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

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

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

17 mention on the cross-questioning that I was.

18 MS BARNES: But you've got no explanation

19 for why it's not in your statement.

20 MR GCILITSHANA: No.

21 MS BARNES: Now you were present at that

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

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

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

25 General Mpenbe. Is that correct?

Page 3991

1 MR GCILITSHANA: That's correct.

2 MS BARNES: And at that meeting General

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

4 try and resolve the matter, is that correct?

5 MR GCILITSHANA: Yes, that's correct.

6 MS BARNES: I would assume that you, as

7 chief negotiator, would have spoken to the NUM contingents

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

9 NUM in the circumstances. Is that right?

10 MR GCILITSHANA: We work as a team. We

11 discussed after General Mpenbe addressed us. We had to

12 discuss what will be the approach.

13 MS BARNES: And what did you decide that

14 you could do?

15 MR GCILITSHANA: We decided that we

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

17 talk to the workers.

18 MS BARNES: And we know that your

19 president did that.

20 MR GCILITSHANA: Yes.

21 MS BARNES: Mr Budlender asked you

22 yesterday whether if you had been requested during that

23 time to enter into negotiations outside of the normal

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

25 agreed to do so, is that correct?

Page 3992

1 MR GCILITSHANA: I said that we would

2 agree in order to solve the problem.

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

4 suggestion at the time, did you?

5 MR GCILITSHANA: No.

6 MS BARNES: Why not?

7 MR GCILITSHANA: Because the message was

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

9 want to talk to NUM.

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

11 you stay at Lonmin all day on that day?

12 MR GCILITSHANA: As I indicated before,

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

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

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

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

17 happening in their areas.

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

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

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

21 of whom were your members. Is that right?

22 MR GCILITSHANA: That's correct.

23 MS BARNES: And you knew that they were

24 facing off against increasing numbers of heavily armed

25 police officers, is that correct?

Page 3993

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

Page 3994

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

Page 3995

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

Page 3996

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

Page 3997

1 NUM.

2 MR NTSEBEZA SC: And would you know or

3 would you be the person to say whether as at the time of

4 their death, those NUM members and their families were

5 contacted and were indicated that too that they would be

6 represented by NUM at these proceedings?

7 MR GCILITSHANA: I know that there is a

8 process and that I'm not sure when it started.

9 MR NTSEBEZA SC: Are you saying you are

10 aware there is a process to do what?

11 MR GCILITSHANA: There is a consultation

12 with the – the process of consultation with the families of

13 the deceased who are NUM – who were NUM members that died,

14 after and before.

15 MR NTSEBEZA SC: I asked and I will not

16 ask you further unless you are able to let the commission

17 understand this. I asked because when these proceedings

18 began, I placed on record, representing families of mine

19 workers who were other than NUM members at that stage. Do

20 you understand that?

21 MR GCILITSHANA: Yes.

22 MR NTSEBEZA SC: Now towards the end of

23 last year when it became necessary again to – for us to

24 place ourselves on record, I said that I now represent the

25 remainder of the families with the exception of perhaps one

Page 3998

1 who would be represented by the LRC. Now when I inquired

2 where the additional people had come from, my instructing

3 attorneys told me that they have since been approached by

4 the families of those mine workers who were killed who had

5 been members of the NUM because they were seeing that they

6 were not getting representation.

7 MR GCILITSHANA: What I understand that

8 some people the company had provided legal representation

9 like Fundi. We know that as a legal position that is

10 representing Fundi. Fundi was also a security guard who

11 was also a NUM member. I don't – sorry, I don't have that

12 details. Maybe that one we can verify and consult with the

13 legal team.

14 MR NTSEBEZA SC: But of those who died on

15 the 16th, if you must just take Fundi out of the equation.

16 Your union would appear not to have made any arrangements

17 on what I've just told you for the representation of the

18 families of those who died on the 16th who were NUM members.

19 Does that appear to be -

20 MR GCILITSHANA: As I indicated that that

21 is possible but we can verify.

22 MR NTSEBEZA SC: There's nothing to

23 verify. I'm telling you what my instructing attorneys have

24 told me. There's nothing to verify. Do you know it to be

25 so? If you don't then I'll pass on.

Page 3999

1 MR GCILITSHANA: No, I don't.

2 MR NTSEBEZA SC: Thank you, Mr Chair.

3 CHAIRPERSON: Mr Mpofu?

4 MR MPOFU: Thank you, Chairman. Mr

5 Gcilitshana, I represent the arrested and injured persons

6 who are part of the terms of reference of the commission.

7 Do you understand that?

8 MR GCILITSHANA: Yes, I know.

9 MR MPOFU: And just to – so that you can

10 get the context right, our case which we put before the

11 commission in the opening address and which we will argue

12 at the end suggests that the main parties that were the

13 causes of the calamities that befell our – the people we

14 represent were the police and Lonmin.

15 MR GCILITSHANA: Yes.

16 MR MPOFU: And we say that they were

17 responsible, both as individual parties and also in

18 collusion with each other.

19 [10:34] MR GGILITSHANA: Yes.

20 MR MPOFU: But we do also say in the

21 opening address that there were other secondary or

22 contributory parties or contributory causes to what

23 happened, and in that we list the conditions – the

24 difficult conditions of – what we call the sordid history

25 in the mining – of the mining industry in South Africa, and

Page 4000

1 we also mention the issue of the trade unions, or so called

2 trade union rivalry. Understand that?

3 MR GGILITSHANA: Yes, I understand.

4 MR MPOFU: So we see the issue of the

5 trade union rivalry only as one of the secondary causes,

6 and I will then question you against that background. And

7 maybe just for the sake of completion, in relation to the

8 police to what we say is the culpability of the police,

9 these will be issues that range from how they handled the

10 event, the planning and so on, so those, the issues

11 relating to the police do not concern you as far as we are

12 concerned, in relation to the causes of this matter. Do

13 you understand?

14 MR GGILITSHANA: I hear, yes.

15 MR MPOFU: But in relation to Lonmin, one

16 of the key issues that we say could – makes up their major

17 contribution to the causes of the massacre is their refusal

18 to negotiate or to engage with the strikers, on the basis

19 that they were criminals. Understand that?

20 MR GGILITSHANA: I understand.

21 MR MPOFU: Now, you are an important

22 witness in the sense that although you might not be a

23 primary party, you, in particular, as an individual, had

24 the privilege of interacting closely with these two

25 parties, the police and Lonmin, in the days leading up to

Page 4001

1 the massacre or tragedy. Do you agree?

2 MR GGILITSHANA: Yes, because we had a

3 meeting with the general on the 15th.

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

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

6 debriefing meetings.

7 MR GGILITSHANA: Yes, but sometimes it

8 will be management, security, not police.

9 MR MPOFU: Yes, but sometimes the police

10 would be present.

11 MR GGILITSHANA: Yes.

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

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

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

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

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

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

18 say on the 15th and the 16th?

19 MR GGILITSHANA: That's correct.

20 MR MPOFU: Did that hardening show itself

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

22 two policemen?

23 MR GGILITSHANA: I wouldn't be specific,

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

25 the issues of violence.

Page 4002

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

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

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

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

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

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

7 policemen, sorry?

8 MR GGILITSHANA: I think it was clear

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

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

11 can't persuade them.

12 MR MPOFU: Okay.

13 CHAIRPERSON: On what day did General

14 Mpmembe say that?

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

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

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

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

19 concerted campaign on the part of Lonmin to label the

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

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

22 you say it happened?

23 MR GGILITSHANA: If my memory serves me

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

25 guards.

Page 4003

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

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

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

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

5 labour relations that the phenomenon of wildcat strikes or

6 unprotected strikes is part of the whole industrial

7 relations regime in the country.

8 MR GGILITSHANA: Yes, but after 1994 –

9 after the reviewal of the Labour Relations Act, that

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

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

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

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

14 regime after 1995, that wildcat strikes or unprotected

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

16 but they are still part of the reality of industrial

17 relations in South Africa.

18 MR GGILITSHANA: That's correct.

19 MR MPOFU: And actually workers are

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

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

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

23 MR GGILITSHANA: Yes, I would agree that

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

25 a right to strike.

Page 4004

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

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

3 a right to withdraw their labour even outside of the

4 prescripts of the Labour Relations Act, but of course

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

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

7 the situation?

8 MR GGILITSHANA: Yes, they do have, but

9 if you have got a recognition agreement in that particular

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

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

12 recognising that particular operation would always be given

13 an ultimatum that there is an unprotected strike, therefore

14 you will bear the cost.

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

16 but if that unprotected strike was happening outside the

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

18 apply, would it?

19 MR GGILITSHANA: No.

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

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

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

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

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

25 namely wages?

<p style="text-align: right;">Page 4005</p> <p>1 MR GGILITSHANA: That's correct.</p> <p>2 MR MPOFU: And that it would be a lie, to</p> <p>3 put it mildly, to characterise what happened there simply</p> <p>4 as something was not or could not be described as a labour</p> <p>5 relations dispute?</p> <p>6 MR GGILITSHANA: It will depend on the</p> <p>7 analysis of that particular person, but what I do know is</p> <p>8 that placards of 12 500 as a demand.</p> <p>9 MR MPOFU: Okay, so let's put aside that</p> <p>10 person. In your analysis, it was a labour relations</p> <p>11 dispute?</p> <p>12 MR GGILITSHANA: Yes, that's correct.</p> <p>13 MR MPOFU: You would also agree – I can't</p> <p>14 get my hands on the article now that was given to you</p> <p>15 yesterday, but – no, it's fine, I'm just going to</p> <p>16 paraphrase. Essentially there's a part there that says</p> <p>17 that RDOs are some of the worst paid or work under some of</p> <p>18 worst conditions in the industry, something to that effect.</p> <p>19 MR GGILITSHANA: That's correct.</p> <p>20 MR MPOFU: Yes, I think I'd like rather</p> <p>21 to quote the more flowery language of Hartford, the author.</p> <p>22 CHAIRPERSON: Do you have to, Mr Mpofo?</p> <p>23 The paper is already before us. The witness has agreed</p> <p>24 with the proposition. We have it, it was read out</p> <p>25 yesterday. It just takes up time. It's just repeating a</p>	<p style="text-align: right;">Page 4007</p> <p>1 agreed with the gist of this, but just to read it out for</p> <p>2 the record. "The RDO's conditions of employment are</p> <p>3 characterised by the following features, the RDOs are doing</p> <p>4 the toughest, most dangerous, most production-critical core</p> <p>5 mining function. They have long perceptions of</p> <p>6 underpayment relative to their colleagues in the industry.</p> <p>7 There are typically no serious service increment</p> <p>8 differentials in platinum. In other words, gold sector has</p> <p>9 some incentives, or other significant allowance in their</p> <p>10 pay and as such few real cash incentives to do RDO work.</p> <p>11 [10:54] In addition there is no prospect of any career</p> <p>12 progression for RDOs given they are functionally illiterate</p> <p>13 status in the structure of the mining work team in respect</p> <p>14 of job categories, a structure which requires a basic</p> <p>15 academic training for advancement to blasting certificate</p> <p>16 status." And just for completion -</p> <p>17 COMMISSIONER TOKOTO: Sorry, just – we</p> <p>18 are not with you here. We are listening but we are getting</p> <p>19 you to listening but we are not sure exactly which</p> <p>20 paragraph –</p> <p>21 MR MPOFU: I'm so sorry. It's page 3 of</p> <p>22 XX7, sorry, Mr Commissioner.</p> <p>23 MR GCILITSHANA: Okay, we got it.</p> <p>24 MR MPOFU: You got it? Okay, I've now</p> <p>25 finished reading that first paragraph. I'm just going to</p>
<p style="text-align: right;">Page 4006</p> <p>1 point we have already, besides the whole –</p> <p>2 MR MPOFU: No, no, Chairman, I won't even</p> <p>3 debate that, you're quite correct, Chairperson. And it's a</p> <p>4 view shared by the NUM that RDOs are also severely</p> <p>5 underpaid, correct?</p> <p>6 MR GGILITSHANA: Yes.</p> <p>7 MR MPOFU: And the evidence would seem to</p> <p>8 suggest that they're paid in the region of just less than</p> <p>9 R5 000?</p> <p>10 MR GGILITSHANA: In Lonmin, I think it</p> <p>11 was about 5 point something, in Lonmin. Generally they're</p> <p>12 around that, between 4 and 5.</p> <p>13 CHAIRPERSON: Mr Mpofo, I was wrong when</p> <p>14 I said the relevant passage had been read out yesterday.</p> <p>15 It was put before us, but those in the auditorium, for</p> <p>16 example, didn't have a chance to hear it. You'll find it</p> <p>17 on page 3 of Exhibit XX7, it's the paragraph beginning,</p> <p>18 "The RDO's Conditions of Employment," under the heading,</p> <p>19 "The RDO's Experience." You might like to read it, put it</p> <p>20 to the witness, and then it will be before us, not just as</p> <p>21 a document, but as oral evidence. You can then form a</p> <p>22 basis for launching your rocket further.</p> <p>23 MR MPOFU: Thank you, Chairperson. I</p> <p>24 wasn't sure whether it was read out by Ms Barnes, ja. The</p> <p>25 passage – and the Chairman was right, we have already</p>	<p style="text-align: right;">Page 4008</p> <p>1 read one more sentence in the next paragraph. It says,</p> <p>2 "the RDOs have a specific demographic pattern that is an</p> <p>3 industry wide feature for all commodity classes and sets</p> <p>4 them apart from the rest of their colleagues. They are</p> <p>5 almost entirely migrant and functionally illiterate and the</p> <p>6 80% majority of the migrants are South Africans from the</p> <p>7 Eastern Cape. And one of the reasons I'm putting this to</p> <p>8 you is because, and I hope you agree, that the majority of</p> <p>9 the people at the mountain were RDOs and if you agree with</p> <p>10 that, just to save time, I will say that by extension means</p> <p>11 that the majority of the people that I represent are RDOs.</p> <p>12 MR GCILITSHANA: On the grounds that you</p> <p>13 know that the strike was initiated by RDOs, I would agree</p> <p>14 that there have been – they maybe have been in majority.</p> <p>15 MR MPOFU: Now another area I am still</p> <p>16 tapping on your experience, would you agree that in the</p> <p>17 situation such as the one we had on the 16th or around those</p> <p>18 days, where the people are gathering on a daily basis as it</p> <p>19 were that a sort of a sense of solidarity develops among</p> <p>20 themselves as a group.</p> <p>21 MR GCILITSHANA: I would agree that other</p> <p>22 group categories of workers also participated in the</p> <p>23 strike. I won't qualify it whether because - is that</p> <p>24 others who claimed that they have been saying that they</p> <p>25 have been – they are forcefully – others they will say they</p>

Page 4009

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

Page 4010

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

Page 4011

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

Page 4012

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

Page 4013

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

Page 4014

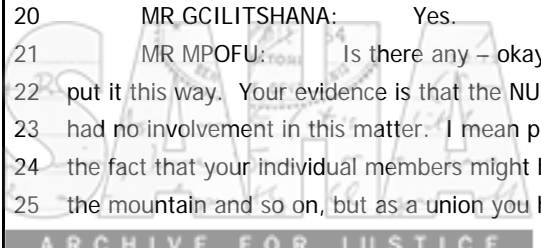
1 if there were cases of people who will complain they were
 2 intimidated on the – in certain areas, those will be
 3 reported.
 4 MR MPOFU: And the police when they were
 5 there?
 6 MR GCILITSHANA: And the police, they
 7 will work together. It will be similar with the security
 8 to say we have received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

Page 4015

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

Page 4016

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



Page 4017

1 wouldn't engage them outside the formal structures and that
 2 kind of thing. That was the nature of the lock jam, of the
 3 impasse. Sorry, were you aware of this lock jam that I've
 4 just described?
 5 MR GCILITSHANA: Yes.
 6 MR MPOFU: And evidence has been led here
 7 that various parties, including members of the clergy,
 8 tried to break that lock jam by appealing to the employer
 9 to, as it were, meet the requests or demand of the workers
 10 for engagement. Not necessarily to give the 12 500 but to
 11 engage on it. Were you aware of that?
 12 MR GCILITSHANA: I became aware on the –
 13 after the 16th to be honest because I was not aware that
 14 there was – there were meetings that were scheduled before
 15 the 16th.
 16 MR MPOFU: You - Mr Zokwana is going to
 17 come and testify, I understand, so we'll put the questions
 18 to him, but we did prefer to say that you and maybe to some
 19 extent the late Mr Bongo would've been the people who would
 20 give detailed briefings to somebody like the president of
 21 NUM. He was not on the ground on a daily basis, he would
 22 rely on you to – for his factual information, correct?
 23 MR GCILITSHANA: That's correct, but not
 24 only limited to us because I've got a number of comrades.
 25 You know, during the crisis anybody would phone.

Page 4018

1 MR MPOFU: Yes, but officially you're
 2 holding the position you hold or held would've been the
 3 primary sources of his information about what was on the
 4 ground at Lonmin.
 5 MR GCILITSHANA: Correct.
 6 MR MPOFU: Did you ever say to Mr Zokwana
 7 that there were no NUM members at the koppie?
 8 MR GCILITSHANA: No.
 9 MR MPOFU: Do you know where he got that
 10 idea?
 11 MR GCILITSHANA: No.
 12 MR MPOFU: Alright. And would Mr Zokwana
 13 also report to you about other engagements that he might
 14 have had regarding the situation?
 15 MR GCILITSHANA: At times, I wouldn't say
 16 everything.
 17 MR MPOFU: Did he report to you that he
 18 held any meetings with the top management of Lonmin?
 19 MR GCILITSHANA: I don't recall.
 20 [11:56] MR MPOFU: Did he report to you that he
 21 held any meetings with any of the board members of Lonmin
 22 regarding the situation?
 23 MR GCILITSHANA: I don't recall.
 24 MR MPOFU: Then we spoke about the, or
 25 rather you testified about the situation in which you were

Page 4019

1 overtaken by AMCU at various mines in terms of membership,
 2 which included Lonmin, Implats, and you were not sure if
 3 they had also overtaken you at Anglo Plats. Is that
 4 correct?
 5 MR GCILITSHANA: Yes.
 6 MR MPOFU: Would you agree with me that
 7 one of the quickest ways for a union to lose its membership
 8 is to lose the credibility and the trust of the workers?
 9 MR GCILITSHANA: Yes.
 10 MR MPOFU: And would you agree that one
 11 of the ways in which you lose that credibility and trust
 12 would be if a union is viewed as collaborating with
 13 management, or becoming a sweetheart union, as it were?
 14 MR GCILITSHANA: It could be one of the
 15 reasons that, there might be many reasons.
 16 MR MPOFU: Yes, but essentially that the
 17 workers should never perceive that the interests of such a
 18 union are more with the management than with the workers,
 19 or if they do, if they perceive it, rightly or wrongly,
 20 that its membership would dwindle fast?
 21 MR GCILITSHANA: I'm sorry, I put, I was
 22 putting on the mike of the interpreter. Can you please
 23 repeat your question?
 24 MR MPOFU: Okay, no it's fine. I'll move
 25 on. I was just telling you, putting proposition to you,

Page 4020

1 hoping you'll agree or disagree, but some of the things
 2 that might make a union lose its membership fast, would you
 3 agree that one of those is if the union, if the workers
 4 realised or perceived that a union was against wage
 5 increases for whatever reason, that that would be one of
 6 the fastest ways to lose membership?
 7 MR GCILITSHANA: Yes.
 8 MR MPOFU: Now are you aware that the
 9 RDOs had taken a conscious decision to embark on the
 10 industrial action outside the auspices of both the NUM and
 11 AMCU, as RDOs per se?
 12 MR GCILITSHANA: Yes, I'm aware.
 13 MR MPOFU: And in the case of NUM, the
 14 reason why they wouldn't involve you, or one of the reasons
 15 was because of this loss of credibility which you've
 16 already testified about. I don't want to go into the
 17 specific instances. Would you agree?
 18 MR GCILITSHANA: I said that is possible.
 19 MR MPOFU: Another reason is that they
 20 knew that the NUM was constrained by its agreement to the
 21 principle of central bargaining, whereas they wanted to
 22 push their agenda, as it were – for lack of a better word –
 23 as RDOs because they felt that they were neglected as RDOs.
 24 Are you aware of that sentiment?
 25 MR GCILITSHANA: As I recall, the NUM was

Page 4021

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

Page 4022

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

Page 4023

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

Page 4024

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

Page 4025

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

Page 4026

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

Page 4027

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

Page 4028

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

Page 4029

1 yes.

2 MR MPOFU: And were you aware that until

3 that shootout, they had been gathering at the Wonderkop

4 stadium.

5 MR GGILITSHANA: Next to Wonderkop

6 stadium.

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

8 the entrance?

9 MR GGILITSHANA: Yes.

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

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

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

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

14 used to chair those meetings?

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

16 recall, from the mine security.

17 MR MPOFU: And they were convened by

18 Lonmin?

19 MR GGILITSHANA: Yes.

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

21 testified that you were present at the meeting where

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

23 the NUM?

24 MR GGILITSHANA: Yes, I was present.

25 MR MPOFU: Were you present when – okay,

Page 4030

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

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

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

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

5 NUM members there. Did you witness that?

6 MR GGILITSHANA: What I understand, yes,

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

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

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

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

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

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

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

14 NUM and the president.

15 MR MPOFU: Now, put aside the issue of

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

17 question was were you aware or did you witness the

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

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

20 MR GGILITSHANA: My recollection is that

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

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

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

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

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

Page 4031

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

2 MR GGILITSHANA: That is not correct.

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

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

5 they are both NUM and AMCU.

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

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

8 MR GGILITSHANA: No, no pictures were

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

10 MR MPOFU: You've already confirmed that

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

12 16th was D-day.

13 MR GGILITSHANA: That's correct.

14 MR MPOFU: You've also confirmed that

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

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

17 MR GGILITSHANA: Yes.

18 MR MPOFU: And subsequent to the morning

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

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

21 helicopters flying around and so on?

22 MR GGILITSHANA: I assume many police – I

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

24 up, exactly, but the police were many.

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

Page 4032

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

2 rather during his last visit to the mountain, basically

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

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

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

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

7 would have made him to come to that conclusion?

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

9 the police were going to kill.

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

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

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

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

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

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

16 MR GGILITSHANA: Yes.

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

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

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

20 MR GGILITSHANA: I will say no and

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

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

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

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

25 and requested any assistance, as I recall.

Page 4033

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

Page 4034

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

Page 4035

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

Page 4036

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

Page 4037

1 problematic in your view?
 2 MR GCILITSHANA: Yes, it could be
 3 problematic, yes.
 4 MR MPOFU: Okay, thanks. So would you
 5 agree therefore that given all the concerns that we spoke
 6 about earlier, and this one, that it was probably a good
 7 idea, or quite an intelligent decision by the RDOs, if they
 8 wanted to operate as RDOs, not to do so involving the NUM?
 9 MR GCILITSHANA: I would encourage to,
 10 the RDOs to follow the right channels. In fact if it
 11 doesn't succeed, it doesn't succeed, but need to give
 12 chance an attempt.
 13 MR MPOFU: No, I accept that. All I'm
 14 saying is that if you are an RDO and there are two ways of
 15 achieving your goals, one is to do it outside, excluding
 16 the NUM, and the other one is to do it including the NUM,
 17 and the NUM has all these constraints that make it almost
 18 impossible for them to achieve your goal as RDOs, then
 19 which route, or rather I'm putting to you that it was an
 20 intelligent decision to choose the route that was without
 21 the NUM.
 22 MR GCILITSHANA: I don't think that was
 23 intelligent decision. I think that they, actually they
 24 should have approached NUM and see if NUM would be able to
 25 do or not.

Page 4038

1 MR MPOFU: Okay, thank you, we'll leave
 2 that for argument. There were propositions – unfortunately
 3 my learned friend Mr Schalk Burger is not here, but he's
 4 ably represented by my learned friend Mr Motau. I just
 5 want to put some propositions which were put to you by Mr
 6 Burger, which you agreed with. Mr Burger suggested to you,
 7 and you agreed, that during July episode the company had no
 8 option but to engage with the RDOs outside the bargaining
 9 structures. Do you remember that being put to you?
 10 MR GCILITSHANA: Yes, I remember.
 11 MR MPOFU: So would it be fair from that,
 12 because Mr Burger is here representing other people,
 13 representing Lonmin, that that would suggest then that the
 14 view of Lonmin is that under certain exceptional
 15 circumstances one can negotiate outside the bargaining
 16 structures?
 17 MR GCILITSHANA: I indicated that
 18 anything that has to do with money or substantive issues
 19 have to be dealt with at the central bargaining.
 20 MR MPOFU: Okay, Mr Burger also put to
 21 you that the negotiations which took place towards the end
 22 of August to September, which eventually found a solution,
 23 were also justifiably done outside the bargaining
 24 structures because 44 people had died. You remember that?
 25 MR GCILITSHANA: Your question again?

Page 4039

1 MR MPOFU: I'll break it down. Mr
 2 Burger, first he suggested that, or rather he put to you,
 3 which you confirmed, that although strictly speaking those
 4 discussions were outside the bargaining structures, firstly
 5 he confirmed to you that the CCMA was present, which I
 6 presume somehow ameliorated the position.
 7 MR GCILITSHANA: Yes, correct.
 8 MR MPOFU: And then he also put to you
 9 that another reason for stepping outside those structures
 10 was the fact that 44 people had died. Remember that?
 11 MR GCILITSHANA: Yes, I remember.
 12 MR MPOFU: Now the question is, would you
 13 agree with me that if, as it becomes clear from what I've
 14 just said to you, Lonmin accepted that under certain
 15 exceptional circumstances one has to step outside the
 16 strict rules of the bargaining processes, that once 10
 17 people had died, one death is one death too many, but those
 18 should have been sufficient exceptional circumstances to
 19 step outside the unit, rather, the process, the agreed
 20 processes.
 21 MR TIP SC: Chair, before the witness
 22 answers that, we respectfully query whether this is a
 23 legitimate line of cross-examination which requires the
 24 witness to extrapolate into Lonmin's mind from certain
 25 propositions which he has accepted put in a particular way.

Page 4040

1 Are these not matters that should be put to the Lonmin
 2 witnesses in due course and to get a direct answer as to
 3 what their attitude was?
 4 CHAIRPERSON: - he has got any knowledge
 5 about things, but NUM also participated in those
 6 negotiations. I take it it's appropriate to ask the same
 7 question that will be asked in due course of Lonmin, of
 8 this witness as a chief negotiator for NUM. I take Mr
 9 Mpofo doesn't propose taking the point much further than
 10 he's taken it as the moment, so I don't see harm in the
 11 question being asked, provided it's done on the basis that
 12 obviously Lonmin would have their own concerns. The
 13 question is, what would NUM's attitude have been to going
 14 outside the bargaining structures after 10 people had died.
 15 I think that's your point. I don't have a problem with
 16 that.
 17 MR MPOFU: Thank you.
 18 CHAIRPERSON: Do you have a problem? Do
 19 you want to address me further?
 20 MR TIP SC: Yes. Well, perhaps I
 21 misheard the question. If I did, then of course the
 22 objection is withdrawn. I had understood that the question
 23 was not what was NUM's attitude and what would NUM's
 24 attitude have been had there been one death. It was what
 25 did NUM have to say about Lonmin's attitude.

Page 4041

1 CHAIRPERSON: I may have misheard the
 2 question. If that's the way the question was posed, the
 3 objection is good, but perhaps Mr Mpofu can reformulate the
 4 question along the line that I thought that he'd ask, in
 5 which case as you say your objection falls away and we get
 6 a helpful answer.
 7 MR MPOFU: Thank you, Chairperson. Yes,
 8 maybe the question was clumsily phrased. The question,
 9 even, Mr Gcilitshana, what your attitude in your official
 10 capacity, or that of the NUM is to that, the stance that
 11 was put to you by Mr Burger, which seemed to suggest that
 12 the 10 deaths that had occurred by the 15th, or at least the
 13 morning of the 16th of September, were not sufficient to
 14 trigger, as it had done in July, the exceptional stepping
 15 out of the bargaining processes. The NUM wished to venture
 16 riskily, that they would not have said that sentiment. It
 17 would have agreed that 10, the 10 deaths were sufficient to
 18 step out, and you can agree with me or disagree, or that
 19 prevention – sorry, just to complete it, sorry, now it
 20 becomes a long question, but the gist of it is that the NUM
 21 would rather have subscribed more to the view that the
 22 prevention of the further 34 deaths was better than curing
 23 them, if death can be cured.
 24 MR GCILITSHANA: That's correct.
 25 CHAIRPERSON: I don't know what your

Page 4042

1 answer "that's correct" means. Can I endeavour to put the
 2 question so that I can understand your answer? If it is
 3 not Mr Mpofu's question, that's unfortunate. Was NUM's
 4 attitude that in view of the fact that 44 people had died,
 5 it was appropriate to step outside the ordinary bargaining
 6 processes and deal with the matter, as it was done, with
 7 the CCMA and representatives of the church present? Was
 8 that NUM's attitude?
 9 MR GCILITSHANA: Yes, I indicated –
 10 CHAIRPERSON: Now the next point is
 11 before 44 had died, we'd reached a stage on the 15th when 10
 12 had died. Now what was NUM's attitude, or what would NUM's
 13 attitude have been if the question had been asked directly,
 14 is this enough to justify, i.e. the 10 deaths, is this
 15 enough to justify stepping outside the ordinary bargaining
 16 structures?
 17 MR GCILITSHANA: Yes, that's the –
 18 CHAIRPERSON: Is that your point?
 19 MR MPOFU: Yes.
 20 CHAIRPERSON: What's your answer to that?
 21 MR GCILITSHANA: Yes, it does justify,
 22 yes.
 23 MR MPOFU: Have you taken any steps to
 24 trace the two people who were injured, who were shot at on
 25 the 11th outside your offices?

Page 4043

1 MR GCILITSHANA: Yes, they, yes, as much
 2 as I was not involved.
 3 MR MPOFU: Who are they?
 4 MR GCILITSHANA: I don't know exactly the
 5 names, as I know that, as I indicated I was not involved,
 6 but I know that one is working at Roland. I don't know
 7 other one where he's working. I'm not sure exactly the
 8 other one where he's working.
 9 MR MAHLANGU: The one is working at?
 10 MR GCILITSHANA: At Roland Shaft, because
 11 the branch and the lawyers are, have been handling all
 12 those incidents.
 13 MR TIP SC: Mr Chair, it may assist my
 14 learned friend, he might recall that in the course of the
 15 evidence-in-chief two dockets were handed up, being XX5 and
 16 XX6, and those fully identify who the complainants were,
 17 and of course then the two persons who were injured in the
 18 vicinity.
 19 MR MPOFU: Sorry Chair, no, no, I know
 20 exactly who they are. I was just checking whether the
 21 witness knows who they are. In fact, I was consulting with
 22 one of them last night.
 23 CHAIRPERSON: It looks from the first
 24 docket, that's XX5, that the person concerned was, is it
 25 Bongani Mgema?

Page 4044

1 MR MPOFU: That's the first one, yes, and
 2 the next one is Mabuyakhulu.
 3 CHAIRPERSON: Okay, so now we know who
 4 they were.
 5 MR MPOFU: My knowledge is irrelevant.
 6 The question, Mr Gcilitshana, do you know who the injured
 7 persons are? Do you know their identity?
 8 MR GCILITSHANA: As I indicated that I
 9 might have forgotten that on the document, but I know that
 10 there were two people that have been assaulted and the
 11 branch committee and the legal team have been dealing with
 12 that. I knew the names as read out.
 13 MR MPOFU: Okay, fair enough. It might
 14 not be you, but to your knowledge did anyone from the NUM
 15 engage or visit these people?
 16 MR GCILITSHANA: Not as I know.
 17 [12:56] MR MPOFU: Do you know the extent of the
 18 injuries they sustained?
 19 MR GCILITSHANA: I don't know.
 20 MR MPOFU: Chairperson, unfortunately I
 21 wrongly predicted that this would become necessary only on
 22 Monday because of the application that was mooted. One of
 23 the injured persons I have asked to come here on Monday
 24 because I actually had wanted to refer to his injuries.
 25 CHAIRPERSON: Before we go into that in

Page 4045

1 any detail, in as much as this witness wasn't there at the
2 time, and this is hearsay from him –
3 MR MPOFU: Fair enough.
4 CHAIRPERSON: - Mr Tip has given us an
5 undertaking that he's going to call witnesses who were
6 directly involved –
7 MR MPOFU: Perfect.
8 CHAIRPERSON: I would think that the
9 concern you expressed doesn't really held us back for very
10 long.
11 MR MPOFU: Ja. No, that's my,
12 Chairperson, definitely deals with that concern.
13 CHAIRPERSON: It's now 3 minutes to 1.
14 If you've reached an appropriate stage for us to take the
15 adjournment, would you be kind enough to let me know?
16 MR MPOFU: Chairperson, could we take the
17 adjournment now? I'm unlikely to go much further, but it
18 will give me an opportunity just to take instructions.
19 CHAIRPERSON: Take instructions, very
20 well.
21 MR MPOFU: Thanks, Chairperson.
22 CHAIRPERSON: Thank you for being kind
23 enough to let me know.
24 MR MPOFU: Thanks, Chairperson.
25 CHAIRPERSON: We will take the lunch

Page 4046

1 adjournment and we will, because we stop at 3 this
2 afternoon we will resume at 1:30.
3 [COMMISSION ADJOURNS COMMISSION RESUMES]
4 [13:35] CHAIRPERSON: The commission resumes. Mr
5 Mpofo.
6 MR MPOFU: Thank you –
7 CHAIRPERSON: Before you start off,
8 you're still under oath.
9 MR MPOFU: Thank you, Chairperson. I
10 just have one or two questions literally not as I was
11 defamed by Mr Budlender in my absence. Mr Budlender in my
12 absence said he was going to ask two questions, Mpofo style
13 and then he proceeded to ask for three days.
14 CHAIRPERSON: You set such a bad example.
15 MR MPOFU: Sorry, chairperson. Thank
16 you, Chairperson. Chairperson, before I ask my one or two
17 questions I just want to clarify something, that's how I
18 get out of the three questions.
19 CHAIRPERSON: I rest my case.
20 MR MPOFU: Chairperson, on a serious
21 note, there is a matter that I need to clarify where I was
22 – I put a proposition which was unfair, not to the witness
23 as such but to Mr Zokwana. When Mr Zokwana takes the
24 podium I'll also clarify it with him. I suggested to you –
25 I'm going to try and do the clarification through you, Mr

Page 4047

1 Gcilitshana, if you don't mind. I suggested to you that Mr
2 Zokwana had at the meeting of the 15th, had denied that
3 there were NUM members to such an extent that he had to be
4 shown photographs to prove it. You remember that?
5 MR GCILITSHANA: Yes, I remember.
6 MR MPOFU: Yes, now that was a mistaken
7 recollection. What – this episode of photographs actually
8 happened in the following manner. It was Lonmin which had,
9 to the satisfaction of General Mpebe, which was insisting
10 that there were so-called faceless people at the mountain
11 who were their employees until the General showed them some
12 pictures. Do you accept that as a mistake on my part?
13 MR GCILITSHANA: Thank you.
14 MR MPOFU: Thank you very much. Mr
15 Zokwana did say it but I'll canvass that with him, at the
16 interview with Mr Kwala that the NUM is not out of this
17 thing at all but that's not for you to deal with, it will
18 be dealt with by Mr Zokwana, but certainly what I
19 postulated was not the correct sequence.
20 MR GCILITSHANA: Okay.
21 MR MPOFU: Now this is – we start
22 counting my one or two questions. You remember that there
23 was quite an uproar when the minister of minerals and
24 energy, or whatever it's called these days - I think it's
25 just minerals, ja. Mineral resources, yes. Had convened a

Page 4048

1 meeting after the killings and invited inter alia NUM to
2 the exclusion of AMCU.
3 MR GCILITSHANA: Yes, it was not only
4 NUM. Solidarity and UASA also were present and other
5 mining houses.
6 MR MPOFU: Yes, no, that's true. And
7 also in the daily meetings, the two twice a day meetings,
8 Solidarity and UASA and NUM were present and AMCU was
9 excluded, is that correct?
10 MR GCILITSHANA: If I can explain. We
11 were – after when we visited on the 12th with the president,
12 that the invitation was extended to us. That's why we are
13 attending because the invitation to the meeting was
14 extended. One. Two, as much as I may not recall whether
15 it was after or before, it came to our attention that there
16 are meetings between AMCU leadership and Lonmin leadership
17 at Karee that were taking place. We don't know what was –
18 were those meeting all about but we heard that and we
19 raised with key management as a concern why they are not
20 part of the broader meeting if they are meeting that are
21 convened at on the other side.
22 MR MPOFU: Yes, Mr Gcilitshana, I want
23 you to understand me correctly. I'm not here – I'm not
24 querying the inclusion of NUM as such, I'm more dealing
25 with the exclusion of AMCU and the wisdom thereof and when

Page 4049

1 I ask you – I'll ask you a question as to your comment on
 2 whether if that was a wise move or not. A bit before.
 3 What I really want to say or rather to ask you, Mr
 4 Gcilitshana, is this. Mr Burger, quoting from XX2,
 5 demonstrated to you that the view of Lonmin was that this
 6 strike, even though it was supposed to be RDOs, non-
 7 affiliated and so on, it was, to use their words, reeking
 8 all over of AMCU involvement. In other words the belief of
 9 Lonmin was that this – whatever these - are saying this
 10 actually is an AMCU thing. Were you aware of that
 11 sentiment?
 12 MR GCILITSHANA: Yes, I remember.
 13 MR MPOFU: Anyway. If the thing was
 14 reeking or smelling of AMCU involvement, the question is do
 15 you think therefore it was a wise thing or not a wise thing
 16 to invite every union except AMCU which is the one that is
 17 suspected of being the real organisation behind the entire
 18 thing.
 19 MR GCILITSHANA: Yes, it will be wise.
 20 MR MPOFU: And at the risk of stating the
 21 obvious, it would be unwise therefore not to invite them?
 22 MR GCILITSHANA: Yes, it will be unwise.
 23 MR MPOFU: Thank you, Chairperson,
 24 there's nothing further.
 25 CHAIRPERSON: Mr Mpofo –

Page 4050

1 MR MPOFU: Sorry, Chairperson. Maybe –
 2 sorry, really this is the last question. The –
 3 CHAIRPERSON: This is the last, last
 4 question.
 5 MR MPOFU: Last, last question,
 6 Chairperson. If AMCU had been invited in those meetings,
 7 either the one with the minister or the twice a day
 8 meetings, would the NUM have objected or -
 9 MR GCILITSHANA: No.
 10 MR MPOFU: And you were really concerned
 11 that at the negotiations that happened in September, the
 12 NUM was represented, the AMCU was represented –
 13 CHAIRPERSON: Is this the last, last,
 14 last question?
 15 MR MPOFU: This is the real last one,
 16 Chair. I just want to make this point which is quite
 17 important, that at the September discussions, you know what
 18 I mean by that, which eventually came with a solution. The
 19 NUM was represented, AMCU was represented but the strikers
 20 had chosen to put, what they call the delegation, their own
 21 delegation outside those two unions. Would you confirm
 22 that?
 23 MR GCILITSHANA: That's correct.
 24 MR MPOFU: Chairperson, there's no
 25 further last question. Thank you, Chair.

Page 4051

1 CHAIRPERSON: Thank you, Mr Mpofo. Mr
 2 Semenya, have you got questions?
 3 MR SEMENYA SC: Before the questions,
 4 Chair, Mr Mpofo makes it impossible for us not to object to
 5 questions that he raises. He put the proposition to the
 6 witness that General Mpembe produced photos or pictures, he
 7 calls them, before this witness and the president to say
 8 there are some of your members here and the witness says
 9 General Mpembe did not do such a thing, then Mr Mpofo, for
 10 his hyperbole, says it must mean that General Mpembe is
 11 lying or he's incorrect. We have drawn it to his attention
 12 that there is no such an utterance in General Mpembe's
 13 statement and we have asked him to retract it. Now he says
 14 he's got his very, very, very last question and he's not
 15 retracting it.
 16 CHAIRPERSON: Yes, a retraction isn't a
 17 question, but he has suggested that you retract the
 18 statement you put regarding General Mpembe which turns out
 19 to be incorrect. So I'll allow you to do that because it
 20 won't be a question.
 21 MR MPOFU: Yes. Chairperson, firstly,
 22 let it be made clear that I am not resisting the retraction
 23 which I will do, but the first thing I did after lunch – I
 24 don't know if Mr Semenya was here – was to clarify that and
 25 maybe if his complaint is that I clarified insofar as Mr

Page 4052

1 Zokwana is concerned but not as far as the General is
 2 concerned, I thought that was quite obvious, but if you
 3 were to go to those lengths then any other question that
 4 suggested to the proposition that I had put, which I have
 5 said was incorrect, including the parts of that question
 6 that I absolutely did to General Mpembe are retracted,
 7 Chair. But I really thought it was subsumed in the
 8 clarification and by the way, I am in indebted to Mr
 9 Mathibedi who did point out the issue to me. But if it's
 10 not obvious to all of us then I'm making it more, thank
 11 you, Chair.
 12 CHAIRPERSON: Mr Mathibedi, are you going
 13 to ask – are you going to cross-examine on behalf of the
 14 Police Service?
 15 MR MATHIBEDI SC: Mr Gcilitshana, will
 16 you agree with me that the brutal and cruel killing of
 17 people, destruction of property and intimidation by NUM –
 18 by the striking workers were criminal acts that no one,
 19 including yourself, can tolerate?
 20 MR GCILITSHANA: Yes.
 21 MR MATHIBEDI SC: Now having made that
 22 concession, do you agree with me that there was nothing
 23 wrong in the police indicating that they were not going to
 24 tolerate issues of violence?
 25 MR GCILITSHANA: That's correct.

Page 4053

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

Page 4054

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

Page 4055

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

Page 4056

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

Page 4057

1 members as we speak.
 2 MR MATHIBEDI SC: Now, if one has regard
 3 to your statement, that is XX1 at paragraph 12, 13 and 14,
 4 it is clear that your members were involved in an
 5 unprotected strike.
 6 MR GGILITSHANA: That's correct.
 7 MR MATHIBEDI SC: Now, what measures have
 8 been put in place to educate and ensure that this conduct
 9 does not recur?
 10 MR GGILITSHANA: As you can go through,
 11 there were letters or emails by the late Daluvuyo to
 12 Lonmin, the question a mass meeting which materialised.
 13 Also on the attempts again, there were attempts by NUM to
 14 talk to its members not to get involved into unprotected
 15 strike.
 16 CHAIRPERSON: No, your attention was
 17 drawn to paragraphs 12 and 14 of your statement, which deal
 18 with the situation at Karee, that after the branch
 19 chairperson and secretary at Karee had been suspended, then
 20 there was this problem. Are you saying it was then that
 21 you spoke to Lonmin?
 22 MR GGILITSHANA: At that time we had a
 23 very little membership in Karee. When the workers were
 24 dismissed, they were reemployed and then access to Karee
 25 was very difficult for us, but it's our norm to talk to our

Page 4058

1 members not to engage in unprotected strikes and any
 2 violence.
 3 MR MATHIBEDI SC: Now, what you call the
 4 tension, does it also exist between the officials of both
 5 the unions?
 6 MR GGILITSHANA: I won't say yes or no at
 7 that level, but I can indicate that when I meet Mr
 8 Mathunjwa, I do treat him and talk to him and check how
 9 he's doing and that's what he does with me.
 10 MR MATHIBEDI SC: Mr Gcilitshana, this is
 11 a very important aspect.
 12 MR GGILITSHANA: Yes.
 13 MR MATHIBEDI SC: Does that tension exist
 14 between the officials of both the unions or not?
 15 MR GGILITSHANA: It is possible that it
 16 is there. As I indicated that I do talk to Mr Mathunjwa
 17 and he does talk to me, it would may not be direct to
 18 individuals, yes, it is possible. Like even Steven
 19 Kulukeye, inasmuch as he have left NUM, when I meet him I
 20 greet him and he does the same at the official level, but
 21 on the lower levels, yes, it's very difficult, I must admit
 22 that.
 23 MR MATHIBEDI SC: You agree with me that
 24 as long as the tension between the officials of the various
 25 unions do not come to an end, it would be very difficult to

Page 4059

1 dissuade members on the ground not to have tensions?
 2 MR GGILITSHANA: I fully agree with you.
 3 MR MATHIBEDI SC: Now, do you agree with
 4 me that there was nothing wrong in the police sharing
 5 intelligence information with security personnel of Lonmin?
 6 MR MATHIBEDI SC: As long as there's
 7 trust between the two parties, I don't see any problem.
 8 MR MATHIBEDI SC: You also agree that
 9 there was nothing wrong in the police setting up a JOC on
 10 the property of Lonmin?
 11 MR GGILITSHANA: I don't know the
 12 procedures of the police and stuff, but taking into account
 13 the explanations that was given in the previous sessions,
 14 so when I was here, I don't see anything wrong.
 15 MR MATHIBEDI SC: On the 15th of August
 16 2012, was it the attitude of NUM that they were not
 17 prepared to negotiate outside the labour structures?
 18 MR GGILITSHANA: NUM have been openly
 19 saying that workers have to drop the arms and allow the
 20 protest to come back – to follow the correct structures in
 21 raising their issues.
 22 MR MATHIBEDI SC: Mr Gcilitshana, I'm
 23 going to repeat my question. My question is as at the 15th
 24 of August 2012, was it NUM's attitude that they would not
 25 negotiate outside the labour structures?

Page 4060

1 MR GGILITSHANA: Yes, as I recall.
 2 MR MATHIBEDI SC: Taking into account
 3 that at that stage, 10 people had lost their valuable
 4 lives, properties had been destroyed, there was serious
 5 intimidation, was that not an irresponsible attitude?
 6 MR GGILITSHANA: Yes, that's correct.
 7 MR MATHIBEDI SC: And when did you
 8 realise that was an irresponsible attitude?
 9 MR GGILITSHANA: It's, as you have also
 10 indicated that when the lives of people were lost.
 11 MR MATHIBEDI SC: Despite that
 12 realisation, NUM persisted with that unreasonable attitude?
 13 MR GGILITSHANA: Yes, we continued to
 14 indicate that we would persuade workers to go back to their
 15 normal working places so that they can follow the
 16 appropriate structures.
 17 MR GGILITSHANA: With due respect, Mr
 18 Gcilitshana, you are not answering my question. My
 19 question is simply that despite that realisation, the union
 20 persisted with their unreasonable attitude?
 21 MR GGILITSHANA: We persisted with
 22 attitude.
 23 MR MATHIBEDI SC: Do you agree that had
 24 NUM not persisted with that unreasonable attitude, probably
 25 people would not have lost their lives?

Page 4061

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

Page 4062

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

Page 4063

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

Page 4064

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

Page 4065

1 Commission that you had begun at LPD with the usual
 2 security briefing held by Lonmin.
 3 MR GCILITSHANA: Can you repeat the
 4 question again, senior counsel?
 5 MR TIP SC: Yes. On the 16th of August
 6 2012 –
 7 MR GCILITSHANA: Yes.
 8 MR TIP SC: - you've told the Commission
 9 that you attended the normal – the usual security briefing
 10 at LPD, the one that was convened by Lonmin.
 11 MR GCILITSHANA: That's correct.
 12 MR TIP SC: And you've also described
 13 that you were in the Lonmin vicinity until about five
 14 o'clock that afternoon, and that you spent some time in
 15 your car, listening to radio broadcasts.
 16 MR GCILITSHANA: Yes, at times I would
 17 listen to the news, yes.
 18 MR TIP SC: And you've also described and
 19 repeated just a few minutes or so ago, that various branch
 20 members of the union went to different shafts in order to
 21 establish what the position was of those shafts, whether
 22 there were problems, what the attendance was and such
 23 matters.
 24 MR GCILITSHANA: That's correct.
 25 MR TIP SC: And you've also said that you

Page 4066

1 were – you went to Middlekraal, I just want to establish if
 2 you recall more or less at what time those branch members
 3 returned to Middlekraal, and gave you a report there about
 4 what the situation was at the different shafts.
 5 MR GCILITSHANA: I may not have the exact
 6 time but it was after 12. They wouldn't arrive at the same
 7 time, you know, because they've got different - and they
 8 did use different cars.
 9 MR TIP SC: You said that usually there
 10 would be a second security briefing at about two o'clock,
 11 that if I heard you correctly, that meeting did not take
 12 place on that day.
 13 MR GCILITSHANA: Yes, that's correct.
 14 MR TIP SC: I just want to establish,
 15 whether or not when you got the feedback from your branch
 16 members about the situation at the various shafts, did any
 17 of those reports require or warrant you raising matters
 18 with Lonmin manager, or security?
 19 MR GCILITSHANA: No, not as I recall.
 20 MR TIP SC: Then, a second matter, you
 21 mentioned in respect of negotiations and the different
 22 levels of negotiations, I think you used the phrases or the
 23 words, the acronyms CBF1 and CBF2, did I hear that
 24 correctly?
 25 MR GCILITSHANA: That's correct.

Page 4067

1 MR TIP SC: I don't think that those
 2 initials were explained. Can you just tell us what CBF
 3 stands for?
 4 MR GCILITSHANA: Collective bargaining
 5 forum. When we talk CB1 it's cut 3 to 9. Then your C
 6 level, your C lower, C upper, it will be CBF2.
 7 MR TIP SC: And that would be with the
 8 collective bargaining forum within Lonmin as a whole.
 9 MR GCILITSHANA: Yes, both your CBF1 and
 10 CBF2.
 11 MR TIP SC: And you were asked some
 12 questions around the topic of reinstatement and re-
 13 employment, and in the course of that, there were some
 14 questions concerning the position of union membership as it
 15 had been before the dismissal of the persons who were thus
 16 re-employed in this case.
 17 MR GCILITSHANA: That's correct.
 18 MR TIP SC: And you made it clear, I
 19 believe that in respect of re-employment employees who were
 20 thus re-employed must again choose and join a trade union,
 21 if they so wish.
 22 MR GCILITSHANA: Yes, that's correct,
 23 depending on whether we have succeeded in persuading the
 24 management for reinstate membership or not.
 25 MR TIP SC: And with the situation of

Page 4068

1 reinstatement, would it be the position that generally what
 2 is reinstated are the terms and conditions of employment.
 3 MR GCILITSHANA: That's correct.
 4 MR TIP SC: Is it ever a term or
 5 condition of employment that a particular employee should
 6 belong to a particular trade union?
 7 MR GCILITSHANA: No.
 8 MR TIP SC: And is that why, even in the
 9 case of reinstatement the trade union must negotiate if it
 10 wants to reinstate trade union membership automatically on
 11 the fact of reinstatement?
 12 MR GCILITSHANA: That's correct.
 13 MR TIP SC: In answer to some questions
 14 from my learned friend, Mr Mpofo, regarding the meeting
 15 with General Mpembe, on the 15th of August, you had said
 16 that shop stewards from Lonmin had warned, they did not
 17 want the president, Mr Zokwana, to go to the koppie because
 18 of the songs that were being sung there.
 19 MR GCILITSHANA: That's correct.
 20 MR TIP SC: Did they identify what songs
 21 they had heard?
 22 MR GCILITSHANA: Yes.
 23 MR TIP SC: What?
 24 MR GCILITSHANA: "How are we going to
 25 kill this NUM, how are going to kill Zokwana?"

Page 4069

1 MR TIP SC: Lastly, Mr Gcilitshana, you
2 were –

3 MR HANABE: Sorry, just the other part,
4 that “we hate NUM.”

5 MR TIP SC: Are those the songs, you’ve
6 seen the videos here, Mr Gcilitshana, are those the songs
7 that we’ve seen on the video?

8 MR GCILITSHANA: That’s correct.

9 MR MPOFU SC: I am sorry, Chair, I don’t
10 want to interrupt, I don’t recall any song that has been
11 played in this forum at least that says anything about how
12 they are going to kill Zokwana.

13 MR TIP SC: Mr Gcilitshana, let me just
14 clarify, the version of the song that we’ve heard here,
15 relates to the killing of NUM. Have you seen that on
16 video?

17 MR GCILITSHANA: Yes.

18 MR TIP SC: Mr Chair, Mr Zokwana will
19 deal with the songs that he heard when he visited the
20 koppie on that day, the 15th. Finally, Mr Gcilitshana, my
21 learned friend, Ms Barnes raised with you that in paragraph
22 48 of your statement, that you’d made no mention of any
23 meeting on the 15th of August between you and others and
24 General Mpembe. I just want to take you to that paragraph.
25 It’s already on record. I won’t read it again, but it

Page 4070

1 deals with the visit of Mr Zokwana to the mine on 12 August
2 and again on 15 August, and at the conclusion of that
3 paragraph, you say, “I refer to his statement.” Do you see
4 that?

5 MR GCILITSHANA: Yes.

6 MR TIP SC: Mr Chair, the statement has
7 been circulated, it’s not yet an exhibit. It will be made
8 an exhibit –

9 CHAIRPERSON: I see Mr Zokwana’s
10 statement –

11 MR TIP SC: Yes.

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

Page 4071

1 perhaps we can leave the identification of the exhibits to
2 when Mr Zokwana attends. Thank you, Mr Gcilitshana, I have
3 no further questions for you. Thank you, Chair.

4 CHAIRPERSON: Mr Gcilitshana, you’re
5 excused.

6 [NO FURTHER QUESTIONS - WITNESS EXCUSED]

7 CHAIRPERSON: Mr Tip, your next witness,
8 have you got a witness ready, your next witness I presume,
9 he will be testifying in chief from a statement.

10 MR TIP SC: Yes.

11 CHAIRPERSON: So there will be no
12 prejudice to him if he covered the first 25 minutes and
13 then continue on Monday?

14 MR TIP SC: Yes, we’re ready to begin.

15 CHAIRPERSON: Alright, we’ll do so.

16 MR TIP SC: Yes, I call Mr Malesela
17 William Setelele. He will testify through, with the
18 assistance of an interpreter. We have signed copies, may I
19 hand up the original and two copies to the commissioner?
20 We have a number of other copies, these have also been
21 forwarded through Ms Pillay by e-mail previously. If there
22 are any parties who require a copy we have.

23 CHAIRPERSON: Will this be XX10?

24 MS PILLAY: Chair, it is a new witness,
25 that would be ZZ1.

Page 4072

1 CHAIRPERSON: ZZ, what’s wrong with YY?

2 MS PILLAY: I apologise, Chair, it is YY

3 –

4 CHAIRPERSON: Are there reasons for
5 leaving Y out?

6 MS PILLAY: None whatsoever.

7 CHAIRPERSON: YY1. Mr Setelele, would
8 you please stand? Are you prepared to swear that the
9 evidence that you give will be the correct or do you wish
10 to affirm?

11 MR SETELELE: I’m prepared to swear.

12 CHAIRPERSON: Alright, do you swear the
13 evidence you’ll give in this matter before this commission
14 will be the truth, the whole truth and nothing but the
15 truth, please raise your right hand and say, I swear, so
16 help me God?

17 MALESELA WILLIAM SETELELE: I swear, so
18 help me God.

19 CHAIRPERSON: Thank you, you may be
20 seated. Mr Tip?

21 EXAMINATION BY MR TIP SC: Thank you, Mr
22 Chair. Mr Setelele, you’ve now taken the oath, there is a
23 statement of yours which you have signed which you have
24 before you, you’ve read that statement with care?

25 MR SETELELE: Yes.

Page 4073

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

Page 4074

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

Page 4075

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

Page 4076

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

Page 4077

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

Page 4078

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

Page 4079

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

Page 4080

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

6

6 4077:8

7

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

8

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

9

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

