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 41　　　31 JANUARY 2013　　　PAGES 4396 TO 4500

HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE

NCRA
Guardians of the Record

1 [PROCEEDINGS ON 31 JANUARY 2013]

2 [09:43] CHAIRPERSON: The Commission resumes. Mr

3 Tip, you're going to call the witness, I believe?

4 MR TIP SC: Thank you, Mr Chair. I call

5 the next NUM witness, being Mr Senzeni Zokwana. A written

6 statement prepared by him has been circulated quite some

7 time ago, well before the end of the proceedings last year.

8 Signed copies and the original were made available

9 yesterday afternoon and I trust that the Commission has a

10 copy of those. To the best of my knowledge all other

11 parties have the copies. If anybody is lacking a copy

12 today they can tell us, we have available.

13 CHAIRPERSON: This is a signed – this

14 must be the original. Mr Zokwana, would you please stand?

15 Are you willing to take the oath or do you wish to affirm?

16 MR ZOKWANA: So help me God.

17 CHAIRPERSON: You're willing to take the

18 oath?

19 MR HANABE: Yes, he is.

20 CHAIRPERSON: Will you swear that the

21 evidence you will give before this Commission will be the

22 truth, the whole truth and nothing but the truth? Please

23 raise your right hand and say, I swear, so help me God.

24 MR ZOKWANA: I swear.

25 CHAIRPERSON: So help me God.

1 MR ZOKWANA: So help me God.

2 SENZENI ZOKWANA: d.s.s.

3 CHAIRPERSON: Thank you, you may be

4 seated. Mr Tip, the statement that you've given us will be

5 marked as an exhibit. Ms Pillay, can you tell us what the

6 next exhibit lettering will be? AAA, will it be?

7 MS PILLAY: Chair, if I may request that

8 we reserve AAA. We're putting together a compilation of

9 the first –

10 CHAIRPERSON: Okay, right.

11 MS PILLAY: - set of videos. So it would

12 be BBB.

13 CHAIRPERSON: BBB or – what about AAA –

14 oh, AAB. AAA is A-A-A. Logically the next exhibit would

15 be AAAB, unless you just want to move on to the –

16 MS PILLAY: No, we didn't do AB, if you

17 understand.

18 CHAIRPERSON: I see, okay. So this will

19 be BB?

20 MS PILLAY: This will be – no, this will

21 be BBB.

22 CHAIRPERSON: Yes, BBB1 or just BBB?

23 MS PILLAY: BBB1.

24 CHAIRPERSON: Okay, I've marked it BBB1.

25 Are there going to be more exhibits that you may be handing

1 in or –

2 MR TIP SC: No –

3 CHAIRPERSON: Is this just BBB?

4 MR TIP SC: This will be the only

5 document –

6 CHAIRPERSON: I've marked it accordingly.

7 MR TIP SC: Unless something arises in

8 the course of the cross-examination that requires some

9 additions. Mr Chair, may I proceed?

10 CHAIRPERSON: You may.

11 EXAMINATION BY MR TIP SC: Mr Zokwana,

12 you have before you the statement which is now an exhibit,

13 BBB1. That is your statement which you have signed,

14 correct?

15 MR ZOKWANA: Yes.

16 MR TIP SC: Is it also correct that you

17 have had the opportunity to read again through your

18 statement with care and are you in a position this morning

19 to confirm under oath that that statement is correct?

20 MR ZOKWANA: Yes.

21 MR TIP SC: What I propose to do, Mr

22 Zokwana, now that the statement is properly before the

23 Commission, is not to read it out and not to ask you to

24 read it out. I'm going to deal with various paragraphs in

25 a fairly summary fashion.

1 MR ZOKWANA: Yes.

2 MR TIP SC: And in the course of that, I

3 will draw your attention to various matters that are not

4 set out in any detail or dealt with in your statement, that

5 have arisen particularly in the course of the past five

6 days of this hearing during the cross-examination of the

7 previous three NUM witnesses, Mr Gcilitshana, Mr Setelele

8 and Mr Gegeleza. That – those additional portions will, to

9 some extent, add a little more detail but they will be

10 primarily directed to seeking to assist the Commission by

11 giving further background in respect of NUM and its

12 policies, in the first place – yes?

13 MR ZOKWANA: Yes.

14 MR TIP SC: I will also ask you to, as we

15 go, to deal with the allegations that have been made during

16 the cross-examination that NUM is not a caring union.

17 MR ZOKWANA: Then I will ask you to give

18 attention to the place of safety of RDOs and to try, with

19 your experience, to give the Commission some additional

20 understanding of what it is to be an RDO and also what NUM

21 has sought to do for RDOs over the past several years.

22 MR ZOKWANA: Yes.

23 MR TIP SC: We will deal with the events

24 at Marikana at which you were present and we will then

25 conclude with some specific propositions relating to

Page 4400

1 collective bargaining and matters that relate to it.

2   MR ZOKWANA: Yes.

3   MR TIP SC: Now, just to begin, we all

4 know that we just need to place on record that you are the

5 president of the National Union of Mineworkers, NUM.

6   MR ZOKWANA: Yes.

7   MR TIP SC: I know that you hold various

8 other offices but the one that I'd like to place of record

9 is the one that you were recently elected to, which is to

10 be deputy president of a new global union federation called

11 IndustriALL, is that correct?

12   MR ZOKWANA: Yes, correct.

13   MR TIP SC: I'll just spell that for the

14 assistance of the transcribers, I-n-d-u-s-t-r-I – capitals

15 - A-L-L. Now that is a federation, is it, of mining,

16 energy and manufacturing industrial sectors across how many

17 countries, Mr Zokwana?

18   MR ZOKWANA: It is a global federation

19 that will cover plus-minus 55 countries in the world, of

20 plus-minus five million members.

21   MR TIP SC: Thank you. Now, you've been

22 the president of NUM since 2000 when you were first elected

23 and you've been re-elected for subsequent terms, is that

24 correct?

25   MR ZOKWANA: Correct.

Page 4401

1   MR TIP SC: Your history in the mining

2 industry goes back to 1979 when you began work as an

3 underground mining hand.

4   MR ZOKWANA: That's correct.

5   MR TIP SC: You subsequently worked in a

6 range of underground and surface posts, including the

7 position of miner, shift supervisor, health and safety

8 officer.

9   MR ZOKWANA: That's correct.

10   MR TIP SC: We'll come to the position of

11 RDOs a little later but is it so that you've also, although

12 you've never been in the position formally of RDO, that

13 you've done work of an RDO in order to establish for

14 yourself just what that work entails, is that right?

15   MR ZOKWANA: Yes, during the practical

16 training to be a miner, you have to go through different

17 skills and part of those was understanding and appreciating

18 what the job entails.

19   MR TIP SC: And would it be correct that

20 in the course of the several years in the mining industries

21 in a range of different capacities, that you have gained a

22 great deal of experience and insight into the industry and

23 the position of workers and the difficulties that they face

24 and the role of trade unions in that environment?

25   MR ZOKWANA: That's correct.

Page 4402

1   MR TIP SC: In paragraphs 3 and 4 of your

2 statement you deal with the fact that the union, NUM, has

3 over the years done a great deal towards improving the lot

4 of mineworkers – details are set out – but I want, in this

5 regard, to make some additions to your statement and here

6 we will have regard also to the allegations that NUM does

7 not care.

8   MR ZOKWANA: Yes.

9   MR TIP SC: Now, Mr Zokwana, this of

10 course is not a Commission which would at this stage have,

11 want to hear too much detail about the mining industry.

12 It's a very engrossing history so what I'm going to do is,

13 just for the purpose of illustration, to place a few themes

14 before you, a few topics and you can then briefly indicate

15 why those are important and what NUM has done. Are you

16 comfortable with that?

17   MR ZOKWANA: I'm comfortable with that.

18   MR TIP SC: Then let us first touch on

19 the important topic of wages and benefits. Can you give us

20 a brief sketch of what NUM has achieved in that regard and

21 related to it?

22   MR ZOKWANA: Thanks. NUM, from its

23 inception, has a battle to make sure that it closes the

24 wage gap. It deals with the low wages mineworkers were

25 earning. It has to do that by engaging employers in

Page 4403

1 negotiations at different levels and we have been able to

2 make some strides in making sure that mineworkers earn a

3 decent wage on which they can live. It has been a struggle

4 that we have been engaging through negotiation, through

5 declaring of disputes in some other – in instances and a

6 few of those would be the 1987 – oh, sorry, sorry.

7 Example, there was no leave pay for mineworkers, there was

8 no pension for mineworkers. It was only in 1987 when we

9 settled the strike 16-52 that for the first time

10 mineworkers can look at a form of cover when they could no

11 longer live. That has changed the life of mineworkers. It

12 is a struggle NUM has been proud, because we believe that

13 NUM gave dignity to mineworkers to be looked upon as other

14 human beings who are part of the working force.

15   MR TIP SC: Mr Zokwana, you'll just keep

16 half an eye, without letting it distract you, on the

17 interpreter next to you so that you pause at convenient

18 times so that everything you say is properly translated and

19 that everybody here today can hear what you're saying.

20 Alright. You had just mentioned to the Commission the

21 impact of improvements of that kind – pension funds and

22 leave pay – on the dignity of mineworkers. Has that always

23 been a concern of NUM?

24   MR ZOKWANA: It is true, it is so that

25 before NUM was formed, mineworkers would not participate in

Page 4404

1 the process that would lead to increases. It was employers
2 sitting on their own who would decide how much they would
3 put on as increases. When NUM began to organise –
4   MR TIP SC: Now, although we won't go
5 into the details of the percentages of the increases that
6 have been obtained, generally has NUM over the past many,
7 many years, achieved above inflation improvements in wages?
8 [10:03] MR ZOKWANA: NUM has been guided by a
9 slogan of "For everything we do, mineworkers come first."
10 And we took a decision that says that any agreement less
11 than a double digit was not right or correct for
12 mineworkers and we have then retained increases of between
13 10 and 9% for the last three years within the industry.
14   MR TIP SC: Is it also so that NUM has
15 negotiated the establishment of a Mineworkers' Provident
16 Fund and an employee share ownership scheme within the
17 industry?
18   MR ZOKWANA: It is true because before
19 NUM was formed, as I've said earlier, mineworkers did not
20 have any pension to look at and through the participation
21 of NUM in the Mining Charter, one clause that was giving
22 workers some benefit has been the creation of [inaudible]
23 which, in some mining houses, especially in, in – at Anglo
24 Platinum on the iron ore side, workers got in some
25 dividends of half a million in some instances, improving

Page 4405

1 their earnings and I can say that to this Commission, NUM
2 has played that role and we believe that every and/or a
3 member of NUM can attest to that. Sorry, can I make a
4 correction? I heard now when the interpreter is
5 interpreting. I meant Anglo American operations in the
6 iron ore division.
7   MR TIP SC: Mr Zokwana, I want to go on
8 to a second topic under this general heading of what NUM
9 has done and its approach to the care of its members and
10 that is health, safety and compensation and again I'd like
11 to ask you just to very briefly highlight a few aspects of
12 what it is that NUM has done and achieved in that regard.
13   MR ZOKWANA: At its formation NUM became
14 aware of the high number of people who die or get sick
15 within the industry and it has been a struggle we have been
16 involved in and NUM have played a major role and make a
17 very important submission during the Leon Commission,
18 outlining not only the underground but also the living
19 conditions of mineworkers. We formed a fully fledged
20 structure at head office, manned by qualified people, to
21 ensure that we have got a health and safety committee that
22 takes into account any matter that arises that poses
23 threats to lives of mineworkers or where they have been
24 injured. We participated during the investigations on the
25 [indistinct] disaster in which 103 mineworkers lost their

Page 4406

1 lives and we had to incur costs as we hired the best legal
2 brains to make sure that the truth was unveiled so that
3 such does not happen again.
4   MR TIP SC: Mr Zokwana, I'm going to
5 interfere, if I may, just so that we keep the amount of
6 detail at a level that'll be useful immediately for the
7 Commission but generally is it so that there have been
8 various commissions of inquiry and accident investigations
9 that NUM has participated in consistently.
10   MR ZOKWANA: Yes, that is true. NUM has
11 been involved in almost all investigations, either into
12 accidents or into the processes that deal with compensation
13 of mineworkers and that has been done because we believe
14 that the fate of mineworkers has been left unattended for
15 many years and as a union we have made a point that we get
16 the best legal brains, we make sure that we have got the
17 expertise, that we shed light on those matters.
18   MR TIP SC: Would it be so that in every
19 instance where there is an accident on the mines at which
20 NUM is involved, resulting in injuries or deaths or raising
21 of safety, that NUM would become involved and take the
22 matter up?
23   MR ZOKWANA: That is true in every
24 accident NUM will make sure that there are people to take
25 part in that, in the loco inspection, in the inquiry

Page 4407

1 following. NUM would make sure that its presence is there
2 and the right skills are applied to make sure that the
3 truth comes out and the families concerned can get what is
4 due to them.
5   MR TIP SC: Is it also so that NUM has
6 been involved in matters of occupational hazards and
7 occupational diseases – and I'm thinking here particularly
8 of the problems associated with silicosis?
9   MR ZOKWANA: It's true because NUM has
10 been involved in such to make sure that the current formula
11 used in paying workers is consistent with the levels of
12 their problems and silicosis has been one of the diseases
13 that has killed many members or many workers working
14 exposed to higher dust levels underground and that has been
15 a concern to NUM, the fact that workers were paid according
16 to their grades, not according to the level of the disease
17 that has been affecting them and it has been very –
18 participating in that process.
19   MR TIP SC: In relation to diseases such
20 as silicosis, is it also so that NUM consistently
21 participates in any official or administrative matters that
22 relate to the operation of the compensation fund?
23   MR ZOKWANA: That is true.
24   MR TIP SC: It is so, is it not, Mr
25 Zokwana, that a great many mineworkers who become afflicted

Page 4408

1   with diseases of that kind are – leave the mine, I'll put
2   it neutrally, and go back to their distant places where
3   their homes are, which may be in a variety of Southern
4   African countries and even beyond.
5   MR ZOKWANA: Yes, it is so.
6   MR TIP SC: Does NUM have any structures
7   in place to ensure that there are follow-ups for such
8   persons and that they get the necessary assistance to see
9   medical persons, to process claims and the like?
10   MR ZOKWANA: Yes, we do have such
11 structures. In every region where NUM is organising we do
12 have medical practitioners who will be used to make sure
13 that they do examinations to determine the levels as well
14 as to see if such people can have access to compensation,
15 but more than that, we do have people who are able to visit
16 anybody who may be outside the place of employment.
17   MR TIP SC: Mr Zokwana, thank you. I
18 want to turn to a different topic although I know there's a
19 great deal more to be said about the ones that we've
20 touched on already, and that topic is the issue of
21 tribalism, racism, hostel living, faction fighting – that
22 category of matters. Has NUM played a role in respect of
23 issues of that kind?
24   MR ZOKWANA: Thanks. Let me start with
25 racism. When I joined this – the mine on the 17th of

Page 4409

1   December when I took a contract –
2   MR TIP SC: You'd better say that year?
3   MR ZOKWANA: It was 1979 on the 17th of
4   December at the age of 23, I was made to understand that
5   being a black person, what was being employed was not my
6   intellect, except my ability for work. I was stripped
7   naked and a white lady was to examine my manhood. And I
8   began to lose any dignity I could have had as a man and I
9   saw other elder men who were stripped naked, walking around
10 like kids and I began to know there was a fight to fight.
11 And NUM had to fight and from there I could understand that
12 there was a division of work. The colour bias was still
13 very - the job, as a black person could only occupy jobs
14 within group 1 to group 8. The highest you could go was to
15 be a boss boy then, which is now called a team leader.
16 NUM, on its inception, dealt with that very vigorously to
17 make sure that black people should have dreams of
18 acquiring, of ascending to higher offices in the industry.
19 There were separate amenities on the mine. There were
20 bathrooms for white people, there were washing – there were
21 showering rooms for white people and even in offices as a
22 black person you would stand at the window and only be
23 addressed as you come. Worse was the fact that
24 mineworkers, many mineworkers who are of my age would tell
25 of instances where they'd been beaten by the white

Page 4410

1   supervisors.
2   MR TIP SC: Again Mr Zokwana, you'll
3   forgive me. I know that there are a great, great many
4   details relating to topics such as these –
5   CHAIRPERSON: May I say I'm glad you've
6   mentioned that because some of these matters are more
7   relevant under the second phase and obviously NUM will get
8   full opportunity to deal with those matters then, possibly
9   by way of affidavits or written statements but it has some
10 relevance in relation to phase 1 but more on the broad
11 outline points than in the detail. So I take it you are
12 going to have that in mind in what follows. I don't want
13 to spend too much time on this. On the other hand, to be
14 fair, the has been an attack on NUM already in phase 1 and
15 they must be given an opportunity to defend themselves.
16 [10:23] MR TIP SC: I'm indebted to you, Mr
17 Chair, for that indication and perhaps I should just expand
18 very briefly on what I said at the beginning. It is so
19 that NUM has been attacked, it is so that NUM has been
20 accused of being not caring but apart from that, we're
21 addressing these sorts of details and the history of NUM as
22 a matter we believe, in our submission, is directly
23 relevant to phase 2 – I beg your pardon, phase 1 and it is
24 –
25   CHAIRPERSON: I haven't stopped you.

Page 4411

1   MR TIP SC: No, no –
2   CHAIRPERSON: I'm just indicating that a
3   lot of the detail of this part of the matter will be dealt
4   with in phase 2, so it isn't that you won't get an
5   opportunity –
6   MR TIP SC: No.
7   CHAIRPERSON: - to say what has to be
8   said, on the other hand I understand the need to, as you
9   perceive it, to put your case in outline at least at this
10 stage already. That's why I'm not stopping you but I'm
11 just indicating I want a brief outline and not great detail
12 at this point.
13   MR TIP SC: That is certainly our
14 approach but I just want to add for the benefit of the
15 Commission and also for the parties so that they can
16 understand what it is that we're doing. The Commission
17 ultimately will have to form a view on what took place on
18 the koppie and what led to the RDO strike, what led to the
19 nature of the acts that were performed by various parties
20 in the course of the events. And the hostility towards NUM
21 that arose at that time was very apparent and the
22 Commission already has indications of that.
23   Now in order, in our submission and we'll develop
24 this in due course, in order to understand how that kind of
25 hostility arose, it will be fitting, we believe, to have

Page 4412

1 regard to, in fact, what NUM has done over the years as an
2 organisation and why, fairly abruptly, that shifted into an
3 entirely different disposition. But we will bear in mind
4 the need to present highlights rather than details. Mr
5 Zokwana, you've followed that discussion?
6   MR ZOKWANA: Yes.
7   MR TIP SC: Thank you, Mr Zokwana. So
8 what we'll do is we'll look at the remaining topics. I'd
9 be glad if you can put sufficient detail so that it's not
10 just a label, it gets some content, but not to go too
11 extensively into detail. I would, under this particular
12 topic of tribalism, racism and faction fighting, for you to
13 deal briefly with the latter part of that - faction
14 fighting, its significance and what NUM has done about that
15 in particular over the years.
16   MR ZOKWANA: Thanks. When NUM was
17 formed, the mineworkers were accommodated in single sex
18 hostels on tribal lines and that resulted in mineworkers
19 now and again fighting amongst themselves, divided on those
20 tribal lines. And NUM has to make sure that a part of its
21 programme was to unify mineworkers, make them understand
22 that they must speak different languages but they remained
23 the same and they should take each other as a brother and a
24 friend. And I can say that NUM succeeded in doing that
25 because for a long time we've been able to see mineworkers

Page 4413

1 singing together, enjoying different cultural activities,
2 without looking at them as not part of the whole system.
3 We won that battle through democratising the hostel system
4 and also that mineworkers play a role in the election of
5 structures in the hostel to make it more amenable, better
6 to – and a change and workers are mixed in the way they
7 live in the hostels, no longer on tribal lines or language
8 groupings.
9   MR TIP SC: Thank you, Mr Zokwana. And
10 in rather similar fashion, and we needn't go into detail,
11 is it so that NUM has also addressed the issue of the
12 nature of housing that is provided to employees throughout
13 the mining industry?
14   MR ZOKWANA: Everybody who is employed in
15 a mine where there is a hostel would never deny the fact
16 that things are changing, things have changed. First we
17 democratised hostels, secondly, we fought for their
18 upgrading and also making sure that mineworkers have got
19 access to their own housing, where possible. We're against
20 this thing of where you've got 25 or 18 miners in one room
21 because that was not good, it was not giving them - not
22 giving them respect, not giving them privacy. So we fought
23 against that, that – we make sure that hostels are
24 transformed into units where people can have some privacy.
25 Where people need housing, we were able to assist to make

Page 4414

1 sure that people can access subsidies to make sure that
2 they can be able to acquire such accommodation.
3   MR TIP SC: Mr Zokwana, thanks. I want
4 to turn to a different aspect of what NUM does and the
5 background to that is that NUM has set up a Mineworkers'
6 Investment Trust, which has been in existence for many
7 years, is that so?
8   MR ZOKWANA: It's true, because when we
9 picked that the chances of kids of mineworkers joining the
10 industry at the level where their fathers joined, was that
11 high, as there were no major – I mean, improvement by
12 companies to give bursaries. NUM said, we want to make
13 sure that out of mineworkers we'll produce engineers,
14 doctors, lawyers, in different things – and we have
15 achieved that or are in the process of achieving that. Up
16 to date we have produced 800 graduates at a cost of 76
17 million. As I speak, 235 graduates or students are in
18 different institutions of higher learning - through, and
19 paid for, by that bursary scheme.
20   MR TIP SC: Mr Zokwana, I just want to
21 put a name to that. That is the JB Marks Educational Trust
22 Fund, is that correct?
23   MR ZOKWANA: That is correct.
24   MR TIP SC: Yes, and for the
25 transcribers, that's – Marx is M-A-R-K-S. And just to wrap

Page 4415

1 that up, the beneficiaries, I understand, of all these
2 bursaries are the dependants of mineworkers.
3   MR ZOKWANA: Anyone who is a mineworker
4 who is a member of the union has a right, or his kids have
5 a right to go to varsity if he has made an application.
6 Even mineworkers themselves have been able to improve their
7 academic qualifications through this bursary scheme.
8   MR TIP SC: Yes. And lastly, Mr Zokwana,
9 on this subject – I just want to mention the Mineworkers'
10 Development Agency and that is a body generally devoted to
11 seeking to uplift communities in various areas throughout
12 the Southern African region, is that so?
13   MR ZOKWANA: That's correct.
14   MR TIP SC: Alright, well, let us leave
15 that topic, Mr Zokwana, and I want to move on to paragraph
16 5 of your statement. There you set out generally the
17 developments and the legislative framework that governs
18 labour relations in this country and you say that NUM has
19 played a significant role in bringing about those
20 improvements to the point where we have a sophisticated
21 Labour Relations Act and ancillary legislation today, is
22 that right?
23   MR ZOKWANA: That's correct.
24   MR TIP SC: And I want to – I just want
25 to read out the last two sentences of that paragraph and

Page 4416

1 then I'll pose one or two questions to you that are of
2 direct relevance to aspects of the proceedings in this
3 Commission. Those, the legislative dispensation that we
4 have now is the background and you say the following, "They
5 entail lawfully organised union and employees entities,
6 functioning within a bargaining environment that not only
7 regulates their interaction but also provides the
8 possibility of resort to lawful strike or lockout measures.
9 Properly observed and applied, they provide certainty and
10 stability for all parties.
11   MR ZOKWANA: Yes, I agree with that.
12   MR TIP SC: Yes. Now against that
13 statement, I'd like you please just to tell the Commission,
14 in essence, what the role and importance is in a structure
15 of this kind, of a mandate.
16   MR ZOKWANA: Before a union can engage
17 any employer in any form of negotiations, you need a proper
18 mandate from those on whose behalf you are negotiating.
19 You must have the right to get their views. When we have
20 gone through engaging with the employers in the course of
21 give and take, you are able to go back and report and get a
22 new mandate. Whenever you have to make a concession on one
23 point or another, it must be through that mandating
24 process. Without a mandate I don't foresee you claiming to
25 represent anybody, for you rely upon them giving you the

Page 4417

1 way forward. So mandating is part and key to any process
2 of bargaining.
3   MR TIP SC: Thank you. Mr Zokwana, I
4 want you then to apply those considerations to the context
5 of Marikana, about which you – although you were not
6 present personally, you are familiar with the essence of
7 the history of the period before the decision by the RDOs
8 to go on strike and the events leading up to the shootings
9 on the 16th of August 2012 and even thereafter. The role of
10 the mandate there, in relation to NUM's position vis-à-vis
11 the RDOs who decided to strike, can you comment on that?
12   MR ZOKWANA: You can only get a mandate
13 from people who have the trust in you. You can only get a
14 mandate from people who believe that you are still their
15 agent. With the case of Marikana, the RDOs took a decision
16 that NUM was not going to be such an agent and the violent
17 nature of the process would have meant that interaction
18 between NUM and those strikers was impossible, as a lot of
19 our local shop stewards had to go to hiding. There was no
20 way then for NUM to get that mandate from people where
21 violence towards the union, as shown by the incident of the
22 11th at the branch office.
23 [10-43
24   MR TIP SC: Now Mr Zokwana, there have
25 been suggestions in this inquiry thus far that NUM should

Page 4418

1 nevertheless have taken an initiative, should have launched
2 some kind of collective bargaining interaction, should have
3 taken up some form of negotiations with the employer, with
4 Lonmin. On the basis of the facts as you understand them,
5 was that a viable option in terms of the collective
6 bargaining framework?
7   MR ZOKWANA: The view of the NUM was that
8 it was impossible because there was no way NUM would have
9 been able to go to the koppie and meet with those strikers
10 who were aggressive or who were not willing to talk to our
11 shop stewards.
12   MR TIP SC: I want to turn to a different
13 topic now and, as I indicated, Mr Zokwana, the role of the
14 RDOs and the position of RDOs and the experiences of RDOs
15 are all matters that are of great consequence to the
16 Commission and all the parties here and I want to begin
17 with you, if you would, by putting a little content to what
18 it is that RDOs do. We've heard that their work is hard,
19 that it is dangerous and that they are underpaid but if you
20 could, from your own experience, present us with a little
21 sketch of what it is really like for an RDO and what work
22 he does.
23   MR ZOKWANA: Underground work is
24 difficult but no work is difficult to match the job done on
25 a daily basis by RDOs. An RDO on a daily basis can only

Page 4419

1 perform his job if he is on the rock face. He has to
2 drill, with oil dribbling on his body, his body shivering
3 from the consistent vibration of the machine. If the miner
4 who was marking that morning would have made a misfire and
5 marked on that hole, the machine driller in more instances
6 would be blasted underground and many have died due to that
7 process.
8   MR TIP SC: Just to pause there for a
9 moment. Just to clarify in case it's not clear to
10 everybody, the misfire – am I correct in understanding that
11 a Miner, that's with a capital M, that's the senior person.
12   CHAIRPERSON: Yes, a certificated miner
13 is really what, certificated Mine a capital, is a Miner
14 with a blasting certificate.
15   MR TIP SC: A blasting certificate.
16   CHAIRPERSON: He's a certificated Miner.
17 If you call him that then the difficulty falls away.
18   MR TIP SC: That would be a better way to
19 put it, but the person who's been in charge of a previous
20 drilling operation and the insertion into the drill holes
21 of explosive charges which are to, of course, explode and
22 to fragment the rock so that there can be an extraction, is
23 that correct?
24   MR ZOKWANA: The issue I wanted to
25 clarify is that the person who is a Miner is the one who

Page 4420

1   has the certificate, who, after there's been an explosion
2   in the hole and then where there will be the remains of the
3   unexploded explosives. Legally, a Miner has to do what is
4   called early morning examination and part of that is to
5   ensure that after blasting you examine all the holes that
6   could not have been blasted fully and extract any remnants
7   of explosives.
8   MR TIP SC: Yes. So what you are saying
9   is if a Miner misses an unexploded charge and the RDO then
10   comes along and begins to drill, there's every prospect
11   that there will be a fatal explosion.
12   MR ZOKWANA: Yes.
13   MR TIP SC: And also, by definition, you
14   have explained that they are at the rock face, that's at
15   the very end of the mining stope where further excavation
16   is being done, is that correct?
17   MR ZOKWANA: Yes, it's true. A Miner
18   will always be on the rock face and above him, with what we
19   call in the mine, hanging wall. And that hanging wall will
20   depend upon the blast the previous day as well as any
21   geological changes in the rock structure and therefore
22   sometimes Miners will mine under a brow that is not well-
23   protected, thereby exposing their own lives and many have
24   died in that process.
25   MR TIP SC: Now, Mr Zokwana, has it ever

Page 4421

1   been the view of NUM that RDOs are properly paid for the
2   work that they do?
3   MR ZOKWANA: NUM has fought and still
4   believes that the rate at which RDOs are paid is very low
5   as the current form of job grading done by the industry
6   does not take into account the conditions, the kind of work
7   a person performs.
8   MR TIP SC: Mr Zokwana, as you know, Mr
9   Gcilitshana, the chief negotiator at Lonmin, has given
10   evidence. He has described that NUM was unable to persuade
11   the employer to accept its proposals for remuneration for
12   RDOs. He went on to say that that was a matter that had
13   also been taken up at the more senior level by you and the
14   secretary general of NUM.
15   MR ZOKWANA: That's correct.
16   MR TIP SC: Now, before I ask you to
17   again just give an outline of what has happened, I wanted
18   to draw attention to the fact NUM of course represents a
19   great many mineworkers across various sectors within the
20   mining industry as a whole and, in particular, that there
21   are different structural arrangements in respect of, say,
22   gold and coal mining on the one hand and platinum mining on
23   the other.
24   MR ZOKWANA: It is true. That's correct.
25   MR TIP SC: In respect of the former

Page 4422

1   category, there is the Chamber of Mines which has been in
2   existence for a great many, many decades and bargaining
3   takes place centrally through the Chamber in respect of,
4   amongst others, all gold mines, is that correct?
5   MR ZOKWANA: That's true.
6   MR TIP SC: Then I'd like you – we'll
7   come back to the question of the mining, the bargaining
8   arrangements within the platinum mining sector, but in
9   respect of the Chamber and that aspect of NUM's
10   responsibilities, can you give us a brief account of what
11   NUM has sought to do and achieve in relation to the
12   position of RDOs through the Chamber?
13   MR ZOKWANA: Thanks, yes. In 2005 there
14   was a roll out of the category of machine drillers from
15   group 4 to group 5, which meant some improvement in their
16   basic wage, but in 2010 the general secretary of NUM met
17   the senior negotiators of the Chamber and they raised the
18   NUM concern on the remuneration of machine drillers in
19   particular, which is the RDOs, and in 2011 negotiations a
20   task team was formed whose report was tabled in 2012,
21   resulting in an additional R500 on their basic pay so that
22   it improves a bit what they earned, more than the 10% that
23   was given to them in July.
24   MR TIP SC: Just a few questions to
25   complete that point and I just want to put this in context,

Page 4423

1   you've referred to 2010 and the important developments
2   there, is it so that those were pursuant to a concerted
3   programme on the part of NUM which dated back to 1998?
4   MR ZOKWANA: Yes, it's true. In 1998 we
5   did put a demand to the Chamber and to the industry to
6   change the grading system and we believe that the current
7   grading that companies are fond of, does not address some
8   of the aspects of the work miners are doing.
9   CHAIRPERSON: By miners I take it you
10   mean mineworkers, not just certificated Miners?
11   MR ZOKWANA: Yes, it was including,
12   Commissioner, the fact that all people who are underground
13   and on the surface were not paid according to the
14   conditions, the job they performed, but it was - the
15   current grade recognise his authority – it doesn't matter
16   what job, how difficult it is, as long as you don't have
17   authority it does not pay you accordingly.
18   MR TIP SC: And lastly – and Mr Zokwana,
19   I'm going to ask you not to go into any detail of this, I
20   just want to confirm that when NUM took up the matter in a
21   concerted way in 1998 with the Chamber, it sent a
22   delegation to Canada in order to receive advice on
23   structural matters and how job arrangements could be done
24   in the mining industry, is that correct, without –
25   MR ZOKWANA: Correct.

Page 4424

1   MR TIP SC: And the result of that was to

2   improve NUM's capacity to engage the chamber in respect of

3   RDOs.

4   MR ZOKWANA: Correct.

5   MR TIP SC: Mr Chair, this would be a

6   convenient moment for me to adjourn.

7   CHAIRPERSON: Thank you, Mr Tip. The

8   Commission will take the tea adjournment at this stage.

9   [COMMISSION ADJOURNS   COMMISSION RESUMES]

10   [11:32] CHAIRPERSON: The Commission resumes.

11   You're still under oath, Mr Zokwana.

12   MR ZOKWANA: Yes.

13   CHAIRPERSON: Mr Tip, would you wish to

14   continue with your examination-in-chief?

15   SENZENI ZOKWANA (CONTD):

16   EXAMINATION BY MR TIP SC (CONTD):   Thank

17   you, Mr Chairperson. Mr Zokwana, just before the tea

18   adjournment you had completed telling us the essential

19   story of your efforts in the Chamber of Mines and the

20   successes that you began to achieve from 2010 and I want to

21   turn now to the platinum sector. We have all heard already

22   that there is no collective bargaining structure equivalent

23   to the Chamber of Mines.

24   MR ZOKWANA: It is so.

25   MR TIP SC: Has that fact had any effect

Page 4425

1   on the capacity of NUM to address the position of RDOs

2   within the platinum mines?

3   MR ZOKWANA: It is so.

4   MR TIP SC: Just explain briefly, please.

5   MR ZOKWANA: It made it difficult for NUM

6   to have proper co-ordination of the work that's taking

7   place, as NUM was compelled to engage individual employers

8   at different times, sometimes to find that people are

9   scattered all over, whereas in the Chamber there is one

10   single forum. If you reach an agreement, it binds all

11   those companies that are bargaining there, in different

12   mining houses. As a result, that would have got an

13   inhibiting factor in how we co-ordinate properly the

14   agreements that people were reaching, all those processes.

15   CHAIRPERSON: Mr Zokwana, in one of the

16   exhibits that's been put before us, an article which is

17   exhibit XX8 by Ms Carol Paton, she deals with this aspect.

18   Very shortly I'd just like to read it to you, if you could

19   possibly, in the interests of shortening matters, you may

20   be able to tell us whether what she says is correct. She

21   talks about "Institutional weaknesses in the industrial

22   relations system, this is the second page of the exhibit,

23   which platinum employers can fix relatively easily. One is

24   the absence of centralised bargaining for the platinum

25   sector, which has led, in part, to the unstable competition

Page 4426

1   around wage levels." And then she goes on to say, "The

2   industry is now in favour of a centralised approach. This

3   could make a difference in the future but won't have much

4   impact on the current disputes." Is that statement

5   correct? I see you have the article in front of you. What

6   I was reading was from the second page in the third column,

7   it's the extreme right hand side near the foot of that

8   page, do you see, the paragraph beginning, "The Marikana

9   incident also brought home." It's the extreme right hand

10   column on the second page, the second page is the one

11   that's got a picture of Mr Paul Dunn at the top.

12   MR ZOKWANA: Yes.

13   CHAIRPERSON: And his picture is at the

14   top of column 3 on that page.

15   MR ZOKWANA: Yes.

16   CHAIRPERSON: And at the – near the foot

17   of that column is a paragraph beginning, "The Marikana

18   incident also brought home" and that's the passage I read

19   you and it continues on to the next page, for three lines

20   on the next page.

21   MR ZOKWANA: Yes.

22   CHAIRPERSON: The question is, I take it

23   you agree with that summary of the situation?

24   MR ZOKWANA: I would agree with it mostly

25   because it's what gave rise to the 18% offer to miners by

Page 4427

1   Impala because they're competing with the other competing

2   companies. So without the Central Bargaining Forum the

3   companies would tend to give different, I mean pay to their

4   own employees, creating that imbalance of people not

5   staying in one employer.

6   MR TIP SC: Thank you, Chair, for that

7   intervention. That very tidily deals with the questions I

8   was going to put on that topic and we can move on. Mr

9   Zokwana, in your statement you then have a series of

10   paragraphs beginning at paragraph 6, running through to 11,

11   where you set out your views on various aspects of the

12   events at Lonmin, at Marikana during the relevant time.

13   They're in your statement, I'm not going to take you

14   through those in any substance, I'm just going to highlight

15   one aspect of it. In paragraph 9 you say there that, "NUM

16   also consistently urged Lonmin and the SAPS to take steps

17   to prevent the unlawful conduct of the strikers and, in

18   particular, to halt the numerous instances of intimidation

19   and violence that were directed against non-strikers."

20   CHAIRPERSON: Mr Tip, I think it may be

21   helpful if you deal with paragraphs 7 and 8 because they

22   really have to be put on, for the benefit of those in the

23   auditorium, have to be brought out so that they can

24   understand the thrust of what's contained in the rest of

25   para 9 and para 10.

Page 4428

1   MR TIP SC: Yes. Thank you for reminding
2 me of that perspective, it is important to communicate.
3 Perhaps, if I may Mr Zokwana, with the leave of the Chair,
4 to take you back to paragraph 7 and perhaps it'll be most
5 convenient – the most convenient and swift way of
6 communicating this to the persons present will be for me
7 just to read these paragraphs onto the record and if you
8 follow and correct anything that needs correction.
9 Firstly, paragraph 7, "It is the experience of NUM that
10 unprotected strike in general potentially have very grave
11 consequences for all parties, including the employees who
12 participate in them. Not only do they lose the protection
13 from dismissal, afforded by the constitutional right to
14 strike, but such strikes are often plagued by significant
15 levels of violence, intimidation and destruction of
16 property. Employers often take advantage of unprotected
17 strike to dismiss the strikers and thereafter re-employ
18 them on a selective basis and even with reduced terms and
19 conditions of employment." Mr Zokwana, do you confirm that
20 those are the views of NUM?
21   MR ZOKWANA: Yes, I confirm them, senior
22 counsel.
23   MR TIP SC: Then we go on with paragraph
24 8, "It is for these reasons that NUM consistently urged its
25 members at Lonmin not to associate with the unprotected

Page 4429

1 strike and to continue reporting for duty. It likewise
2 called for the strikers to return to work and for their
3 demands to be channelled through established collective
4 bargaining processes and procedures. NUM actively assisted
5 its members, as well as other employees who wanted to
6 report for work but who, for one or other reason, were
7 finding it difficult to get there." If I may, Chair –
8   CHAIRPERSON: Yes.
9   MR TIP SC: - do the same with the
10 following two paragraphs. Paragraph 8, the one I've just
11 read, Mr Zokwana, do you confirm that, that that is the
12 view of NUM, especially at your level of leadership?
13   MR ZOKWANA: I do confirm that as the
14 view of NUM.
15   MR TIP SC: I'm going to paragraph 9 and
16 I'm going to repeat the one question which I've already
17 read because I want to follow it up with the remainder of
18 that paragraph. "NUM also consistently urged Lonmin and
19 the SAPS to take steps to prevent the unlawful conduct of
20 the strikers and, in particular, to halt the numerous
21 instances of intimidation and violence that were directed
22 against non-strikers. Conduct of that nature is typically
23 resorted to by strikers in order to bring about a further
24 reduction in the number of workers reporting for duty and
25 thus to decrease or stop production. This increases the

Page 4430

1 pressure on the employer." The observation – sorry, Mr
2 Zokwana, is that correct?
3   MR ZOKWANA: Yes, that's correct, I
4 agree.
5   MR TIP SC: And the observations that are
6 made in the latter part of that paragraph relating to the
7 purpose for which strikers might resort to intimidation, do
8 those allegations accord with your extensive experience
9 within trade union activities in this country?
10   MR ZOKWANA: It is so. You can only
11 manage a strike that is peaceful, that is in order, if such
12 a strike has been taken with the full mandate of those who
13 participate in it. As a result, you don't need to use
14 violence or coercion is people will own decisions to go and
15 strike, but in cases like this where a group of workers
16 decides not to go to work, it is given therefore that
17 without that overall agreement, measures like this will be
18 utilised.
19   MR TIP SC: Would it be so, Mr Zokwana,
20 that in instances of that kind where the strikers are not
21 operating under the guidance of an established trade union,
22 that the entire events and the potential for violence
23 ensuing has been taken out of the established regulatory
24 environment set up by the Labour Relations Act?
25   MR ZOKWANA: It is so.

Page 4431

1   MR TIP SC: Then I want, lastly, to read
2 paragraph 10 and I'll ask you whether that sets out,
3 generally, the view again of NUM's leadership at your
4 level. "It is the view of NUM that its opposition to the
5 unprotected strike gave rise to anti-NUM sentiment amongst
6 the strikers and violence towards its members, officials
7 and the union itself."
8   MR ZOKWANA: Yes, it is.
9   MR TIP SC: Now, Mr Zokwana, I'm going to
10 turn to your description of the events of 12 August 2012
11 when you came onto the scene at Marikana but before that, I
12 just want to ask you, did you in the course of 11th of
13 August 2012 receive any reports concerning the events at
14 the NUM office on that day?
15   MR ZOKWANA: No.
16   MR TIP SC: Right, on the morning of
17 Sunday, 12 August – I'm looking at paragraph 12 and perhaps
18 I can again abbreviate these – well, let me just lead you,
19 Mr Zokwana. On the Sunday the 12th of August did you
20 receive a call reporting the events in the vicinity of
21 Wonderkop hostel?
22   MR ZOKWANA: Yes, it is so.
23   MR TIP SC: And did you then decide to
24 drive out to the mine?
25   MR ZOKWANA: Yes, I did went to the mine.

Page 4432

1   MR TIP SC: When you arrived, is it so

2   that you saw a burnt out vehicle in that area, being towed

3   away?

4   MR HANABE: A burnt out vehicle?

5   MR ZOKWANA: Yes, it is so.

6   MR TIP SC: And were you then given a

7   report by some of the local membership, some of the local

8   leadership?

9   MR ZOKWANA: Yes, it is so.

10   MR TIP SC: In the course of that, did

11 you hear that two Lonmin security guards had been killed?

12   MR ZOKWANA: Yes, I was given that

13 information.

14   MR TIP SC: And that it appeared that the

15 persons who had been involved in that killing had in fact

16 been on their way to the NUM office.

17 [11:52] MR ZOKWANA: That's the report I

18 received, yes.

19   MR TIP SC: Were you concerned at the

20 nature of that report?

21   MR ZOKWANA: I was shocked to the fact

22 that people were killed, burnt in their cars, because I

23 didn't take that as the culture that has existed in the

24 industry for some years back.

25   MR TIP SC: Yes, we'll come back to that

Page 4433

1   topic a little later. Did you then contact Lonmin

2   management and arrange a meeting?

3   MR ZOKWANA: Yes, that's so.

4   MR TIP SC: And did you in fact then have

5   a meeting with a number of senior managers of Lonmin at the

6   Middlekraal area?

7   MR ZOKWANA: Yes, that's true.

8   MR TIP SC: Were there any other unions

9   involved in that meeting?

10   MR ZOKWANA: In my recollection it was

11 NUM and management.

12   MR TIP SC: And did you form an

13 impression of the level of anxiety or concern amongst the

14 members of management who attended the meeting, about the

15 event?

16   MR ZOKWANA: Yes.

17   MR TIP SC: And what was the level of

18 their concern?

19   MR ZOKWANA: They have raised the fact

20 that while they've tried to contact SAPS, they have not

21 received a quick response that would have quelled the

22 environment and the fact that their own personnel was not

23 enough to deal with the level of violence at that moment.

24   MR TIP SC: And did you personally, after

25 the meeting had come to an end, take any steps to contact

Page 4434

1   the South African Police Service in order to see what you

2   could arrange?

3   MR ZOKWANA: Yes, I did.

4   MR TIP SC: Could you give the Commission

5   a brief outline of the persons to whom you spoke?

6   MR ZOKWANA: I spoke to an official in

7   the offices of the provincial commissioner and I was not

8   satisfied with the response I was given, they didn't have

9   enough manpower in the SAPS. Then I tried to get the

10 numbers of the Minister's office and I was able to talk to

11 somebody in his office and they left a message on his cell.

12 He called me back when I was on the way to Joburg and I

13 raised my concern to the fact that unless there were enough

14 number of SAPS personnel to restore law and order on the

15 mine, many lives will be lost.

16   MR TIP SC: And what was the response of

17 the Minister to your approach?

18   MR ZOKWANA: The Minister promised to

19 make all possible to ensure that there was a deployment of

20 SAPS on the mine to prevent further deaths to people.

21   MR TIP SC: I want to turn next to the

22 events of 15 August 2012, which began, for our purposes,

23 with the radio interview which had been hosted by Mr Xolani

24 Gwala and you were present with the president of AMCU, Mr

25 Joseph Mathunjwa and Mr Barnard Mokwena, I think, was on

Page 4435

1   line.

2   MR ZOKWANA: Yes.

3   MR TIP SC: Yes. Now, towards the latter

4   part of that interview, the prospect that you and Mr

5   Mathunjwa would go to the koppie and address the workers

6   who were assembled there on that day and on previous days –

7   and seek to dissuade them from their course of action. Do

8   you recall that?

9   MR ZOKWANA: Yes, it's true.

10   MR TIP SC: Now, what – as at 15 August,

11 on the basis of the information that you had received and

12 the circumstances that you were aware of, what sort of

13 reception did you think that you would receive if you were

14 at the koppie with a view to addressing those persons?

15   MR ZOKWANA: It was clear to me that if I

16 were to go to the koppie, the reception would be bad

17 towards NUM, as the events that happened before and the

18 statement made, I mean allegedly during the process, could

19 have created an anti-NUM attitude towards those on the

20 koppie.

21   MR TIP SC: Despite that expectation, you

22 nevertheless agreed to go to Lonmin in order to address

23 them, to go to the koppie?

24   MR ZOKWANA: Yes, it is so.

25   MR TIP SC: And you will recall, as you

Page 4436

1 set out in paragraph 18, that when you arrived at Lonmin,
2 you and Mr Mathunjwa and other union officials met with,
3 amongst others, General Mpembe of the South African Police
4 Service.
5   MR ZOKWANA: Yes, that's so.
6   MR TIP SC: I just want to deal very
7 briefly with two, two minor matters that arose out of the
8 evidence of Mr Mathunjwa. First of all, he – there is an
9 allegation that General Mpembe had said that he had
10 identified four persons who were identified as leaders of
11 those amongst the koppie, those on the koppie, and that two
12 of those were NUM and two were AMCU. Do you recall that
13 being said?
14   MR ZOKWANA: What I recall on that day
15 was that we were made aware that of the group of strike
16 leaders, they were from NUM and AMCU. That was said. I
17 don't remember the numbers of, they were equal numbers, I
18 don't remember that at all.
19   MR TIP SC: Yes, but the issue of
20 leadership, you recall, was discussed and raised by General
21 Mpembe?
22   MR ZOKWANA: Yes, I agree with that.
23   MR TIP SC: And then also just at the
24 level of a bit of detail, then we'll get on with the main
25 narrative, it was said by Mr Mathunjwa that the NUM persons

Page 4437

1 requested a caucus, they went out and even after 40
2 minutes, 45 minutes, they never returned to the boardroom.
3 Do you agree with that?
4   MR HANABE: With all due respect to the
5 Commission, I just feel that I'm so pressed and I've just
6 asked Mr Mahlangu to stand in for me whilst I'm rushing to
7 the men's room.
8   MR MAHLANGU: The question again, sir,
9 was?
10   MR TIP SC: The question again was that
11 Mr Mathunjwa had said that at the latter part of the
12 briefing session, the NUM members present had said that
13 they wanted a caucus, that they went out and that even
14 after 45 minutes they had not returned to the boardroom
15 where that meeting, where the briefing was taking place.
16   MR ZOKWANA: Maybe it was Mathunjwa's
17 memory lapse because after the caucus of NUM delegation we
18 came back to give the response to what we went to caucus
19 for.
20   MR TIP SC: And the response was that you
21 would go to the koppie?
22   MR ZOKWANA: That's so.
23   MR TIP SC: Now we've heard, Mr Zokwana,
24 that you went to the koppie in police Nyalas, is that
25 correct?

Page 4438

1   MR ZOKWANA: That's correct.
2   MR TIP SC: And the arrangement was that
3 you would address the persons on the koppie first?
4   MR ZOKWANA: That's correct.
5   MR TIP SC: Can you describe to the
6 Commission the situation that was present there at the
7 koppie as you were approaching? What did you see, what did
8 you hear?
9   MR ZOKWANA: When we went to the koppie
10 in the Nyala, we saw a group of what may have been the
11 leaders of the strikers. They were sitting, crouching, I
12 mean forming a circle as if they were busy in a
13 conversation. When they were called upon to come forward
14 and engage the delegation in the Nyala – that was myself
15 and the NUM delegation and the police negotiators – nobody
16 came forward but they moved back and signed for us to come
17 forward nearer with the Nyala. But besides that, I picked
18 a song I used to understand that was sung soon after the
19 killing or the death of Chris Hani but today the words were
20 different. And the song was – [indistinct]. When we were
21 going forward by the Nyala, there was a row of stones and
22 the Nyala stopped. Two of the strikers came forward to the
23 Nyala and the request had been made to come out of the
24 Nyala and if I was afraid, I can come with five police guys
25 to guard me and I was ordered by the commanders of that

Page 4439

1 delegation not to leave the Nyala. Then I began to address
2 them through the loudhailer and the song grew louder. The
3 song was saying, "How can we kill NUM, we hate NUM, how can
4 we kill Zokwana?" And it shocked me because, as I have
5 known mineworkers for years, I've never came across such an
6 aggressive, threatening attitude by mineworkers.
7 Mineworkers, for any reason, would have been angry for some
8 structures of the union but whenever they would see their
9 senior leadership, they would appreciate their coming.
10 More threatening was the way they were, as they were
11 singing they were using their assegais and pangas to make a
12 clicking sound as they were singing the song. In dealing
13 with situations like those, like faction fights and the
14 rest, I have not come across a group of workers so armed,
15 so threatening.
16   MR TIP SC: Mr Zokwana, the song and the
17 clashing together of the weapons, you've been shown a video
18 which you've been told has been played in the Commission.
19   MR ZOKWANA: Yes, I've seen that.
20   MR TIP SC: Which was recorded on the
21 following day, and was that the kind of singing and
22 clashing that you experienced on the 15th of August?
23   MR ZOKWANA: Yes, it was.
24   MR TIP SC: Chair, we don't propose to
25 show it again unless it would be of any assistance but –

Page 4440

1 were you able to complete an address to these persons?

2 　　　MR ZOKWANA:　　　I tried, but the noise made

3 by these people made it difficult to continue but I did say

4 to people that they should disarm, allow the police to play

5 their role, go back to their hostels, allow processes in

6 dealing with grievances to take place after.

7 [12:12] MR TIP SC:　　　And did, after some minutes,

8 did the person in charge of the police, the officer in

9 charge of the Nyala instruct that it should leave the

10 scene?

11 　　　MR ZOKWANA:　　　That's so.

12 　　　MR TIP SC:　　　Now you've told us, Mr

13 Zokwana, that in your long history and experience of union

14 activities, even faction fights, you've never encountered

15 anything like this. What was the impact of it, of that

16 experience on you personally?

17 　　　MR ZOKWANA:　　　I was so concerned about

18 this threatening attitude of the strikers, I was so

19 concerned, I was so concerned about the safety of other

20 people to the extent that the following day – that would be

21 the 16th – when I woke up I could not talk, my voice was

22 gone.

23 　　　MR TIP SC:　　　You've also been shown some

24 photographs of some of the persons who were unfortunately

25 put to death in the period between 12 and 14 August, that's

Page 4441

1 in the police presentation –

2 　　　MR ZOKWANA:　　　Yes.

3 　　　MR TIP SC:　　　- prepared by them. Do you

4 recall those photographs?

5 　　　MR ZOKWANA:　　　Yes, that's –

6 　　　MR TIP SC:　　　You'll recall that they

7 include the killing, the bodies of the Lonmin security

8 personnel killed on the 12th, the day that you came to the

9 mine.

10 　　　MR ZOKWANA:　　　Yes.

11 　　　MR TIP SC:　　　In your experience of

12 conflict related to the mines, have you ever seen anything

13 of that nature?

14 　　　MR ZOKWANA:　　　As I have said, I have been

15 dealing with section 5s where miners may kill,

16 unfortunately, other miners, but the viciousness, the

17 cruelty I saw in those films shocked me and I could not

18 understand how human beings could be so cruel as to kill

19 somebody. But beyond killing, they deface him in the

20 manner those pictures showed.

21 　　　MR TIP SC:　　　Assume for a moment that

22 amongst those on the koppie and amongst those who took part

23 in acts of violence of that kind, that there were some

24 persons who were NUM members, would such members have acted

25 in accordance with the principles and the policies and the

Page 4442

1 beliefs of NUM as an organisation?

2 　　　MR ZOKWANA:　　　Not at all.

3 　　　MR TIP SC:　　　Thank you, Mr Zokwana. Then

4 just two last topics I want to deal with briefly. These

5 also arise out of the cross-examination. On the basis of

6 what you understand the position to have been at Lonmin

7 during the relevant period, particularly before the

8 shootings on the 16th of August, was it possible for NUM to

9 initiate interaction of a bargaining nature with Lonmin on

10 behalf of the RDOs?

11 　　　MR ZOKWANA:　　　It was impossible. One, you

12 can only negotiate for people who believe that you are

13 their agent, because in negotiations you will need a

14 mandate to go to whoever you are negotiating with. You

15 will need to feed back. The incidents from the 10th onwards

16 showed that the machine drillers were no longer – or the

17 strikers, sorry, the strikers - had made it plain that they

18 didn't want NUM to be their negotiating agent in this case.

19 The intention to march and burn the NUM office, threatening

20 the lives of NUM shop stewards, some shop stewards found

21 murdered on the koppie and the local shop stewards having

22 to leave the mine, it was clear that to negotiate in that

23 scenario would have been impossible. In my view it was no

24 longer a situation where you needed negotiations. It was a

25 situation where you needed trained personnel to play their

Page 4443

1 role to restore law and order.

2 　　　MR TIP SC:　　　Now the last topic, Mr

3 Zokwana. Subsequent to these events and also in the course

4 of these proceedings at which you've been able to attend

5 and to listen to the evidence of the NUM witnesses over the

6 last few days, you have heard a good deal of information

7 about the events of the 11th August episode in the vicinity

8 of the NUM office.

9 　　　MR ZOKWANA:　　　Yes.

10 　　　MR TIP SC:　　　Now, I want to ask you

11 slightly more generally from your experience, what would be

12 the implications for NUM, the consequences for it being a

13 viable union presence, if a substantial local office such

14 as the one at Western Platinum were destroyed, was to be

15 burnt down?

16 　　　MR ZOKWANA:　　　Psychologically it would

17 have made NUM members to be afraid of ever been seen as

18 part of NUM. Two, it would have denied NUM to interact

19 with its own members who were employees of Lonmin. I base

20 this from the events that happened in Impala, where our NUM

21 offices were shut down by the same situation like the one

22 intended in Lonmin, our shop stewards being denied the

23 right to be in the office and interact with members and

24 service them as they have been doing. But if the office

25 was burnt, not only would it have been the structure

Page 4444

1 destroyed but the very crucial NUM documents and

2 information could have been destroyed as well.

3   MR TIP SC: Now, Mr Zokwana, you've heard

4 here in these proceedings that a large group of strikers

5 were proceeding – proceeded to the NUM office, that reports

6 had been received already from, amongst others, Lonmin

7 security personnel, that it was their intention to burn

8 down the NUM office and also it had been said to the small

9 number of NUM officials, shop stewards and members who were

10 in the office, that Lonmin could not protect the office.

11   MR ZOKWANA: Yes, I heard so.

12   MR TIP SC: And you have heard that

13 anything between 20 or 30 even, NUM persons decided that

14 they were going to defend the office.

15   MR ZOKWANA: Yes, I've heard that.

16   MR TIP SC: There was then a

17 confrontation in which certain NUM members fired gunshots

18 and two persons were injured.

19   MR ZOKWANA: Yes, I've heard that.

20   MR TIP SC: Two of the strikers, to be

21 precise, two of those attacking the office.

22   MR MAHLANGU: I beg your pardon?

23   MR TIP SC: Two of the strikers, just to

24 be clear, two of the persons attacking the office.

25   MR ZOKWANA: Yes, I've heard that

Page 4445

1 information.

2   MR TIP SC: And you have also heard the

3 proposition being put to the NUM witnesses, particularly Mr

4 Gegeleza, that the NUM persons there should have locked the

5 office and should have fled.

6   MR ZOKWANA: I've heard that proposition.

7   MR TIP SC: What is your view of that

8 proposition?

9   MR ZOKWANA: I believe that those shop

10 stewards were brave. I believe for them to think about

11 what to do when they knew that the guys were coming closer

12 to the office, could not have taken them enough time to

13 analyse options. But what was supposed to happen was for

14 those who were employed who are trained to deal with such

15 situations, were supposed to be there to protect people,

16 property and the rest.

17   MR TIP SC: Ultimately, Mr Zokwana, from

18 your perspective as the president of NUM, does NUM as an

19 organisation stand with those who made the decision to

20 defend the office on that day?

21   MR ZOKWANA: In defending the NUM office,

22 they defended the image of the organisation. We stand by

23 them because we believe that nobody in this country has a

24 right to threaten anybody's life or to threaten the

25 destruction of property.

Page 4446

1   MR TIP SC: Thank you, sir, those are our

2 questions.

3   CHAIRPERSON: Mr Madlanga, are you in a

4 position to cross-examine the witness at this stage?

5   MR MADLANGA SC: Mr Chairman,

6 commissioners, there is just one aspect that I'm still

7 following up. May I ask to come last? Thank you.

8   MR BURGER SC: Chair, I wonder if I may

9 ask for an indulgence. I'm not available tomorrow and

10 although I'm not going to be long with the witness, I'm

11 very loath to be caught this afternoon, not having

12 finished.

13   CHAIRPERSON: I was proposing to ask Mr

14 Semenya next and then you and then Ms Barnes and then I was

15 going to invite Ms Lewis and then Mr Mpofu and then Mr

16 Power, that was the order that I had in mind. It seems

17 sensible to do it that way because it would give the AMCU

18 representatives and those of the families and the survivors

19 a chance to deal with the evidence elicited in cross-

20 examination by you and Mr Semenya. If Mr Semenya is

21 prepared to allow you to cross-examine before him, then I

22 won't have to decide which of the two of you should be

23 given preference. Are you happy if Mr Burger cross-

24 examines first, Mr Semenya?

25   MR SEMENYA SC: I defer, Chair.

Page 4447

1   CHAIRPERSON: Alright. Mr Burger?

2   CROSS-EXAMINATION BY MR BURGER SC: I'm

3 indebted to my learned friend. I didn't have the

4 opportunity of asking him before. Mr Zokwana, you're going

5 to be asked questions by a NUM of teams. I represent

6 Lonmin and I'm going to ask you a few questions arising

7 from the events of August of last year and I want to

8 address four subjects with you. The first subject is the

9 relationship between NUM and AMCU at the time of the events

10 of the 9th to the 16th of August. In a media release of the

11 14th of August, AMCU had suggested that NUM was behind the

12 unrest at Lonmin. It is an exhibit before the Commission,

13 it was referred to as OO2 and I just want to read you a

14 paragraph from that in order to explain to you what was

15 said and to ask for your comment. I told you it was on the

16 14th of August that this media statement was issued and the

17 first passage I read to you refers to what is alleged to

18 have happened on Saturday, the 11th August. The media

19 release is one by AMCU to the South African press and it

20 says on the second page, the following. It refers to that

21 stand-off between the people at the NUM office and the

22 striking workers and it says, "We were told that people who

23 came out of NUM office wearing NUM T-shirts opened fire to

24 marchers and one worker was killed on the spot, while

25 others were wounded." We know today nobody was killed in

Page 4448

1   that incident.
2   The second statement on the same page, made by
3   AMCU, read as follows. "Without laying any blame to
4   anyone, but it is important to state that we also suspect
5   some sinister forces behind this situation. Before the
6   report about RDOs' demands, we learn that had NUM started
7   an intensive campaign where they said, 'Reclaiming Lonmin
8   back.'" Can I ask you, is that true?
9   [12:32] MR ZOKWANA: I'm not sure what I should
10   confirm as true. If the question is to check whether a lie
11   was told that one person was killed when none was killed,
12   as the Commission has heard, that is true.
13   MR BURGER SC: Yes.
14   MR ZOKWANA: If it can be that I must
15   confirm that NUM was responsible, I think this Commission
16   has to decide after listening to all evidence presented as
17   to who could have been responsible, but as NUM we believe
18   that we are more victims than being responsible, as shown
19   by the NUM of our shop stewards who were not only injured,
20   who had to run away from the mine, and those who were
21   killed. NUM believes in peaceful forms of recruiting
22   members. If you write a T-shirt that says "Reclaim back
23   Karee" as an area and you go there, engage people, show
24   them what is it that you will do on their behalf in
25   improving their conditions of employment, you don't

Page 4449

1   threaten anybody. It's a normal form of recruitment. I
2   don't understand how could that be seen to be responsible
3   for the events that led to the killing.
4   MR BURGER SC: In fact, Mr Zokwana,
5   during the radio interview held on the 15th of August – we
6   have a transcript of that interview, it's exhibit LL before
7   the Commission - you, in so many words, suggested that Mr
8   Mathunjwa was not telling the truth. Can I read to you
9   from that transcript, page 13? Line 9 you are quoted as
10   having said the following, "You know when people tell lies
11   after taking the lives of innocent people, men in uniform
12   gunned down, I've never seen that happen, Xolani, that as
13   we speak today we are so bold to tell lies when people" –
14   and Mr Gwala says, "Who is telling lies?" And you answer,
15   "I think AMCU is not telling the truth." Do you confirm
16   that?
17   MR ZOKWANA: Yes.
18   MR BURGER SC: Mr Zokwana, all I'm trying
19   to confirm – and we really have evidence to that effect
20   already – is that the relationship between AMCU and NUM
21   leading up to the Marikana tragedy, was a very strained
22   relationship.
23   MR ZOKWANA: I won't describe the
24   relationship as strained. It's just that the two unions
25   were organising in Lonmin in the same environment and I

Page 4450

1   would not describe them going to a place and recruit
2   members, should be seen to be an environment that is
3   hostile.
4   MR BURGER SC: No, but Mr Zokwana, the
5   relationship was strained because in that process AMCU used
6   violence.
7   MS BARNES: I object to that, Chair,
8   there's no evidence of that.
9   MR BURGER SC: There's a ripple of
10   laughter. Let me read you the page. It is from the
11   transcript LL, the radio programme "The Country is
12   Listening" and at page 32 the following appears. Line 17,
13   Mr Zokwana you're speaking and you say, "There's no problem
14   with NUM because we don't regard AMCU as a problem to deal
15   with. Our task is to organise members and improve the" –
16   and it's then indistinct – "of employment and always our
17   focus will be on the employer. AMCU have chosen, out of
18   their own volition, to use violence as a weapon and to use
19   intimidation. That caused a strain in the relationship."
20   Do you accept that?
21   MR ZOKWANA: I see it but I think the
22   same view was shared by one of the Lonmin senior
23   executives, page 75.
24   MR BURGER SC: You may be in good
25   company.

Page 4451

1   MR ZOKWANA: No, no, I'm trying to put
2   the point that the view that NUM could have believed that
3   AMCU is behind, is also said by a senior executive of
4   Lonmin in a letter written to the Lonmin then CEO, to the
5   fact that this process reeks of AMCU's presence.
6   MR BURGER SC: Mr Zokwana, I think we
7   agree. What I'm putting to you is that what was done by
8   AMCU by way of seeking new memberships, caused a strain on
9   the relationship between AMCU and NUM.
10   MR ZOKWANA: What caused the situation to
11   be bad were methods used by those who were marching,
12   putting forward the demand, to force those who were not on
13   strike not to go to work and employ violence and if the
14   Commission comes to conclude that those were led by NUM or
15   maybe by AMCU, I think that will come at the stage when the
16   Commission establishes that.
17   CHAIRPERSON: Mr Burger, possibly the way
18   forward is, you're trying to establish a strained
19   relationship. Ms Barnes correctly points out that there's
20   no evidence at this stage to the effect that AMCU had
21   indulged in valence but what does appear from what you've
22   put is that that was certainly NUM's belief at the time.
23   If there was such a belief, then I imagine that could
24   afford a basis for a strained relationship, so perhaps if
25   you could explore it on that line then I won't have to rule

Page 4452

1 on Ms Barnes's objection but you may well obtain the answer
2 that you were seeking.
3   MR BURGER SC: Thank you, Chair. Can I
4 just, as a last proposition under this heading, take you to
5 what happens on the 16th of August at the koppie? There are
6 at least two very senior AMCU officials speaking to the
7 strikers – one Mr Mathunjwa and one Mr Dumisane – and while
8 Mr Mathunjwa looks on, Mr Dumisane starts a song. That's
9 the Chris Hani song but it's now got NUM in it. "This is
10 NUM, how are we going to kill it, this NUM? We hate NUM."
11 What does that mean?
12   MR ZOKWANA: In my view, in my years as a
13 trade unionist, Commissioner, I have endorsed the principle
14 of people who sell apples and oranges in the same vicinity.
15 When you sell oranges you don't speak about apples, you
16 sell what you have, so that those who buy believe that that
17 which you sell is good. Immediately if I'm selling
18 oranges, I became to blame apples, I am in a way
19 unwittingly inviting a confrontation. If what you have
20 read, in my view it could have been one of the fuelling of
21 anti-NUM attitudes towards people and I think that those
22 people, maybe the Commission will call those who sang those
23 songs as to what was their intention to sing such a song.
24 But NUM would never at any stage go to people to organise
25 by using people who don't agree with it to win members. We

Page 4453

1 don't use such tactics, but if you want me to explain what
2 would that song mean, I think that is self-explanatory. It
3 says, "How will we kill NUM? We hate NUM." It means that
4 – I don't know whether he was meaning all those on the
5 koppie or where he was meaning them, on their capacity as
6 AMCU officials, I'm not sure.
7   MR BURGER SC: No, Mr Mathunjwa suggested
8 to the Commission under oath that the song means, how does
9 one compete with NUM?
10   MR ZOKWANA: It is – it would have been
11 insensitive for that song to be sung in that line, having
12 had six NUM leaders killed and you still have guts to sing
13 such a song and you claim that it meant this. I mean our –
14 the way we sing songs, when you go to a funeral you have
15 got songs that you would sing but unfortunately, anyway,
16 I've never been to war, I don't know what songs would be
17 sung by those who believe in such things but I don't
18 understand that song to mean – when you say kill somebody
19 it means compete. Compete would mean how do we outdo what
20 the NUM is doing? You don't have to kill but you are
21 saying how do you ensure that what NUM have done, all what
22 was here, we can outdo it. And I'm sure there are words
23 that there would be used to illustrate that, if the meaning
24 is competition that is fair and free of any form of
25 coercion.

Page 4454

1   MR BURGER SC: Thank you, that was the
2 first issue that I wanted to discuss with you and the
3 second one we can do briefly before lunch and it is, I'd
4 like to have our view on Lonmin's attitude throughout the
5 unrest, that one cannot negotiate with workers in an
6 unprotected strike carrying dangerous weapons. You know
7 about that stance adopted by Lonmin throughout.
8   MR ZOKWANA: We know that stance of
9 Lonmin.
10   MR BURGER SC: In fact, that stance is
11 the same stance adopted consistently by NUM throughout the
12 unrest. Is that correct?
13   MR ZOKWANA: NUM has been, but stating in
14 a way that was saying to workers, if you have got issues,
15 go back to work and allow processes to unfold where
16 parties, where there's a peaceful environment, can get
17 mandates and exchange ideas.
18   MR BURGER SC: In fact, the justification
19 for that stance had increased by the afternoon of the 15th
20 of August when you spoke to the workers from the Nyala.
21   MR ZOKWANA: Let me put it that when we
22 met with General Mpembe, well, that was the position of NUM
23 all along. Both the AMCU president and myself agreed that
24 it was the message we'll carry to the koppie.
25   MR BURGER SC: In fact, to use your words

Page 4455

1 this morning in the Commission, Mr Zokwana, it was no
2 longer a situation to negotiate. You needed trained
3 personnel to restore law and order.
4   MR ZOKWANA: As NUM we train our
5 personnel in the skills of negotiations, taking mandates
6 and feedback. We have no capacity to deal with law and
7 order and I believe in this country, as reflected by our
8 Constitution, when the environment prevails like the one in
9 Lonmin at that time, only law enforcement personnel were in
10 a capacity to deal with that situation.
11 [12:52] MR BURGER SC: Now the proposition I want
12 to put to you, in conclusion. It would be quite naïve and
13 unrealistic to criticise Lonmin for failing to talk to or
14 negotiate with the striking workers on the afternoon of the
15 16th of August 2012 at the koppie.
16   MR ZOKWANA: I'm not in a position to
17 make that judgment. I've made this judgment in as far as
18 NUM is concerned, that NUM could not be in that position
19 because to negotiate you needed a mandate to talk to those
20 strikers.
21   MR BURGER SC: No, Mr Zokwana, I'd like
22 to have your personal view on this. You're a senior trade
23 union leader, your views may well be of assistance to this
24 Commission.
25   MR ZOKWANA: Without assigning this view

Page 4456

1 to Lonmin, our view as the union is that for negotiations
2 to proceed there should be an atmosphere of people being
3 free to air their views, nobody being compelled to take a
4 decision because he fears for his life. If your question
5 is, therefore, were the conditions conducive for parties to
6 negotiate, as a union we believe that for us to engage any
7 employer there should be a process in which that it will
8 allow to get mandates. I would not be able to check to say
9 if the employer could have gone and negotiated – what I'm
10 putting forward is this, that the condition as I saw it
11 when I arrived at the koppie was quite volatile and as a
12 person I don't foresee NUM being able to get the mandate,
13 given the attitude of the strikers.
14   MR BURGER SC: Is this a convenient time,
15 Mr Chair?
16   CHAIRPERSON: We will take the lunch
17 adjournment at this stage.
18   [COMMISSION ADJOURNS   COMMISSION RESUMES]
19 [14:01] CHAIRPERSON: The Commission resumes.
20 You're still under oath, Mr Zokwana. Mr Burger?
21   SENZENI ZOKWANA (CONTD):
22   CROSS-EXAMINATION BY MR BURGER SC (CONTD):
23 Thank you, Chair. Mr Zokwana, the third proposition I want
24 to debate with you is that NUM would not have sat around
25 the same negotiation table with AMCU during July and August

Page 4457

1 of 2012 to negotiate wages at Lonmin because AMCU was not
2 part of the structure then for negotiation. Do you accept
3 that?
4   MR ZOKWANA: If the proposition is that
5 AMCU was, could not have qualified to be in such
6 negotiations, given its status then, I agree.
7   MR BURGER SC: Yes. But we don't have to
8 traverse the whole series of documents we have. May I just
9 refer you to one document to confirm that? You'll remember
10 that on the afternoon of the 15th of August there's a
11 briefing session with General Mpembe before you go to the
12 koppie?
13   MR ZOKWANA: That's so.
14   MR BURGER SC: Exhibit OO4 is a
15 transcript of that briefing and page 657 you say the
16 following, if I may just read it with you. 657, it's at
17 typed page 11, you speak and you say, "Even if NUM, we have
18 to consider in any form of meeting, we will not meet with
19 AMCU together, we will not." Before you –
20   MR ZOKWANA: Let me explain the context
21 in which such a statement was made. Having been briefed by
22 our local leadership, made aware of the gruesome killings
23 of our shop stewards as well as threats made against
24 [indistinct], they believed that meeting with AMCU would
25 pose a threat to those who will be with me as well as the

Page 4458

1 fact that on the koppie songs were sung that were
2 denigrating the image of the organisation and myself in
3 person.
4   MR BURGER SC: And it is a few lines
5 lower down, line 10, where you then say the following in
6 what looks like a bit of a wider context. You say, "So if
7 you would allow us to go, but what I'm saying, I'm saying
8 now as NUM, we're not going to the mountain and engage
9 anybody but what you have said, we will need to go on their
10 own but as NUM we cannot go to any forum together with AMCU
11 because we have done, we have done that, go with them, then
12 negotiate in Impala. When the deal is made they refuse to
13 go and report with us because they are playing a game of
14 winning the minds of the people and if they are the ones
15 who will bring benefits, we cannot go there."
16   MR ZOKWANA: Do I confirm that or –
17   MR BURGER SC: Yes. The only reason why
18 I put that to you is, the president of AMCU has told the
19 Commission that he had proposed on various occasions that
20 Lonmin should engage a forum and try to address the unrest,
21 the forum including AMCU. All I'm putting to you is NUM
22 would not have gone into a forum at that stage in which
23 AMCU had a voice.
24   MR ZOKWANA: The statement was made in
25 the context of going with AMCU to the strikers, given the

Page 4459

1 scenario I have outlined.
2   MR BURGER SC: Yes.
3   MR ZOKWANA: And there was no forum
4 proposed where AMCU and NUM should come and negotiate. I'm
5 sure if the same attitude could therefore – at that moment,
6 given the report I got, it would have been not – it would
7 have been difficult for NUM to go to the mountain with
8 people it believed had been running a campaign of
9 denigrating its image and [indistinct].
10   MR BURGER SC: You will remember that
11 that forum was suggested during the SAfm debate on the
12 Wednesday when Mr Mathunjwa said, "Our union did know about
13 this march. How we happened to know about it, it is
14 because Mr Barnard Mokwena himself, he phoned me personally
15 two weeks ago, saying to me that there are a group of
16 workers who are intending to serve them with a list of
17 demands. Then I told him, I said quickly arrange a high
18 level meeting with all the leaders of the union, including
19 NUM, ourselves" – speaking for AMCU – "Solidarity and UASA,
20 in order to look at those demands." So all I'm putting to
21 you is, there was no hope of that forum getting off the
22 ground because you wouldn't have sat in that forum with
23 AMCU at that point in time.
24   MR ZOKWANA: I would like to draw a
25 distinction between a meeting between people who were in

Page 4460

1 dispute and the refusal of NUM to go to the koppie. The
2 reason we wouldn't go to the koppie was because it was our
3 view that if we were to go to the koppie, we would not only
4 be exposed to ridicule but the lives of those who go to the
5 koppie would be exposed to danger - but if a meeting was
6 arranged, it is another scenario.
7   MR BURGER SC: Mr Zokwana, would NUM have
8 become involved in wage negotiations outside the structures
9 in place, the agreement in place between Lonmin and NUM in
10 that period of time where AMCU was present?
11   MR ZOKWANA: I have explained to the
12 Commission that NUM was disqualified to negotiate, given
13 that the strikers made it clear that they don't want NUM to
14 negotiate on their behalf. That was shown by the level of
15 violence directed at NUM. So the issue whether NUM would
16 have gone to negotiate or not is not an issue, in my view,
17 because you can only negotiate on behalf of people who
18 mandate you to do so.
19   MR BURGER SC: I accept that and we will
20 argue that the very proposition is unrealistic, but let me
21 then ask you on an assumption. Assume that NUM had a
22 mandate from the workers at Lonmin in that period of time
23 and, knowing that there is a collective agreement in place
24 between NUM as the majority union and Lonmin, all I put to
25 you is that you wouldn't have allowed wage negotiations

Page 4461

1 then to take place with AMCU present, taking part in those
2 negotiations.
3   MR ZOKWANA: I think that participants in
4 negotiations are determined by the roles that are in the
5 agreement as to at what threshold should you – what it will
6 read to be a person to negotiate. It's not whether NUM
7 would have wanted AMCU or not. AMCU could have been there
8 if they had met that threshold. They could not be there if
9 – NUM could not decide whether AMCU is there or not. I
10 think that that will be played by – the role played.
11   MR BURGER SC: The fourth subject I
12 wanted to debate with you is the discretionary allowance
13 that Lonmin gave to the RDOs at Karee in the second half of
14 July 2012. Can I start off by reminding you that in
15 exhibit XX2, that's the NUM bundle at page 69 – if the
16 witness may perhaps just be shown that? It's a
17 communication issued by Lonmin, page 69. It deals with the
18 RDO allowance.
19   MR ZOKWANA: Yes?
20   MR BURGER SC: And it tells us that at
21 that point time, July 2012, the RDOs at Lonmin are earning
22 less than the RDOs in the neighbouring platinum mines –
23 less, for example, than the RDOs at Impala. You were aware
24 of that?
25   MR ZOKWANA: I may not have that

Page 4462

1 knowledge but it also confirms our view that we said that
2 when you have got a decentralised bargaining forum –
3   MR BURGER SC: Yes.
4   MR ZOKWANA: - those are of such
5 consequences you get.
6   MR BURGER SC: Mr Zokwana, that's the
7 problem facing Lonmin at the time. They don't have a
8 central bargaining position, they have an individual
9 situation with RDOs earning less than neighbouring RDOs,
10 for example at Impala and it's a highly tradable commodity
11 – if you don't pay people enough you lose them, they go to
12 the opposition.
13   MR ZOKWANA: But obviously the forum to
14 address that could have been the same bargaining forum so
15 that the parties who have been engaged before are called
16 upon to engage, if that becomes a situation.
17   MR BURGER SC: Problem 2 facing Lonmin,
18 they can't get to the forum because the RDOs say they don't
19 want NUM, they want to speak individually. That's the
20 second problem facing the employer now. Do you accept
21 that? Do you accept that?
22   MR ZOKWANA: What I know is very well
23 that the machine – sorry, the RDOs have made it clear that
24 they don't want NUM to be their agent in these
25 negotiations.

Page 4463

1   MR BURGER SC: The third reality Mr Da
2 Costa, the Lonmin man, faces – the man in charge of Karee –
3 he's approached by decent people with a good case, who say
4 to him, "Please help me and give our request through to
5 management." The third reality is – or the fourth reality
6 is Lonmin, as all employers, is entitled to grant
7 discretionary allowances if it wishes to promote a certain
8 section. If artisans are in short supply, they're quite
9 entitled to say, for artisans this year we'll have a
10 discretionary allowance on top of the wage. It's
11 discretionary, it's not negotiated, it's granted - if the
12 workers do not want it, they don't have to accept it but
13 that is something which I'm instructed happens from time to
14 time at Lonmin. Do you know –
15   MR ZOKWANA: And I'm sure you will agree
16 with me that while that right the employers have is what
17 triggered the situation in Impala when miners were given an
18 increase outside the - the same that happened in Lonmin but
19 that right, as it may be the case, it has been the cause of
20 what triggered all these problems.
21   MR BURGER SC: Mr Zokwana, let us leave
22 the triggers to the Commission, that's their mandate. Let
23 you and I debate the facts on the ground, fair enough?
24 I've looked at the agreement between NUM and Lonmin. It is
25 in that little file XX at page 13. There's nothing in that

Page 4464

1 agreement preventing Lonmin from granting a discretionary
2 allowance, should they be so advised.
3   MR ZOKWANA: Yes.
4 [14:21] MR BURGER SC: If you have a look at that
5 same bundle at page 93, that's part of the September 2012
6 agreement when the parties had come together and reached an
7 agreement. You'll see in paragraph 3.3 that allowance is
8 written in there but it's not subject to escalation, it's
9 not part of wages, it's a separate item, again agreed to by
10 Lonmin in order to resolve the issues between the parties.
11 Page 93 paragraph 3.3.
12   MR ZOKWANA: Yes, what am I expected to
13 do? Am I expected to confirm that is the case?
14   MR BURGER SC: No, I'm going to ask you a
15 question.
16   MR ZOKWANA: Alright.
17   MR BURGER SC: Against this background I
18 put to you and I'll submit to the Commission in due course
19 that the responsible thing to do in these circumstances,
20 for Lonmin, was to grant the discretionary allowance in
21 July of 2012 in an endeavour to defuse the unhappiness of
22 the RDOs.
23   MR ZOKWANA: I have put it before this
24 Commission, the view that says when structures that are set
25 for negotiations are undermined, what develops in most

Page 4465

1 instances is other groups of workers developing the same
2 interest for the same allowance given. It was the case in
3 Impala, the case in Lonmin but the RDOs wanted more than
4 the company had given.
5   MR BURGER SC: What do you think would've
6 happened if Lonmin sent away the RDOs and said, we won't
7 talk to you? I know we can't talk to NUM, they don't have
8 a mandate. I know we can't talk to AMCU because they're
9 not a majority but we can't talk to you, go away. Do you
10 think that would've been the end of the problem?
11   MR ZOKWANA: Well, I'm not qualified to
12 make an opinion on that because I would not be able to know
13 what they would do.
14   MR BURGER SC: No, the 16th August
15 [inaudible]. I want to end off with two questions - it's
16 not one of the four subjects I wanted to discuss with you –
17 and want to see whether you can help the Commission. Why
18 is it that workers at Lonmin in this time become so angry
19 and violent at NUM and at their employer?
20   MR ZOKWANA: Without claiming to have an
21 interaction with the workers or no, what could have been –
22 and I don't know if they hated the employer but I know they
23 hated NUM, as shown by the number of people who were
24 murdered as well as the attempt to burn our office or do
25 damage to it. As leaders we set the tone that mostly our

Page 4466

1 members follow and in this instance I'm saying if it is
2 proven that some songs were sung up in the koppie, songs
3 that speaks about killing the – killing NUM and hating it,
4 the fact that stories of people being killed by NUM shop
5 stewards were made, as I think the Commission heard earlier
6 – such could have had an impact in those workers, their
7 believing that NUM is their enemy at that time.
8   MR BURGER SC: The last question I want
9 to ask you, is it pure coincidence that it is the NUM
10 office at Impala which is attacked, yet it's the NUM office
11 at Karee which is closed down, it is the NUM office at WPL
12 which is under attack? Is that coincidence or how do you
13 explain that?
14   MR ZOKWANA: I think in our presentation
15 we have made of the secretary, these occurrences seem to
16 have similarities and the aim to me could have been to make
17 sure that NUM has no interaction with its own members, but
18 I think the Commission, in the course of its work, will be
19 able to establish what would have happened.
20   MR BURGER SC: Thank you, Chair.
21   CHAIRPERSON: Mr Semenya?
22   CROSS-EXAMINATION BY MR SEMENYA SC:
23 Thank you, Chair. Mr Zokwana, let us try and explore what
24 has been discussed with you now. If you go to exhibit XX2
25 at page 93, as my learned colleague pointed you.

Page 4467

1   MR ZOKWANA: 93?
2   MR SEMENYA SC: Page 93, yes.
3   MR ZOKWANA: Yes.
4   MR SEMENYA SC: Page 93, yes. You will
5 find clause 3.3 there.
6   MR ZOKWANA: Yes?
7   MR SEMENYA SC: Which deals with the
8 allowances, do you see that?
9   MR ZOKWANA: Yes, I see it.
10   MR SEMENYA SC: And if you go to page 94
11 of this document you will find a whole lot of signatories
12 to that agreement, correct?
13   MR ZOKWANA: Yes.
14   MR SEMENYA SC: The one thing that
15 allowance is not, is a unilateral payment by Lonmin of a
16 sector of the employment force, am I right?
17   MR ZOKWANA: Can you repeat that question
18 again, sir?
19   MR SEMENYA SC: The one thing that it is
20 not, it is not a unilateral allowance payment by Lonmin.
21 It is agreed with the parties.
22   MR ZOKWANA: I would not agree with that
23 proposition on the basis that Lonmin has made it clear more
24 than once that it was their decision, taken without
25 negotiations and NUM signing, and others, could have just

Page 4468

1 acknowledged that Lonmin has taken this decision, not that
2 they have mandated it.
3   MR SEMENYA SC: Maybe let us take it step
4 by step. You'll see the document is dated the 18th of
5 September, this is long after the tragedy at Marikana.
6   MR ZOKWANA: Yes. Oh sorry, I referred
7 on that document – I understand now –
8   MR SEMENYA SC: Oh yes.
9   MR ZOKWANA: Yes.
10   MR SEMENYA SC: And it does not pretend
11 to be a unilateral anything, because if you look at clause
12 3 of page 93 you will see a heading there, that this is an
13 amendment to the original agreement. So it was always
14 possible for the parties to agree an allowance. There's
15 nothing unilateral about it, do you see that?
16   MR ZOKWANA: Yes.
17   MR SEMENYA SC: It doesn't even to
18 purport to be a discretionary allowance.
19   MR ZOKWANA: Yes, but this document was
20 signed as – as a reason of the parties having met and if
21 you read there you will find an agent that would not
22 normally be part, a person signing on behalf of delegates,
23 you don't that in many agreements that there are people
24 called delegates. Unions engage companies. That was, the
25 agreement was reached after the process of discussing and

Page 4469

1 trying to end the strike. I understand the point now.
2   MR SEMENYA SC: So all parties, acting
3 responsibly, are able to avert further escalations of
4 trouble and protest and unrest by sitting down and
5 negotiating agreement.
6   MR ZOKWANA: On the same vein, the reason
7 you have what, a group of people called delegates, is
8 because at that time NUM could not go to the koppie and get
9 a mandate. Those delegates were people who were reporting
10 back to those who were on the mountain.
11   MR SEMENYA SC: I agree with you. It is
12 in within the capacity of players in the industry to
13 resolve their disputes and find amicable solutions,
14 whatever that takes.
15   MR ZOKWANA: In this case the anomaly is
16 that you don't get trade unions on behalf of their own
17 constituencies. You have got workers called the delegates,
18 meaning that there was a breakdown with the norm which will
19 be the law where trade unions mandated will go and
20 negotiate.
21   MR SEMENYA SC: Yes. What I'm trying to
22 say is, even if it takes an anomaly it is prudent to take
23 an anomalous situation and stamp out the violence and
24 restore industrial peace, correct?
25   MR ZOKWANA: Industrial peace may be

Page 4470

1 achieved but in this case, as a union, we can claim that no
2 peace was achieved because two of our leaders were murdered
3 before the document was signed. In terms of - it means
4 that - that there may have been peace [indistinct] going
5 back to work, but in as far as solving the state of
6 violence and murder, NUM lost two of its own leaders, one
7 of which was shown here presenting and pointing out the
8 spot during the loco inspection.
9   MR SEMENYA SC: No, I accept that the
10 restoration and justice will take a little while after a
11 scar of the nature that has happened, that I accept. Now
12 what I want to know is, in your history with Lonmin have
13 you ever seen a policy document giving Lonmin a
14 discretionary allowance to pay allowances unilaterally?
15   MR ZOKWANA: What I know is that
16 companies have practised this, as the case was shown with
17 Impala. They don't have to have an agreement with us as
18 NUM, it is what they may have as a policy themselves, that
19 they do not sit and negotiate with us.
20   MR SEMENYA SC: No, the question was,
21 have you seen a document like that?
22   MR ZOKWANA: My answer is no.
23   MR SEMENYA SC: Okay. Can I travel with
24 you the distance we have with the other NUM witnesses and
25 see whether that accords with your own appreciation of the

Page 4471

1 facts? NUM seems to have appreciated the underpayment of
2 RDOs.
3   MR ZOKWANA: That has been presented by
4 NUM, yes.
5   MR SEMENYA SC: Their harsh working
6 conditions were appreciated by NUM.
7   MR ZOKWANA: Yes, we have detailed that.
8   MR SEMENYA SC: In the two last sessions
9 of negotiating this bargaining agreement, NUM pressed the
10 necessity for relooking the salaries of RDOs in an upward
11 fashion, right?
12   MR ZOKWANA: We have – I have stated the
13 fact that NUM as far back as years ago has been pressing on
14 RDO issues, hence I showed that where there is a central
15 bargaining within the Chamber there was a sub-committee
16 that sat to look at the issue of RDOs. That culminated in
17 them being given almost 10% of what was given before, but
18 the problem in platinum is that such a bargaining forum
19 where all companies are together, didn't exist.
20 [14:41] MR SEMENYA SC: So the higher, the demand
21 for a higher salary for RDOs is a demand which NUM
22 considered legitimate.
23   MR ZOKWANA: Yes, NUM have been
24 understanding that RDOs deserve to be paid appropriately.
25 Hence we believe that if we could have adopted another

Page 4472

1 model of creating jobs, looking at the conditions, the kind
2 of work people do - accidents, a better package could have
3 been achieved but out of the current grading system where
4 you look at authority, then RDOs were disadvantaged.
5   MR SEMENYA SC: So when the RDOs in
6 Impala went on a protest, it was one that was unwelcome but
7 understood by NUM.
8   MR ZOKWANA: NUM will never understand a
9 protest that is violent. And also in Impala as well as in
10 Lonmin, those protests were characterised by violence
11 towards NUM, as I've shown before. Under normal
12 circumstances, if workers voice their discomfort – it
13 happened, by the way, with Lonmin in 2005 that workers were
14 unhappy of the agreement reached there. We were able to
15 intervene and change that, but it must not be – the manner
16 of presenting it that has got this element of violence
17 unleashed on other people is what NUM would not understand,
18 especially if it is towards NUM as an organisation.
19   MR SEMENYA SC: Maybe the question was a
20 little inelegant. What I'm trying to emphasise is, that
21 the RDOs at Impala were having a huge disquiet around there
22 salary was not unexpected to NUM.
23   MR ZOKWANA: No organisation, including
24 NUM, under normal circumstances would expect that its own
25 members decide to wake up and say, we don't want you to be

Page 4473

1 our bargaining council. There was no way NUM would expect
2 that to happen. But if members could have came to NUM and
3 said look, we have got these following problems, we would
4 like you to take them on board through the structures, NUM
5 would have welcomed that and taken it up.
6   MR SEMENYA SC: Maybe we're still
7 speaking past one another. All I'm saying is, when the
8 RDOs in Impala were showing their dissatisfaction with
9 their salary, it did not come and could not have come as a
10 surprise that this is a bone of contention for them.
11   MR ZOKWANA: Raising the discomfort with
12 the wages could not have been – the manner of raising it
13 was a concern. As I've shown that whenever workers – in
14 NUM, let me put it this way, in NUM before we sign any
15 agreement we take mandate from those we negotiate on whose
16 behalf and in all circumstances it is our members who will
17 say, go and sign. And we expect, therefore, if there may
18 be any discomfort arising for any other reason, the same
19 members will come to us and say, we would like you to re-
20 look at this and then NUM will look at that. Sorry,
21 Chairperson, I'm not trying to dodge the question but I'm
22 trying to raise it that it's not easy to say NUM was not –
23 was not surprised. NUM was surprised by the manner the
24 demands were made that were accompanied by violence towards
25 each other.

Page 4474

1   MR SEMENYA SC: I'm not agitating that
2 any demand must be accompanied by unrest or violence and I
3 can understand that you were not – you were surprised that
4 that demand was accompanied by violence. All I'm trying to
5 get your attention on is that that they complain about
6 their salary being low could not have come as a surprise to
7 you as NUM.
8   MR ZOKWANA: NUM – I mean I have shown
9 that, yes, the wages of mineworkers, especially drillers,
10 are still very low but it is difficult for me to say I
11 either welcomed or understood the manner this was –
12   MR SEMENYA SC: I'm not talking about the
13 manner, Mr Zokwana.
14   MR ZOKWANA: Yes.
15   MR SEMENYA SC: I'm not talking about
16 their manner of raising that demand, absolutely not. I'm
17 merely saying that they have that type of demand could not
18 have come to NUM as a surprise.
19   MR ZOKWANA: Yes, the reason we always
20 negotiate - is because members are complaining about wages.
21 Yes, on that score I would say it was supposed to happen
22 that workers would say, we're not satisfied.
23   MR SEMENYA SC: Yes. Now, and that
24 demand, rightly or wrongly, gets met by Impala with an
25 increase of 18%.

Page 4475

1   MR ZOKWANA: No. My understanding is
2 that Impala in December offered its miners an increase of
3 18% effective in Jan. And our belief therefore as NUM, we
4 put it that that offer on miners got attention of the RDOs
5 who believed that they were underpaid and that sparked the
6 demand, but I'm still repeating – we don't support the
7 manner it was brought up. It was fine that they were
8 angry, it's fine that they wanted to get more, but to
9 target that anger towards NUM as their organisation is what
10 surprised me.
11   MR SEMENYA SC: Now I'm moving from the
12 surprise now. As a matter of fact, Impala paid the RDOs
13 better, am I right?
14   MR ZOKWANA: I think that supposition
15 also confirms the anomaly when you negotiate by individual
16 companies. You end up competing on what you can afford to
17 pay and that relates a discomfort because two brothers in
18 one family can make a different mine and do the same job,
19 but earning differently. So in this case it means that
20 when the Impala paid his machine drillers after the strike,
21 could have influenced the workers in Lonmin.
22   MR SEMENYA SC: NUM did become aware that
23 the RDOs are now being paid better. That's a simple
24 statement. Is it factual or not?
25   MR ZOKWANA: Where? In Impala?

1   MR SEMENYA SC: Mm.

2   MR ZOKWANA: In Impala. It's what we

3 have been saying, that the agreement – that the position

4 taken by Impala in negotiating outside the bargaining

5 forums, not that we're against the offering to machine

6 drillers, we appreciate that because those workers, we

7 believed them, but that has got this unintended consequence

8 that people at other mines would demand the same for the

9 same work.

10   MR SEMENYA SC: Okay, we settled it. You

11 became aware that they were paid more, right?

12   MR HANABE: You became aware that?

13   MR SEMENYA SC: As NUM, you became aware

14 the RDOs got paid more – at Impala then.

15   MR ZOKWANA: We were aware that the

16 Impala management, under pressure from their own employees

17 through the action taken, added pay on the RDOs, yes.

18   MR SEMENYA SC: And as NUM, I suggest to

19 you, you should have known that there would be a contagion

20 effect on Lonmin for the RDOs as well.

21   MR ZOKWANA: It is difficult to say yes,

22 because these companies don't negotiate in the same

23 bargaining forum.

24   MR SEMENYA SC: Now -

25   MR ZOKWANA: And it is not only workers

1 from Lonmin and Impala who are in the platinum industry.

2   MR SEMENYA SC: Ah, Mr Zokwana, you know

3 that the RDOs would be talking amongst each other that,

4 hey, we are now being paid better here and the others would

5 say, why not us, we're doing the same type of job?

6   MR ZOKWANA: It happened with miners.

7 When they didn't pay properly miners left them and joined

8 other mining companies.

9   MR SEMENYA SC: So the answer is yes, at

10 NUM you did know the consequence of an Impala salary

11 increase was bound to have some impact, some effect on

12 there RDOs at Lonmin?

13   MR ZOKWANA: What we knew and we believed

14 was going to happen was that the fact that the bargaining

15 structures were undermined, the fact that methods that were

16 not to have been in the industry – where people marched

17 using violence, were accommodated without consequences –

18 was going to have the very impact it had in Lonmin.

19   MR SEMENYA SC: Chair, would this be a

20 convenient stage for the tea adjournment?

21   CHAIRPERSON: The Commission will take

22 the tea adjournment at this stage.

23   [COMMISSION ADJOURNS   COMMISSION RESUMES]

24 [15:17] CHAIRPERSON: The Commission resumes. Mr

25 Zokwana, you're still under oath. Mr Semenya?

1 SENZENI ZOKWANA (CONTD):

2   CROSS-EXAMINATION BY MR SEMENYA SC (CONTD):

3 Thank you, Chair. Mr Zokwana, I just want to read to you

4 what Mr Gcilitshana said to the Commission. It would

5 appear as a document marked XX1. That's the statement of

6 Mr Gcilitshana, can you see that?

7   MR ZOKWANA: Yes.

8   MR SEMENYA SC: If you go to paragraph 4,

9 which starts on the very first page, this is what appears

10 there.

11   MR ZOKWANA: Yes?

12   MR SEMENYA SC: "NUM submits that the

13 events that unfolded at Marikana are, to a significant

14 extent, rooted in earlier events at the nearby Impala

15 Platinum Mine where a protracted and unprotected strike,

16 arising out of an RDO wage dispute, occurred at the

17 beginning of 2012."

18   MR ZOKWANA: Yes.

19   MR SEMENYA SC: So I'm saying as NUM you

20 should reasonably have expected that whatever happened at

21 Impala was just coming to Lonmin and if you can avoid it,

22 you would.

23   MR ZOKWANA: Yes, let me say this in

24 answer to that question, as the paragraph you have referred

25 to shows. What the paragraph, to myself, shows, it shows

1 the character of the uprising in as far as it is led by

2 RDOs and is conducted with some violence as well as some

3 level of intimidation. Between the two there are

4 similarities.

5   MR SEMENYA SC: And there would have been

6 a desperate need by NUM to make sure that this demand is

7 not presented in the same manner as it was at Impala.

8   MR ZOKWANA: The statement made by Mr

9 Brown, or Setelele, the branch chairperson of Lonmin, shows

10 what steps NUM took to make sure that this process does not

11 resemble the situation at – at Impala, when the dispute or

12 the grievances became apparent. But if you ask the

13 question as whether NUM expected its own members in any

14 other mine to do what members in Impala did, in the fashion

15 of their demands, NUM never expected that -

16   MR SEMENYA SC: No, I'm not asking that,

17 Mr Zokwana, I'm very careful. I'm saying that, as NUM, you

18 should have known that it was important that this type of

19 demand, if it manifests in Lonmin or any other place where

20 you are in charge, does not have to manifest in the manner

21 of violence and unrest. That's what I'm putting as a

22 proposition to you.

23   MR ZOKWANA: We expected NUM to raise

24 their demands in a manner that conforms to our norms.

25   MR SEMENYA SC: And the answer to my

Page 4480

1 question?
2   MR ZOKWANA: The question being that
3 whether NUM was expecting this to happen in Lonmin?
4   MR SEMENYA SC: No. No, that NUM had a
5 duty, a responsibility to make sure that this legitimate
6 demand of the RDOs, which it acknowledges, should not
7 manifest in a violent way as it did in Impala.
8   MR ZOKWANA: NUM can only fulfil that
9 task to members who are willing to associate themselves
10 with the union, as you would be able to interact with them.
11 But once members decide to act in the manner that what
12 happened in Lonmin, it is difficult for NUM to do what you
13 are saying NUM could have done, that would be to say that
14 if you want to strike for wages, don't use violence.
15   MR SEMENYA SC: I want to share with you
16 why NUM did not see a negotiated road open for this
17 dispute. I invite you to look at exhibit YY1, it's a
18 statement of Mr Setelele. Do you have it?
19   MR ZOKWANA: I'm checking. Yes, I've
20 seen that. Yes -
21   MR SEMENYA SC: If you read with me
22 paragraph 4, this is how it will read, "The issue of this
23 demand by the RDOs was discussed at various meetings by the
24 NUM branches in Lonmin. NUM's position was consistently
25 put forward at these meetings, namely, that the wages of

Page 4481

1 RDOs was covered in the two year collective agreement that
2 had been concluded in December 2011, that it was a breach
3 of this agreement for the RDOs to raise fresh wage demands
4 during the term of that agreement and that NUM was opposed
5 to unprotected and hence illegal strike action." Do you
6 see that?
7   MR ZOKWANA: I see that, yes.
8   MR SEMENYA SC: So you agree this was the
9 position NUM adopted around any fresh wage demands by the
10 RDOs?
11   MR ZOKWANA: Thanks, Chairperson. In
12 trying to show how, why I disagree with the question or the
13 proposition, let me put it that NUM structures in Lonmin in
14 2005 came to an agreement that was giving Lonmin a five
15 year agreement at CPIX plus, which was lower than the
16 industry minimum. Members came to head office and came to
17 us and reported their discomfort with the agreement. NUM
18 was able to revisit that agreement and that agreement was
19 overturned. The issue of five years was turned to two
20 years like other companies. The point I'm putting is that
21 had the RDOs put that to head office as an issue that
22 they're not happy with or the answer given to them by their
23 local leadership, national leadership could have seen it
24 otherwise. We had intervened but what NUM would have been,
25 was to promote an illegal strike for it should have been

Page 4482

1 signed and agreed upon.
2   MR SEMENYA SC: Mr Zokwana, are you
3 saying Mr Setelele is wrong if he says the issue of this
4 demand by RDOs was discussed at various meetings at NUM
5 branches at Lonmin, is he wrong?
6   CHAIRPERSON: I think that's ambiguous.
7 What are you suggesting is wrong? Are you suggesting that
8 the allegation that there was a discussion was wrong or are
9 you suggesting that what was wrong was the NUM's position
10 as stated at the meeting?
11   MR SEMENYA SC: No, the fact that it's
12 stated there, Chair, by Mr Setelele that this issue of the
13 RDOs was discussed at various meetings by the NUM branches
14 in Lonmin. I want to know whether you are disputing that
15 to be accurate or not.
16   MR ZOKWANA: I'm not going to say that
17 he's wrong. the point I'm putting is that NUM has got
18 different structures that take different decisions and I
19 made the example that says that in 2005 our local branches
20 in Lonmin, with their chief negotiator, came to a
21 particular conclusion on wages but when the matter was
22 referred to the head office level, were able to overturn
23 that as we looked at the matter broadly. The point I'm
24 putting is that NUM could not have encouraged an illegal
25 strike.

Page 4483

1   CHAIRPERSON: Mr Zokwana, you told us
2 about that but that's not what Mr Semenya is asking you
3 about now. He's asking you in relation to paragraph 4 of
4 Mr Setelele's affidavit, statement, asking you about the
5 various parts of it and the first part he's asked you
6 relates to the allegation by Mr Setelele that the issue of
7 the demand by the RDOs was discussed at various meetings by
8 the NUM branches in Lonmin and he's asking you, the next
9 part deals with what NUM's position was and so on. The
10 point he's asking you about at this stage of his cross-
11 examination is do you dispute the suggestion or the
12 allegation that this, the issue of this demand was
13 discussed at various meetings by the NUM branches in
14 Lonmin?
15   MR ZOKWANA: Thanks, Chairperson, I
16 understand the question now. My answer to the question is,
17 while that could have been the view of Mr Setelele and the
18 branch committee and the branches of Lonmin, if the matter
19 could have been brought to the attention of head office we
20 could have taken the matter up.
21   CHAIRPERSON: I understand, but you say –
22 you're still not answering the question. You're answering
23 what you think is going to be the next question. That's
24 never a good practice for a witness. What you're being
25 asked at this stage is, was there such a discussion? The

Page 4484

1 answer to that, I take it, is you say you accept that there
2 was because you then go on to the next question about what
3 Mr Setelele said. So do I understand your evidence to be
4 the following – I don't dispute, I, Zokwana, don't dispute
5 that there was a discussion at various meetings by the NUM
6 branches in Lonmin on this issue but if the position as set
7 out in the affidavit as being NUM's position, by Mr
8 Setelele, was conveyed to the members, you don't agree that
9 that was NUM's position because if the matter had been
10 referred to head office and not just dealt with locally at
11 Lonmin, there would have been a different result. Is that
12 what you're saying?
13   MR ZOKWANA: I'm saying just that,
14 Chairperson.
15   CHAIRPERSON: Mr Semenya?
16   MR SEMENYA SC: And you don't dispute
17 that this very position locally was put consistently to be
18 the position of NUM?
19 [15:37]   MR ZOKWANA: It could have been the case
20 of that structure as they were negotiating with the
21 employer or negotiating with [indistinct] members.
22   MR SEMENYA SC: And also communicating
23 with the RDOs that, oh, please don't raise that issue with
24 us, we are bound by a two year agreement so don't even go
25 there.

Page 4485

1   MR ZOKWANA: Possible, yes.
2   MR SEMENYA SC: In fact, if you look at
3 another document which is the statement of Mr Gegeleza, it
4 is marked ZZ2 –
5   MR ZOKWANA: Yes?
6   MR SEMENYA SC: You will find on the
7 document a paragraph 4 again.
8   MR ZOKWANA: Oh, yes.
9   MR SEMENYA SC: This is how it reads,
10 "Before the strike began on 10 August 2012, I had heard
11 from some co-workers that the RDOs were demanding a wage
12 increase to R12 500 and that this demand had emanated from
13 the RDOs at Karee Mine. At the time I was well aware that
14 a two year wage agreement was already in place that covered
15 the wages of RDOs. Accordingly, it was my belief that any
16 new wage demands should be raised and addressed only during
17 the course of the next round of wage negotiations or on the
18 basis that the circumstances justified a negotiated
19 amendment of the two year agreement." Do you see that?
20   MR ZOKWANA: I have seen that.
21   MR SEMENYA SC: So I want to suggest to
22 you, Mr Zokwana, that the reason NUM was not opening
23 negotiations on this issue had nothing to do with mandates.
24   MR ZOKWANA: Up to now I have not been –
25   CHAIRPERSON: Before you answer the

Page 4486

1 question I think your counsel may object to it, so let's
2 give him a chance to do so if he wants to.
3   MR TIP SC: Yes, Mr Chair, as usual I
4 interrupt my learned friend's cross-examination with
5 reluctance but it would appear to be fair that he should
6 draw the witness's attention to that portion of the
7 paragraph that he has just read where Mr Gegeleza says –
8   CHAIRPERSON: - he read the whole
9 paragraph, so that if he'd stopped before the last sub-
10 clause I would have made him read to the end, but he did
11 read to the end so the witness's attention was drawn to it.
12 I don't think that's a good objection, if I may say so,
13 unless you want to address me further.
14   MR TIP SC: No, I'll leave it to the
15 witness.
16   MR ZOKWANA: Well, my understanding of
17 the statement that has been made is that NUM, up to these
18 days, has not been shown to have received any demands from
19 machine drillers. What these statements are outlining are
20 the normal processes of what should happen. If, therefore,
21 I would have been shown a case where machine drillers went
22 to the NUM office and the NUM shop stewards refused to
23 listen to them, obviously machine drillers would have gone
24 to the regional office. If they don't get a good answer
25 from there, that would have gone to the head office. It is

Page 4487

1 what has happened before, it is what happened in 2005 and
2 at the end of those interactions people got what they
3 wanted.
4   MR SEMENYA SC: That may very well be so,
5 Mr Zokwana, all I'm saying is as far as the local
6 leadership of NUM was concerned, the one big stumbling
7 block to any negotiation is the fact that this two year
8 agreement's in place.
9   MR ZOKWANA: Well, I saw that statement
10 and I've read it, everything is true. There's nowhere in
11 this document where machine drillers – sorry, RDOs – have
12 went to the NUM office and put forward a demand.
13   MR SEMENYA SC: Mr Zokwana, no, you're
14 going to have to answer my question. I'm not suggesting
15 RDOs went to anybody. I'm saying the attitude of the local
16 leadership in relation to this matter was that there is an
17 agreement in place, we can't be raising fresh demands for
18 the RDOs. If you like, that is one of the attitudes they
19 held.
20   MR ZOKWANA: I have gone through these
21 statements and both of them - but the point again I'm
22 saying is that the RDOs as well decided that we'll not
23 approach NUM so that these issues – because I would
24 understand if there had been a case went to RDOs and went
25 to NUM and said, we demand you to represent us and NUM said

Page 4488

1 no, we can't because we're hamstrung by the agreement.
2   MR SEMENYA SC: Okay, I'll ask this
3 question this way. Do you accept that I am not asking you
4 whether the RDOs did go or did not go to speak to the
5 leadership. Withdraw that answer. Now, let's go back to
6 what I was asking. On the face of these two statements, do
7 you accept that the local branch, amongst others, thought
8 the agreement of two years precluded opening of
9 negotiations on the wages of RDOs?
10   MR TIP SC: Mr Chair, I have to renew my
11 objection. I've allowed a full exchange. My learned
12 friend has read the paragraph, that's fine but he is now
13 putting an interpretation on it. He says what these two
14 statements amount to is that the existence of a two year
15 agreement precluded any negotiations –
16   MR SEMENYA SC: No, I didn't say –
17   CHAIRPERSON: What he put was that, he's
18 asking the witness whether he agrees, as I understand the
19 question, that the attitude of the local branch was that
20 there was this preclusion.
21   MR TIP SC: Yes.
22   CHAIRPERSON: And then depending on the
23 answer he gets to that, he will then ask the next question,
24 unless the witness more suo has already answered that
25 question that hasn't been asked yet.

Page 4489

1   MR TIP SC: That's not the core of my
2 objection. My learned friend is under a duty to put
3 propositions that arise out of these paragraphs fairly and
4 what he has not given any attention to, although he has
5 read it, is the portion I was going to refer to previously
6 in Gegeleza's paragraph 4, where he says – and may I read
7 it – "Accordingly, it was my belief that any new wage
8 demands should be raised and addressed only during the
9 course of the next round of wage negotiations or on the
10 basis that the circumstances justified a negotiated
11 amendment of the two year agreement." Now, that very
12 clearly contemplates something different from what is being
13 put, which is that there was an absolute preclusion and
14 that must be put in a balanced and fair way, with respect
15 to the witness.
16   MR SEMENYA SC: No, Chair, I am very
17 careful with the way I ask the question. I said –
18   CHAIRPERSON: The point's being made by
19 Mr Tip, he has now put the point to the witness which he
20 says you didn't put, which would make it fair and in view
21 of the fact that he has put the point, any question you ask
22 him hereafter cannot be unfair, on the basis that that
23 point was mentioned, which Mr Tip's mentioned already. So
24 I suggest you proceed.
25   MR SEMENYA SC: No, one of the attitudes

Page 4490

1 that the local branch of NUM adopted around the
2 negotiations for increased salaries of RDOs was that the
3 two year agreement precluded it.
4   MR ZOKWANA: There is that view but as
5 well as, if you read Gegeleza's statement, the paragraph
6 you didn't read that says that under certain circumstances
7 such issues can be raised if they're brought appropriately.
8   MR SEMENYA SC: Even with that education,
9 I'm still going to come to it. Can we tidy up the first
10 one? In these two statements there is one evident attitude
11 that NUM takes. There is another, we'll come to it later
12 if you want me to break it down that way. The first one
13 is, the two year agreement precluded opening those
14 negotiations. Do you accept that to be accurate?
15   MR ZOKWANA: This is the view that is
16 expressed by both but the last one says that yes, the last
17 one says that, Chairperson, there may be circumstances
18 arising that may require such amendments be made and I
19 think that what these two are saying is that as there's the
20 agreement signed, you can't take issues agreed upon to a
21 strike but there's nothing wrong in raising any issue in
22 the agreement, if circumstances arise.
23   CHAIRPERSON: Mr Zokwana, it's not as
24 simple as that because the two statements deal with
25 different things. Mr Setelele's statement deals with the

Page 4491

1 position put forward at the meetings. Mr Gegeleza's
2 statement deals with what was his belief and what Mr
3 Semenya is concerned with, is not so much what Mr Gegeleza
4 says he believed but what Mr Setelele says was the position
5 put forward at the meetings. So there is that distinction.
6 So perhaps in the light of that distinction you might wish
7 to elaborate on your previous answer.
8   MR ZOKWANA: I take note of these views
9 but I want to put it that in NUM, even after signing the
10 agreement, nothing cannot be revisited if circumstances
11 arise.
12   CHAIRPERSON: May I ask you another
13 question before Mr Semenya continues? We know that the
14 market in relation to remuneration of RDOs had altered
15 because of Impala's decision to raise the wages. Now,
16 would that have been – would head office have regarded that
17 as a change in circumstances which would justify an attempt
18 by NUM to re-negotiate the wages of the RDOs, despite the
19 fact that the two year agreement was still operating?
20   MR ZOKWANA: Thanks, Chairperson. I
21 agree with you but I wanted to, I put this point in this,
22 that where there was a central bargaining forum like the
23 Chamber, immediately these occurrences happened, NUM was
24 able to meet with the Chamber – for which an extra R500 was
25 given to RDOs – but the problem and the challenge that NUM

Page 4492

1 has been faced with was reluctance of employers to belong
2 to a central bargaining council. And it was therefore
3 difficult, therefore, to co-ordinate what individual
4 negotiators could have been doing.
5   MR SEMENYA SC: Mr Zokwana, I want to pin
6 the argument for SAPS on accurate evidence. I want to be
7 able to say what your answer was to my question. I'm
8 repeating the first part to which you said that you note
9 the difference between the two statements. I'm not asking
10 you for the difference. I'm saying, do you accept this was
11 the attitude of the local branch of NUM, that one of the
12 reasons they're not going into opening negotiations is
13 because there's a two year agreement?
14   MR ZOKWANA: Thanks, Chairperson. The
15 reason I've been trying to answer in this way is because Mr
16 Setelele is the chairperson of the Western Plat NUM branch.
17 There are other chairpersons of other branches. I've not
18 been afforded the views of the collective branch or the
19 minutes of such meetings that would support the view that
20 it was the decision of the branches that they took
21 together.
22   MR SEMENYA SC: No, Mr Zokwana, I thought
23 we were past this point. We read paragraph 4, first line,
24 "The issue of this demand by the RDOs was discussed at
25 various meetings by the NUM branches in Lonmin."

Page 4493

1 [15:57] MR ZOKWANA: I don't dispute that, that's
2 all, but the point I'm putting is that unless we were able
3 to see a reduced version of these discussions – because
4 it's easy for me to say in my statement, I was in a meeting
5 of NUM, unless maybe in most cases this could have been
6 shown because, as I've said, that nationally we accept that
7 agreement may be reached at any level but the fact that you
8 have signed the agreement does not preclude the matter
9 being raised. And I've shown examples that –
10   MR SEMENYA SC: Okay, let's treat this
11 matter now. I'm going to explore with you the attitude of
12 head office and Mr Gegeleza's second belief.
13   CHAIRPERSON: Mr Semenya, it's about two
14 minutes to four now. If you can deal with it briefly
15 before we take the adjournment, do so. If you feel that
16 it'll take some time then it'll be appropriate to take the
17 adjournment. You must tell me what you think is best.
18   MR SEMENYA SC: Thank you, Chair. I'll
19 just give it a shot and if it doesn't work I might have to
20 revisit it. The second proposition, you say if NUM is
21 aware that if there are circumstances that justify
22 reopening the agreement, you would do it. Right?
23   MR ZOKWANA: Yes.
24   MR SEMENYA SC: We had agreed, you
25 recognise the demand as legitimate?

Page 4494

1   MR ZOKWANA: Whose demand? Sorry,
2 Chairperson, whose demand?
3   MR SEMENYA SC: RDOs.
4   MR ZOKWANA: In my recollection, in all
5 the statements I've gone through there was never a demand
6 to NUM by RDOs.
7   CHAIRPERSON: Before you – the problem
8 with your question, by "the demand" it sounds as if you're
9 referring to a demand for 12 500. Maybe that was too much
10 but the question is whether it was appropriate to go to
11 Lonmin and say, look here, the market's changed, Impala
12 have raised the market price, as it were, for the services
13 of RDOs, it's therefore appropriate to re-negotiate. That
14 would be one issue. The 12 500 is another one. Now let's
15 leave the 12 500 out for a moment. You're busy really with
16 the question of whether it would've been appropriate for
17 the head office of NUM, if they'd been aware of these facts
18 – as they were aware of what was said at the branch level –
19 they were aware of what happened at Impala, would they have
20 gone to Lonmin and sought re – to amend the agreement on
21 the basis of those facts. Is that what you're busy with?
22   MR SEMENYA SC: Three sectors, Chair.
23 You have mentioned one. The second sector is that the
24 inherent legitimacy of their claim for higher salary is
25 acknowledged. The third element is that Impala has now

Page 4495

1 also paid these individuals. Are those not sufficient
2 circumstances to justify revisiting the agreement?
3   MR ZOKWANA: I have said that whenever
4 NUM receives a demand from members, if the answer is – had
5 the RDOs approached NUM on these demands, requesting NUM to
6 negotiate, the answer is yes, NUM was supposed to have
7 taken the demands to the employer, but none reached the
8 NUM.
9   MR SEMENYA SC: Chair, we'll take this up
10 tomorrow morning.
11   CHAIRPERSON: Before we adjourn until
12 tomorrow, there was an arrangement with Mr Mpofu that if
13 the NUM evidence ended today, we would not sit tomorrow, to
14 enable him to have consultations with his witnesses who
15 would be testifying from Monday. We haven't finished the
16 NUM evidence today. We have to sit tomorrow. Therefore I
17 propose that we should not sit on Monday to enable Mr Mpofu
18 and those appearing with him, to consult with their
19 witnesses. If we don't finish the NUM evidence by the end
20 of tomorrow, which will be 3 o'clock tomorrow, then I still
21 think that we – still propose that we should not sit on
22 Monday, to enable Mr Mpofu and his colleagues to do the
23 necessary consultations but we will then finish the NUM
24 evidence, presumably on Tuesday morning, after which I
25 would expect Mr Mpofu to be ready to call his witnesses.

Page 4496

1 I'm just announcing that now so that people can make
2 arrangements and know what's going to happen.
3   MR MPOFU: Thank you, Chair. Can we
4 revisit that tomorrow because the only caveat I'll put is
5 whether – is if I'm cross-examining at that time then it
6 will bring a new factor into the mix, but we can revisit it
7 tomorrow, Chairperson.
8   CHAIRPERSON: We've got to be able to
9 plan ahead.
10   MR MPOFU: Yes.
11   CHAIRPERSON: Mr Burger, do you want to
12 comment on it?
13   MR BURGER SC: No, absolutely. I'd like
14 to have finality today as to what's happening. Also, I
15 support that, Chair.
16   CHAIRPERSON: No, the agreement was, as
17 I've stated. The amendment that I'm suggesting I think is
18 perfectly fair. The mere fact that Mr Mpofu might still be
19 cross-examining at the end of tomorrow doesn't mean that
20 he's unable to consult with his own witnesses on Monday and
21 resume his cross-examination on Tuesday.
22   MR MPOFU: No, it doesn't, Chair. All
23 I'm saying is that the arrangement that I had requested
24 from you, which we had agreed in chambers, was different
25 from the one you are proposing now and that arrangement, as

Page 4497

1 I understood it, was simply this, that whenever the NUM
2 evidence finishes, we would like a day in order to
3 precognize our witnesses. I do accept that you are
4 amending it now, I'm just raising the possibility of it not
5 serving the purpose for which it was originally requested.
6   CHAIRPERSON: I'm sorry, I don't
7 understand that. My understanding was, when we were
8 talking about tomorrow - but the amendment that I'm
9 stating, doesn't prejudice anybody because you get a full
10 day to consult with your witnesses. If you're still busy
11 cross-examining, it doesn't matter. You won't have to
12 cross-examine on Monday, you can start with your witnesses,
13 carry on with your cross-examination on Tuesday. I think
14 in fairness to everybody they should know, sooner rather
15 than later. That's why I'm announcing it now, what I
16 propose doing. So that's what is going to happen. We will
17 now adjourn.
18   MR TIP SC: Chair –
19   CHAIRPERSON: - for a moment, give Mr Tip
20 a chance to say something.
21   MR TIP SC: Mr Chair, what is now unclear
22 to me is the status of Mr Mpofu's undertaking that we will
23 be provided tomorrow with the statements of his witnesses
24 and I just need to be certain that that is still in place.
25   CHAIRPERSON: I didn't know that you

Page 4498

1 hadn't got the statements yet.
2   MR TIP SC: We haven't.
3   CHAIRPERSON: He was – he was going to
4 consult with, or precognize his witnesses tomorrow but I
5 assumed that that would be done after the statements had
6 already been furnished. Do you mean to say you haven't
7 furnished your statements yet?
8   MR MPOFU: Chairperson –
9   CHAIRPERSON: Do I understand correctly?
10   MR MPOFU: No, you don't understand
11 correctly –
12   CHAIRPERSON: Alright, well, please let
13 me –
14   MR MPOFU: Can I explain the position to
15 you, please?
16   CHAIRPERSON: Please do.
17   MR MPOFU: Yes. The position is that our
18 witness statements, as has been said on the record, were
19 given on the 3rd and the 5th of December 2012, okay. Now
20 what has happened, which I had discussed with Mr Tip, was a
21 proposal by which, for the convenience of the Commission,
22 instead of bringing those witnesses, we would bring the
23 witnesses that relate to the 11th – while, in everybody's
24 mind, the NUM issues are still fresh. And that was the
25 proposal we did ourselves voluntarily for the convenience

Page 4499

1 of the Commission. The question about the statements, it's
2 got nothing to do with Mr Mpofu's undertaking. Everybody
3 was ordered by you, Chairperson, in a meeting, that by
4 tomorrow, on the 1st of February the statements should be in
5 – not Mpofu.
6   CHAIRPERSON: Mr Madlanga, have you got
7 any comments to make in regard to this aspect? Do I
8 understand that everybody's statements, including Mr
9 Mpofu's, are going to be in by tomorrow?
10   MR MADLANGA SC: Mr Chair, that would be
11 my understanding. My understanding is, Mr Mpofu indicated
12 that he would not be calling only the witnesses whose
13 statements were submitted last year but that at some later
14 stage - but not now when he calls his witnesses now – at
15 some later stage he will be calling other witnesses. My
16 understanding is that the arrangement is that the
17 statements of the witnesses to be called at that later
18 stage must come in tomorrow, like as is the arrangement
19 with everybody else or with regard to everybody else.
20   CHAIRPERSON: There's no basis for
21 differentiating between Mr Mpofu's witnesses' statements
22 and anybody else's witness statements, I take it.
23   MS PILLAY: Sorry Chair, just a matter of
24 clarity, I think. Everybody's witness statements had to be
25 by last week Friday. Mr Mpofu was allowed a special

Page 4500

1 dispensation to file all of his statements by tomorrow, and

2 his witnesses.

3   CHAIRPERSON: Well, we expect your

4 statements tomorrow, Mr Mpofu, all of them.

5   MR MPOFU: Not everybody, Chair.

6   CHAIRPERSON: Alright, it seems that

7 there is, on this issue at least there's [inaudible].

8   [COMMISSION ADJOURNED]

9   .

10 .

11 .

12 .

13 .

14 .

15 .

16 .

17 .

18 .

19 .

20 .

21 .

22 .

23 .

24 .

25 .

A

AAA 4397:6,8,13,14
AAAB 4397:15
AAB 4397:14
AB 4397:16
abbreviate 4431:18
ability 4409:6
able 4403:1 4408:15
  4412:25 4413:25
  4414:2 4415:6
  4416:21 4418:9
  4425:20 4434:10
  4440:1 4443:4 4456:8
  4456:12 4465:12
  4466:19 4469:3
  4472:14 4480:10
  4481:18 4482:22
  4491:24 4492:7
  4493:2 4496:8
abruptly 4412:2
absence 4425:24
absolute 4489:13
absolutely 4474:16
  4496:13
academic 4415:7
accept 4421:11 4450:20
  4457:2 4460:19
  4462:20,21 4463:12
  4470:9,11 4484:1
  4488:3,7 4490:14
  4492:10 4493:6
  4497:3
access 4408:14 4413:19
  4414:1
accident 4406:8,19,24
accidents 4406:12
  4472:2
accommodated
  4412:17 4477:17
accommodation 4414:2
accompanied 4473:24
  4474:2,4
accord 4430:8
accords 4470:25
account 4405:22
  4421:6 4422:10
accurate 4482:15
  4490:14 4492:6
accused 4410:20
achieve 4422:11
  4424:20
achieved 4402:20
  4404:7 4405:12
  4414:15 4470:1,2
  4472:3
achieving 4414:15
acknowledged 4468:1
  4494:25
acknowledges 4480:6
acquire 4414:2
acquiring 4409:18
act 4415:21 4430:24
  4480:11
acted 4441:24
acting 4469:2

action 4435:7 4476:17
  4481:5
actively 4429:4
activities 4413:1
  4430:9 4440:14
acts 4411:19 4441:23
add 4399:9 4411:14
added 4476:17
additional 4399:8,19
  4422:21
additions 4398:9
  4402:5
address 4423:7 4425:1
  4435:5,22 4438:3
  4439:1 4440:1 4447:8
  4458:20 4462:14
  4486:13
addressed 4409:23
  4413:11 4485:16
  4489:8
addressing 4410:21
  4435:14
adjourn 4424:6
  4495:11 4497:17
ADJOURNED 4500:8
adjournment 4424:8
  4424:18 4456:17
  4477:20,22 4493:15
  4493:17
ADJOURNS 4424:9
  4456:18 4477:23
administrative 4407:21
adopted 4454:7,11
  4471:25 4481:9
  4490:1
advantage 4428:16
advice 4423:22
advised 4464:2
affidavit 4483:4 4484:7
affidavits 4410:9
affirm 4396:15
afflicted 4407:25
afford 4451:24 4475:16
afforded 4428:13
  4492:18
afraid 4438:24 4443:17
African 4408:4
  4415:12 4434:1
  4436:3 4447:19
afternoon 4396:9
  4446:11 4454:19
  4455:14 4457:10
age 4409:4,24
Agency 4415:10
agent 4417:15,16
  4442:13,18 4462:24
  4468:21
aggressive 4418:10
  4439:6
agitating 4474:1
ago 4396:7 4459:15
  4471:13
agree 4416:11 4426:23
  4426:24 4430:4
  4436:22 4437:3
  4451:7 4452:25

  4457:6 4463:15
  4467:22 4468:14
  4469:11 4481:8
  4484:8 4491:21
agreed 4435:22
  4454:23 4464:9
  4467:21 4482:1
  4490:20 4493:24
  4496:24
agreement 4404:10
  4425:10 4430:17
  4460:9,23 4461:5
  4463:24 4464:1,6,7
  4467:12 4468:13,25
  4469:5 4470:17
  4471:9 4472:14
  4473:15 4476:3
  4481:1,3,4,14,15,17
  4481:18,18 4484:24
  4485:14,19 4487:17
  4488:1,8,15 4489:11
  4490:3,13,20,22
  4491:10,19 4492:13
  4493:7,8,22 4494:20
  4495:2 4496:16
agreements 4425:14
  4468:23
agreement's 4487:8
agrees 4488:18
Ah 4477:2
ahead 4496:9
aim 4466:16
air 4456:3
allegation 4436:9
  4482:8 4483:6,12
allegations 4399:15
  4402:6 4430:8
alleged 4447:17
allegedly 4435:18
allow 4440:4,5 4446:21
  4454:15 4456:8
  4458:7
allowance 4461:12,18
  4463:10 4464:2,7,20
  4465:2 4467:15,20
  4468:14,18 4470:14
allowances 4463:7
  4467:8 4470:14
allowed 4460:25
  4488:11 4499:25
Alright 4403:20
  4415:14 4447:1
  4464:16 4498:12
  4500:6
altered 4491:14
ambiguous 4482:6
AMCU 4434:24
  4436:12,16 4446:17
  4447:9,11,19 4448:3
  4449:15,20 4450:5,14
  4450:17 4451:3,8,9
  4451:15,20 4452:6
  4453:6 4454:23
  4456:25 4457:1,5,19
  4457:24 4458:10,18
  4458:21,23,25 4459:4

  4459:19,23 4460:10
  4461:1,7,7,9 4465:8
AMCU's 4451:5
amenable 4413:5
amend 4494:20
amending 4497:4
amendment 4468:13
  4485:19 4489:11
  4496:17 4497:8
amendments 4490:18
amenities 4409:19
American 4405:5
amicable 4469:13
amount 4406:5
  4488:14
analyse 4445:13
ancillary 4415:21
and/or 4405:2
anger 4475:9
Anglo 4404:23 4405:5
angry 4439:7 4465:18
  4475:8
announcing 4496:1
  4497:15
anomalous 4469:23
anomaly 4469:15,22
  4475:15
answer 4449:14 4452:1
  4470:22 4477:9
  4478:24 4479:25
  4481:22 4483:16
  4484:1 4485:25
  4486:24 4487:14
  4488:5,23 4491:7
  4492:7,15 4495:4,6
answered 4488:24
answering 4483:22,22
anti-NUM 4431:5
  4435:19 4452:21
anxiety 4433:13
anybody 4396:11
  4408:16 4416:25
  4449:1 4458:9
  4487:15 4497:9
  4499:22
anybody's 4445:24
anyway 4453:15
apart 4410:20
apparent 4411:21
  4479:12
appear 4451:21 4478:5
  4486:5
appeared 4432:14
appearing 4495:18
appears 4450:12
  4478:9
apples 4452:14,15,18
application 4415:5
applied 4407:2 4416:9
apply 4417:4
appreciate 4439:9
  4476:6
appreciated 4471:1,6
appreciating 4401:17
appreciation 4470:25
approach 4405:9

  4411:14 4426:2
  4434:17 4487:23
approached 4463:3
  4495:5
approaching 4438:7
appropriate 4493:16
  4494:10,13,16
appropriately 4471:24
  4490:7
area 4432:2 4433:6
  4448:23
areas 4415:11
argue 4460:20
argument 4492:6
arisen 4399:5
arises 4398:7 4405:22
arising 4447:6 4473:18
  4478:16 4490:18
armed 4439:14
arose 4411:21,25
  4436:7
arrange 4433:2 4434:2
  4459:17
arranged 4460:6
arrangement 4438:2
  4495:12 4496:23,25
  4499:16,18
arrangements 4421:21
  4422:8 4423:23
  4496:2
arrived 4432:1 4436:1
  4456:11
article 4425:16 4426:5
artisans 4463:8,9
ascending 4409:18
asked 4437:6 4447:5
  4483:5,25 4488:25
asking 4447:4 4479:16
  4483:2,3,4,8,10
  4488:3,6,18 4492:9
aspect 4414:4 4422:9
  4425:17 4427:15
  4446:6 4499:7
aspects 4405:11 4416:2
  4423:8 4427:11
assegais 4439:11
assembled 4435:6
assigning 4455:25
assist 4399:10 4413:25
assistance 4400:14
  4408:8 4439:25
  4455:23
assisted 4429:4
associate 4428:25
  4480:9
associated 4407:8
Assume 4441:21
  4460:21
assumed 4498:5
assumption 4460:21
atmosphere 4456:2
attack 4410:14 4466:12
attacked 4410:19
  4466:10
attacking 4444:21,24
attempt 4465:24

4491:17
attend 4443:4
attended 4433:14
attention 4399:3,18
   4421:18 4474:5
   4475:4 4483:19
   4486:6,11 4489:4
attest 4405:3
attitude 4435:19
   4439:6 4440:18
   4454:4 4456:13
   4459:5 4487:15
   4488:19 4490:10
   4492:11 4493:11
attitudes 4452:21
   4487:18 4489:25
auditorium 4427:23
August 4417:9 4431:10
   4431:13,17,19
   4434:22 4435:10
   4439:22 4440:25
   4442:8 4443:7 4447:7
   4447:10,11,16,18
   4449:5 4452:5
   4454:20 4455:15
   4456:25 4457:10
   4465:14 4485:10
authority 4423:15,17
   4472:4
available 4396:8,12
   4446:9
avert 4469:3
avoid 4478:21
aware 4405:14 4435:12
   4436:15 4457:22
   4461:23 4475:22
   4476:11,12,13,15
   4485:13 4493:21
   4494:17,18,19
A-A-A 4397:14
A-L-L 4400:15

B

back 4401:2 4408:2
   4416:21 4422:7
   4423:3 4428:4
   4432:24,25 4434:12
   4437:18 4438:16
   4440:5 4442:15
   4448:8,22 4454:15
   4469:10 4470:5
   4471:13 4488:5
background 4399:11
   4414:5 4416:4
   4464:17
bad 4435:16 4451:11
balanced 4489:14
bargaining 4400:1
   4416:6 4417:2 4418:2
   4418:6 4422:2,7
   4424:22 4425:11,24
   4427:2 4429:4 4442:9
   4462:2,8,14 4471:9
   4471:15,18 4473:1
   4476:4,23 4477:14
   4491:22 4492:2

Barnard 4434:25
   4459:14
Barnes 4446:14 4450:7
   4451:19
Barnes's 4452:1
base 4443:19
basic 4422:16,21
basis 4418:4,25,25
   4428:18 4435:11
   4442:5 4451:24
   4467:23 4485:18
   4489:10,22 4494:21
   4499:20
bathrooms 4409:20
battle 4402:23 4413:3
BB 4397:19
BBB 4397:12,13,21,22
   4398:3
BBB1 4397:22,23,24
   4398:13
bear 4412:3
beaten 4409:25
beg 4410:23 4444:22
began 4401:2 4404:3
   4409:8,10 4424:20
   4434:22 4439:1
   4485:10
beginning 4410:18
   4426:8,17 4427:10
   4478:17
begins 4420:10
behalf 4416:18 4442:10
   4448:24 4460:14,17
   4468:22 4469:16
   4473:16
beings 4403:14 4441:18
belief 4451:22,23
   4475:3 4485:15
   4489:7 4491:2
   4493:12
beliefs 4442:1
believe 4396:3 4403:12
   4405:2 4406:13
   4410:22 4411:25
   4417:14 4423:6
   4442:12 4445:9,10,23
   4448:17 4452:16
   4453:17 4455:7
   4456:6 4471:25
believed 4451:2
   4457:24 4459:8
   4475:5 4476:7
   4477:13 4491:4
believes 4421:4
   4448:21
believing 4466:7
belong 4492:1
beneficiaries 4415:1
benefit 4404:22
   4411:14 4427:22
benefits 4402:19
   4458:15
best 4396:10 4406:1,16
   4493:17
better 4409:2 4413:5
   4419:18 4472:2

4475:13,23 4477:4
beyond 4408:4 4441:19
bias 4409:12
big 4487:6
binds 4425:10
bit 4422:22 4436:24
   4458:6
black 4409:5,13,17,22
blame 4448:3 4452:18
blast 4420:20
blasted 4419:6 4420:6
blasting 4419:14,15
   4420:5
block 4487:7
board 4473:4
boardroom 4437:2,14
bodies 4441:7
body 4415:10 4419:2,2
bold 4449:13
bone 4473:10
boss 4409:15
bound 4477:11 4484:24
boy 4409:15
brains 4406:2,16
branch 4417:22 4479:9
   4483:18 4488:7,19
   4490:1 4492:11,16,18
   4494:18
branches 4480:24
   4482:5,13,19 4483:8
   4483:13,18 4484:6
   4492:17,20,25
brave 4445:10
breach 4481:2
break 4490:12
breakdown 4469:18
brief 4402:20 4411:11
   4422:10 4434:5
briefed 4457:21
briefing 4437:12,15
   4457:11,15
briefly 4402:14
   4405:11 4410:18
   4412:13 4425:4
   4436:7 4442:4 4454:3
   4493:14
bring 4429:23 4458:15
   4496:6 4498:22
bringing 4415:19
   4498:22
broad 4410:10
broadly 4482:23
brother 4412:23
brothers 4475:17
brought 4426:9,18
   4427:23 4475:7
   4483:19 4490:7
brow 4420:22
Brown 4479:9
bundle 4461:15 4464:5
Burger 4446:8,23
   4447:1,2 4448:13
   4449:4,18 4450:4,9
   4450:24 4451:6,17
   4452:3 4453:7 4454:1
   4454:10,18,25

4455:11,21 4456:14
   4456:20,22 4457:7,14
   4458:4,17 4459:2,10
   4460:7,19 4461:11,20
   4462:3,6,17 4463:1
   4463:21 4464:4,14,17
   4465:5,14 4466:8,20
   4496:11,13
burn 4442:19 4444:7
   4465:24
burnt 4432:2,4,22
   4443:15,25
bursaries 4414:12
   4415:2
bursary 4414:19
   4415:7
busy 4438:12 4494:15
   4494:21 4497:10
buy 4452:16

C

call 4396:3,4 4419:17
   4420:19 4431:20
   4452:22 4495:25
called 4400:10 4409:15
   4420:4 4429:2
   4434:12 4438:13
   4462:15 4468:24
   4469:7,17 4499:17
calling 4499:12,15
calls 4499:14
campaign 4448:7
   4459:8
Canada 4423:22
can't 4465:7,8,9
   4487:17 4488:1
   4490:20
capacities 4401:21
capacity 4424:2 4425:1
   4453:5 4455:6,10
   4469:12
capital 4419:11,13
capitals 4400:14
care 4398:18 4402:7
   4405:9
careful 4479:17
   4489:17
caring 4399:16 4410:20
Carol 4425:17
carry 4454:24 4497:13
carrying 4454:6
cars 4432:22
case 4411:9 4417:15
   4419:9 4442:18
   4463:3,19 4464:13
   4465:2,3 4469:15
   4470:1,16 4475:19
   4484:19 4486:21
   4487:24
cases 4430:15 4493:5
category 4408:22
   4422:1,14
caucus 4437:1,13,17,18
caught 4446:11
cause 4463:19
caused 4450:19 4451:8

4451:10
caveat 4496:4
cell 4434:11
central 4427:2 4462:8
   4471:14 4491:22
   4492:2
centralised 4425:24
   4426:2
centrally 4422:3
CEO 4451:4
certain 4444:17 4463:7
   4490:6 4497:24
certainly 4411:13
   4451:22
certainty 4416:9
certificate 4419:14,15
   4420:1
certificated 4419:12,13
   4419:16 4423:10
Chair 4396:4 4397:7
   4398:9 4410:17
   4424:5 4427:6 4428:3
   4429:7 4439:24
   4446:8,25 4450:7
   4452:3 4456:15,23
   4466:20,23 4477:19
   4478:3 4482:12
   4486:3 4488:10
   4489:16 4493:18
   4494:22 4495:9
   4496:3,15,22 4497:18
   4497:21 4499:10,23
   4500:5
Chairman 4446:5
chairpersons 4492:17
challenge 4491:25
chamber 4422:1,3,9,12
   4422:17 4423:5,21
   4424:2,19,23 4425:9
   4471:15 4491:23,24
chambers 4496:24
chance 4446:19 4486:2
   4497:20
chances 4414:9
change 4413:6 4423:6
   4472:15 4491:17
changed 4403:11
   4413:16 4494:11
changes 4420:21
changing 4413:16
channelled 4429:3
character 4479:1
characterised 4472:10
charge 4419:19 4420:9
   4440:8,9 4463:2
   4479:20
charges 4419:21
Charter 4404:21
check 4448:10 4456:8
checking 4480:19
chief 4421:9 4482:20
chosen 4450:17
Chris 4438:19 4452:9
circle 4438:12
circulated 4396:6
circumstances 4435:12

4464:19 4472:12,24
4473:16 4485:18
4489:10 4490:6,17,22
4491:10,17 4493:21
4495:2
claim 4453:13 4470:1
4494:24
claiming 4416:24
4465:20
claims 4408:9
clarify 4419:9,25
clarity 4499:24
clashing 4439:17,22
clause 4404:21 4467:5
4468:11 4486:10
clear 4419:9 4435:15
4442:22 4444:24
4460:13 4462:23
4467:23
clearly 4489:12
clicking 4439:12
closed 4466:11
closer 4445:11
closes 4402:23
coal 4421:22
coercion 4430:14
4453:25
coincidence 4466:9,12
colleague 4466:25
colleagues 4495:22
collective 4400:1
4418:2,5 4424:22
4429:3 4460:23
4481:1 4492:18
colour 4409:12
column 4426:6,10,14
4426:17
come 4401:10 4404:9
4409:23 4422:7
4432:25 4433:25
4438:13,16,23,24
4439:14 4446:7
4451:15 4459:4
4464:6 4473:9,9,19
4474:6,18 4490:9,11
4499:18
comes 4407:3 4420:10
4451:14
comfortable 4402:16
4402:17
coming 4439:9 4445:11
4478:21
commanders 4438:25
comment 4417:11
4447:15 4496:12
comments 4499:7
Commission 4396:2,9
4396:21 4398:23
4399:10,19 4402:10
4403:20 4405:1,17
4406:7 4411:15,16,22
4416:3,13 4418:16
4424:8,9,9,10 4434:4
4437:5 4438:6
4439:18 4447:12
4448:12,15 4449:7

4451:14,16 4452:22
4453:8 4455:1,24
4456:18,18,19
4458:19 4460:12
4463:22 4464:18,24
4465:17 4466:5,18
4477:21,23,23,24
4478:4 4498:21
4499:1 4500:8
commissioner 4423:12
4434:7 4452:13
commissioners 4446:6
commissions 4406:8
committee 4405:21
4483:18
commodity 4462:10
communicate 4428:2
communicating 4428:6
4484:22
communication
4461:17
communities 4415:11
companies 4414:12
4423:7 4425:11
4427:2,3 4468:24
4470:16 4471:19
4475:16 4476:22
4477:8 4481:20
company 4450:25
4465:4
compelled 4425:7
4456:3
compensation 4405:10
4406:12 4407:22
4408:14
compete 4453:9,19,19
competing 4427:1,1
4475:16
competition 4425:25
4453:24
compilation 4397:8
complain 4474:5
complaining 4474:20
complete 4422:25
4440:1
completed 4424:18
concern 4403:23
4407:15 4422:18
4433:13,18 4434:13
4473:13
concerned 4407:3
4432:19 4440:17,19
4440:19 4455:18
4487:6 4491:3
concerning 4431:13
concerted 4423:2,21
concession 4416:22
conclude 4399:25
4451:14
concluded 4481:2
conclusion 4455:12
4482:21
condition 4456:10
conditions 4405:19
4421:6 4423:14
4428:19 4448:25

4456:5 4471:6 4472:1
conducive 4456:5
conduct 4427:17
4429:19,22
conducted 4479:2
confirm 4398:19
4423:20 4428:19,21
4429:11,13 4448:10
4448:15 4449:15,19
4457:9 4458:16
4464:13
confirms 4462:1
4475:15
conflict 4441:12
conforms 4479:24
confrontation 4444:17
4452:19
consequence 4418:15
4476:7 4477:10
consequences 4428:11
4443:12 4462:5
4477:17
consider 4457:18
considerations 4417:4
considered 4471:22
consistent 4407:11
4419:3
consistently 4406:9
4407:20 4427:16
4428:24 4429:18
4454:11 4480:24
4484:17
constituencies 4469:17
Constitution 4455:8
constitutional 4428:13
consult 4495:18
4496:20 4497:10
4498:4
consultations 4495:14
4495:23
contact 4433:1,20,25
contagion 4476:19
contained 4427:24
CONTD 4424:15,16
4456:21,22 4478:1,2
contemplates 4489:12
content 4412:10
4418:17
contention 4473:10
context 4417:4 4422:25
4457:20 4458:6,25
continue 4424:14
4429:1 4440:3
continues 4426:19
4491:13
contract 4409:1
convenience 4498:21
4498:25
convenient 4403:17
4424:6 4428:5,5
4456:14 4477:20
conversation 4438:13
conveyed 4484:8
copies 4396:8,11
copy 4396:10,11
core 4489:1

correct 4398:14,16,19
4400:11,12,24,25
4401:4,9,19,25
4404:11 4414:22,23
4415:13,23 4419:10
4419:23 4420:16
4421:15,24 4422:4
4423:24,25 4424:4
4425:20 4426:5
4428:8 4430:2,3
4437:25 4438:1,4
4454:12 4467:12
4469:24
correction 4405:4
4428:8
correctly 4451:19
4498:9,11
cost 4414:16
Costa 4463:2
costs 4406:1
council 4473:1 4492:2
counsel 4428:22 4486:1
countries 4400:17,19
4408:4
country 4415:18
4430:9 4445:23
4450:11 4455:7
course 4398:8 4399:2,5
4401:20 4402:10
4411:20,24 4416:20
4419:21 4421:18
4431:12 4432:10
4435:7 4443:3
4464:18 4466:18
4485:17 4489:9
cover 4400:19 4403:10
covered 4481:1
4485:14
co-ordinate 4425:13
4492:3
co-ordination 4425:6
co-workers 4485:11
CPIX 4481:15
created 4435:19
creating 4427:4 4472:1
creation 4404:22
criticise 4455:13
cross 4446:19,23
4483:10
cross-examination
4398:8 4399:6,16
4442:5 4447:2
4456:22 4466:22
4478:2 4486:4
4496:21 4497:13
cross-examine 4446:4
4446:21 4497:12
cross-examining
4496:5,19 4497:11
crouching 4438:11
crucial 4444:1
cruel 4441:18
cruelty 4441:17
culminated 4471:16
cultural 4413:1
culture 4432:23

current 4407:10 4421:5
4423:6,15 4426:4
4472:3

_____

D
_____

Da 4463:1
daily 4418:25,25
damage 4465:25
danger 4460:5
dangerous 4418:19
4454:6
date 4414:16
dated 4423:3 4468:4
day 4420:20 4431:14
4435:6 4436:14
4439:21 4440:20
4441:8 4445:20
4497:2,10
days 4399:6 4435:6
4443:6 4486:18
deal 4398:24 4399:15
4399:23 4401:22
4402:2,3 4406:12
4408:19 4410:8
4412:13 4427:21
4433:23 4436:6
4442:4 4443:6
4445:14 4446:19
4450:14 4455:6,10
4458:12 4490:24
4493:14
dealing 4439:12 4440:6
4441:15
deals 4402:24 4425:17
4427:7 4461:17
4467:7 4483:9
4490:25 4491:2
dealt 4399:4 4409:16
4411:3 4484:10
death 4438:19 4440:25
deaths 4406:20
4434:20
debate 4456:24
4459:11 4461:12
4463:23
decades 4422:2
December 4409:1,4
4475:2 4481:2
4498:19
decent 4403:3 4463:3
decentralised 4462:2
decide 4404:2 4431:23
4446:22 4448:16
4461:9 4472:25
4480:11
decided 4417:11
4444:13 4487:22
decides 4430:16
decision 4404:10
4417:7,15 4445:19
4456:4 4467:24
4468:1 4491:15
4492:20
decisions 4430:14
4482:18
declaring 4403:5

decrease 4429:25
deface 4441:19
defend 4410:15
  4444:14 4445:20
defended 4445:22
defending 4445:21
defer 4446:25
definition 4420:13
defuse 4464:21
delegates 4468:22,24
  4469:7,9,17
delegation 4423:22
  4437:17 4438:14,15
  4439:1
demand 4423:5
  4451:12 4471:20,21
  4474:2,4,16,17,24
  4475:6 4476:8 4479:6
  4479:19 4480:6,23
  4482:4 4483:7,12
  4485:12 4487:12,25
  4492:24 4493:25
  4494:1,2,5,8,9 4495:4
demanding 4485:11
demands 4429:3
  4448:6 4459:17,20
  4473:24 4479:15,24
  4481:3,9 4485:16
  4486:18 4487:17
  4489:8 4495:5,7
democratised 4413:17
democratising 4413:3
denied 4443:18,22
denigrating 4458:2
  4459:9
deny 4413:15
depend 4420:20
dependants 4415:2
depending 4488:22
deployment 4434:19
deputy 4400:10
describe 4438:5
  4449:23 4450:1
described 4421:10
description 4431:10
deserve 4471:24
desperate 4479:6
despite 4435:21
  4491:18
destroyed 4443:14
  4444:1,2
destruction 4428:15
  4445:25
detail 4399:4,9 4402:11
  4406:6 4410:11
  4411:3,11 4412:9,11
  4413:10 4423:19
  4436:24
detailed 4471:7
details 4402:4 4404:5
  4410:4,21 4412:4
determine 4408:13
determined 4461:4
develop 4411:23
developing 4465:1
Development 4415:10

developments 4415:17
  4423:1
develops 4464:25
devoted 4415:10
didn't 4397:16 4432:23
  4434:8 4442:18
  4447:3 4471:19
  4477:7 4488:16
  4489:20 4490:6
  4497:25
die 4405:14
died 4419:6 4420:24
difference 4426:3
  4492:9,10
different 4401:16,21
  4403:1 4408:18
  4412:3,22 4413:1
  4414:4,14,18 4418:12
  4421:21 4425:8,11
  4427:3 4438:20
  4475:18 4482:18,18
  4484:11 4489:12
  4490:25 4496:24
differentiating 4499:21
differently 4475:19
difficult 4418:24,24
  4423:16 4425:5
  4429:7 4440:3 4459:7
  4474:10 4476:21
  4480:12 4492:3
difficulties 4401:23
difficulty 4419:17
digit 4404:11
dignity 4403:13,22
  4409:8
direct 4416:2
directed 4399:10
  4427:19 4429:21
  4460:15
directly 4410:22
disadvantaged 4472:4
disagree 4481:12
disarm 4440:4
disaster 4405:25
discomfort 4472:12
  4473:11,18 4475:17
  4481:17
discretionary 4461:12
  4463:7,10,11 4464:1
  4464:20 4468:18
  4470:14
discuss 4454:2 4465:16
discussed 4436:20
  4466:24 4480:23
  4482:4,13 4483:7,13
  4492:24 4498:20
discussing 4468:25
discussion 4412:5
  4482:8 4483:25
  4484:5
discussions 4493:3
disease 4407:16
diseases 4407:7,12,19
  4408:1
dismiss 4428:17
dismissal 4428:13

dispensation 4416:3
  4500:1
disposition 4412:3
dispute 4460:1 4478:16
  4479:11 4480:17
  4483:11 4484:4,4,16
  4493:1
disputes 4403:5 4426:4
  4469:13
disputing 4482:14
disqualified 4460:12
disquiet 4472:21
dissatisfaction 4473:8
dissuade 4435:7
distance 4470:24
distant 4408:2
distinction 4459:25
  4491:5,6
distract 4403:16
divided 4412:19
dividends 4404:25
division 4405:6
  4409:12
doctors 4414:14
document 4398:5
  4457:9 4467:11
  4468:4,7,19 4470:3
  4470:13,21 4478:5
  4485:3,7 4487:11
documents 4444:1
  4457:8
dodge 4473:21
doesn't 4423:15
  4468:17 4493:19
  4496:19,22 4497:9,11
doing 4411:16 4412:24
  4423:8 4443:24
  4453:20 4477:5
  4492:4 4497:16
don't 4410:12 4416:24
  4423:16 4430:13
  4436:17,18 4439:24
  4448:25 4449:2
  4450:14 4452:15,25
  4453:1,4,16,17,20
  4456:12 4457:7
  4460:13 4462:7,11,18
  4462:24 4463:12
  4465:7,22 4468:23
  4469:16 4470:17
  4472:25 4475:6
  4476:22 4480:14
  4484:4,4,8,16,23,24
  4486:12,24 4493:1
  4495:19 4497:6
  4498:10
double 4404:11
draw 4399:3 4421:18
  4459:24 4486:6
drawn 4486:11
dreams 4409:17
dribbling 4419:2
drill 4419:2,20 4420:10
driller 4419:5
drillers 4422:14,18
  4442:16 4474:9

4475:20 4476:6
  4486:19,21,23
  4487:11
drilling 4419:20
drive 4431:24
due 4407:4 4411:24
  4419:6 4437:4
  4464:18
Dumisane 4452:7,8
Dunn 4426:11
dust 4407:14
duty 4429:1,24 4480:5
  4489:2
d.s.s 4397:2

_____

E

earlier 4404:19 4466:5
  4478:14
early 4420:4
earn 4403:2
earned 4422:22
earning 4402:25
  4461:21 4462:9
  4475:19
earnings 4405:1
easily 4425:23
easy 4473:22 4493:4
education 4490:8
Educational 4414:21
effect 4424:25 4449:19
  4451:20 4476:20
  4477:11
effective 4475:3
efforts 4424:19
either 4406:11 4474:11
elaborate 4491:7
elder 4409:9
elected 4400:9,22
election 4413:4
element 4472:16
  4494:25
elicited 4446:19
else's 4499:22
emanated 4485:12
emphasise 4472:20
employ 4451:13
employed 4409:5
  4413:14 4445:14
employee 4404:16
employees 4413:12
  4416:5 4427:4
  4428:11 4429:5
  4443:19 4476:16
employer 4416:17
  4418:3 4421:11
  4427:5 4430:1
  4450:17 4456:7,9
  4462:20 4465:19,22
  4484:21 4495:7
employers 4402:25
  4404:1 4416:20
  4425:7,23 4428:16
  4463:6,16 4492:1
employment 4408:16
  4428:19 4448:25
  4450:16 4467:16

enable 4495:14,17,22
encountered 4440:14
encouraged 4482:24
endeavour 4464:21
ended 4495:13
endorsed 4452:13
enemy 4466:7
energy 4400:16
enforcement 4455:9
engage 4416:16 4424:2
  4425:7 4438:14
  4448:23 4456:6
  4458:8,20 4462:16
  4468:24
engaged 4462:15
engaging 4402:25
  4403:4 4416:20
engineers 4414:13
engrossing 4402:12
enjoying 4413:1
ensuing 4430:23
ensure 4405:21 4408:7
  4420:5 4434:19
  4453:21
entail 4416:5
entails 4401:14,18
entire 4430:22
entirely 4412:3
entities 4416:5
entitled 4463:6,9
environment 4401:24
  4416:6 4430:24
  4433:22 4449:25
  4450:2 4454:16
  4455:8
episode 4443:7
equal 4436:17
equivalent 4424:22
escalation 4464:8
escalations 4469:3
especially 4404:23
  4429:12 4472:18
  4474:9
essence 4416:14 4417:6
essential 4424:18
establish 4401:13
  4451:18 4466:19
established 4429:3
  4430:21,23
establishes 4451:16
establishment 4404:15
event 4433:15
events 4399:23 4411:20
  4417:8 4427:12
  4430:22 4431:10,13
  4431:20 4434:22
  4435:17 4443:3,7,20
  4447:7,9 4449:3
  4478:13,14
everybody 4403:19
  4413:14 4419:10
  4497:14 4499:2,19,19
  4500:5
everybody's 4498:23
  4499:8,24
evidence 4396:21

4421:10 4436:8
4443:5 4446:19
4448:16 4449:19
4450:8 4451:20
4484:3 4492:6
4495:13,16,19,24
4497:2
evident 4490:10
examination 4398:11
4420:4 4424:16
4446:20 4483:11
examinations 4408:13
examination-in-chief
4424:14
examine 4409:7 4420:5
examines 4446:24
example 4403:7
4461:23 4462:10
4482:19
examples 4493:9
excavation 4420:15
exchange 4454:17
4488:11
executive 4451:3
executives 4450:23
exhibit 4397:5,6,14
4398:12 4425:17,22
4447:12 4449:6
4457:14 4461:15
4466:24 4480:17
exhibits 4397:25
4425:16
exist 4471:19
existed 4432:23
existence 4414:6
4422:2 4488:14
expand 4410:17
expect 4472:24 4473:1
4473:17 4495:25
4500:3
expectation 4435:21
expected 4464:12,13
4478:20 4479:13,15
4479:23
expecting 4480:3
experience 4399:19
4401:22 4418:20
4428:9 4430:8
4440:13,16 4441:11
4443:11
experienced 4439:22
experiences 4418:14
expertise 4406:17
explain 4425:4 4447:14
4453:1 4457:20
4466:13 4498:14
explained 4420:14
4460:11
explode 4419:21
explore 4451:25
4466:23 4493:11
explosion 4420:1,11
explosive 4419:21
explosives 4420:3,7
exposed 4407:14
4460:4,5

exposing 4420:23
expressed 4490:16
extensive 4430:8
extensively 4412:11
extent 4399:9 4440:20
4478:14
extra 4491:24
extract 4420:6
extraction 4419:22
extreme 4426:7,9
eye 4403:16

_____

F

face 4401:23 4419:1
4420:14,18 4488:6
faced 4492:1
faces 4463:2
facing 4462:7,17,20
fact 4402:2 4407:15
4409:23 4412:1
4413:15 4421:18
4423:12 4424:25
4432:15,21 4433:4,19
4433:22 4434:13
4449:4 4451:5
4454:10,18,25 4458:1
4466:4 4471:13
4475:12 4477:14,15
4482:11 4485:2
4487:7 4489:21
4491:19 4493:7
4496:18
faction 4408:21
4412:12,13 4439:13
4440:14
factor 4425:13 4496:6
facts 4418:4 4463:23
4471:1 4494:17,21
factual 4475:24
failing 4455:13
fair 4410:14 4453:24
4463:23 4486:5
4489:14,20 4496:18
fairly 4398:25 4412:2
4489:3
fairness 4497:14
falls 4419:17
familiar 4417:6
families 4407:3
4446:18
family 4475:18
far 4417:25 4455:17
4470:5 4471:13
4479:1 4487:5
fashion 4398:25
4413:10 4471:11
4479:14
fatal 4420:11
fate 4406:14
fathers 4414:10
favour 4426:2
fears 4456:4
February 4499:4
federation 4400:10,15
4400:18
feed 4442:15

feedback 4455:6
feel 4437:5 4493:15
fight 4409:10,10,11
fighting 4408:21
4412:12,14,19
fights 4439:13 4440:14
file 4463:25 4500:1
films 4441:17
finality 4496:14
find 4425:8 4467:5,11
4468:21 4469:13
4485:6
finding 4429:7
fine 4475:7,8 4488:12
finish 4495:19,23
finished 4446:12
4495:15
finishes 4497:2
fire 4447:23
fired 4444:17
first 4397:9 4399:12
4400:22 4402:18
4403:9 4404:9
4413:16 4436:8
4438:3 4446:24
4447:8,17 4454:2
4478:9 4483:5 4490:9
4490:12 4492:8,23
Firstly 4428:9
fitting 4411:25
five 4399:5 4400:20
4438:24 4481:14,19
fix 4425:23
fled 4445:5
fledged 4405:19
focus 4450:17
follow 4428:8 4429:17
4466:1
followed 4412:5
following 4407:1
4416:4 4429:10
4439:21 4440:20
4446:7 4447:20
4449:10 4450:12
4457:16 4458:5
4473:3 4484:4
follows 4410:12 4448:3
follow-ups 4408:7
fond 4423:7
foot 4426:7,16
force 4403:14 4451:12
4467:16
forces 4448:5
foresee 4416:24
4456:12
forgive 4410:3
form 4403:10 4411:17
4416:17 4418:3
4421:5 4433:12
4449:1 4453:24
4457:18
formally 4401:12
formation 4405:13
formed 4403:25
4404:19 4405:19
4412:17 4422:20

former 4421:25
forming 4438:12
forms 4448:21
formula 4407:10
forum 4425:10 4427:2
4458:10,20,21,22
4459:3,11,21,22
4462:2,13,14,18
4471:18 4476:23
4491:22
forums 4476:5
forward 4417:1
4438:13,16,17,21,22
4451:12,18 4456:10
4480:25 4487:12
4491:1,5
fought 4413:17,22
4421:3
found 4442:20
four 4436:10 4447:8
4465:16 4493:14
fourth 4461:11 4463:5
fragment 4419:22
framework 4415:17
4418:6
free 4453:24 4456:3
fresh 4481:3,9 4487:17
4498:24
Friday 4499:25
friend 4412:24 4447:3
4488:12 4489:2
friend's 4486:4
front 4426:5
fuelling 4452:20
fulfil 4480:8
full 4410:8 4430:12
4488:11 4497:9
fully 4405:19 4420:6
functioning 4416:6
fund 4404:16 4407:22
4414:22
funds 4403:21
funeral 4453:14
furnished 4498:6,7
further 4399:11
4420:15 4429:23
4434:20 4469:3
4486:13
future 4426:3

_____

G

gained 4401:21
game 4458:13
gap 4402:24
Gcilitshana 4399:7
4421:9 4478:4,6
Gegeleza 4399:8
4445:4 4485:3 4486:7
4491:3
Gegeleza's 4489:6
4490:5 4491:1
4493:12
general 4405:8 4421:14
4422:16 4428:10
4436:3,9,20 4454:22
4457:11

generally 4404:6
4406:7 4415:10,16
4431:3 4443:11
geological 4420:21
getting 4459:21
give 4396:21 4399:17
4399:19 4402:19
4414:12 4416:21
4421:17 4422:10
4427:3 4434:4
4437:18 4446:17
4463:4 4486:2
4493:19 4497:19
given 4397:4 4410:15
4421:9 4422:23
4430:16 4432:6,12
4434:8 4446:23
4456:13 4457:6
4458:25 4459:6
4460:12 4463:17
4465:2,4 4471:17,17
4481:22 4489:4
4491:25 4498:19
giving 4399:11 4404:21
4413:21,22,22
4416:25 4470:13
4481:14
glad 4410:5 4412:9
global 4400:10,18
go 4399:15 4401:16
4404:4 4405:7 4408:2
4409:14 4412:10
4413:10 4415:5
4416:21 4417:8,19
4418:9 4423:19
4428:23 4430:14,16
4435:5,16,22,23
4437:21 4440:5
4442:14 4448:23
4451:13 4452:24
4453:14 4454:15
4457:11 4458:7,9,10
4458:11,13,15 4459:7
4460:1,2,3,4 4462:11
4465:9 4466:24
4467:10 4469:8,19
4473:17 4478:8
4484:2,24 4488:4,4,5
4494:10
God 4396:16,23,25
4397:1
goes 4401:2 4426:1
going 4396:3 4397:25
4398:24 4402:12
4406:4 4410:12
4417:16 4423:19
4427:8,13,14 4429:15
4429:16 4431:9
4438:21 4444:14
4446:10,15 4447:4,6
4450:1 4452:10
4458:8,25 4464:14
4470:4 4477:14,18
4482:16 4483:23
4487:14 4489:5
4490:9 4492:12

4493:11 4496:2
4497:16 4498:3
4499:9
gold 4421:22 4422:4
good 4413:21 4443:6
4450:24 4452:17
4463:3 4483:24
4486:12,24
governs 4415:17
grade 4423:15
grades 4407:16
grading 4421:5 4423:6
4423:7 4472:3
graduates 4414:16,17
grant 4463:6 4464:20
granted 4463:11
granting 4464:1
grave 4428:10
great 4401:22 4402:3
4407:25 4408:19
4410:3,3 4411:11
4418:15 4421:19
4422:2
grew 4439:2
grievances 4440:6
4479:12
ground 4459:22
4463:23
group 4409:14,14
4422:15,15 4430:15
4436:15 4438:10
4439:14 4444:4
4459:15 4469:7
groupings 4413:8
groups 4465:1
gruesome 4457:22
guard 4438:25
guards 4432:11
guidance 4430:21
guided 4404:8
gunned 4449:12
gunshots 4444:17
guts 4453:12
guys 4438:24 4445:11
Gwala 4434:24
4449:14

H

hadn't 4498:1
half 4403:16 4404:25
4461:13
halt 4427:18 4429:20
hamstrung 4488:1
HANABE 4396:19
4432:4 4437:4
4476:12
hand 4396:23 4401:3
4410:13 4411:8
4421:22 4426:7,9
handing 4397:25
hanging 4420:19,19
Hani 4438:19 4452:9
happen 4406:3 4445:13
4449:12 4473:2
4474:21 4477:14
4480:3 4486:20

4496:2 4497:16
happened 4421:17
4435:17 4443:20
4447:18 4459:13
4463:18 4465:6
4466:19 4470:11
4472:13 4477:6
4478:20 4480:12
4487:1,1 4491:23
4494:19 4498:20
happening 4496:14
happens 4452:5
4463:13
happy 4446:23 4481:22
hard 4418:18
harsh 4471:5
hasn't 4488:25
hate 4439:3 4452:10
4453:3
hated 4465:22,23
hating 4466:3
haven't 4495:15 4498:2
4498:6
hazards 4407:6
head 4405:20 4481:16
4481:21 4482:22
4483:19 4484:10
4486:25 4491:16
4493:12 4494:17
heading 4405:8 4452:4
4468:12
health 4401:7 4405:10
4405:21
hear 4402:11 4403:19
4432:11 4438:8
heard 4405:4 4418:18
4424:21 4437:23
4443:6 4444:3,11,12
4444:15,19,25 4445:2
4445:6 4448:12
4466:5 4485:10
hearing 4399:6
held 4449:5 4487:19
help 4396:16,23,25
4397:1 4463:4
4465:17
helpful 4427:21
hey 4477:4
he'd 4486:9
he's 4419:16 4463:3
4482:17 4483:3,5,8
4483:10 4488:17
4496:20
hiding 4417:19
high 4405:14 4414:11
4459:17
higher 4407:14
4409:18 4414:18
4471:20,21 4494:24
highest 4409:14
highlight 4405:11
4427:14
highlights 4412:4
highly 4462:10
hired 4406:1
history 4401:1 4402:12

4410:21 4417:7
4440:13 4470:12
hold 4400:7
hole 4419:5 4420:2
holes 4419:20 4420:5
home 4426:9,18
homes 4408:3
hope 4459:21
hosted 4434:23
hostel 4408:21 4413:3,5
4413:15 4431:21
hostels 4412:18 4413:7
4413:17,23 4440:5
hostile 4450:3
hostility 4411:20,25
houses 4404:23
4425:12
housing 4413:12,19,25
huge 4472:21
human 4403:14
4441:18

I

ideas 4454:17
identified 4436:10,10
illegal 4481:5,25
4482:24
illustrate 4453:23
illustration 4402:13
image 4445:22 4458:2
4459:9
imagine 4451:23
imbalance 4427:4
immediately 4406:6
4452:17 4491:23
impact 4403:21 4426:4
4440:15 4466:6
4477:11,18
Impala 4427:1 4443:20
4458:12 4461:23
4462:10 4463:17
4465:3 4466:10
4470:17 4472:6,9,21
4473:8 4474:24
4475:2,12,20,25
4476:2,4,14,16
4477:1,10 4478:14,21
4479:7,11,14 4480:7
4494:11,19,25
Impala's 4491:15
implications 4443:12
importance 4416:14
important 4402:15,19
4405:17 4423:1
4428:2 4448:4
4479:18
impossible 4417:18
4418:8 4442:11,23
impression 4433:13
improve 4415:6 4424:2
4450:15
improvement 4414:11
4422:15
improvements 4403:21
4404:7 4415:20
improves 4422:22

improving 4402:3
4404:25 4448:25
inaudible 4404:22
4465:15 4500:7
inception 4402:23
4409:16
incident 4417:21
4426:9,18 4448:1
incidents 4442:15
include 4441:7
including 4401:6
4423:11 4428:11
4458:21 4459:18
4472:23 4499:8
increase 4463:18
4474:25 4475:2
4477:11 4485:12
increased 4454:19
4490:2
increases 4404:1,3,5,12
4429:25
incur 4406:1
indebted 4410:16
4447:3
indicate 4402:14
indicated 4418:13
4499:11
indicating 4411:2,11
indication 4410:17
indications 4411:22
indistinct 4405:25
4438:20 4450:16
4457:24 4459:9
4470:4 4484:21
individual 4425:7
4462:8 4475:15
4492:3
individually 4462:19
individuals 4495:1
indulged 4451:21
indulgence 4446:9
industrial 4400:16
4425:21 4469:24,25
IndustriALL 4400:11
industries 4401:20
industry 4401:2,22
4402:11 4404:13,17
4405:15 4409:18
4413:13 4414:10
4421:5,20 4423:5,24
4426:2 4432:24
4469:12 4477:1,16
4481:16
inelegant 4472:20
inflation 4404:7
influenced 4475:21
information 4432:13
4435:11 4443:6
4444:2 4445:1
inherent 4494:24
inhibiting 4425:13
initiate 4442:9
initiative 4418:1
injured 4405:24
4444:18 4448:19
injuries 4406:20

innocent 4449:11
inquiry 4406:8,25
4417:25
insensitive 4453:11
insertion 4419:20
insight 4401:22
inspection 4406:25
4470:8
instance 4406:19
4466:1
instances 4403:5
4404:25 4409:25
4419:5 4427:18
4429:21 4430:20
4465:1
Institutional 4425:21
institutions 4414:18
instruct 4440:9
instructed 4463:13
intellect 4409:6
intended 4443:22
intending 4459:16
intensive 4448:7
intention 4442:19
4444:7 4452:23
interact 4443:18,23
4480:10
interaction 4416:7
4417:17 4418:2
4442:9 4465:21
4466:17
interactions 4487:2
interest 4465:2
interests 4425:19
interfere 4406:5
interpretation 4488:13
interpreter 4403:17
4405:4
interpreting 4405:5
interrupt 4486:4
intervene 4472:15
intervened 4481:24
intervention 4427:7
interview 4434:23
4435:4 4449:5,6
intimidation 4427:18
4428:15 4429:21
4430:7 4450:19
4479:3
investigations 4405:24
4406:8,11
Investment 4414:6
invite 4446:15 4480:17
inviting 4452:19
involved 4405:16
4406:11,20,21 4407:6
4407:10 4432:15
4433:9 4460:8
iron 4404:24 4405:6
isn't 4411:4
issue 4408:20 4413:11
4419:24 4436:19
4454:2 4460:15,16
4471:16 4480:22
4481:19,21 4482:3,12
4483:6,12 4484:6,23

4487:16 4493:8,11
4497:11 4499:23
matters 4399:3 4400:1
4406:17 4407:6,21
4408:22 4410:6,8
4418:15 4423:23
4425:19 4436:7
mean 4414:11 4423:10
4427:3 4435:18
4438:12 4452:11
4453:2,13,18,19
4474:8 4496:19
4498:6
meaning 4453:4,5,23
4469:18
means 4453:3,8,19
4470:3 4475:19
meant 4405:5 4417:17
4422:15 4453:13
measures 4416:8
4430:17
media 4447:10,16,18
medical 4408:9,12
meet 4418:9 4457:18
4491:24
meeting 4433:2,5,9,14
4433:25 4437:15
4457:18,24 4459:18
4459:25 4460:5
4482:10 4493:4
4499:3
meetings 4480:23,25
4482:4,13 4483:7,13
4484:5 4491:1,5
4492:19,25
member 4405:3 4415:4
members 4400:20
4405:9 4407:13
4428:25 4429:5
4431:6 4433:14
4437:12 4441:24,24
4443:17,19,23 4444:9
4444:17 4448:22
4450:2,15 4452:25
4466:1,17 4472:25
4473:2,16,19 4474:20
4479:13,14 4480:9,11
4481:16 4484:8,21
4495:4
membership 4432:7
memberships 4451:8
memory 4437:17
men 4409:9 4449:11
mention 4415:9
mentioned 4403:20
4410:6 4489:23,23
4494:23
men's 4437:7
mere 4496:18
merely 4474:17
message 4434:11
4454:24
met 4422:16 4436:2
4454:22 4461:8
4468:20 4474:24
methods 4451:11

4477:15
Middlekraal 4433:6
million 4400:20
4404:25 4414:17
mind 4410:12 4412:3
4446:16 4498:24
minds 4458:14
mine 4408:1,25
4409:19 4413:15
4419:13 4420:19,22
4431:24,25 4434:15
4434:20 4441:9
4442:22 4448:20
4475:18 4478:15
4479:14 4485:13
miner 4401:7,16
4419:3,11,12,13,16
4419:25 4420:3,9,17
miners 4413:20
4420:22 4423:8,9,10
4426:25 4441:15,16
4463:17 4475:2,4
4477:6,7
mines 4406:19 4422:1,4
4424:19,23 4425:2
4441:12 4461:22
4476:8
mineworker 4415:3
mineworkers 4400:5
4402:4,24 4403:2,7,8
4403:10,11,13,22,25
4404:9,12,15,19
4405:19,23,25
4406:13,14 4407:25
4409:24,24 4412:17
4412:18,21,25 4413:4
4413:18 4414:5,9,13
4415:2,6,9 4421:19
4423:10 4439:5,6,7
4474:9
minimum 4481:16
mining 4400:15 4401:1
4401:3,20 4402:11
4404:21,23 4413:13
4420:15 4421:20,22
4421:22 4422:7,8
4423:24 4425:12
4477:8
Minister 4434:17,18
Minister's 4434:10
minor 4436:7
minutes 4437:2,2,14
4440:7 4492:19
4493:14
misfire 4419:4,10
misses 4420:9
mix 4496:6
mixed 4413:6
Mm 4476:1
model 4472:1
Mokwena 4434:25
4459:14
moment 4419:9 4424:6
4433:23 4441:21
4459:5 4494:15
4497:19

Monday 4495:15,17,22
4496:20 4497:12
morning 4398:18
4419:4 4420:4
4431:16 4455:1
4495:10,24
mountain 4458:8
4459:7 4469:10
move 4397:15 4415:15
4427:8
moved 4438:16
moving 4475:11
Mpembe 4436:3,9,21
4454:22 4457:11
Mpofu 4446:15
4495:12,17,22,25
4496:3,10,18,22
4498:8,10,14,17
4499:5,11,25 4500:4
4500:5
Mpofu's 4497:22
4499:2,9,21
murder 4470:6
murdered 4442:21
4465:24 4470:2
M-A-R-K-S 4414:25

———————————————
N
———————————————
naked 4409:7,9
name 4414:21
narrative 4436:25
national 4400:5
4481:23
nationally 4493:6
nature 4411:19
4413:12 4417:17
4429:22 4432:20
4441:13 4442:9
4470:11
naïve 4455:12
near 4426:7,16
nearby 4478:14
nearer 4438:17
necessary 4408:8
4495:23
necessity 4471:10
need 4400:4 4411:8
4412:4 4413:25
4416:17 4430:13
4442:13,15 4458:9
4479:6 4497:24
needed 4442:24,25
4455:2,19
needn't 4413:10
needs 4428:8
negotiate 4442:12,22
4454:5 4455:2,14,19
4456:6 4457:1
4458:12 4459:4
4460:12,14,16,17
4461:6 4469:20
4470:19 4473:15
4474:20 4475:15
4476:22 4495:6
negotiated 4404:15
4456:9 4463:11

4480:16 4485:18
4489:10
negotiating 4416:18
4442:14,18 4469:5
4471:9 4476:4
4484:20,21
negotiation 4403:4
4456:25 4457:2
4487:7
negotiations 4403:1
4416:17 4418:3
4422:19 4442:13,24
4455:5 4456:1 4457:6
4460:8,25 4461:2,4
4462:25 4464:25
4467:25 4485:17,23
4488:9,15 4489:9
4490:2,14 4492:12
negotiator 4421:9
4482:20
negotiators 4422:17
4438:15 4492:4
neighbouring 4461:22
4462:9
neutrally 4408:2
never 4401:12 4413:15
4437:2 4439:5
4440:14 4449:12
4452:24 4453:16
4472:8 4479:15
4483:24 4494:5
nevertheless 4418:1
4435:22
new 4400:10 4416:22
4451:8 4485:16
4489:7 4496:6
noise 4440:2
non-strikers 4427:19
4429:22
norm 4469:18
normal 4449:1 4472:11
4472:24 4486:20
normally 4468:22
norms 4479:24
note 4491:8 4492:8
number 4405:14
4429:24 4433:5
4434:14 4444:9
4465:23
numbers 4434:10
4436:17,17
numerous 4427:18
4429:20
NUM's 4417:10 4422:9
4424:2 4431:3
4451:22 4480:24
4482:9 4483:9 4484:7
4484:9
Nyala 4438:10,14,17,21
4438:22,23,24 4439:1
4440:9 4454:20
Nyalas 4437:24

———————————————
O
———————————————
oath 4396:15,18
4398:19 4424:11

4453:8 4456:20
4477:25
object 4450:7 4486:1
objection 4452:1
4486:12 4488:11
4489:2
observation 4430:1
observations 4430:5
observed 4416:9
obtain 4452:1
obtained 4404:6
obviously 4410:7
4462:13 4486:23
occasions 4458:19
occupational 4407:6,7
occupy 4409:13
occurred 4478:16
occurrences 4466:15
4491:23
offer 4426:25 4475:4
offered 4475:2
offering 4476:5
office 4405:20 4417:22
4431:14 4432:16
4434:10,11 4442:19
4443:8,13,23,24
4444:5,8,10,10,14,21
4444:24 4445:5,12,20
4445:21 4447:21,23
4465:24 4466:10,10
4466:11 4481:16,21
4482:22 4483:19
4484:10 4486:22,24
4486:25 4487:12
4491:16 4493:12
4494:17
officer 4401:8 4440:8
offices 4400:8 4409:18
4409:21 4434:7
4443:21
official 4407:21 4434:6
officials 4431:6 4436:2
4444:9 4452:6 4453:6
oh 4397:14 4403:6
4468:6,8 4484:23
4485:8
oil 4419:2
okay 4397:10,18,24
4470:23 4476:10
4488:2 4493:10
4498:19
once 4467:24 4480:11
ones 4408:19 4458:14
onwards 4442:15
OO2 4447:13
OO4 4457:14
open 4480:16
opened 4447:23
opening 4485:22
4488:8 4490:13
4492:12
operating 4430:21
4491:19
operation 4407:22
4419:20
operations 4405:5

opinion 4465:12
opportunity 4398:17
　4410:8,15 4411:5
　4447:4
opposed 4481:4
opposition 4431:4
　4462:12
option 4418:5
options 4445:13
oranges 4452:14,15,18
order 4401:13 4411:23
　4411:24 4423:22
　4429:23 4430:11
　4434:1,14 4435:22
　4443:1 4446:16
　4447:14 4455:3,7
　4459:20 4464:10
　4497:2
ordered 4438:25
　4499:3
ore 4404:24 4405:6
organisation 4412:2
　4442:1 4445:19,22
　4458:2 4472:18,23
　4475:9
organise 4404:3
　4450:15 4452:24
organised 4416:5
organising 4408:11
　4449:25
original 4396:8,14
　4468:13
originally 4497:5
outdo 4453:19,22
outline 4410:11 4411:9
　4411:11 4421:17
　4434:5
outlined 4459:1
outlining 4405:18
　4486:19
outside 4408:16 4460:8
　4463:18 4476:4
overall 4430:17
overturn 4482:22
overturned 4481:19
ownership 4404:16
o'clock 4495:20

P
package 4472:2
page 4425:22 4426:6,8
　4426:10,10,14,19,20
　4447:20 4448:2
　4449:9 4450:10,12,23
　4457:15,17 4461:15
　4461:17 4463:25
　4464:5,11 4466:25
　4467:2,4,10 4468:12
　4478:9
paid 4407:15 4414:19
　4421:1,4 4423:13
　4471:24 4475:12,20
　4475:23 4476:11,14
　4477:4 4495:1
pangas 4439:11
para 4427:25,25

paragraph 4415:15,25
　4426:8,17 4427:10,15
　4428:4,9,23 4429:10
　4429:15,18 4430:6
　4431:2,17 4436:1
　4447:14 4464:7,11
　4478:8,24,25 4480:22
　4483:3 4485:7 4486:7
　4486:9 4488:12
　4489:6 4490:5
　4492:23
paragraphs 4398:24
　4402:1 4427:10,21
　4428:7 4429:10
　4489:3
pardon 4410:23
　4444:22
part 4401:17 4403:14
　4406:25 4411:3
　4412:13,20 4413:2
　4417:1 4420:4 4423:3
　4425:25 4430:6
　4435:4 4437:11
　4441:22 4443:18
　4457:2 4461:1 4464:5
　4464:9 4468:22
　4483:5,9 4492:8
participants 4461:3
participate 4403:25
　4428:12 4430:13
participated 4405:24
　4406:9
participates 4407:21
participating 4407:18
participation 4404:20
particular 4412:11,15
　4421:20 4422:19
　4427:18 4429:20
　4482:21
particularly 4399:5
　4407:7 4442:7 4445:3
parties 4396:11
　4411:15,19 4416:10
　4418:16 4428:11
　4454:16 4456:5
　4462:15 4464:6,10
　4467:21 4468:14,20
　4469:2
parts 4483:5
passage 4426:18
　4447:17
Paton 4425:17
Paul 4426:11
pause 4403:17 4419:8
pay 4403:7,22 4422:21
　4423:17 4427:3
　4462:11 4470:14
　4475:17 4476:17
　4477:7
paying 4407:11
payment 4467:15,20
peace 4469:24,25
　4470:2,4
peaceful 4430:11
　4448:21 4454:16
pension 4403:8,21

4404:20
people 4405:14,20
　4406:24 4408:14,15
　4409:17,20,21
　4413:24,25 4414:1
　4417:13,14,20
　4423:12 4425:8,14
　4427:4 4430:14
　4432:22 4434:20
　4440:3,4,20 4442:12
　4445:15 4447:21,22
　4448:23 4449:10,11
　4449:13 4452:14,21
　4452:22,24,25 4456:2
　4458:14 4459:8,25
　4460:17 4462:11
　4463:3 4465:23
　4466:4 4468:23
　4469:7,9 4472:2,17
　4476:8 4477:16
　4487:2 4496:1
perceive 4411:9
percentages 4404:5
perfectly 4496:18
perform 4419:1
performed 4411:19
　4423:14
performs 4421:7
period 4417:7 4440:25
　4442:7 4460:10,22
person 4409:5,13,22
　4419:11,19,25 4421:7
　4440:8 4448:11
　4456:12 4458:3
　4461:6 4468:22
personal 4455:22
personally 4417:6
　4433:24 4440:16
　4459:14
personnel 4433:22
　4434:14 4441:8
　4442:25 4444:7
　4455:3,5,9
persons 4408:8,9
　4428:6 4432:15
　4434:5 4435:14
　4436:10,25 4438:3
　4440:1,24 4441:24
　4444:13,18,24 4445:4
perspective 4428:2
　4445:18
persuade 4421:10
phase 4410:7,10,14,23
　4410:23 4411:4
phoned 4459:14
photographs 4440:24
　4441:4
picked 4414:9 4438:17
picture 4426:11,13
pictures 4441:20
Pillay 4397:5,7,11,16
　4397:20,23 4499:23
pin 4492:5
place 4399:12,18
　4400:4,8 4402:13
　4408:7,16 4411:17

4422:3 4425:7
　4437:15 4440:6
　4450:1 4460:9,9,23
　4461:1 4479:19
　4485:14 4487:8,17
　4497:24
places 4408:2
plagued 4428:14
plain 4442:17
plan 4496:9
Plat 4492:16
platinum 4404:24
　4421:22 4422:8
　4424:21 4425:2,23,24
　4443:14 4461:22
　4471:18 4477:1
　4478:15
play 4413:4 4440:4
　4442:25
played 4405:2,16
　4408:22 4415:19
　4439:18 4461:10,10
players 4469:12
playing 4458:13
please 4396:14,22
　4416:13 4425:4
　4463:4 4484:23
　4498:12,15,16
plus 4481:15
plus-minus 4400:19,20
point 4406:15 4411:12
　4415:20 4416:23
　4422:25 4451:2
　4459:23 4461:21
　4469:1 4481:20
　4482:17,23 4483:10
　4487:21 4489:19,21
　4489:23 4491:21
　4492:23 4493:2
pointed 4466:25
pointing 4470:7
points 4410:11 4451:19
point's 4489:18
police 4434:1 4436:3
　4437:24 4438:15,24
　4440:4,8 4441:1
policies 4399:12
　4441:25
policy 4470:13,18
portion 4486:6 4489:5
portions 4399:8
pose 4416:1 4457:25
poses 4405:22
position 4398:18
　4401:7,10,12,23
　4417:10 4418:14
　4422:12 4425:1
　4442:6 4446:4
　4454:22 4455:16,18
　4462:8 4476:3
　4480:24 4481:9
　4482:9 4483:9 4484:6
　4484:7,9,17,18
　4491:1,4 4498:14,17
possibility 4416:8
　4497:4

possible 4413:19
　4434:19 4442:8
　4468:14 4485:1
possibly 4410:8
　4425:19 4451:17
posts 4401:6
potential 4430:22
potentially 4428:10
Power 4446:16
practical 4401:15
practice 4483:24
practised 4470:16
practitioners 4408:12
precise 4444:21
preclude 4493:8
precluded 4488:8,15
　4490:3,13
preclusion 4488:20
　4489:13
precognize 4497:3
　4498:4
preference 4446:23
prejudice 4497:9
prepared 4396:6
　4441:3 4446:21
presence 4407:1
　4443:13 4451:5
present 4399:24 4412:4
　4417:6 4418:20
　4428:6 4434:24
　4437:12 4438:6
　4460:10 4461:1
presentation 4441:1
　4466:14
presented 4448:16
　4471:3 4479:7
presenting 4470:7
　4472:16
president 4400:5,10,22
　4434:24 4445:18
　4454:23 4458:18
press 4447:19
pressed 4437:5 4471:9
pressing 4471:13
pressure 4430:1
　4476:16
presumably 4495:24
pretend 4468:10
prevails 4455:8
prevent 4427:17
　4429:19 4434:20
preventing 4464:1
previous 4399:7
　4419:19 4420:20
　4435:6 4491:7
previously 4489:5
price 4494:12
primarily 4399:10
principle 4452:13
principles 4441:25
privacy 4413:22,24
problem 4450:13,14
　4462:7,17,20 4465:10
　4471:18 4491:25
　4494:7
problems 4407:8,12

4463:20 4473:3
procedures 4429:4
proceed 4398:9 4456:2
    4489:24
proceeded 4444:5
proceeding 4444:5
proceedings 4396:1,7
    4416:2 4443:4 4444:4
process 4404:1 4407:18
    4408:9 4414:15
    4416:24 4417:1,17
    4419:7 4420:24
    4435:18 4450:5
    4451:5 4456:7
    4468:25 4479:10
processes 4406:12
    4425:14 4429:4
    4440:5 4454:15
    4486:20
produce 4414:13
produced 4414:16
production 4429:25
programme 4412:21
    4423:3 4450:11
promised 4434:18
promote 4463:7
    4481:25
proper 4416:17 4425:6
properly 4398:22
    4403:18 4416:9
    4421:1 4425:13
    4477:7
property 4428:16
    4445:16,25
proposal 4498:21,25
proposals 4421:11
propose 4398:21
    4439:24 4495:17,21
    4497:16
proposed 4458:19
    4459:4
proposing 4446:13
    4496:25
proposition 4445:3,6,8
    4452:4 4455:11
    4456:23 4457:4
    4460:20 4467:23
    4479:22 4481:13
    4493:20
propositions 4399:25
    4489:3
prospect 4420:10
    4435:4
protect 4444:10
    4445:15
protected 4420:23
protection 4428:12
protest 4469:4 4472:6,9
protests 4472:10
protracted 4478:15
proud 4403:12
proven 4466:2
provide 4416:9
provided 4413:12
    4497:23
Provident 4404:15

provides 4416:7
provincial 4434:7
prudent 4469:22
Psychologically
    4443:16
pure 4466:9
purport 4468:18
purpose 4402:13
    4430:7 4497:5
purposes 4434:22
pursuant 4423:2
put 4404:3 4408:1
    4411:9 4412:9
    4414:21 4419:19
    4422:25 4423:5
    4425:16 4427:8,22
    4440:25 4445:3
    4451:1,22 4454:21
    4455:12 4458:18
    4460:24 4464:18,23
    4473:14 4475:4
    4480:25 4481:13,21
    4484:17 4487:12
    4488:17 4489:2,13,14
    4489:19,20,21 4491:1
    4491:5,9,21 4496:4
putting 4397:8 4418:17
    4451:7,12 4456:10
    4458:21 4459:20
    4479:21 4481:20
    4482:17,24 4488:13
    4493:2

Q

qualifications 4415:7
qualified 4405:20
    4457:5 4465:11
quelled 4433:21
question 4422:7
    4426:22 4429:16
    4437:8,10 4448:10
    4456:4 4464:15
    4466:8 4467:17
    4470:20 4472:19
    4473:21 4478:24
    4479:13 4480:1,2
    4481:12 4483:16,16
    4483:22,23 4484:2
    4486:1 4487:14
    4488:3,19,23,25
    4489:17,21 4491:13
    4492:7 4494:8,10,16
    4499:1
questions 4416:1
    4422:24 4427:7
    4446:2 4447:5,6
    4465:15
quick 4433:21
quickly 4459:17
quite 4396:6 4455:12
    4456:11 4463:8
quoted 4449:9

R

racism 4408:21,25
    4412:12

radio 4434:23 4449:5
    4450:11
raise 4396:23 4473:22
    4479:23 4481:3
    4484:23 4491:15
raised 4422:17 4433:19
    4434:13 4436:20
    4485:16 4489:8
    4490:7 4493:9
    4494:12
raising 4406:20
    4473:11,12 4474:16
    4487:17 4490:21
    4497:4
range 4401:6,21
rate 4421:4
RDO 4399:20 4401:12
    4401:13 4411:18
    4418:21,25 4420:9
    4461:18 4471:14
    4478:16
reach 4425:10
reached 4464:6
    4468:25 4472:14
    4493:7 4495:7
reaching 4425:14
read 4398:17,23,24
    4415:25 4425:18
    4426:18 4428:7
    4429:11,17 4431:1
    4447:13,17 4448:3
    4449:8 4450:10
    4452:20 4457:16
    4461:6 4468:21
    4478:3 4480:21,22
    4486:7,8,10,11
    4487:10 4488:12
    4489:5,6 4490:5,6
    4492:23
reading 4426:6
reads 4485:9
ready 4495:25
reality 4463:1,5,5
really 4418:21 4419:13
    4427:22 4449:19
    4494:15
reason 4429:6 4439:7
    4458:17 4460:2
    4468:20 4469:6
    4473:18 4474:19
    4485:22 4492:15
reasonably 4478:20
reasons 4428:24
    4492:12
recall 4435:8,25
    4436:12,14,20 4441:4
    4441:6
receive 4423:22
    4431:13,20 4435:13
received 4432:18
    4433:21 4435:11
    4444:6 4486:18
receives 4495:4
reception 4435:13,16
Reclaim 4448:22
Reclaiming 4448:7

recognise 4423:15
    4493:25
recollection 4433:10
    4494:4
record 4400:4,8 4428:7
    4498:18
recorded 4439:20
recruit 4450:1
recruiting 4448:21
recruitment 4449:1
reduced 4428:18
    4493:3
reduction 4429:24
reeks 4451:5
refer 4457:9 4489:5
referred 4423:1
    4447:13 4468:6
    4478:24 4482:22
    4484:10
referring 4494:9
refers 4447:17,20
reflected 4455:7
refusal 4460:1
refuse 4458:12
refused 4486:22
regard 4402:5,6,20
    4405:12 4412:1
    4450:14 4499:7,19
regarded 4491:16
region 4408:11 4415:12
regional 4486:24
regulates 4416:7
regulatory 4430:23
relate 4400:1 4407:22
    4498:23
related 4402:21
    4441:12
relates 4475:17 4483:6
relating 4399:25
    4410:4 4430:6
relation 4407:19
    4410:10 4417:10
    4422:11 4483:3
    4487:16 4491:14
relations 4415:18,21
    4425:22 4430:24
relationship 4447:9
    4449:20,22,24 4450:5
    4450:19 4451:9,19,24
relatively 4425:23
release 4447:10,19
relevance 4410:10
    4416:2
relevant 4410:7,23
    4427:12 4442:7
relooking 4471:10
reluctance 4486:5
    4492:1
rely 4416:25
remainder 4429:17
remained 4412:22
remaining 4412:8
remains 4420:2
remember 4436:17,18
    4457:9 4459:10
reminding 4428:1

4461:14
remnants 4420:6
remuneration 4421:11
    4422:18 4491:14
renew 4488:10
reopening 4493:22
repeat 4429:16 4467:17
repeating 4475:6
    4492:8
report 4416:21 4422:20
    4429:6 4432:7,17,20
    4448:6 4458:13
    4459:6
reported 4481:17
reporting 4429:1,24
    4431:20 4469:9
reports 4431:13 4444:5
represent 4416:25
    4447:5 4487:25
representatives
    4446:18
represents 4421:18
request 4397:7 4438:23
    4463:4
requested 4437:1
    4496:23 4497:5
requesting 4495:5
require 4490:18
requires 4398:8
resemble 4479:11
reserve 4397:8
resolve 4464:10
    4469:13
resort 4416:8 4430:7
resorted 4429:23
respect 4399:11
    4408:22 4413:22
    4421:21,25 4422:3,9
    4424:2 4437:4
    4489:14
response 4433:21
    4434:8,16 4437:18,20
responsibilities
    4422:10
responsibility 4480:5
responsible 4448:15,17
    4448:18 4449:2
    4464:19
responsibly 4469:3
rest 4427:24 4439:14
    4445:16
restoration 4470:10
restore 4434:14 4443:1
    4455:3 4469:24
result 4424:1 4425:12
    4430:13 4484:11
resulted 4412:18
resulting 4406:20
    4422:21
resume 4496:21
resumes 4396:2 4424:9
    4424:10 4456:18,19
    4477:23,24
retained 4404:12
return 4429:2
returned 4437:2,14

revisit 4481:18 4493:20 4496:4,6
revisited 4491:10
revisiting 4495:2
re-elected 4400:23
re-employ 4428:17
re-negotiate 4491:18 4494:13
ridicule 4460:4
right 4396:23 4397:10 4401:14 4404:11 4407:2 4415:4,5,22 4416:19 4426:7,9 4428:13 4431:16 4443:23 4445:24 4463:16,19 4467:16 4471:11 4475:13 4476:11 4493:22
rightly 4474:24
ripple 4450:9
rise 4426:25 4431:5
road 4480:16
rock 4419:1,22 4420:14 4420:18,21
role 4401:24 4405:2,16 4408:22 4413:4 4415:19 4416:14 4417:9 4418:13 4440:5 4443:1 4461:10
roles 4461:4
roll 4422:14
room 4413:20 4437:7
rooms 4409:21
rooted 4478:14
round 4485:17 4489:9
row 4438:21
rule 4451:25
run 4448:20
running 4427:10 4459:8
rushing 4437:6
R12 4485:12
R500 4422:21 4491:24

S

safety 4399:18 4401:7 4405:10,21 4406:21 4440:19
SAfm 4459:11
salaries 4471:10 4490:2
salary 4471:21 4472:22 4473:9 4474:6 4477:10 4494:24
sang 4452:22
SAPS 4427:16 4429:19 4433:20 4434:9,14,20 4492:6
sat 4456:24 4459:22 4471:16
satisfied 4434:8 4474:22
Saturday 4447:18
saw 4409:9 4432:2 4438:10 4441:17 4456:10 4487:9

saying 4403:19 4420:8 4439:3 4453:21 4454:14 4458:7,7 4459:15 4466:1 4473:7 4474:17 4476:3 4478:19 4479:17 4480:13 4482:3 4484:12,13 4487:5,15,22 4490:19 4492:10 4496:23
says 4404:10 4425:20 4447:20,22 4448:22 4449:14 4453:3 4464:24 4482:3,19 4486:7 4488:13 4489:6,20 4490:6,16 4490:17 4491:4,4
scar 4470:11
scattered 4425:9
scenario 4442:23 4459:1 4460:6
scene 4431:11 4440:10
scheme 4404:16 4414:19 4415:7
score 4474:21
seated 4397:4
second 4405:8 4410:7 4425:22 4426:6,10,10 4447:20 4448:2 4454:3 4461:13 4462:20 4493:12,20 4494:23
secondly 4413:17
secretary 4421:14 4422:16 4466:15
section 4441:15 4463:8
sector 4422:8 4424:21 4425:25 4467:16 4494:23
sectors 4400:16 4421:19 4494:22
security 4432:11 4441:7 4444:7
see 4397:18 4408:8,14 4412:25 4426:5,8 4434:1 4438:7 4439:8 4450:21 4464:7 4465:17 4467:8,9 4468:4,12,15 4470:25 4478:6 4480:16 4481:6,7 4485:19 4493:3
seek 4435:7
seeking 4399:10 4415:11 4451:8 4452:2
seen 4439:19 4441:12 4443:17 4449:2,12 4450:2 4470:13,21 4480:20 4481:23 4485:20
selective 4428:18
self-explanatory 4453:2
sell 4452:14,15,16,17
selling 4452:17

senior 4419:11 4421:13 4422:17 4428:21 4433:5 4439:9 4450:22 4451:3 4452:6 4455:22
sensible 4446:17
sent 4423:21 4465:6
sentences 4415:25
sentiment 4431:5
Senzeni 4396:5 4397:2 4424:15 4456:21 4478:1
separate 4409:19 4464:9
September 4464:5 4468:5
series 4427:9 4457:8
serve 4459:16
service 4434:1 4436:4 4443:24
services 4494:12
serving 4497:5
session 4437:12 4457:11
sessions 4471:8
set 4397:11 4399:4 4402:4 4414:5 4415:16 4427:11 4430:24 4436:1 4464:24 4465:25 4484:6
Setelele 4399:7 4479:9 4480:18 4482:3,12 4483:6,17 4484:3,8 4491:4 4492:16
Setelele's 4483:4 4490:25
sets 4431:2
settled 4403:9 4476:10
sex 4412:17
share 4404:16 4480:15
shared 4450:22
shed 4406:17
shift 4401:7
shifted 4412:2
shivering 4419:2
shocked 4432:21 4439:4 4441:17
shootings 4417:8 4442:8
shop 4417:19 4418:11 4442:20,20,21 4443:22 4444:9 4445:9 4448:19 4457:23 4466:4 4486:22
short 4463:8
shortening 4425:19
shortly 4425:18
shot 4493:19
show 4439:25 4448:23 4481:12
showed 4441:20 4442:16 4471:14
showering 4409:21
showing 4473:8

shown 4417:21 4439:17 4440:23 4448:18 4460:14 4461:16 4465:23 4470:7,16 4472:11 4473:13 4474:8 4486:18,21 4493:6,9
shows 4478:25,25,25 4479:9
shut 4443:21
sick 4405:14
side 4404:24 4426:7
sign 4473:14,17
signatories 4467:11
signed 4396:8,13 4398:13 4438:16 4468:20 4470:3 4482:1 4490:20 4493:8
significance 4412:14
significant 4415:19 4428:14 4478:13
signing 4467:25 4468:22 4491:9
silicosis 4407:8,12,20
similar 4413:10
similarities 4466:16 4479:4
simple 4475:23 4490:24
simply 4497:1
sing 4452:23 4453:12 4453:14,15
singing 4413:1 4439:11 4439:12,21
single 4412:17 4425:10
sinister 4448:5
sir 4437:8 4446:1 4467:18
sit 4470:19 4495:13,16 4495:17,21
sitting 4404:2 4438:11 4469:4
situation 4426:23 4438:6 4442:24,25 4443:21 4448:5 4451:10 4455:2,10 4462:9,16 4463:17 4469:23 4479:11
situations 4439:13 4445:15
six 4453:12
sketch 4402:20 4418:21
skills 4401:17 4407:2 4455:5
slightly 4443:11
slogan 4404:9
small 4444:8
Solidarity 4459:19
solutions 4469:13
solving 4470:5
somebody 4434:11 4441:19 4453:18
song 4438:18,20 4439:2 4439:3,12,16 4452:8 4452:9,23 4453:2,8

4453:11,13,18
songs 4452:23 4453:14 4453:15,16 4458:1 4466:2,2
soon 4438:18
sooner 4497:14
sophisticated 4415:20
sorry 4403:6,6 4405:3 4430:1 4442:17 4462:23 4468:6 4473:20 4487:11 4494:1 4497:6 4499:23
sort 4435:12
sorts 4410:21
sought 4399:21 4422:11 4494:20
sound 4439:12
sounds 4494:8
South 4434:1 4436:3 4447:19
Southern 4408:3 4415:12
sparked 4475:5
speak 4412:22 4414:17 4449:13 4452:15 4457:17 4462:19 4488:4
speaking 4450:13 4452:6 4459:19 4473:7
speaks 4466:3
special 4499:25
specific 4399:25
spell 4400:13
spend 4410:13
spoke 4434:5,6 4454:20
spot 4447:24 4470:8
stability 4416:10
stage 4402:10 4411:10 4424:8 4446:4 4451:15,20 4452:24 4456:17 4458:22 4477:20,22 4483:10 4483:25 4499:14,15 4499:18
stamp 4469:23
stance 4454:7,8,10,11 4454:19
stand 4396:14 4409:22 4437:6 4445:19,22
stand-off 4447:21
start 4408:24 4461:14 4497:12
started 4448:6
starts 4452:8 4478:9
state 4448:4 4470:5
stated 4471:12 4482:10 4482:12 4496:17
statement 4396:6 4397:4 4398:12,13,18 4398:19,22 4399:4 4402:2,5 4415:16 4416:13 4426:4 4427:9,13 4435:18 4447:16 4448:2

4457:21 4458:24
4475:24 4478:5
4479:8 4480:18
4483:4 4485:3
4486:17 4487:9
4490:5,25 4491:2
4493:4
statements 4410:9
4486:19 4487:21
4488:6,14 4490:10,24
4492:9 4494:5
4497:23 4498:1,5,7
4498:18 4499:1,4,8
4499:13,17,21,22,24
4500:1,4
stating 4454:13 4497:9
status 4457:6 4497:22
staying 4427:5
step 4468:3,4
steps 4427:16 4429:19
4433:25 4479:10
stewards 4417:19
4418:11 4442:20,20
4442:21 4443:22
4444:9 4445:10
4448:19 4457:23
4466:5 4486:22
stones 4438:21
stop 4429:25
stope 4420:15
stopped 4410:25
4438:22 4486:9
stopping 4411:10
stories 4466:4
story 4424:19
strain 4450:19 4451:8
strained 4449:21,24
4450:5 4451:18,24
strides 4403:2
strike 4403:9 4411:18
4416:8 4417:8,11
4428:10,14,17 4429:1
4430:11,12,15 4431:5
4436:15 4451:13
4454:6 4469:1
4475:20 4478:15
4480:14 4481:5,25
4482:25 4485:10
4490:21
strikers 4417:18
4418:9 4427:17
4428:17 4429:2,20,23
4430:7,20 4431:6
4438:11,22 4440:18
4442:17,17 4444:4,20
4444:23 4452:7
4455:20 4456:13
4458:25 4460:13
strikes 4428:14
striking 4447:22
4455:14
stripped 4409:6,9
structural 4421:21
4423:23
structure 4405:20
4416:14 4420:21

4424:22 4443:25
4457:2 4484:20
structures 4408:6,11
4413:5 4439:8 4460:8
4464:24 4473:4
4477:15 4481:13
4482:18
struggle 4403:3,12
4405:15
students 4414:17
stumbling 4487:6
sub 4486:9
subject 4415:9 4447:8
4461:11 4464:8
subjects 4447:8
4465:16
submission 4405:17
4410:22 4411:23
submit 4464:18
submits 4478:12
submitted 4499:13
subsequent 4400:23
4443:3
subsequently 4401:5
subsidies 4414:1
substance 4427:14
substantial 4443:13
sub-committee 4471:15
succeeded 4412:24
successes 4424:20
sufficient 4412:9
4495:1
suggest 4476:18
4485:21 4489:24
suggested 4447:11
4449:7 4453:7
4459:11
suggesting 4482:7,7,9
4487:14 4496:17
suggestion 4483:11
suggestions 4417:25
summary 4398:25
4426:23
Sunday 4431:17,19
sung 4438:18 4453:11
4453:17 4458:1
4466:2
suo 4488:24
supervisor 4401:7
supervisors 4410:1
supply 4463:8
support 4475:6
4492:19 4496:15
supposed 4445:13,15
4474:21 4495:6
supposition 4475:14
sure 4402:23 4403:2
4406:2,16,24 4407:1
4407:2,10 4408:12
4409:17 4412:20
4413:18,23 4414:1,1
4414:13 4448:9
4453:6,22 4459:5
4463:15 4466:17
4479:6,10 4480:5
surface 4401:6 4423:13

surprise 4473:10
4474:6,18 4475:12
surprised 4473:23,23
4474:3 4475:10
survivors 4446:18
suspect 4448:4
swear 4396:20,23,24
swift 4428:5
system 4413:2,3 4423:6
4425:22 4472:3

_____

T

table 4456:25
tabled 4422:20
tactics 4453:1
take 4396:15,17
4406:21,24 4410:11
4412:23 4416:21
4421:6 4423:9 4424:8
4426:22 4427:13,16
4428:4,16 4429:19
4432:23 4433:25
4440:6 4452:4 4456:3
4456:16 4461:1
4468:3 4469:22
4470:10 4473:4,15
4477:21 4482:18
4484:1 4490:20
4491:8 4493:15,16,16
4495:9 4499:22
taken 4418:1,3 4421:13
4430:12,23 4445:12
4467:24 4468:1
4473:5 4476:4,17
4483:20 4495:7
takes 4405:22 4422:3
4469:14,22 4490:11
talk 4418:10 4434:10
4440:21 4455:13,19
4465:7,7,8,9
talking 4474:12,15
4477:3 4497:8
talks 4425:21
target 4475:9
task 4422:20 4450:15
4480:9
tea 4424:8,17 4477:20
4477:22
team 4409:15 4422:20
teams 4447:5
tell 4396:12 4397:5
4409:24 4416:13
4425:20 4449:10,13
4493:17
telling 4424:18 4449:8
4449:14,15
tells 4461:20
tend 4427:3
term 4481:4
terms 4400:23 4418:5
4428:18 4470:3
testifying 4495:15
thank 4396:4 4397:3
4400:21 4408:17
4412:7 4413:9 4417:3
4424:7,16 4427:6

4428:1 4442:3 4446:1
4446:7 4452:3 4454:1
4456:23 4466:20,23
4478:3 4493:18
4496:3
thanks 4402:22
4408:24 4412:16
4414:3 4422:13
4481:11 4483:15
4491:20 4492:14
that'll 4406:6
that's 4411:10 4414:25
4419:11,11 4420:14
4422:5 4425:6,16
4426:11,18 4430:3
4432:17 4433:3,7
4436:5 4437:22
4440:11,25 4441:5
4452:8 4457:13
4461:15 4462:6,19
4463:22 4464:5
4475:23 4478:5
4479:21 4482:6
4483:2,23 4486:12
4488:12 4489:1
4493:1 4497:15,16
themes 4402:13
there's 4408:18 4420:1
4420:10 4450:8,9,13
4451:19 4454:16
4457:10 4463:25
4468:14 4487:10
4490:19,21 4492:13
4499:20 4500:7
they'd 4409:25 4494:17
they're 4427:1,13
4463:8 4465:8
4481:22 4490:7
4492:12
they've 4433:20
thing 4413:20 4464:19
4467:14,19
things 4413:16,16
4414:14 4453:17
4490:25
think 4427:20 4434:25
4435:13 4445:10
4448:15 4449:15
4450:21 4451:6,15
4452:21 4453:2
4461:3,10 4465:5,10
4466:5,14,18 4475:14
4482:6 4483:23
4486:1,12 4490:19
4493:17 4495:21
4496:17 4497:13
4499:24
thinking 4407:7
third 4426:6 4456:23
4463:1,5 4494:25
thought 4488:7
4492:22
threat 4457:25
threaten 4445:24,24
4449:1
threatening 4439:6,10

4439:15 4440:18
4442:19
threats 4405:23
4457:23
three 4399:7 4404:13
4426:19 4494:22
threshold 4461:5,8
thrust 4427:24
tidily 4427:7
tidy 4490:9
time 4396:7 4403:9
4410:13 4411:21
4412:25 4427:12
4445:12 4447:9
4451:22 4455:9
4456:14 4459:23
4460:10,22 4461:21
4462:7 4463:13,14
4465:18 4466:7
4469:8 4485:13
4493:16 4496:5
times 4403:18 4425:8
Tip's 4489:23
today 4396:12 4403:19
4415:21 4438:19
4447:25 4449:13
4495:13,16 4496:14
told 4439:18 4440:12
4447:15,22 4448:11
4458:18 4459:17
4483:1
tomorrow 4446:9
4495:10,12,13,16,20
4495:20 4496:4,7,19
4497:8,23 4498:4
4499:4,9,18 4500:1,4
tone 4465:25
top 4426:11,14 4463:10
topic 4402:19 4405:8
4408:18,20 4412:12
4415:15 4418:13
4427:8 4433:1 4443:2
topics 4402:14 4410:4
4412:8 4442:4
touch 4402:18
touched 4408:20
towed 4432:2
tradable 4462:10
trade 4401:24 4430:9
4430:21 4452:13
4455:22 4469:16,19
tragedy 4449:21
4468:5
train 4455:4
trained 4442:25
4445:14 4455:2
training 4401:16
transcribers 4400:14
4414:25
transcript 4449:6,9
4450:11 4457:15
transformed 4413:24
translated 4403:18
travel 4470:23
traverse 4457:8
treat 4493:10

tribal 4412:18,20 4413:7
tribalism 4408:21 4412:12
tried 4433:20 4434:9 4440:2
triggered 4463:17,20
triggers 4463:22
trouble 4469:4
true 4403:24 4404:18 4406:10,23 4407:9,23 4414:8 4420:17 4421:24 4422:5 4423:4 4433:7 4435:9 4448:8,10,12 4487:10
trust 4396:9 4414:6,21 4417:13
truth 4396:22,22,22 4406:2 4407:3 4449:8 4449:15
try 4399:18 4458:20 4466:23
trying 4449:18 4451:1 4451:18 4469:1,21 4472:20 4473:21,22 4474:4 4481:12 4492:15
Tuesday 4495:24 4496:21 4497:13
turn 4408:18 4414:4 4418:12 4424:21 4431:10 4434:21
turned 4481:19
two 4415:25 4416:1 4429:10 4432:11 4436:7,7,11,12 4438:22 4442:4 4443:18 4444:18,20 4444:21,23,24 4446:22 4449:24 4452:6 4459:15 4465:15 4470:2,6 4471:8 4475:17 4479:3 4481:1,19 4484:24 4485:14,19 4487:7 4488:6,8,13 4488:14 4489:11 4490:3,10,13,19,24 4491:19 4492:9,13 4493:13
type 4474:17 4477:5 4479:18
typed 4457:17
typically 4429:22
T-shirt 4448:22
T-shirts 4447:23

_____

U

UASA 4459:19
ultimately 4411:17 4445:17
unable 4421:10 4496:20
unattended 4406:14
unclear 4497:21
underground 4401:3,6

4405:18 4407:14 4418:23 4419:6 4423:12
undermined 4464:25 4477:15
underpaid 4418:19 4475:5
underpayment 4471:1
understand 4397:17 4409:4,11 4411:8,16 4411:24 4412:21 4415:1 4418:4 4427:24 4438:18 4441:18 4442:6 4449:2 4453:18 4468:7 4469:1 4472:8 4472:17 4474:3 4483:16,21 4484:3 4487:24 4488:18 4497:7 4498:9,10 4499:8
understanding 4399:20 4401:17 4419:10 4471:24 4475:1 4486:16 4497:7 4499:11,11,16
understood 4472:7 4474:11 4497:1
undertaking 4497:22 4499:2
unexpected 4472:22
unexploded 4420:3,9
unfair 4489:22
unfold 4454:15
unfolded 4478:13
unfortunately 4440:24 4441:16 4453:15
unhappiness 4464:21
unhappy 4472:14
uniform 4449:11
unify 4412:21
unilateral 4467:15,20 4468:11,15
unilaterally 4470:14
unintended 4476:7
union 4399:16 4400:5 4400:10 4402:2 4406:15 4415:4 4416:5,16 4417:21 4430:9,21 4431:7 4436:2 4439:8 4440:13 4443:13 4455:23 4456:1,6 4459:12,18 4460:24 4470:1 4480:10
unionist 4452:13
unions 4401:24 4433:8 4449:24 4468:24 4469:16,19
units 4413:24
unlawful 4427:17 4429:19
unleashed 4472:17
unprotected 4428:10 4428:16,25 4431:5 4454:6 4478:15

4481:5
unrealistic 4455:13 4460:20
unrest 4447:12 4454:5 4454:12 4458:20 4469:4 4474:2 4479:21
unstable 4425:25
unveiled 4406:2
unwelcome 4472:6
unwittingly 4452:19
upgrading 4413:18
uplift 4415:11
uprising 4479:1
upward 4471:10
urged 4427:16 4428:24 4429:18
use 4430:13 4450:18,18 4453:1 4454:25 4480:14
useful 4406:6
usual 4486:3
utilised 4430:18

_____

V

valence 4451:21
variety 4408:3
various 4398:24 4399:3 4400:7 4406:8 4411:19 4415:11 4421:19 4427:11 4458:19 4480:23 4482:4,13 4483:5,7 4483:13 4484:5 4492:25
varsity 4415:5
vehicle 4432:2,4
vein 4469:6
version 4493:3
viable 4418:5 4443:13
vibration 4419:3
vicinity 4431:20 4443:7 4452:14
viciousness 4441:16
victims 4448:18
video 4439:17
videos 4397:11
view 4411:17 4418:7 4421:1 4429:12,14 4431:3,4 4435:14 4442:23 4445:7 4450:22 4451:2 4452:12,20 4454:4 4455:22,25 4456:1 4460:3,16 4462:1 4464:24 4483:17 4489:20 4490:4,15 4492:19
views 4416:19 4427:11 4428:20 4455:23 4456:3 4491:8 4492:18
vigorously 4409:16
violence 4417:21 4427:19 4428:15 4429:21 4430:14,22

4431:6 4433:23 4441:23 4450:6,18 4451:13 4460:15 4469:23 4470:6 4472:10,16 4473:24 4474:2,4 4477:17 4479:2,21 4480:14
violent 4417:16 4465:19 4472:9 4480:7
visit 4408:15
vis-à-vis 4417:10
voice 4440:21 4458:23 4472:12
volatile 4456:11
volition 4450:18
voluntarily 4498:25

_____

W

wage 4402:24 4403:3 4422:16 4426:1 4460:8,25 4463:10 4478:16 4481:3,9 4485:11,14,16,17 4489:7,9
wages 4402:19,24 4404:7 4457:1 4464:9 4473:12 4474:9,20 4480:14,25 4482:21 4485:15 4488:9 4491:15,18
wake 4472:25
walking 4409:9
wall 4420:19,19
want 4397:15 4402:4 4402:11 4405:7 4408:18 4410:12 4411:11,14 4414:3,12 4414:20 4415:9,15,24 4415:24 4417:4 4418:12,16 4422:25 4423:20 4424:20 4429:17 4431:1,12 4434:21 4436:6 4442:4,18 4443:10 4447:7,13 4453:1 4455:11 4456:23 4460:13 4462:19,19 4462:24 4463:12 4465:15,17 4466:8 4470:12 4472:25 4478:3 4480:14,15 4482:14 4485:21 4486:13 4490:12 4491:9 4492:5,6 4496:11
wanted 4419:24 4421:17 4429:5 4437:13 4454:2 4461:7,12 4465:3,16 4475:8 4487:3 4491:21
wants 4486:2
war 4453:16
washing 4409:20
way 4410:9 4413:6

4417:1,20 4418:8 4419:18 4423:21 4428:5 4432:16 4434:12 4439:10 4446:17 4451:8,17 4452:18 4453:14 4454:14 4472:13 4473:1,14 4480:7 4488:3 4489:14,17 4490:12 4492:15
weaknesses 4425:21
weapon 4450:18
weapons 4439:17 4454:6
wearing 4447:23
Wednesday 4459:12
week 4499:25
weeks 4459:15
welcomed 4473:5 4474:11
went 4421:12 4431:25 4437:1,13,18,24 4438:9 4472:6 4486:21 4487:12,15 4487:24,24
Western 4443:14 4492:16
we'll 4401:10 4411:23 4412:8,8 4414:13 4422:6 4432:25 4436:24 4454:24 4463:9 4487:22 4490:11 4495:9
we're 4397:8 4410:20 4411:16 4413:19 4458:8 4473:6 4474:22 4476:5 4477:5 4488:1
we've 4408:19 4412:25 4418:18 4437:23 4496:8
what's 4427:24 4496:2 4496:14
whilst 4437:6
white 4409:7,20,21,25
who's 4419:19
wider 4458:6
willing 4396:15,17 4418:10 4480:9
win 4452:25
window 4409:22
winning 4458:14
wish 4396:15 4424:13 4491:6
wishes 4463:7
Withdraw 4488:5
witness 4396:3,5 4446:4,10 4461:16 4483:24 4486:15 4488:18,24 4489:15 4489:19 4498:18 4499:22,24
witnesses 4399:7 4443:5 4445:3 4470:24 4495:14,19 4495:25 4496:20

4497:3,10,12,23 4498:4,22,23 4499:12 4499:14,15,17,21 4500:2	4447:7 4463:9 4481:1 4481:15 4484:24 4485:14,19 4487:7 4488:14 4489:11 4490:3,13 4491:19 4492:13 4499:13	**14** 4440:25 **14th** 4447:11,16 **14:01** 4456:19 **14:21** 4464:4 **14:41** 4471:20 **15** 4434:22 4435:10	**5** 4415:16 4422:15 **5s** 4441:15 **5th** 4498:19 **500** 4485:12 4494:9,14 4494:15 **55** 4400:19	

witness's 4486:6,11
woke 4440:21
won 4413:3
wonder 4446:8
Wonderkop 4431:21
won't 4404:4 4411:4
  4426:3 4446:22
  4449:23 4451:25
  4465:6 4497:11
words 4438:19 4449:7
  4453:22 4454:25
work 4401:2,13,14
  4409:6,12 4418:18,21
  4418:23,24 4421:2,6
  4423:8 4425:6 4429:2
  4429:6 4430:16
  4451:13 4454:15
  4466:18 4470:5
  4472:2 4476:9
  4493:19
worked 4401:5
worker 4447:24
workers 4401:23
  4404:22,24 4407:11
  4407:13,15 4413:6
  4429:24 4430:15
  4435:5 4439:14
  4447:22 4454:5,14,20
  4455:14 4459:16
  4460:22 4463:12
  4465:1,18,21 4466:6
  4469:17 4472:12,13
  4473:13 4474:22
  4475:21 4476:6,25
working 4403:14
  4407:13 4471:5
world 4400:19
Worse 4409:23
wouldn't 4459:22
  4460:2,25
would've 4465:5,10
  4494:16
wounded 4447:25
WPL 4466:11
wrap 4414:25
write 4448:22
written 4396:5 4410:9
  4451:4 4464:8
wrong 4482:3,5,7,8,9
  4482:17 4490:21
wrongly 4474:24

_____
X

Xolani 4434:23
  4449:12
XX 4463:25
XX1 4478:5
XX2 4461:15 4466:24
XX8 4425:17

_____
Y

year 4396:7 4409:2

years 4399:21 4401:20
  4402:3 4404:7,13
  4406:15 4412:1,15
  4414:7 4432:24
  4439:5 4452:12
  4471:13 4481:19,20
  4488:8
yesterday 4396:9
You'd 4409:2
you'll 4403:15 4410:2
  4441:6 4457:9 4464:7
you're 4396:3,17
  4403:19 4424:11
  4447:4 4450:13
  4451:18 4455:22
  4456:20 4477:25
  4483:22,22,24
  4484:12 4487:13
  4494:8,15,21 4497:10
you've 4397:4 4400:21
  4400:23 4401:11,12
  4401:13 4410:5
  4412:5 4413:20
  4423:1 4439:17,18
  4440:12,14,23 4443:4
  4444:3 4451:21
YY1 4480:17

_____
Z

ZZ2 4485:4

_____
0

09:43 4396:2

_____
1

1 4409:14 4410:10,14
  4410:23
1st 4499:4
10 4404:13 4427:25
  4431:2 4458:5
  4485:10
10th 4442:15
10% 4422:22 4471:17
10-43 4417:23
10:03 4404:8
10:23 4410:16
103 4405:25
11 4427:10 4457:17
11th 4417:22 4431:12
  4443:7 4447:18
  4498:23
11:32 4424:10
11:52 4432:17
12 4431:10,17,17
  4440:25 4494:9,14,15
12th 4431:19 4441:8
12:12 4440:7
12:32 4448:9
12:52 4455:11
13 4449:9 4463:25

15th 4439:22 4449:5
  4454:19 4457:10
15:17 4477:24
15:37 4484:19
15:57 4493:1
16th 4417:9 4440:21
  4442:8 4447:10
  4452:5 4455:15
  4465:14
16-52 4403:9
17 4450:12
17th 4408:25 4409:3
18 4413:20 4436:1
18% 4426:25 4474:25
  4475:3
1979 4401:2 4409:3
1987 4403:6,8
1998 4423:3,4,21

_____
2

2 4410:23 4411:4
  4462:17
20 4444:13
2000 4400:22
2005 4422:13 4472:13
  4481:14 4482:19
  4487:1
2010 4422:16 4423:1
  4424:20
2011 4422:19 4481:2
2012 4417:9 4422:20
  4431:10,13 4434:22
  4455:15 4457:1
  4461:14,21 4464:5,21
  4478:17 4485:10
  4498:19
2013 4396:1
23 4409:4
235 4414:17
25 4413:20

_____
3

3 4402:1 4426:14
  4468:12 4495:20
3rd 4498:19
3.3 4464:7,11 4467:5
30 4444:13
31 4396:1
32 4450:12

_____
4

4 4402:1 4422:15
  4478:8 4480:22
  4483:3 4485:7 4489:6
  4492:23
40 4437:1
45 4437:2,14

_____
5

_____
6

6 4427:10
657 4457:15,16
69 4461:15,17

_____
7

7 4427:21 4428:4,9
75 4450:23
76 4414:16

_____
8

8 4409:14 4427:21
  4428:24 4429:10
800 4414:16

_____
9

9 4427:15,25 4429:15
  4449:9
9th 4447:10
9% 4404:13
93 4464:5,11 4466:25
  4467:1,2,4 4468:12
94 4467:10