

# 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 77    22 APRIL 2013    PAGES 8159 TO 8262

#### HELD AT

CIVIC CENTRE, RUSTENBURG, NORTH WEST PROVINCE



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1 [PROCEEDINGS ON 22 APRIL 2013]  
 2 [10:06] CHAIRPERSON: The Commission resumes. We  
 3 had hoped that Adv Mpfu would have been able to be back  
 4 with us this morning to resume his cross-examination of the  
 5 National Commissioner but he had to have a further  
 6 procedure on Thursday and he is still in hospital and it's  
 7 not clear at this stage when precisely he will be  
 8 discharged. So in the circumstances therefore I'm afraid  
 9 we can't proceed with the evidence of the National  
 10 Commissioner. Mr Gumbi, I think had better wait as well  
 11 until Mr Mpfu –  
 12 MR GUMBI: Yes, Chairperson.  
 13 CHAIRPERSON: Otherwise the National  
 14 Commissioner has got to come in and come back again.  
 15 MR GUMBI: Indeed, Chair.  
 16 CHAIRPERSON: I'm sure Mr Gumbi – you've  
 17 already accepted that.  
 18 MR GUMBI: Yes, I do accept it.  
 19 CHAIRPERSON: And so arrangements have  
 20 been made for General Annandale, Major-General Annandale to  
 21 give evidence. We have got copies of his statement that  
 22 have been made available to us here as the Commissioners  
 23 and I take it the parties also have got, received copies of  
 24 it. The statement is in English. He is Afrikaans-speaking  
 25 and I understand he prefers to give evidence in Afrikaans.

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1 Before I swear him in I just want to ask him a question.  
 2 Majoor-Generaal Annandale, ek verstaan u wil graag in  
 3 Afrikaans getuig. U is heeltemal daarop geregtig, maar ek  
 4 neem aan u kan Engels verstaan. U oorspronklike verklaring  
 5 is eintlik in Engels opgestel. Sal u omgee as die vrae aan  
 6 u in Engels gestel word? As u 'n probleem het, kan u  
 7 natuurlik vrae dat enige spesifieke vraag getolk word. Die  
 8 rede daarvoor is, is dat as die vrae en die antwoorde albei  
 9 in Afrikaans is dan sal die vertolking daarvan heelwat  
 10 langer wees. So ek neem aan u het geen beswaar om in  
 11 Afrikaans te getuig in antwoord op vrae wat in Engels  
 12 gestel word?  
 13 GENERAAL-MAJOOR ANNANDALE: Agbare  
 14 Voorsitter, geensins nie. Ek is baie gemaklik daarmee.  
 15 VOORSITTER: Sal u asseblief opstaan, ek  
 16 sal u insweer. Is u bereid om te sweer of wil u graag 'n  
 17 plegtige verklaring maak?  
 18 GENERAAL-MAJOOR ANNANDALE: Ek is bereid  
 19 om te sweer, Agbare.  
 20 VOORSITTER: Sweer u dat die getuienis  
 21 wat u gaan aflê voor hier die Kommissie die waarheid sal  
 22 wees, die hele waarheid en niks anders as die waarheid nie?  
 23 Lig u regterhand op en sê, ek sweer, so help my God.  
 24 CHARL ANNANDALE: Ek sweer, so help my  
 25 God.

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1 VOORSITTER: Dankie, u kan maar sit. Mr  
 2 Semenya, I take it you understood the exchange between the  
 3 Major-General and myself or do you want me to interpret it  
 4 for you?  
 5 MNR SEMENYA SA: Nee, ek het, mnr die  
 6 Voorsitter.  
 7 CHAIRPERSON: I think it best if you ask  
 8 your questions in English, as I explained, so that we don't  
 9 have a translation of the questions as well as the answers.  
 10 He will answer in Afrikaans, it will be interpreted. We  
 11 are fortunate in having a multilingual interpreter.  
 12 MR SEMENYA SC: May I –  
 13 CHAIRPERSON: Presumably you will  
 14 interpret into English and thereafter into isiXhosa, is  
 15 that correct??  
 16 MR MAHLANGU: I will do so, Mr Chair.  
 17 CHAIRPERSON: Thank you. And if, of  
 18 course –  
 19 MR MAHLANGU: If I may just explain, if I  
 20 may just explain to the gallery what the Chairperson was  
 21 saying.  
 22 CHAIRPERSON: Before we proceed, will you  
 23 please convey to Mr Mpfu from all three of us  
 24 Commissioners our best wishes for a speedy recovery. We  
 25 were very distressed to hear of the incident but we had

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1 hoped that he would have been able to be back with us  
 2 today. We're sorry there has been a setback in his  
 3 treatment and we wish him all the best and hope, as I say,  
 4 that he has a speedy recovery and be back with us as soon  
 5 as possible.  
 6 MS KIKE: I will indeed, Mr Chair, thank  
 7 you.  
 8 CHAIRPERSON: Mr Semenya, I think the  
 9 statement of Major-General Annandale hasn't yet been given  
 10 an exhibit number, is that correct?  
 11 MR SEMENYA SC: No, it hasn't, Chair. It  
 12 –  
 13 CHAIRPERSON: I take it he starts the GGG  
 14 series?  
 15 MR SEMENYA SC: GGG1.  
 16 CHAIRPERSON: Yes. Very well, the  
 17 statement of Major-General Annandale will be received as  
 18 exhibit GGG1.  
 19 MR SEMENYA SC: Thank you, Chair.  
 20 CHAIRPERSON: As you've heard, I did  
 21 swear him in, in Afrikaans. You may proceed with your  
 22 questions.  
 23 EXAMINATION BY MR SEMENYA SC: Yes.  
 24 General, you will see in front of you is a document dated  
 25 the 12th of November 2012. Can you please have a look at

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1 it?

2 MAJOR-GENERAL ANNANDALE: Document dated

3 12 November 2012, yes sir.

4 MR SEMENYA SC: Do you recognise the

5 signature appearing at the last page of that document?

6 MAJOR-GENERAL ANNANDALE: That is

7 correct, yes, Chairperson.

8 MR SEMENYA SC: Whose signature is that?

9 MAJOR-GENERAL ANNANDALE: That is my own

10 signature, Chairperson.

11 MR SEMENYA SC: I know you're "very

12 tweetalig."

13 MAJOR-GENERAL ANNANDALE: Yes, inderdaad.

14 MR SEMENYA SC: We will refer to this

15 document as exhibit GGG1.

16 MAJOR-GENERAL ANNANDALE: You said, sir?

17 MR SEMENYA SC: We will refer to this

18 document as exhibit GGG1, but before we do that, can you

19 share with us your career path in the South African Police

20 Service, General? When did you join the South African

21 Police Service?

22 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

23 ek het aangesluit in die Suid-Afrikaanse Polisie diens op 21

24 Junie 1982.

25 MR SEMENYA SC: In what rank?

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1 GENERAAL-MAJOOR ANNANDALE: Ek het

2 aangesluit by die polisie as 'n student-konstabel.

3 MR SEMENYA SC: You remained a constable

4 until when?

5 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

6 ek was vir twee jaar 'n konstabel, waarna ek tot die rang

7 van sersant bevorder is.

8 MR SEMENYA SC: And your next rank?

9 GENERAAL-MAJOOR ANNANDALE: My volgende

10 rang was gewees adjudant-offisier en ek was twee jaar

11 adjudant-offisier voor my bevordering na luitenant.

12 MR SEMENYA SC: Any training that you had

13 to undergo to be a warrant officer?

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

15 voordat jy in daardie tyd kon bevorder word na sersant toe,

16 moes jy 'n sertifikaat in polisie-administrasie gehad het.

17 Vir adjudant-offisier, 'n senior sertifikaat en dan vir

18 luitenant 'n nasionale diploma in polisie-administrasie

19 maar daar was ook 'n vereiste gewees voordat jy tot 'n

20 kommissie rang bevorder kon word dat jy moes eers geskik

21 gevind word, so jy moes eers deur 'n keurraad gaan en dan

22 moes jy 'n bevelvoerderskursus van 13 weke deurloop.

23 MR SEMENYA SC: And from the rank of

24 luitenant, what was your next level?

25 GENERAAL-MAJOOR ANNANDALE: Die volgende

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1 bevordering was na kaptein gewees.

2 MR SEMENYA SC: In what year was this?

3 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

4 dit was waarskynlik '91, 1991.

5 MR SEMENYA SC: What did it take to get

6 that promotion?

7 GENERAAL-MAJOOR ANNANDALE: Jy moes

8 steeds 'n nasionale diploma voltooi het en dan moes jy

9 geskik bevind word vir die betrokke "place of safety" en

10 daar moes 'n pos beskikbaar wees waarin jy aangestel kon

11 word.

12 CHAIRPERSON: Is the position then that

13 you had an exam to pass to be a sergeant, you had a further

14 exam to pass to be a warrant officer and another one to be

15 a lieutenant. Thereafter, promotions didn't depend on

16 success in examinations but availability of posts and the

17 finding by those responsible for the promotion that you

18 were suitably qualified and an appropriate person to be

19 promoted. Is that a correct summary?

20 GENERAAL-MAJOOR ANNANDALE: Dit is korrek

21 so, dis reg.

22 MR SEMENYA SC: The 13-week course that

23 you underwent to get your rank as a lieutenant, what did

24 that entail?

25 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

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1 dit het behels aspekte van polisie-administrasie. Dit was

2 tipiese ondersteuningsdiensvakke wat ons in geskool was, so

3 jy sou gekyk het na menslike hulpbronnbestuur, aspekte van

4 finansies, van verkrygingsbestuur, en dit het ons ook

5 voorberei as 'n kommissie offisier om sekere ander aspekte

6 – ons het byvoorbeeld rade, keurrade, geskiktheidsrade op

7 mense om in die polisie aan te bly, voorsit in

8 departementele verhore en dan ook algemene pligte wat van

9 'n offisier verwag word.

10 CHAIRPERSON: Am I correct in saying that

11 as an officer, lieutenant, you were ex officio a justice of

12 the peace, authorised to issue warrants of arrest, is that

13 right, and search warrants?

14 GENERAAL-MAJOOR ANNANDALE: Dit is

15 korrek, Voorsitter.

16 CHAIRPERSON: Did you receive any

17 training to enable you to exercise those functions?

18 GENERAAL-MAJOOR ANNANDALE: Tydens die 13

19 weke, dis korrek.

20 CHAIRPERSON: Thank you.

21 MR SEMENYA SC: And your next rank in the

22 police service?

23 GENERAAL-MAJOOR ANNANDALE: Voorsitter,

24 in 1993 was ek bevorder tot die rang van majoor en dit het

25 ook behels dat ek moes 'n junior bevelvoerderskursus

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1 deurgaan, maar dit was nie onderworpe aan die deurgaan van  
2 die kursus nie, so jy was bevorder en dan was dit 'n  
3 vereiste dat jy so 'n kursus moet deurgaan. As ek reg kan  
4 onthou was dit 'n ses weke kursus gewees.

5 MR SEMENYA SC: But the broad content of  
6 that training?

7 GENERAAL-MAJOOR ANNANDALE: Weer eens  
8 hoofsaaklik in bestuurselemente.

9 MR SEMENYA SC: Your next rank was?  
10 GENERAAL-MAJOOR ANNANDALE: Die volgende  
11 rang, Voorsitter, was luitenant-kolonel. Dit was  
12 waarskynlik in 1995 wat ek bevorder was tot die rang.

13 MR SEMENYA SC: To achieve that rank  
14 required what?

15 GENERAAL-MAJOOR ANNANDALE: Soos aangedui  
16 deur die Voorsitter, daar was nie 'n pertinente ander  
17 kursus wat jy moes voltooi nie. Dit was die beskikbaarheid  
18 van 'n pos en die geskiktheid om in sodanige pos te dien.

19 MR SEMENYA SC: You held to that rank  
20 until?

21 GENERAAL-MAJOOR ANNANDALE: Tot in 1996.  
22 In 1996 is ek bevorder tot die rang van kolonel, wat in  
23 dieselfde jaar het dit toe 'n naamsverandering en die rang  
24 het bekend gestaan as senior superintendent.

25 CHAIRPERSON: Change of name.

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1 MR MAHLANGU: Change of name.  
2 CHAIRPERSON: The police force was  
3 demilitarised at that stage.

4 MR MAHLANGU: Change of name in the rank.  
5 MR SEMENYA SC: And what did –  
6 CHAIRPERSON: That's why, one of the  
7 first things that happened with the demilitarisation of the  
8 police force was the military ranks were abandoned and  
9 these other ranks were substituted, is that correct?

10 GENERAAL-MAJOOR ANNANDALE: Dit is  
11 korrek.

12 CHAIRPERSON: Presumably to send out a  
13 message that the police force was no longer a para-military  
14 force but now demilitarised, is that correct?

15 GENERAAL-MAJOOR ANNANDALE: Dit het  
16 saamgegaan met die naamsverandering. Tot op daardie  
17 stadium was ons die Suid-Afrikaanse Polisie en dit het  
18 geword die Suid-Afrikaanse Polisie diens.

19 MR SEMENYA SC: And you remained a senior  
20 superintendent until?

21 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
22 tot 2005 waarna ek toe nou bevorder is na die rang van  
23 direkteur.

24 MR SEMENYA SC: What was required for  
25 that promotion?

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1 GENERAAL-MAJOOR ANNANDALE: Bevordering  
2 tot direkteur was weer eens die beskikbaarheid van 'n pos,  
3 die geskiktheid en dan was daar addisioneel, jy moes  
4 aansoek doen, dan sou daar 'n lang lys en daarna 'n kort  
5 lys deur 'n paneel opgestel word en daar sou die kort lys  
6 kandidate, was onderwerp aan 'n 2-dag evalueringssessie.

7 CHAIRPERSON: Before the demilitarisation  
8 the directors were called brigadiers, is that right?

9 MAJOR-GENERAL ANNANDALE: That's correct,  
10 yes. It was brigadier, it was on the same level -  
11 brigadier, director, that's right sir. As ek net kan  
12 voortgaan met die vereistes. Die eerste dag was daar dan  
13 scenario's wat ons gegee was wat ons moes voltooi binne 'n  
14 sekere tyd beperking en daar was ook psigometriese toetsing  
15 wat ons moes aflê, waar op die tweede dag het ons voor 'n  
16 paneel verskyn van, ek dink min of meer vyf persone en dan  
17 was ons onderwerp aan spesifieke vrae wat ons dan moes  
18 beantwoord en dan ook sekere scenario's waaraan ons getoets  
19 was, soos byvoorbeeld die hantering van 'n oproep wat jy  
20 kry oor 'n pertinente probleemstelling of dan wat jy moes  
21 voorleggings doen aan die paneel oor 'n sekere onderwerp.

22 [10:26] MR SEMENYA SC: And you held that  
23 position until – rank, rather?

24 GENERAAL-MAJOOR ANNANDALE: Tot in 2012,  
25 2012, waarin ek bevorder was tot my huidige rang.

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1 MR SEMENYA SC: I understand there are  
2 two streams in the police service. Are you able to tell us  
3 what streams those are?

4 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
5 as ek moet vereenvoudig het ons basies twee hoofstrome, 'n  
6 sogenaamde ondersteuningsdiens stroom wat behels jou  
7 finansies en jou menslike hulpbronne en jou verkryging en  
8 dan alle aspekte wat daarmee saamgaan en dan sê ons die  
9 ander stroom is dan die hoofstroom, operasionele stroom wat  
10 sal insluit jou sigbare polisieëring – kom ons stel dit so,  
11 alle voorste linie polisiebeamptes, jou persone wat jy sien  
12 in uniform en dan jou speurders.

13 CHAIRPERSON: Major-General, I take it  
14 when the military ranks were reintroduced, or quasi-  
15 military ranks were reintroduced in 2010 you became a  
16 brigadier?

17 GENERAAL-MAJOOR ANNANDALE: U is absoluut  
18 korrek, Voorsitter.

19 CHAIRPERSON: And when did you receive  
20 your promotion to Major-General, was it before or after the  
21 incidents with which we are now concerned?

22 GENERAAL-MAJOOR ANNANDALE: Dit is na die  
23 – nee, my bevordering na majoor-generaal was die 1ste  
24 Augustus 2012.

25 CHAIRPERSON: Shortly before the events

<p style="text-align: right;">Page 8171</p> <p>1 with which we're now concerned took place?  2            GENERAAL-MAJOOR ANNANDALE:        Dit is  3 korrek, Voorster.  4            MR SEMENYA SC:                    So of the two streams of  5 policing, which stream did you take?  6            GENERAAL-MAJOOR ANNANDALE:        Voorster,  7 my hele loopbaan is ek in die operasionele stroom.  8            MR SEMENYA SC:                    Can you take us through  9 the various capacities you held within the police service  10 during your career?  11            GENERAAL-MAJOOR ANNANDALE:        Voorster,  12 ek het aangesluit by die Suid-Afrikaanse Polisie by  13 polisiestatie Brakpan waar ek dan vir 'n aantal maande  14 vanaf my aanstelling totdat ek gegaan het vir my kollege  15 opleiding wat ek toe gedoen het in die uniform-stroom en  16 betrokke was met aanklagkantoor diens. Na voltooiing van  17 my basiese polisie-opleiding en in die begin van 1983 was  18 ek uitgeplaas na blitspatrolie in Johannesburg en daar het  19 ek gedien vir sowat vyf jaar. Met my bevordering in 1987  20 na die rang van luitenant, was dit ten tyde, was dit die  21 beleid gewees dat jy dan ook terselfdertyd verplaas word  22 sodat jy nie bly op die eenheid of stasie wat jy gewerk het  23 nie, so 1987 is ek toe oorgeplaas na Hillbrow polisiestatie  24 in Johannesburg. In my diens by Hillbrow was ek betrokke  25 gewees by die ondersoek- en navraaggenheid wat 'n</p>	<p style="text-align: right;">Page 8173</p> <p>1 gaan dien by die areakantoor in Johannesburg, wat ek die  2 hoof was van sigbare polisiëring, steeds in die rang van  3 senior superintendent.  4            In 2005 en met my aanstelling tot die rang van  5 direkteur, was ek toe verplaas na Pretoria, na die divisie  6 beskermingsdienste wat ek die pos gehou het as die seksie  7 hoof van mobiele operasies. In 2011 en tydens die  8 hervestiging van die divisie operasionele reaksiedienste,  9 was die betrokke funksie waarin ek die hoof was, is toe van  10 die divisie beskermingsdienste oorgeplaas na die divisie  11 operasionele reaksiedienste en ek het in 2011, het ek toe  12 'n pos opgeneem op dieselfde rang vlak as die hoof van  13 taktiese operasies.  14            MR SEMENYA SC:                    ORS called, in short.  15 ORS called, in short, operational response unit.  16            MAJOR-GENERAL ANNANDALE:            Operational  17 response services, yes Chairperson.  18            MR SEMENYA SC:                    Services. What is the  19 current position you now hold?  20            GENERAAL-MAJOOR ANNANDALE:        Ek kan net  21 meld, in dieselfde jaar van 2011 aan die einde van Oktober,  22 met die aanstelling van Generaal-Majoor Mkhwanazi as die  23 waarnemende nasionale kommissaris, was ek toe aangestel om  24 waar te neem in die pos wat hy ontruim het en ek was in die  25 pos gewees totdat ek die aanstelling gekry het op die 1ste</p>
<p style="text-align: right;">Page 8172</p> <p>1 uniformtak was wat gedeel met minder ernstige kriminele  2 ondersoekte, soos byvoorbeeld roekelose en nalatige bestuur,  3 aanranding gewoon, saakbeskdiging, dronkbestuursake en ek  4 het ook misdadaadvoorkoming gedoen en ek was ook betrokke  5 gewees by die aanklagkantoor wat ons nou ken as die  6 gemeenskapsdienssentrum. Ek was vir die tydperk wat ek  7 luitenant, beide luitenant en kaptein was, het ek my diens  8 gedoen op Hillbrow polisiestatie.  9            Met my bevordering na majoor is ek verplaas en  10 aangestel as die stasiebevelvoerder van Norwood  11 polisiestatie, ook in Johannesburg. Ek het op Norwood  12 gedien tot en met 1996, waarna ek met aanstelling is ek toe  13 verplaas na Jeppe polisiestatie as die hoof van  14 misdadaadvoorkoming, Jeppe polisiestatie, ook in  15 Johannesburg. Tydens my diens by Jeppe was ek toe vir 'n  16 tydperk van net onder twee jaar, was ek toe tydelik  17 verplaas en aangestel as die waarnemende stasiebevelvoerder  18 by Booyens polisiestatie en dit was op die vlak van  19 direkteur, alhoewel ek 'n senior superintendent was.  20            Ek het daarna weer teruggekeer na my  21 oorspronklike pos in Jeppe polisiestatie en min of meer in  22 2003 is ek toe oorgeplaas na die area-kantoor – Voorster,  23 lede van die Kommissie, dit is net belangrik dat ek sê op  24 daardie stadium het ons toe 43 areas gehad, so die nege  25 provinsies was opgedeel in 43 areakantore en ek het toe</p>	<p style="text-align: right;">Page 8174</p> <p>1 Augustus in dieselfde pos, tot my huidige rang.  2            MR SEMENYA SC:                    What are the  3 responsibilities you now hold?  4            GENERAAL-MAJOOR ANNANDALE:        My huidige  5 pos is die komponentshoof vir gespesialiseerde operasies.  6 Ek dink dis belangrik dat ek net verduidelik dat die  7 polisie bestaan uit 'n aantal divisies op nasionale vlak en  8 aan die hoof van sodanige divisie is daar 'n afdelings-  9 kommissaris en dan binne die divisie sal 'n ou dan  10 komponentshoofde hê en dit word verder opgebreek in terme  11 van seksie hoofde en seksie bevelvoerders.  12            MR SEMENYA SC:                    Which component are you  13 heading?  14            GENERAAL-MAJOOR ANNANDALE:        Die komponent  15 gespesialiseerde operasies.  16            MR SEMENYA SC:                    What does that entail?  17            GENERAAL-MAJOOR ANNANDALE:        Onder my  18 bevel het ek 'n seksiehoof van spesiale taakmag, ek het ook  19 die seksiehoof van nasionale intervensie-eenheid en ek het  20 ook die seksiehoof van taktiese operasies. Dit is die drie  21 hoofseksies en dan is daar verdere onderverdeling van die  22 seksie taktiese operasies.  23            MR SEMENYA SC:                    So in your career, what  24 exposure have you had to be operations of the special task  25 force?</p>

<p style="text-align: right;">Page 8175</p> <p>1            GENERAAL-MAJOOR ANNANDALE:            Voorsitter, 2 ek het – ek is in 1993, is ek opgelei as 'n 3 gyselaaronderhandelaar en die aard van my werk is 4 onderhandelaar van '93 wat ek gedoen het tot 2005, het ons 5 nou saamgewerk met die spesiale taakmag in terme van die 6 ontsetting van gyselaars. Ek het ook verder, het ek op 7 groot optredes soos die Sokker Wêreldbeker, Afrika Unie 8 beraad wat ons gehad het, die Wêreld Beraad op Volhoubare 9 Ontwikkeling, het ons nou saamgewerk met die spesiale 10 taakmag en dan pertinent sedert my aanstelling in 2011, in 11 Januarie, waar ek in dieselfde komponent dien as wat die 12 spesiale taakmag is en dan uiteraard ook vanaf Oktober in 13 dieselfde jaar wat die taakmag dan as een van my seksies 14 onder my beheer dien. 15            MR SEMENYA SC:            Sorry, can you just 16 explain a little bit more what training you were exposed to 17 in relation to hostage taking and negotiations? 18            CHAIRPERSON:            I don't think it's hostage 19 taking, I think it's hostage releasing, isn't it? You 20 don't take hostages, do you? No? You try to get them 21 released, is that correct? Some people don't take hostages 22 but that doesn't apply to you. It doesn't apply to you, 23 you don't take hostages, you release them, is that correct? 24            GENERAAL-MAJOOR ANNANDALE:            Dis reg – 25            CHAIRPERSON:            Or try to.</p>	<p style="text-align: right;">Page 8177</p> <p>1    polisie en dit is die kursus wat ek na verwys het. Dit is 2 'n SAKWA, Suid-Afrikaanse Kwalifikasie Standaard 3 geakkrediteerde kursus van drie weke. 4            MR SEMENYA SC:            And the label or the 5 nomenclature "hostage negotiators" that applies to all 6 divisions of the South African Police Service, is that 7 right? 8            GENERAAL-MAJOOR ANNANDALE:            Dit is 9 korrek, Voorsitter. 10            MR SEMENYA SC:            And any exposure you have 11 had to national intervention unit in your career? 12 [10:46] GENERAAL-MAJOOR ANNANDALE:            Voorsitter, 13 die nasionale intervensie-eenheid is in 2000, is dit 14 gevestig en ek het hoofsaaklik met hulle te doen gehad 15 tydens dieselfde groot gebeurtenisse wat ons gepolisieer 16 het wat plaasgevind het in die land, hulle was ook daar 17 ontplooi en dan meer direk sedert my aanstelling en my 18 betrokkenheid in 2011, wat hulle dan ook deel is van ons 19 divisie en dan ook in dieselfde komponent as ekself dien. 20            MR SEMENYA SC:            Any exposure you have had 21 with the workings of the TRT, technical response teams? 22            GENERAAL-MAJOOR ANNANDALE:            Voorsitter, 23 ter verduideliking wil ek net meld dat onder een van die 24 drie seksies wat ek vroeër na verwys het, die een wat 25 bekendstaan as taktiese operasies, is daar verdere</p>
<p style="text-align: right;">Page 8176</p> <p>1            GENERAAL-MAJOOR ANNANDALE:            - die 2 amptelike benadering is gyselaaronderhandeling en selfmoord 3 voorkoming. So in English it's known as hostage 4 negotiation as well as suicide prevention, which basically 5 entails crisis negotiation. Voorsitter, dis 'n vrywillige 6 taak so jy doen aansoek daarvoor en dan gaan jy deur 'n 7 keuringsproses wat behels sekere psigometriese toetsing, 8 synde dat hulle 'n sekere profiel persoon benodig. Dan 9 word jy onderwerp aan 'n keuringsproses, ook onderhoude, en 10 dan is dit 'n 3-weke opleiding wat ons dan doen pertinent 11 in lyn met krisisonderhandeling en dan daarna was ek 12 bevoorreg gewees dat ons ook 'n week lank deur die Federal 13 Bureau of Investigation, FBI van Amerika opgelei was en ek 14 dan verdere krisisslyn onderhandeling gedoen het wat ons 15 basies 'n telefoon beman het 24 uur, sou lede van die 16 publiek dit dan nodig geag het, as hulle sekere 17 krisissituasies ervaar dat hulle dan kon skakel na die 18 nommer toe wat ons dan sekere ontlontings gedoen het. 19            MR SEMENYA SC:            And in relation to this 20 subject there has been evidence about training in 21 negotiations. Is that a distinct training platform in the 22 South African Police Service? 23            GENERAAL-MAJOOR ANNANDALE:            Voorsitter, 24 sover ek bewus is, is daar net een amptelike 25 geakkrediteerde onderhandelingskursus wat bestaan in die</p>	<p style="text-align: right;">Page 8178</p> <p>1    onderverdeling. Een van dit behels die taktiese reaksie 2 spanne. Die ander een is openbare orde polisiëring, dan is 3 daar ook mobiele operasies en dan wat bekendstaan as 4 "tracking team." So dit is die vier onderafdelings. Wat 5 TRT betref het ons, hulle is in 2009, was daar besluit om 6 TRT-eenhede te begin. In 2010 is daar 'n aantal lede 7 opgelei ter voorbereiding van die Wêreld Sokkerbeker en van 8 2011 het ek die verantwoordelikheid opgeneem in terme van 9 die verdere opleiding – nie opleiding, basies die 10 standaard stel, maar dit was een van my funksies wat ek 11 dan verantwoordelik was vir die verdere uitrol van TRT 12 eenhede in die land. 13            MR SEMENYA SC:            Your exposure in the area 14 of public order policing? 15            GENERAAL-MAJOOR ANNANDALE:            Voorsitter, 16 dit het begin met my aanstelling reeds in blitspatrolie, 17 wat ons van die eerste persone was wat sou gereageer het na 18 so 'n openbare protesaksie, maar meer pertinent in die tyd 19 wat ek Hillbrow gedien het, gegewe my spesifieke pos wat ek 20 daar gehad het by die gemeenskapdienssentrum en ook by 21 misdada voorkoming en dan my groter blootstelling was gewees 22 toe ek stasiebevelvoerder was, want die aard van jou pos as 23 'n stasiebevelvoerder op Norwood en op Boosens was dan 24 sodanige dat 'n ou nou betrokke was met enige openbare orde 25 aksie wat plaasvind in jou stasiewyk.</p>

<p style="text-align: right;">Page 8179</p> <p>1 Ek kan net verder meld dat in die Jeppe 2 polisiestatie het ons elke jaar, het ons die tradisionele 3 Shell House optog het ons gehad, wat op stadiums soveel as 4 100 000 mense was, wat gewoonlik begin het in die middestad 5 in Johannesburg en dan het hulle uiteen gegaan binne-in die 6 stasiewyk van Jeppe en daar was ook dan vier hostelle, 7 groot hostelle binne-in die Jeppe polisiestatie area wat 8 vir ons blootstelling gegee het in terme van die hantering 9 van skares. Ook Jeppe het twee groot stadions, die 10 Johannesburg stadium asook Ellispark waar daar verskeie 11 sokker- en rugbywedstryde en verskeie musiekkonserte 12 aangebied was, wat ons betrokke was by skare beheer en 13 skare bestuur en dan dieselfde in Booyens, die nasionale 14 stadion dalk beter bekend as Soccer City was ook dan in die 15 Booyens stasiewyk. So dit het vir ons, basies weekliks 16 het dit vir ons blootstelling gegee aan groot skares. 17 En dan laastens, my tyd wat ek gedien het as die 18 hoof van sigbare polisiëring op areavak het beplannings 19 van openbare orde, het dit pertinent deurgekom na my 20 kantoor toe waar ek dan 'n spesifieke afdeling gehad het 21 wat gedeel het met openbare orde beplannings. En dan vanaf 22 2011 is dit my direkte verantwoordelikheid, openbare orde, 23 in terme van die bepaling van standarde, monitering en 24 evaluasie en inspeksies van eenhede. 25 MR SEMENYA SC: And can you tell us, in</p>	<p style="text-align: right;">Page 8181</p> <p>1 CHAIRPERSON: I think you forgot to give 2 it to us in English as well, Mr Mahlangu. 3 MR MAHLANGU: I did. 4 MR SEMENYA SC: And that of the national 5 intervention unit and maybe if you break them slower so 6 that the interpreter is not unduly taken – 7 GENERAAL-MAJOOR ANNANDALE: Die nasionale 8 intervensie-eenheid was pertinent gestig in 2000 en hulle 9 was daar gestig om te deel met medium tot hoë risiko 10 misdaadverwante situasies wat hulle dan sou moes gaan 11 stabiliseer. 12 MR SEMENYA SC: And what would be 13 described in that category? 14 GENERAAL-MAJOOR ANNANDALE: Dit sal 15 tipies wees taxi geweld, dit sal wees plaasaanvalle, dit 16 sal wees bende geweld en enige sodanige situasie wat so 17 gevaarlik of geag word dat hulle taktiese ondersteuning 18 moet gaan bied aan die betrokke stasie, maar dan ook die 19 stabilisering van hoë risiko openbare geweld. En in dié 20 geval beskou ons hoë risiko in terme van waar daar 21 gevaarlike wapens, pertinent vuurwapens, by betrokke is. 22 MR SEMENYA SC: And that of the TRT? 23 GENERAAL-MAJOOR ANNANDALE: Die nasionale 24 intervensie-eenheid was dan bedoel gewees om ook as 25 ondersteuning te wees landwyd aan openbare orde eenhede</p>
<p style="text-align: right;">Page 8180</p> <p>1 broad terms, the responsibilities of STF as a unit? 2 GENERAAL-MAJOOR ANNANDALE: Spesiale 3 taakmag is hoofsaaklik verantwoordelikheid vir die 4 hantering van gyselaars en terreursake. Dit behels dan 5 verder ook dat hulle betrokke is by die beskerming van hoë 6 profiel BBP persone, soek- en reddingsoperasies, 7 gespesialiseerde operasies wat spesiale toerusting of 8 vaardighede nodig is vir die hantering van hoë profiel 9 misdaadverwante situasies wat 'n hoë risiko inhou. 10 MR SEMENYA SC: Any particular equipment 11 that is being used by the STF? 12 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 13 daar's 'n verskeidenheid. Hulle is die enigste groepering 14 in die polisie wat opgelei is in valskermspring en dan ook 15 in terme van, hulle het 'n eenheid, 'n watereenheid, so die 16 ontsetting van gyselaars hetsy dit dan op vliegtuie of 17 hetsy dit op land of hetsy dit op see is, en dan ook 18 skerpskutters. Dit is 'n veld wat slegs toevertrou is aan 19 die spesiale taakmag in terme van die lewering van 20 skerpskutterdienste en uit die aard van die 21 verantwoordelikhede wat hulle het, het hulle spesialis 22 toerusting in terme van waarneming toerusting en dan in 23 terme van dit wat hulle nodig het vir watergedrewe 24 operasies of dan valskerm operasies. 25 MR SEMENYA SC: In English –</p>	<p style="text-align: right;">Page 8182</p> <p>1 sodat hulle kon, by hoë risiko openbare geweld situasies, 2 dat hulle kon as gryp groepe en arrestasie groep kon 3 optree. Daar was egter slegs vier eenhede uitgerol – in 4 Pretoria, in Kaapstad, in Mthatha en in Durban. 5 CHAIRPERSON: No, he said Durban. 6 MR MAHLANGU: And Durban, sorry. 7 GENERAAL-MAJOOR ANNANDALE: Dit was 8 eenvoudig net nie koste effektief en die aard van hulle 9 opleiding is sodanige in terme van tydsduur, dat ons net 10 eenvoudig nie kon eenhede plaas in elke provinsie nie en 11 daar was 'n pertinente behoefte om 'n taktiese 12 ondersteuning te gee aan die polisieman op straat, regdeur 13 die land versprei en die taktiese reaksie eenhede se 14 opleiding is ses weke en daarvolgens het ons, voor 2010 was 15 daar besluit gewees dat ons dan sodanige mense of eenhede 16 moet uitrol sodat ons in al nege provinsies verteenwoordig 17 kan wees om reaksietyd en ondersteuning te fasiliteer. 18 MR SEMENYA SC: In Xhosa? 19 CHAIRPERSON: I think he must get a 20 chance to interpret all that into isiXhosa. 21 MR SEMENYA SC: Now there has been 22 evidence, General, that various units were deployed in 23 Marikana during the unrest period, one of which was the 24 STF. Can you tell us what strength of personnel was 25 brought from that section?</p>

<p style="text-align: right;">Page 8183</p> <p>1            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 2 ek wil begin – dit het gewissel. Ons het aanvanklik, het 3 ons die aand van die Maandag die 13de Augustus het ek gevra 4 dat hulle die aand moet pertinent 'n groep spesiale 5 taakmaglede mobiliseer en ek is - en ek kan nie presies 6 onthou nie, ek dink daar het iets soos 11 of 12 het dan 7 daardie aand gekom en dan het ons - so die Dinsdag en die 8 Woensdag was daar ook 'n dag groep gewees en 'n aand groep. 9 Ek dink in totaal was hulle min of meer 33 en dan op die 10 16de het ons 22 spesiale taakmaglede gehad wat ontplooi was 11 deur die dag. 12            MR SEMENYA SC:            And how many commanders 13 were there for the STF members? 14            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 15 ek het die seksiehoof van spesiale taakmag, brigadier Fritz 16 was self teenwoordig en dan was daar drie offisier, 17 kommissie offisiere, was dan saam met die lede ontplooi. 18            MR SEMENYA SC:            And their average 19 experience in the SAPS or in particular in the STF, are you 20 able to comment on that? 21            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 22 die offisiere wat daar ontplooi was, ek dink hulle het so 23 gemiddeld seker van so 20 jaar diens in die Suid-Afrikaanse 24 Polisiediens en dan in die taakmag waarskynlik so gemiddeld 25 van 10 jaar wat hulle dien in die betrokke eenheid en</p>	<p style="text-align: right;">Page 8185</p> <p>1 reaction area 1 and I can't see any STF members deployed 2 anywhere else, so does that mean that some of the – at that 3 point at least the information in exhibit L is not 4 completely correct. 5            GENERAAL-MAJOOR ANNANDALE:        Voorsitter 6 nee, daar was twee spesiale taakmaglede wat 'n 7 observasiepos beman het op een of ander toring, smelter 8 toring, omtrent 'n kilometer weg. 9            CHAIRPERSON:            I see, I see – 10            GENERAAL-MAJOOR ANNANDALE:        - wat nie 11 ingesluit was by daardie getalle nie. 12            CHAIRPERSON:            And they're presumably not 13 included in exhibit L either. 14            MAJOR-GENERAL ANNANDALE:        No, sir. 15            CHAIRPERSON:            As far as you can see. 16 Right, thank you. 17            GENERAAL-MAJOOR ANNANDALE:        As ek net kan 18 voortgaan, Voorsitter, in terme van intelligensie gedrewe 19 operasies, dit was pertinent dat hulle op bystand is, sou 20 daar enige adres geïdentifiseer word of 'n persoon wat dan 21 moet gearresteer word, weens die hoë risiko verbande aan so 22 'n – want dit kan beteken 'n persoon wat uit 'n hostel uit, 23 moet die persoon gearresteer word dan sal hulle normaalweg 24 saam reageer met die ondersoekbeamptes en hulle sal dan die 25 fisiese arrestasie gaan doen en dan die oorhandiging doen</p>
<p style="text-align: right;">Page 8184</p> <p>1 omgewing. 2            MR SEMENYA SC:            What was contemplated to 3 be the relevance of the STF deployment in Marikana? 4            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 5 aanvanklik op die Maandag het ons besprekings gehad in 6 terme van sekere intelligensie gedrewe operasies waar – ons 7 was hoopvol gewees dat die speurders asook die misdaad 8 intelligensie-eenhede van die polisie met informasie sou 9 deur kom oor die verdagtes wat betrokke was vir die nege 10 persone op daardie stadium wat reeds vermoor was en dan ook 11 verskeie gevalle van intimidasie en dan aanrandings wat 12 plaasgevind het. 13            CHAIRPERSON:            Major-General, sorry, I'm 14 not sure that I heard you correctly. How many STF people 15 were there, members were there on the 16th? 16            GENERAAL-MAJOOR ANNANDALE:        Gedurende die 17 dag, Voorsitter, was daar 22. 18            CHAIRPERSON:            Yes, this is on the 16th? 19            GENERAAL-MAJOOR ANNANDALE:        Dit is 20 korrek, Voorsitter. 21 [11:06] CHAIRPERSON:            Actually the reason I asked 22 the question, it's not a major point, I'm just checking the 23 accuracy of some information we've been given – according 24 to slide 140 of exhibit L there were 20 STF members as part 25 of the deployment, the members deployed in the immediate</p>	<p style="text-align: right;">Page 8186</p> <p>1 aan die ondersoekbeampte. So dit is hoekom ons hulle 2 aanvanklik gebring het, maar hulle dienste was ook benodig 3 gewees dan vir die observasiepos wat ek vermeld het weens 4 die toerusting wat hulle het en dan pertinent om as teen- 5 skerpskutters op te tree en ons het twee spanne gehad van 6 twee wat ons dan geplaas het. Sou daar enige persoon of 7 persoon dan vuur uit 'n groter groep uit op - dan op die 8 polisie of enige ander persoon wat in die omgewing is, dat 9 hulle dan met hulle pertinente vaardighede kan reageer op 10 daardie pertinente dreigement en dan ook verder was dit dan 11 nodig gewees - 12            MR SEMENYA SC:            Let's break it for the 13 interpreter. 14            CHAIRPERSON:            Before you carry on, I'm 15 sorry, you can interpret the answer but before you carry 16 on, you talk about the people who were in the observation 17 posts, the two members and you talked about, you said they 18 had equipment. What equipment did they have? 19            GENERAAL-MAJOOR ANNANDALE:        Voorsitter, 20 niks anderster as gevorderde verkykers van 'n hoër 21 tegnologie. En dan laastens, pertinent wees hulle 22 vaardighede wat hulle het, kan hulle uit 'n helikopter uit, 23 wat as 'n platform dien, kan hulle dan uit die helikopter 24 uit ontplooi word deur 'n term wat bekendstaan as fast 25 [inaudible] wat hulle dan met toue sou – sonder dat die</p>



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1 helikopter hoof te land, kan hulle dan afgaan en die  
 2 intensie was sou daar dan pertinente arrestasies of  
 3 pertinente insidente sou wees en dan sou hulle per  
 4 helikopter reageer en dan sou hulle dan die funksie kon  
 5 volvoer.

6 MR SEMENYA SC: The Commission has also  
 7 heard that in the confrontation of Monday the 13th, certain  
 8 weapons were taken from the security and the police  
 9 officers that were killed. Up to the 13th –

10 CHAIRPERSON: Sorry, Mr Semenya, my  
 11 understanding is that the security officers, that's the  
 12 Lonmin security officers were killed on the Sunday the 12th  
 13 and two policemen were killed on Monday the 13th. You're  
 14 referring to both of those?

15 MR SEMENYA SC: I'm referring to both of  
 16 those, there was that evidence before the Commission. Was  
 17 it known what weapons were taken from them?

18 GENERAAL-MAJOOR ANNANDALE: Dit was aan  
 19 my oorgedra dat daar twee haelgewere by die  
 20 sekuriteitsbeamptes geneem was wat vermoor was op die  
 21 betrokke Sondag en dan in die insident van die Maandag was  
 22 daar 'n R5-aanvalsgeweer asook twee 9MM pistole en 'n  
 23 haelgeweer was dan geroof vanaf die betrokke polisiemanne  
 24 wat onder aanval gekom het.

25 MR SEMENYA SC: Of the units deployed of

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1 the police service, which unit would have been best placed  
 2 to respond to this particular type of risk?

3 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 4 die orde in terme van reaksie sal wees, heel eerstens die  
 5 spesiale taakmag en dan daarna in hulle afwesigheid, die  
 6 nasionale intervensie-eenheid en dan daarna sal ons gaan na  
 7 die taktiese reaksie eenhede, die TRT.

8 MR SEMENYA SC: Would this be -

9 CHAIRPERSON: Mr Semenya, when you reach  
 10 a suitable stage we can take the adjournment.

11 MR SEMENYA SC: Would this be, Chair?

12 CHAIRPERSON: Yes, we'll take the tea  
 13 adjournment at this stage.

14 [COMMISSION ADJOURNS COMMISSION RESUMES]  
 15 [12:05] CHAIRPERSON: The Commission resumes.  
 16 During the adjournment, which took longer than we thought,  
 17 we had a visit from the Chief of the Bapo Ba Mogale Royal  
 18 Family and he came to pay his respects to us and we were  
 19 able to pay our respects to him, and we told him we  
 20 appreciated the interest that he shows in the work of the  
 21 Commission. We also then received a request from the  
 22 witness to give him an extra 15 minutes to attend to  
 23 something or other, which we also granted. That's the  
 24 reason for the delay. You're still under oath – jammer, u  
 25 is nog steeds onder eed, Majoor-Generaal. Mnr Semenya, het

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1 u nog vrae vir die getuie?

2 CHARL ANNANDALE: s.o.e.

3 MNR SEMENYA SC: Inderdaad. Inderdaad,  
 4 Voorsitter.

5 VOORSITTER: Mag ek iets vir u vra,  
 6 Majoor-Generaal? Tot dusver het u getuig oor aspekte wat  
 7 nie gedek word deur u verklaring nie. U gaan binnekort  
 8 sekerlik by u verklaring kom, wat in Engels opgestel is, en  
 9 ek neem aan u getuienis sal baie vinniger gaan in die sin  
 10 dat u sal, of so goed [onhoorbaar] neem ek aan, bly by die  
 11 verklaring. Sal u bereid wees om dit miskien in Engels te  
 12 doen? As u probleme het, soek vir 'n woord of iets, dan  
 13 kan ons u help. Maar dit sal dinge vergemaklik en ons sal  
 14 baie vinniger gaan. Natuurlik by kruisondervraging, of  
 15 miskien by ander punte wat nie deur die verklaring gedek  
 16 word, kan ek verstaan u wil graag in Afrikaans praat, maar  
 17 het u enige beswaar teen die voorstel wat ek gemaak het?

18 GENERAAL-MAJOOR ANNANDALE: Ek het geen  
 19 beswaar nie, Voorsitter. Dis reg so.

20 CHAIRPERSON: For the benefit of those  
 21 who haven't the advantage of understanding Afrikaans, the  
 22 interpreter interprets what I said. For the English  
 23 speakers here, I asked the Major-General if he minded  
 24 giving that portion of his evidence which is covered by  
 25 exhibit GGG1, if he minded doing that in English because

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1 it's all in English already. I said if there are extra  
 2 matters not covered by the statement, he can go over in  
 3 Afrikaans, and he clearly agreed that he was prepared to do  
 4 that. Mnr Semenya.

5 EXAMINATION BY MR SEMENYA SC (CONTD.):  
 6 Thank you, Chair. General, we had just dealt with the  
 7 conceptual relevance of the deployment of the STF in the  
 8 Marikana unrest.

9 GENERAAL-MAJOOR ANNANDALE: Dit is  
 10 korrek, Voorsitter.

11 MR SEMENYA SC: What was the conceptual  
 12 relevance of deploying the National Intervention Unit in  
 13 Marikana?

14 GENERAAL-MAJOOR ANNANDALE: Voorsitter,  
 15 die rede hoekom die Nasionale Intervensie Eenheid in 2000  
 16 gestig is, was pertinent om dan ondersteuning te gee aan  
 17 openbare orde-eenhede. Dit behels operasionele  
 18 ondersteuning pertinent in gevalle wat daar publieke oproep  
 19 is. Hulle het 'n verantwoordelikheid, 'n pertinente  
 20 verantwoordelikheid om stabiliseringsaksies uit te voer.  
 21 Die stabilisering hier verwys nie net noodwendig na  
 22 skarebestuur nie, dit wys oor die stabilisering, so wyer as  
 23 dit, so dit sal wees ook hulle teenwoordigheid, hulle  
 24 ontplooiing, die sigbaarheid wat hulle het tydens so 'n  
 25 oproer situasie.

<p style="text-align: right;">Page 8191</p> <p>1 CHAIRPERSON: Mr Mmusi, I see you've 2 turned your microphone on. 3 MR MMUSI: Yes, Chairperson, I'll ask if 4 the witness would speak a little bit up because some of us 5 we can understand some Afrikaans, at least we can be able 6 to hear him. So we don't hear that part. I'll ask him if 7 he could speak to the mike and a little bit louder, please. 8 VOORSITTER: U het gehoor dat u 'n 9 bietjie harder praat, Majoor-Generaal. Is u bereid om 'n 10 poging aan te wend om dit te doen? Of miskien is dit 11 moontlik vir die mense wat verantwoordelik is vir die 12 opnames om u mikrofoon 'n bietjie op te stel. Is dit 13 moontlik? Attempts are being made to deal with your 14 request. 15 GENERAAL-MAJOOR ANNANDALE: Hulle is dan 16 laastens pertinent verantwoordelik om op te tree as 17 arrestasie- en gryp-groepe. 18 MR SEMENYA SC: And the experience of 19 those that were deployed in the Marikana operation, the 20 NIU? 21 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 22 daar was aan Brigadier Tsiloane – hy is die seksiehoof van 23 Nasionale Intervensie Eenheid, hy was teenwoordig en dan 24 was daar drie van sy offisiere. Individuele ervaring is ek 25 nie, het ek nie die betrokke besonderhede beskikbaar nie,</p>	<p style="text-align: right;">Page 8193</p> <p>1 Marikana to achieve what goal? 2 GENERAAL-MAJOOR ANNANDALE: TRT, soos ek 3 voorheen verduidelik het, is nou gevestig in al die 4 provinsies. Daar is tans 40 eenhede landwyd versprei, en 5 dit is dan ook die eenhede van enige taktiese eenhede wat 6 die meeste saam met Openbare Orde Polisiëring ontplooi 7 word. Hulle het ook as deel van hulle mandaat 'n 8 pertinente verantwoordelikheid om ondersteuning te bied in 9 terme van die stabilisering van oproer situasies. Hulle 10 opleiding is dan ook in drie verdeel; een is stedelike 11 opleiding, die ander een is wapen opleiding en dan die 12 derde faset is landelike opleiding, en dan weens die 13 landelikheid van die omgewing wat Marikana in plaasgevind 14 het, het hulle pertinente vaardighede was benodig daar 15 gewees in terme van vee-aksies wat ons bedoel het vir 16 hulle. 17 MR SEMENYA SC: There is also mention 18 made of the deployment of the K9 unit in Marikana during 19 this operation. What are the average competence of this 20 unit? 21 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 22 ek is onder korreksie, maar daar was vier offisiere 23 ontplooi en ek dink hulle het so gemiddeld van omtrent 18 24 jaar wat hulle gemiddeld dan dien binne-in die K9, of die 25 honde eenheid.</p>
<p style="text-align: right;">Page 8192</p> <p>1 maar tussen die offisiere was hulle ook, soos die taakmag, 2 min of meer 20 jaar in die Suid-Afrikaanse Polisiediens, en 3 die offisiere was ook tussen agt en 10 jaar dan direk 4 betrokke by Nasionale Intervensie Eenheid. 5 MR SEMENYA SC: And if we deal with the 6 experience of the POP personnel that was responsible in 7 Marikana? 8 GENERAAL-MAJOOR ANNANDALE: Uitgesluit 9 die ervaring van offisiere soos Generaal-Majoor Mpembe en 10 Brigadier Calitz, was daar 18 offisiere met kommissierang 11 ontplooi saam met Openbare Orde, met gemiddelde diensjare 12 van so 22 jaar, en dan diens in Openbare Orde, 16 jaar 13 gemiddeld. Ek is bewus van Kolonel Makhubela pertinent wat 14 sowat 32 jaar in Openbare Orde het, en dan Kolonel Merafi, 15 Luitenant-Kolonel Merafi het ook in die 20 jaar spesifieke 16 ervaring in Openbare Orde. 17 MR SEMENYA SC: We will talk later in 18 more depth about the deployment of the POP. Can you 19 explain the experience of the TRT units that were deployed 20 in Marikana during this operation? 21 GENERAAL-MAJOOR ANNANDALE: Daar was ses 22 offisiere saam met die TRT eenhede ontplooi. Hulle 23 ervaring in TRT gemiddeld is so twee jaar, synde dat TRT 24 eers amptelik in 2010 begin het. 25 MR SEMENYA SC: This unit was deployed in</p>	<p style="text-align: right;">Page 8194</p> <p>1 MR SEMENYA SC: What was considered to be 2 their relevance in the operation in Marikana? 3 GENERAAL-MAJOOR ANNANDALE: K9 eenhede 4 was pertinent ontplooi sodat hulle kan reageer nadat daar 5 'n verspreidingsaksie plaasvind en nadat daar 6 ontwapeningsaksie plaasgevind het, of wapens agtergelaat 7 word. Hulle sou dan ontplooi word om 'n vee-aksie te doen 8 oor die terrein waar hulle honde sal gebruik maak, om 9 wapens te vind maar ook potensieel om springstof te vind. 10 Ek wil net ter verduideliking meld dat ek dink 11 dit was die Woensdagoggend vroeg in die oggend, was daar 'n 12 ATM, 'n outoteller was opgeblaas in die Marikana omgewing, 13 en ons was bewus gewees van die potensiele moontlikheid om 14 kommersiële springstof, dat dit geredelik beskikbaar is en 15 verkrygbaar is. Daar was dan ook melding gemaak deur die 16 speurhoof wat betrokke was by die ondersoek dat daar 17 potensiele verbintenis is met die R5 van die polisie, en 18 dit wat op die toneel gevind was, wat dan ook vir ons die 19 konnotasie met die potensiele groep gedui het. 20 MR SEMENYA SC: There was also deployment 21 of the mounted police unit. What was conceived to be their 22 relevance in that operation? 23 GENERAAL-MAJOOR ANNANDALE: Die intensie 24 vir die ontplooiing van die berede eenheid was dat hulle 25 sou op bystand wees op die twee sogenaamde "holding areas"</p>

<p style="text-align: right;">Page 8195</p> <p>1 waarna ons verwys, en hulle sou ook in 'n vee-aksie gedoen 2 het na die tyd in terme van die posisie wat hulle dan net 3 die voordeel wel het om op perde ontplooi te wees. 4 MR SEMENYA SC: There were paramedics 5 also deployed in Marikana up to the 16th, and why was that? 6 GENERAAL-MAJOOR ANNANDALE: Ons probeer 7 sover as moontlik wanneer daar enige potensiele uiteendryf- 8 aksies gaan plaasvind om medici, mediese personeel 9 beskikbaar te hê. Die aard van 'n uiteendryf-aksie is 10 sodanig dat mense in die proses wat hulle dan uitmekaar 11 gaan, dat mense kan val en seerkry en beseer kan word. 12 MR SEMENYA SC: The deployment of the 13 LCRC, why were they there? 14 GENERAAL-MAJOOR ANNANDALE: Ons het die 15 Plaaslike Kriminele Rekord Sentrum personeel het ons 16 beskikbaar gehad op "forwarding holding area 1" om hulle te 17 gebruik met die versameling van bewysstukke, tewete 18 potensiele vuurwapens, en ook dan gevaarlike wapens. 19 Pertinent het ons versoek dat hulle sal kyk na enige 20 spatsels wat hulle sou vind op enige vuurwapen sodat daar 21 DNA vergelyking gedoen word met vorige tonele waar mense 22 dan beseer en gedood was. 23 [12:25] MR SEMENYA SC: What would you say was 24 the police strength up to the 16th of August 2012 in 25 Marikana for this operation?</p>	<p style="text-align: right;">Page 8197</p> <p>1 daar oor die 600, seker waarskynlik ook min of meer 650, 2 dalk enkele meer of enkele minder. 3 CHAIRPERSON: Does that mean the numbers 4 went down between Wednesday and Thursday? Because I 5 understood you to say there were 750 on Wednesday, or did I 6 not hear that correctly? 7 GENERAAL-MAJOOR ANNANDALE: U is korrek, 8 Voorsitter. Ons het meer mense gehad op die Woensdag as 9 wat ons gehad het op die Donderdag. 10 CHAIRPERSON: There were fewer on the 11 Thursday? 12 MAJOR-GENERAL ANNANDALE: On the 13 Thursday, yes. 14 CHAIRPERSON: What happened to the 100 15 that were there on Wednesday? 16 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 17 op die Woensdag het ons 'n addisionele ontplooiing gehad 18 van Gauteng en hulle het weens, ek dink hulle het vier 19 pertinente skarebestuur aksies gehad vir die Donderdag 20 beplan, en hulle kon nie dieselfde mense vir ons terugstuur 21 nie; hulle moes hulle terughou. 22 Om terug te kom na die vraag van die advokaat in 23 terme van die grootte van die operasie, ek het al groter 24 operasies gesien, maar nie operasies wat suiwer skarebeheer 25 is, of skarebestuur is nie. Die operasies waarna ek verwys</p>
<p style="text-align: right;">Page 8196</p> <p>1 GENERAAL-MAJOOR ANNANDALE: Ekskuus, kan 2 ek net duidelikheid vra? Die aanloop ook, of pertinent op 3 die 16de? 4 MR SEMENYA SC: Up to. 5 CHAIRPERSON: He means before the 15th – 6 he means effectively up to and including the 15th. Is that 7 right? 8 MR SEMENYA SC: The 16th. 9 CHAIRPERSON: Up to – so the figure of 10 people who were there on the 16th itself? 11 MR SEMENYA SC: Indeed. 12 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 13 ek het eers die 13de die aand het ek daar gearriveer en ek 14 was dan betrokke vanaf die Dinsdagoggend. Die Dinsdag was 15 daar so min of meer 550 polisiebeamptes almal saam 16 gegroep. Dan op die Woensdag, en ek verwys nou na 17 dagskof, tipies ontplooiing deur die dag, die Woensdag was 18 dit sekerlik soveel as maksimum 750. 19 CHAIRPERSON: 550 on Tuesday, 750 on 20 Wednesday. Is that right? 21 MR SEMENYA SC: In your career as a 22 police officer, have you been part of an operation this 23 size before? 24 GENERAAL-MAJOOR ANNANDALE: Ek wil net 25 ter volledigheid meld dat op die Donderdag die 16de was</p>	<p style="text-align: right;">Page 8198</p> <p>1 is byvoorbeeld tydens die WSSDD, volhoubare ontwikkeling, 2 sê nou maar die Afrikaans is, dit is die World Summit on 3 Sustainable Development, het ons waarskynlik 4 000 4 polisiebeamptes gehad van 'n groot verskeidenheid van 5 eenhede, en dan ook tydens die Wêreldbeker Sokker het ons 6 letterlik duisende polisiemanne ontplooi, maar dit was 'n 7 totale beheersing, dis nie 'n pertinente skarebestuur nie. 8 CHAIRPERSON: How many people who were at 9 the Sustainability Summit had pangas and assegais, and how 10 many people who were involved in the World Cup had pangas 11 and assegais, or was it not that kind of crowd? 12 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 13 gelukkig was beide die betrokke gebeurtenisse was dit 14 sonder enige sodanige dreigemente, was dit gepolisieer. 15 CHAIRPERSON: I think really the point 16 that Mr Semenya is making, if I may sort of take it over 17 for a moment, was how many operations of this magnitude 18 involving protesters or strikers or participants who were 19 armed as these people were armed, have you been involved 20 in, in the past? 21 GENERAAL-MAJOOR ANNANDALE: Voorsitter, 22 ekself was by geen sodanige operasie betrokke wat soveel 23 mense so bewapen was nie, en ek is ook nie bewus van 'n 24 pertinente situasie in my loopbaan waar daar sodanige 25 dreigement was en soveel mense so gewapen was. Maar die</p>

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1 ontplooiing in 'n skarebestuur situasie was hierdie by  
 2 verre die grootste ene wat ek nog waargeneem het.  
 3 MR SEMENYA SC: Okay, now General, let's  
 4 some to exhibit GGG1, which is your statement. In  
 5 paragraph 2 of exhibit GGG1 you begin on the 12th of August  
 6 2012 – may I ask, before the date, were you aware of the  
 7 developments in Marikana?  
 8 GENERAAL-MAJOOR ANNANDALE: Ek was bewus  
 9 van verwickelinge in Marikana.  
 10 MR SEMENYA SC: What were you aware of  
 11 regarding those developments?  
 12 GENERAAL-MAJOOR ANNANDALE: Ek was  
 13 hoofsaaklik bewus van dit wat in die media gerapporteer  
 14 was.  
 15 MR SEMENYA SC: Significant aspects about  
 16 that?  
 17 GENERAAL-MAJOOR ANNANDALE: Dat daar 'n  
 18 aantal mense gedood is.  
 19 CHAIRPERSON: I think he uses the word  
 20 "killed" actually, "gedood is" means they were killed.  
 21 GENERAAL-MAJOOR ANNANDALE: Gedood, ja,  
 22 waar ook 'n verskeidenheid van mense beseer was en dat daar  
 23 taamlke intimidasie in die omgewing plaasvind.  
 24 MR SEMENYA SC: What then happens on the  
 25 12th of August 2012 in relation to you?

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1 GENERAAL-MAJOOR ANNANDALE: Op die  
 2 betrokke Sondag het ek 'n oproep ontvang van Generaal-  
 3 Majoor Naidoo, en daar was versoek dat ons addisionele  
 4 personeel ontplooi. Chairperson, I indicated I will do  
 5 this part in English, so I will go ahead in English.  
 6 Apologies for that.  
 7 CHAIRPERSON: Yes, you're at paragraph 2,  
 8 I think, of your statement GGG1.  
 9 MAJOR-GENERAL ANNANDALE: The process  
 10 would be that Public Order Policing are provincially based  
 11 units, whilst National Intervention Unit is a national  
 12 competency. Whenever there's people that need to be  
 13 deployed from other provinces in terms of Public Order  
 14 Policing. It is a process that that specific province that  
 15 needs the assistance would inquire through the National  
 16 Joint Centre and they will ask them for additional Public  
 17 Order Policing personnel to be deployed. Myself as a  
 18 component head for National Intervention Unit, I then get  
 19 requested in terms of the deployment of additional people  
 20 from such a unit to go and assist, and then I agreed to  
 21 that assistance. I had available, immediately available  
 22 for mobilising, I think it was 13 National Intervention  
 23 Unit members and they were deployed late on that Sunday  
 24 afternoon and they responded then to Marikana. It is also  
 25 my understanding that through the NAT Joints, or the NATJOC

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1 actually, the National Joint Operation Centre Intervention  
 2 there were a number of Public Order Policing members that  
 3 also responded late on that Sunday evening.  
 4 MR SEMENYA SC: Monday the 13th, what do  
 5 you do in relation to the events that were unfolding in  
 6 Marikana?  
 7 MAJOR-GENERAL ANNANDALE: On Monday  
 8 afternoon, Chairperson, I think I reflected in my statement  
 9 at around 13:30, but I think during the conversation with  
 10 General Naidoo he indicated that at 13:30 General Mpmembe  
 11 responded to an incident. If I can recall correctly, I  
 12 received this call just after 14:30, around 14:30, maybe  
 13 just after that.  
 14 CHAIRPERSON: Shall we change the 13:30  
 15 in paragraph 3, the first line of paragraph 3 of your  
 16 statement, to 14:30?  
 17 MAJOR-GENERAL ANNANDALE: I would be  
 18 comfortable with that, thank you, Chairperson. I can just  
 19 mention that Major-General Naidoo is the Deputy Provincial  
 20 Commissioner for the North West province, and he is the  
 21 chief operations officer. He then phoned me and he  
 22 informed me that he received a report that two police  
 23 officers were killed, a third police officer was seriously  
 24 wounded, and that another three people from the public were  
 25 also killed during an intervention between the police and

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1 striking mineworkers. I think he mentioned that some of  
 2 them were protesters. My understanding at that stage was  
 3 that all three people that were killed were protesters. He  
 4 did not provide me with more detail at the time, apart from  
 5 requesting that additional resources in the form of  
 6 personnel, referring to Public Order Policing, to be  
 7 deployed. I have then decided that I shall leave for  
 8 Marikana myself. I left and Brigadier Tsiloane, the  
 9 section head for National Intervention Unit, then left with  
 10 me and we left just after 3 o'clock that afternoon to go to  
 11 the Marikana area.  
 12 MR SEMENYA SC: You mentioned the  
 13 Brigadier Tsiloane earlier. Why were you with him coming  
 14 to Marikana?  
 15 MAJOR-GENERAL ANNANDALE: At the time  
 16 Brigadier Tsiloane was in my office, we were busy with a  
 17 meeting, but more pertinently because he is the section  
 18 head for National Intervention Unit. There was already  
 19 some of his members deployed on that Sunday, and I intended  
 20 deploying more National Intervention Unit members. I knew  
 21 that this deployment will probably mean that we have to get  
 22 people from various of his units, seeing that the capacity  
 23 is not necessarily available in Pretoria, but also  
 24 Brigadier Tsiloane is an experienced Public Order Policing  
 25 member and has held various specific positions within

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1 Public Order Policing. I think he worked in Public Order  
 2 Policing environment for more than 10 years.  
 3 MR SEMENYA SC: You and him then arrive  
 4 in Marikana. What do you do?  
 5 MAJOR-GENERAL ANNANDALE: Chairperson ja,  
 6 we arrived there probably around quarter to 4, 15:45, and  
 7 I've arrived at part of the scene where there was then the  
 8 killing of this five individuals. If I say part of the  
 9 scene, it's my understanding that the scene was spread over  
 10 quite a vast area in terms of where the actual killings  
 11 took place.  
 12 MR SEMENYA SC: In whose company are you  
 13 with now?  
 14 MAJOR-GENERAL ANNANDALE: I still had  
 15 Brigadier Tsiloane with me, and I was met by Lieutenant-  
 16 Colonel Vermaak. Lieutenant-Colonel Vermaak is the unit  
 17 commander for the Air Wing unit in the North West province.  
 18 Colonel Vermaak then explained to me, he gave me an  
 19 overview in terms of what has happened. Colonel Vermaak  
 20 explained to me that General Mpembe, Lieutenant-Colonel  
 21 Merafi, and a number of Public Order Policing members, TRT  
 22 members, as well as NIU members, that they responded to a  
 23 group of protesters and that in the response they met this  
 24 group of people who were situated just to the side of a  
 25 railway line and he said that Major-General Mpembe then

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1 acted as a sort of intermediary, negotiator, but he  
 2 basically negotiated with the specific group in an attempt  
 3 to get them to lay down specific arms that they had,  
 4 dangerous weapons that they had in their possession.  
 5 [12:45] He explained to me that he was in the chopper at  
 6 the time and that at a stage this group started moving  
 7 again, and then there was an incident where there was an  
 8 attack by some of these protesters, and in the process two  
 9 police officers were killed. He said that another officer,  
 10 a Lieutenant Baloyi was seriously injured, and he said that  
 11 Lieutenant Baloyi was taken by a police chopper to the  
 12 closest clinic or medical facility; I'm not too sure where.  
 13 He then mentioned in subsequent police action that there  
 14 were two protesters killed. He mentioned that a third  
 15 person was found with I think stab wounds or other  
 16 injuries. He also mentioned to me that a police R5 assault  
 17 rifle, two 9mm pistols, a shotgun, as well as police radio  
 18 were taken in the process.  
 19 After that briefing I left the scene and I went  
 20 to an area where they directed me to, on the facility of  
 21 the Lonmin Mine, it's a facility, the best I can describe  
 22 it, I think they do the disaster management response from  
 23 there, be it then fire or medical or whatever. I'm not too  
 24 sure in terms of the, of what the name of the facility is.  
 25 My arrival at this facility I was met by Major-General

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1 Mpembe. Brigadier Calitz was also present. I also met  
 2 with Major-General Naidoo and the Provincial Commissioner  
 3 for the North West province, Lieutenant-General Mbombo.  
 4 Major-General Mpembe then basically gave me overview in  
 5 terms of what has happened.  
 6 CHAIRPERSON: I take it this is where the  
 7 JOC had been set up, the joint operations centre. Is that  
 8 correct? This is where you met them?  
 9 MAJOR-GENERAL ANNANDALE: Yes, Sir.  
 10 Major-General Mpembe gave me an overview again in terms of  
 11 what has happened. He related basically the same detail  
 12 that Colonel Vermaak has relayed to me. He indicated that  
 13 at a stage after this group started moving, they had to  
 14 channel them for not going into a specific neighbourhood,  
 15 and in the process, I think there were CS, gas and stun  
 16 grenades used. He also mentioned that when the group  
 17 started moving, that a number of the Public Order Policing  
 18 members were forming a sort of a line, moving behind this  
 19 group, and that other members were inside Public Order  
 20 Policing vehicles, which included some Nyala armoured  
 21 protector vehicles, and then he relayed also that two  
 22 police officers died, the one that was injured, the other  
 23 people that died, as well as then the firearms and the  
 24 radio that was taken.  
 25 MR SEMENYA SC: After the briefing, was

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1 there any particular request made in relation to the  
 2 reinforcements that are necessary there?  
 3 MAJOR-GENERAL ANNANDALE: That's correct.  
 4 I was requested to deploy more National Intervention Unit  
 5 members, also that we should get more Public Order Policing  
 6 members, and the National Intervention Unit, additional  
 7 deployment I arranged through Brigadier Tsiloane, whilst I  
 8 requested General Mpembe and General Naidoo that between  
 9 them that they can communicate with their counterparts in  
 10 the neighbouring provinces for additional POPs personnel.  
 11 I then also spoke to Brigadier Fritz and I said  
 12 that he should place Special Task Force members on standby  
 13 for later on deployment, and I've also requested him to  
 14 mobilise Lieutenant-Colonel Scott from the Special Task  
 15 Force.  
 16 MR SEMENYA SC: Any particular reason you  
 17 requested the presence of Lieutenant-Colonel Scott?  
 18 MAJOR-GENERAL ANNANDALE: There's various  
 19 reasons, yes, Chairperson. It is well-known in the  
 20 organisation that there are few people with the ability of  
 21 doing interdisciplinary planning; that's the ability that  
 22 Colonel Scott has. Colonel Scott is not only familiar with  
 23 the working of Special Task Force, NIU, TRT, but also with  
 24 that of the Public Order Policing in that he himself was a  
 25 Public Order Policing member prior to joining the Special

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1 Task Force. He also did the operational commanders'  
 2 training in 2002, which was a training specifically around,  
 3 or part of that was the planning of crowd management  
 4 incidents. I can just mention that on that specific course  
 5 he was the best performer and the best achiever in that  
 6 specific course. I felt it appropriate that he would be  
 7 the person to coordinate the input of the planning team and  
 8 then also Colonel Scott was one of the planners in terms of  
 9 the Soccer World Cup, the Cop 17 event, various deployments  
 10 up in Africa in terms of assisting with plannings on the  
 11 continent, and that was the specific reason that I wanted  
 12 him there to come and coordinate such a planning for me.

13 MR SEMENYA SC: Do you see the National  
 14 Commissioner the evening of that day?

15 MAJOR-GENERAL ANNANDALE: I did indeed,  
 16 yes, Chairperson. I do not know what time the National  
 17 Commissioner arrived, but I saw her after 8 on that  
 18 evening. She was accompanied by Lieutenant-General Petros,  
 19 who is the Provincial Commissioner for the Gauteng  
 20 province.

21 MR SEMENYA SC: What then happened with  
 22 the National Commissioner in your presence?

23 MAJOR-GENERAL ANNANDALE: We went to the  
 24 area that's now known as the JOC, which is a thatch-roof  
 25 facility within that bigger area that I earlier described.

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1 Present were the National Commissioner, Colonel-General  
 2 Petros, Mbombo, Major-General Naidoo and Mpembe, myself,  
 3 Brigadier Calitz, if I can recall also Brigadier Van Zyl  
 4 and Brigadier Engelbrecht. Brigadier Van Zyl and  
 5 Engelbrecht, they were introduced to me as respectively the  
 6 head of Detective Services, as well as then Engelbrecht  
 7 being from Crime Intelligence. Lieutenant-Colonel Scott  
 8 was also there. He arrived probably at about half past 7  
 9 that evening prior to the, to this specific meeting. If I  
 10 can recall there was also Adv Moolman from the SAPS Legal  
 11 Services. That was more or less the people that I can  
 12 remember that were there.

13 MR SEMENYA SC: The National Commissioner  
 14 gets the briefing the same as you did, and the one you  
 15 relayed about the events up to that point.

16 MAJOR-GENERAL ANNANDALE: That is  
 17 correct, Chairperson. She was mostly briefed by General  
 18 Mpembe, as well as Brigadier Calitz, with input from the  
 19 Provincial Commissioner, Commissioner, or Lieutenant-  
 20 General Mbombo.

21 MR SEMENYA SC: Will this be a convenient  
 22 stage to –

23 CHAIRPERSON: Mr Semenya, we will take  
 24 the lunch adjournment at this stage. We'll resume at half  
 25 past 1.

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1 [COMMISSION ADJOURNS COMMISSION RESUMES]  
 2 [13:33] CHAIRPERSON: The Commission resumes. U  
 3 is nog steeds onder eed, Majoor-Generaal.

4 CHARL ANNANDALE: Dankie, Voorsitter.  
 5 VOORSITTER: Mnr Semenya.

6 EXAMINATION BY MR SEMENYA SC (CONTD.):  
 7 Thank you, Chair. Before break we had just discussed that  
 8 the National Commissioner is with you in the joint  
 9 operations centre and that she receives a briefing from  
 10 General Mpembe and Brigadier Calitz. Remember that?

11 MAJOR-GENERAL ANNANDALE: Chairperson,  
 12 yes, I can remember that.

13 MR SEMENYA SC: Is there a discussion  
 14 there as to the genesis of this unrest, what explains the  
 15 unrest in Marikana?

16 MAJOR-GENERAL ANNANDALE: There was no  
 17 detailed discussion in terms of that, but as part of the  
 18 briefing and the overview that was given by the three  
 19 respective officers, as I've mentioned, General Mbombo,  
 20 Calitz and Mpembe, it was indicated that there was a build-  
 21 up in terms of wage negotiation. There was also mention  
 22 made of a minority union AMCU, and then the majority union  
 23 NUM, that they were in dispute in terms of a specific wage  
 24 negotiation deal that was in place for two years, which was  
 25 in place and duly signed for a two-year period, that AMCU

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1 did not have bargaining rights, apart from that limited  
 2 rights at the Karee Mine, and that there was specific  
 3 reference made to a dispute, conflict between the two  
 4 parties on the Saturday, and it was mentioned about the  
 5 rock drill operators that was the integral, or the  
 6 initiating party in terms of this dispute, and that there's  
 7 a general wage, demand of a wage increase to R12 500. It  
 8 was also mentioned that there's various incidents of  
 9 intimidation. They were relating a number of specific  
 10 incidents that have taken place and that the broader  
 11 community, that the people are living in fear.

12 MR SEMENYA SC: And that there have been  
 13 fatalities up to that point.

14 MAJOR-GENERAL ANNANDALE: Chairperson,  
 15 that's correct. There was reference made to the conflict  
 16 on the Saturday between the two unions where people were  
 17 injured, as well as an incident where there were two  
 18 security guards of the Lonmin Mine that, in a process where  
 19 they were trying to stop a group of protesters. The two  
 20 security guards were isolated from the rest of their  
 21 deployment and that both of them were killed and that also  
 22 a fire – a vehicle was set alight with the one security  
 23 guard's body that was inside, or partially inside that  
 24 vehicle, and also that their firearms, I think that there  
 25 were one or two, two shotguns that were taken from them,

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1 and then obviously the events on the Monday where the five  
 2 people died.  
 3 MR SEMENYA SC: The following day was the  
 4 14th. Can you talk about that day?  
 5 COMMISSIONER HEMRAJ: Mr Semenya, before  
 6 you go to the 14th, with regard to the reinforcements, is  
 7 the witness able to tell us who requested them, whether  
 8 there were specific units requested, or whether it was the  
 9 witness's decision?  
 10 MR SEMENYA SC: Indeed, Madam  
 11 Commissioner. Can you shed some light?  
 12 MAJOR-GENERAL ANNANDALE: Chairperson, I  
 13 can. The Provincial Commissioner for Gauteng was present  
 14 on that Monday evening and he gave his commitment in terms  
 15 of specific resources that he will assist us with. He has  
 16 mobilised Brigadier Fikter with some of his members from  
 17 the operational coordination centre in Gauteng province. I  
 18 think they were in total around six people that responded  
 19 late on that Monday evening. He specifically wanted them  
 20 to focus in terms of the gathering and collection of  
 21 intelligence, and he committed then people from his Public  
 22 Order Policing unit and Tactical Response Team members. I  
 23 really cannot say whether he then spoke to his Deputy  
 24 Provincial Commissioner that would be responsible for  
 25 operations in terms of making that available. In all

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1 probability it was a discussion then that he gave the  
 2 authority and then it was a discussion probably between  
 3 General Mpmembe and then General Gela who is the Deputy  
 4 Provincial Commissioner for Operations in Gauteng in terms  
 5 of the availability of those resources. But what I know is  
 6 that none of those people responded, apart from the ones  
 7 from Brigadier Fikter responded on that Monday night, so we  
 8 received additional personnel from Gauteng on the Tuesday.  
 9 MR SEMENYA SC: Do you have an  
 10 independent recollection of the numbers?  
 11 MAJOR-GENERAL ANNANDALE: Can you please  
 12 repeat that? I did not hear.  
 13 MR SEMENYA SC: What numbers were called  
 14 and how many arrived? Do you know?  
 15 MAJOR-GENERAL ANNANDALE: There were from  
 16 KwaMhlanga, there were probably around 19 Public Order  
 17 Policing members.  
 18 MR SEMENYA SC: There had been  
 19 [inaudible].  
 20 MAJOR-GENERAL ANNANDALE: More or less.  
 21 It might be a few less. There were also from the Free  
 22 State, Welkom and Bethlehem, if I can remember, probably  
 23 combined not more than 20, and then the deployment from  
 24 Public Order Policing Gauteng varied on the Tuesday, the  
 25 Wednesday, and the Thursday. On the Tuesday I can honestly

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1 not say what was the numbers. On the Wednesday Public  
 2 Order Policing was probably in the area of close to 200  
 3 from Gauteng. There are three units in Gauteng, and then  
 4 on Thursday Public Order Policing Gauteng was probably  
 5 reduced to around 150 more or less.  
 6 CHAIRPERSON: You said they had some  
 7 other crowd control matters they had to attend to in  
 8 Gauteng on the Thursday.  
 9 MAJOR-GENERAL ANNANDALE: That is  
 10 correct, Chairperson.  
 11 CHAIRPERSON: Now I take it you had a  
 12 meeting then in the JOC after you'd spoken to the Lonmin  
 13 people and got this information that you told us about.  
 14 Presumably you didn't discuss deployments and getting in  
 15 reinforcements in the presence of the Lonmin people. Did  
 16 you actually meet the Lonmin people in the JOC or did you  
 17 meet them in their part of the building, as it were?  
 18 MAJOR-GENERAL ANNANDALE: Chairperson,  
 19 there was three meetings on that Monday evening. The first  
 20 one was the initial briefing that was given to the National  
 21 Commissioner. After that there was a meeting that was  
 22 probably around half past 9, which was in a separate  
 23 facility, but close to the JOC.  
 24 CHAIRPERSON: That was with the Lonmin  
 25 people?

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1 MAJOR-GENERAL ANNANDALE: That's correct,  
 2 Sir, and then some of us went to that meeting with the  
 3 Lonmin management. It was inclusive of the National  
 4 Commissioner and the Provincial Commissioners, the two of  
 5 them, General Naidoo, General Mpmembe. I was there for part  
 6 of the meeting, and then I was back at the JOC in terms of  
 7 trying to orientate us with aerial photographs, Google  
 8 photos, and so on. I think Brigadier Calitz stayed behind,  
 9 Colonel Merafi and Colonel Scott stayed behind, but there  
 10 was a meeting with a number of people from Lonmin at that  
 11 time. I can remember two specifically, a Graham Sinclair  
 12 was there with his involvement in security –  
 13 CHAIRPERSON: I think he's in charge of  
 14 their security, as far as I can see.  
 15 MAJOR-GENERAL ANNANDALE: That's correct,  
 16 Chairperson, and then I can remember there was a Mr Mark  
 17 Munro. I do not know what's his position at Lonmin, and  
 18 people that later I came to know of them as, I think a Mr  
 19 Mokwena and probably a Mr Kgotle, and there were other  
 20 people, but I never - why I'm mentioning these, because I  
 21 had subsequent interaction with some of the Lonmin  
 22 management, and after that meeting, Chairperson, we  
 23 returned to the, let's call it the police JOC where we had  
 24 the original group of police officers, excluding the  
 25 representatives from Lonmin, where we then had certain

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1 discussions.

2 CHAIRPERSON: And did that meeting go on

3 till midnight or beyond?

4 MAJOR-GENERAL ANNANDALE: Chairperson, if

5 my memory serves me correct, we started with that meeting

6 probably just prior to 11 o'clock that night and I think

7 the National Commissioner left around 1 o'clock the next

8 morning. Then some of us still remained. Myself left at

9 about 01:30 that morning and specifically we left Colonel

10 Scott and Colonel Merafi, the two of them, to continue with

11 getting orientation of the area and getting information in

12 terms of a proposed planning.

13 MR SEMENYA SC: Regarding the time when

14 you were in the meeting with Lonmin management, what was

15 the nature of the conversation?

16 MAJOR-GENERAL ANNANDALE: Chairperson,

17 the part that I attended had to do with the Lonmin

18 management, one of two people; they were supplementing one

19 another in terms of giving an overview. They were

20 basically indicating again the two groupings in terms of

21 AMCU and NUM. They mentioned the wage agreement that was

22 in place for two years. They've confirmed that there was a

23 specific demand from rock drill operators. They said that

24 they do not have specific detail in terms of any of the

25 people – I might just add that earlier in the first

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1 briefing General Mpembe showed some photos to the National

2 Commissioner in terms of people that were identified during

3 the incident that he had earlier the day, and there was a

4 discussion if these people are specifically known to the

5 Lonmin management. They indicated that they are not

6 familiar with individuals. Then there was a discussion in

7 terms of the National Commissioner appealed that there

8 should be constructive negotiation between Lonmin as the

9 employer and the respective union leadership, and that

10 there should be a partnership between the police and

11 themselves in terms of the sharing of intelligence and

12 information. She stressed the importance in terms of that

13 the people responsible for the murders, that we should

14 obtain or get all the possible assistance that we can in

15 terms of the investigation against those people so that

16 arrests can be carried out. She also made mention in terms

17 of that there's a number of police firearms as well as then

18 security firearms that are in the hands of people after

19 they robbed it from the respective security and police, and

20 that it's important that we work together in terms of

21 finding that back, and the Lonmin management gave their

22 commitment in terms of that they will provide the

23 assistance, that if they would know if they would have

24 information in terms of individuals involved, they will

25 obviously share it with us, and they indicated that Mr

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1 Graham Sinclair would be our liaison and confirmed that we

2 can utilise their facility as the joint operational centre

3 because at that time the joint operational centre was in a

4 different facility, which was more sort of a radio room of

5 the security of the mine, where we also had police

6 representation. That was more or less the crux of the

7 discussion that I can remember, Sir.

8 MR SEMENYA SC: Okay, was there a

9 discussion about the possible resolution of the wage

10 dispute?

11 MAJOR-GENERAL ANNANDALE: The only

12 discussion was that Lonmin indicated that in terms of the

13 agreement and the Labour Act, that they cannot enter into

14 negotiations with specifically AMCU, but mostly because

15 there was already a two-year agreement signed.

16 MR SEMENYA SC: You again come back to

17 Marikana the 14th.

18 MAJOR-GENERAL ANNANDALE: That is

19 correct, Chairperson. I returned after 10 o'clock on that

20 Tuesday morning.

21 MR SEMENYA SC: Anybody with you?

22 MAJOR-GENERAL ANNANDALE: I returned with

23 the Brigadier Tsiloane again, as well as then Brigadier

24 Fritz.

25 MR SEMENYA SC: Do you recall around what

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1 time are you in Marikana?

2 MAJOR-GENERAL ANNANDALE: Chairperson,

3 that must have been close to 10:30 that morning.

4 MR SEMENYA SC: Any particular

5 responsibility you had?

6 [13:53] MAJOR-GENERAL ANNANDALE: Chairperson, my

7 specific responsibility at that time was to coordinate the

8 deployment of the units that I had there, the units being

9 National Intervention Unit, as well as the Special Task

10 Force. Because our numbers increased, NIU on that Tuesday

11 we mobilised in total more than 100 personnel, as well as

12 then the daytime deployment for Special Task Force and the

13 night-time deployment of Special Task Force. I also had a

14 small deployment of about 10 officers from a unit known as

15 Mobil Operations, and I had that unit there in terms of

16 they specialised in the escorting, or providing escort

17 duties, protection duties during in-transit movements, and

18 I wanted them there in terms of if you have to do movement

19 between the operational centre area, which is about three

20 and a half kilometres from the koppie area, but also in

21 terms of then visibility patrols, and I saw it fit to be

22 there myself to coordinate these numbers.

23 MR SEMENYA SC: Who is in the joint

24 operation centre at this time?

25 MAJOR-GENERAL ANNANDALE: That was Major-



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1 General Mpmembe, Major-General Naidoo, Brigadiers Calitz,  
 2 Van Zyl, Brigadier Engelbrecht, Brigadier Seboloke.  
 3 Brigadier Pretorius joined us later on during that Tuesday;  
 4 I think he was there on my arrival. Then Brigadier Fritz  
 5 and Brigadier Tsiloane, and Lieutenant-Colonel Scott, and  
 6 then commanders from Public Order Policing units, even  
 7 although they were not full-time in the JOC, but they were  
 8 present in the JOCOM meetings, and for that same matter in  
 9 terms of people from, commanders from K9, commanders from  
 10 the Air Wing, commanders from the TRT. There might be one  
 11 or two that I've just missed.

12 MR SEMENYA SC: That morning you had a  
 13 conversation with Lieutenant-Colonel Strydom, Dr Strydom.

14 MAJOR-GENERAL ANNANDALE: Chairperson,  
 15 that is correct. On the Monday evening we started  
 16 discussing the, an option in terms of that we can enter  
 17 into dialogue with the protesters. I phoned Dr Strydom,  
 18 who is the coordinator at a national level at the division  
 19 Visible Policing of all hostage and suicide prevention  
 20 negotiators in the country. I have indicated, and I've  
 21 sketched the situation to him. I can just mention that  
 22 Colonel Strydom started the hostage negotiation concept in  
 23 our country probably in the late 80s, early 90s, probably  
 24 maybe '89 to '91, and he's still today familiar with all of  
 25 the hostage negotiators and suicide prevention individuals

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1 that's deployed in the country, and I requested him to find  
 2 me the appropriate team to actually be able to deal with  
 3 such a situation, and he indicated that he will deploy such  
 4 a team.

5 MR SEMENYA SC: What was the strategy at  
 6 that point?

7 MAJOR-GENERAL ANNANDALE: Chairperson, as  
 8 there was no constructive negotiation taking place at that  
 9 time, we had this group of protesters already on that  
 10 Tuesday, even on the Monday, I mean it was reckoned between  
 11 2 and 3 000, so we had some additional grouping, the 2, 300  
 12 people that General Mpmembe had the dealings with on the  
 13 Monday, plus then a separate group of more or less 3 000  
 14 people and there were no specific negotiations taking  
 15 place, so we had this grouping move and we will have them  
 16 at the specific koppie, and there was no engagement in  
 17 terms of any dialogue with them from any party, and we felt  
 18 that from the SAPS' side that we should go and see if we  
 19 cannot enter into dialogue with them and see if we cannot  
 20 identify a leadership that we can then see how we can  
 21 peacefully resolve the situation. We had a serious concern  
 22 in terms of how to deal with the situation. The commanders  
 23 that were there, none of them has dealt with such a  
 24 sizeable group in terms of, and then the arms that  
 25 specifically a smaller group had in their possession, and

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1 that was the main specific reason, so that we could enter  
 2 into dialogue and a process that we can through that save  
 3 lives and injuries, as well as then further intimidation.

4 MR SEMENYA SC: What was the response for  
 5 your request for negotiators?

6 MAJOR-GENERAL ANNANDALE: Chairperson,  
 7 later on, on that Tuesday morning before 12 o'clock, as I  
 8 can recall, there was a response from a Lieutenant-Colonel  
 9 McIntosh. Lieutenant-Colonel McIntosh had three other  
 10 negotiators with him. One of them was a psychologist. In  
 11 terms of the functioning of such a team they would operate  
 12 with a bigger team, so you'll have a primary negotiator and  
 13 then you'll have a secondary negotiator, and you will have  
 14 an analyst which the, is the function performed by the  
 15 psychologist, and then you will also have a data collector  
 16 person that would coordinate, would basically keep record.  
 17 The other people, I cannot really recall their names now,  
 18 but Colonel McIntosh was as the, let's call him the  
 19 coordinator of the team, introduced to me.

20 MR SEMENYA SC: Just for the record, does  
 21 the name Rheeder, does the name Colonel Rheeder, Captain  
 22 Papi Phitsane, and Captain Greyling, do those names ring a  
 23 bell?

24 MAJOR-GENERAL ANNANDALE: Absolutely,  
 25 yes. Colonel Rheeder was the psychologist.

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1 MR SEMENYA SC: What were they tasked  
 2 with?

3 MAJOR-GENERAL ANNANDALE: Chairperson,  
 4 I've tasked Brigadier Calitz as well as Brigadier Fritz to  
 5 go and sit down with them and give them a briefing in terms  
 6 of the situation. I specifically asked Brigadier Calitz,  
 7 because of him being a trained negotiator himself, and he  
 8 also holds an advanced diploma in negotiation, and  
 9 Brigadier Fritz in terms of his understanding, having  
 10 worked with the hostage negotiation team on many occasions  
 11 over many years, and I've asked them to specifically go and  
 12 brief them in terms of the tasking, that they should go  
 13 with Brigadier Calitz in his command Nyala and that they  
 14 should go and establish rapport with a leadership. In this  
 15 group they must go and find a leadership and convince  
 16 people to come forward so that we can create some entry  
 17 into dialogue. I said that the total aim would be that we  
 18 will negotiate in terms of finding a resolution, a peaceful  
 19 one at that, and that the people should, that they should  
 20 be convinced to lay down their weapons, that they should  
 21 not negotiate on labour related issues, that they should  
 22 try to convince this grouping of going back to their work  
 23 stations, because Lonmin indicated that once these people  
 24 are back in their work stations, constructive negotiation  
 25 can start through the existing channels that is in place.

<p style="text-align: right;">Page 8223</p> <p>1 I also advised that they should find an interpreter because  2 it was indicated by General Mpembe that on the day that the  3 group preferred to speak in Fanagalo and I have said that  4 we should make such a request to the Lonmin to see if they  5 would have such a person available, and at a later stage I  6 was informed that they acquired the services of such an  7 individual. I also suggested to Brigadier Calitz, I said  8 that these people must remain within the Nyala and that  9 they should make use of the public address system that is  10 an accessory to the Nyala to actually communicate with  11 these people, and we agreed that we will only have a, five  12 Nyalas at that time that would go and position themselves  13 close to the area where the people are gathered, and that  14 they should also explain the presence of the police there,  15 as well as then the intention that they should get people  16 that they can start with proper dialogue.</p> <p>17 MR SEMENYA SC: The afternoon of the 14th,  18 Brigadier Calitz goes to the koppie with the negotiators.</p> <p>19 MAJOR-GENERAL ANNANDALE: Chairperson,  20 yes. I can just provide detail in terms of what has  21 happened prior to that. It was on the morning during the  22 JOCOM meeting that was chaired at the time by General  23 Mpembe because I was not there on that Tuesday morning. It  24 was agreed that there will be, the area will be divided  25 into four sectors and that resources would be allocated to</p>	<p style="text-align: right;">Page 8225</p> <p>1 approached them and invited any leadership to come forward  2 to have a discussion with the police, and that later on –  3 and I do not know the time, but I think maybe around just  4 before 5 o'clock or so, there was then a group of five  5 individuals that came forward, that they were initially  6 very hesitant in terms of coming forward and responding to  7 the request of the police and that they were given the  8 assurance that the police just want to have discussions in  9 terms of finding a resolution to this situation. He also  10 indicated that after they had communication going, which  11 was then probably around 5 o'clock, that one of the five  12 that acted as the spokesperson for this group indicated  13 that the – I do not know the word, if he used the word -  14 that their fight or difference is not with the police, but  15 that it is with the mine management, and Brigadier Calitz  16 also reported in terms of the death of a person that was  17 found in close proximity to the koppie, but prior to him  18 reporting it, I received a call from a Captain Dennis  19 Adriaio who is from the South African Police Service's  20 Corporate Communication department, and he was interacting  21 with the media as a liaison person, and he said that one of  22 the media journalists reported to him telephonically that  23 there's a body that was found close to the koppie.  24 [14:13] That information was given through to Brigadier  25 Calitz as well as the chopper, because it was not certain,</p>
<p style="text-align: right;">Page 8224</p> <p>1 that four sectors, and that it entailed a high visibility  2 patrol of the respective areas, and that they should focus  3 in terms of certain key points that was identified within  4 the environment, key points that was given by Mr Sinclair  5 to Colonel Scott in terms of areas that there has been  6 previous incidents in the build-up, but also on the  7 transport routes and the bus collection points where the  8 employees would typically gather and be transported to  9 their various workstations. In the meantime the planning  10 team has worked in terms of operationalising the deployment  11 of the police and at around 13:30 on that afternoon the  12 commanders were called back to the JOC, whilst the members  13 remained outside in terms of their deployment, and there  14 was then a meeting to go and share the approach in terms of  15 the police in how to deal with the situation. Then after  16 that is when Brigadier Calitz, when they then deployed,  17 that is the first time that this monitoring contingent of  18 the five Nyalas then moved towards the koppie.</p> <p>19 MR SEMENYA SC: Do you get any feedback  20 from Brigadier Calitz after they come back from the koppie?</p> <p>21 MAJOR-GENERAL ANNANDALE: Chairperson,  22 the first feedback we received was feedback over the radio  23 where he confirmed around 3 000 people that is gathered on  24 the koppie, and he also indicated that they started with  25 trying to interact with the protesters and that they</p>	<p style="text-align: right;">Page 8226</p> <p>1 we were not certain in terms of exactly what was the  2 position of that body. A while later, after the report  3 that I received from Captain Adriaio and after the message  4 went out on the police radio, the chopper reported that  5 they have identified a body that is in close proximity to  6 the copy, and then Brigadier Calitz reported that they  7 first informed the leadership of that grouping that there  8 will be police response to that person in terms of the  9 attendance of that specific crime scene. Members from the  10 Detective Services and Local Criminal Record Centre then  11 was despatched to go and assist and they responded to, and  12 I think they dealt with that crime scene probably at around  13 19:30. The report was that it was an elderly gentleman  14 that was lying on his back and he had some stab wounds, as  15 well as there was animal skull that was placed on his  16 chest, and then basically Brigadier Calitz and his group,  17 they returned back to the joint operational centre probably  18 at half past 8 that evening. I know it was quite late in  19 terms of coming back after he reported that the biggest  20 group - het uiteengegaan – they – uiteengegaan?  21 MR HANABE: They dispersed.  22 MR SEMENYA SC: Dispersed.  23 MAJOR-GENERAL ANNANDALE: They dispersed  24 a bit earlier, and then he withdrew the deployment of the  25 police officers to go back to the joint operational centre.</p>

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1 MR SEMENYA SC: There is a debriefing  
 2 that night. Can you tell us about it?  
 3 MAJOR-GENERAL ANNANDALE: Correct. We  
 4 had a debriefing upon the return of Brigadier Calitz. We  
 5 also withdrew the rest of the people that were deployed in  
 6 terms of the crime prevention strategy and high visibility  
 7 strategy, and it was after the nightshift members came on  
 8 duty, which consisted of Public Order Policing, mostly  
 9 Public Order Policing members, so we had a debriefing where  
 10 all of the commanders that were deployed came to the joint  
 11 operational centre area. The, Brigadier Calitz then  
 12 basically gave feedback with his commanders; the  
 13 negotiators gave feedback in terms of what has transpired  
 14 specifically at the koppie.  
 15 MR SEMENYA SC: Was there a discussion  
 16 about what was to happen going forward?  
 17 MAJOR-GENERAL ANNANDALE: We confirmed  
 18 that we will start the next day with the same deployment.  
 19 We've indicated that there will be again a monitoring group  
 20 with the negotiators. We indicated that we will add  
 21 another forward holding area. On the Tuesday we only had  
 22 one forward holding area close to the proximity of a power  
 23 station which was in close relation to the koppie. We  
 24 indicated that we will have another one in the south-west,  
 25 and we indicated that we will then also have then TRT in

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1 reserve, as well as then the additional Public Order  
 2 Policing, NIU members, Special Task Force members, K9  
 3 members, Mounted Unit members, LCRC, Detectives, medical,  
 4 fire brigade, all of them in reserve at the forward holding  
 5 area with Major-General Naidoo. It was emphasised that we  
 6 will continue where we'd left off because the leadership of  
 7 that group, when they left they said that they will return  
 8 the following day at 9 o'clock as it was getting late, and  
 9 that we can then continue in terms of having these  
 10 discussions.  
 11 MR SEMENYA SC: Now can we pause for a  
 12 moment here and talk about what is happening in the JOC in  
 13 relation to the plan, the operational plan, so-called the  
 14 Scott's plan.  
 15 MAJOR-GENERAL ANNANDALE: Chairperson,  
 16 I'm glad that the advocate is referring to it as the "so-  
 17 called Scott's plan." I think I want to place it on record  
 18 that it was never Lieutenant-Colonel Scott's plan, that it  
 19 was a police plan that was a collective input that we  
 20 received from all of our commanders that we had present  
 21 there both in terms of having a permanent representative in  
 22 the joint operational centre, as well as the input that we  
 23 received during the JOCOM meetings. Chairperson, members  
 24 of the Commission, I think it's important that we  
 25 understand that during these JOCOM meetings we had the,

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1 most of the officers, the commanders we had present, so I  
 2 would estimate that was probably in the area of about 30  
 3 officers that we had present during such JOCOM meetings.  
 4 How the process worked is Colonel Scott was  
 5 responsible to coordinate the input. He has the advance  
 6 knowledge in terms of utilising technology and specifically  
 7 in terms of working on the Google program, in terms of  
 8 presentations, in terms of collecting and collating the  
 9 information, and he was specifically assisted by  
 10 Lieutenant-Colonel Merafi. He had the input of Brigadier  
 11 Tsiloane both in his capacity as the Public Order Policing  
 12 experience, plus then his experience in terms of the  
 13 tactical environment, my own input, the input of Brigadier  
 14 Fritz, Brigadier Calitz in terms of him being appointed as  
 15 an operational commander and his experience as a Public  
 16 Order Policing member, but also due to his post as the  
 17 provincial commander for Operational Response Services in  
 18 the province of North West. Then we had the input of  
 19 Colonel Makhubela who has served 32 years in the Public  
 20 Order Policing, the input of Colonel Mere, Lieutenant-  
 21 Colonel Mere, Lieutenant-Colonel Pitsi, and the guidance of  
 22 Major-General Mpembe.  
 23 MR SEMENYA SC: Colonel Pitsi has what  
 24 background?  
 25 MAJOR-GENERAL ANNANDALE: Lieutenant-

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1 Colonel Pitsi is the commander of a Public Order Policing  
 2 unit and –  
 3 MR SEMENYA SC: With what type of  
 4 experience?  
 5 MAJOR-GENERAL ANNANDALE: Chairperson,  
 6 it's in excess of 12 years, it's probably closer to 20  
 7 years. I'm not too sure in terms of the exact experience.  
 8 MR SEMENYA SC: Colonel Mere?  
 9 MAJOR-GENERAL ANNANDALE: Colonel Mere  
 10 also a unit commander with more or less the same, probably  
 11 12, 15 years experience in Public Order Policing. So what  
 12 would happen is that Colonel Scott would then collate, he  
 13 would get the information. He would, and he developed,  
 14 everything he developed was basically in the format of a  
 15 PowerPoint presentation. It made it easier so that he can  
 16 with an overhead projector display it and portray it, and  
 17 then the consolidated input would then be presented to the  
 18 JOCOM where discussions would follow and agreements would  
 19 be made, and then they will adapt a plan in line with that,  
 20 and then ultimately after the collective of the JOCOM would  
 21 go and agree to that, then the overall commander would give  
 22 his blessing in terms of such an approach.  
 23 MR SEMENYA SC: We will come later to  
 24 deal with the plan, what it conceived and what risks it  
 25 sought to address, a little later.

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1 CHAIRPERSON: May I ask, may I intervene.  
 2 You said the plan ultimately had to be given the blessing,  
 3 I think was the phrase you used, by the overall commander.  
 4 Who was the overall commander?  
 5 MAJOR-GENERAL ANNANDALE: Chairperson,  
 6 yes, the approval, ultimate approval would be the overall  
 7 commander, Major-General Mpmembe.  
 8 MR SEMENYA SC: As I say, we'll get back  
 9 to that plan a little later. You then chair the joint  
 10 operation committee, the JOCOM meeting the morning of the  
 11 following day, the 15th.  
 12 MAJOR-GENERAL ANNANDALE: That is  
 13 correct, Chairperson.  
 14 MR SEMENYA SC: Take us through that.  
 15 MAJOR-GENERAL ANNANDALE: Chairperson, on  
 16 the Tuesday already, due to the nature and the size of this  
 17 operation, Major-General Mpmembe requested me to chair the  
 18 JOCOM meetings. We also decided to appoint an operational  
 19 room commander because the size of the operation was just  
 20 such that one person being the overall commander, chairing  
 21 the JOCOM meetings, as well as a matter of fact running  
 22 then the joint operational centre, it was just too much.  
 23 So we've appointed on the Tuesday an operational room  
 24 commander, Brigadier Pretorius, and I took the role and  
 25 responsibility of chairing the joint operational centre

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1 committee meeting.  
 2 MR SEMENYA SC: The operational room  
 3 commander, Brigadier Pretorius, what was her function?  
 4 MAJOR-GENERAL ANNANDALE: Chairperson, in  
 5 such a joint operational centre you will typically have  
 6 radio operators who has a responsibility to record the  
 7 events. That recording is taking place in a formal  
 8 occurrence book, register that the South African Police  
 9 Service use, typically the record of personnel deployment,  
 10 which we refer to as the SAPS15s, it is a document that you  
 11 complete in terms of the people deployed. That would be  
 12 completed by the respective commanders of the different  
 13 units and then it would be handed in to the joint  
 14 operations centre. They will reflect and record the  
 15 deployments in terms of personnel numbers. They will  
 16 indicate the critical resources that we have in terms of  
 17 armoured vehicles. They would put up whiteboards or  
 18 flipchart boards so that specific information can be  
 19 reflected. You will typically go and summarise the number  
 20 of personnel that you have from the various units' call  
 21 signs, telephone numbers in terms of various disciplines,  
 22 should you need them, put up maps and aerial photographs of  
 23 the specific area, perform – I think I can summarise in  
 24 terms of performing general administrative duties in terms  
 25 of having stationery available, in terms of keeping notes,

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1 in terms of arranging the time for the meetings and calling  
 2 specific people. If there's assistance required in terms  
 3 of getting a detective or whatever the case might be, it  
 4 will be centralised through the joint operational centre.  
 5 MR SEMENYA SC: The JOCOM meeting you  
 6 chaired dealt with an intelligence report as well.  
 7 MAJOR-GENERAL ANNANDALE: That is  
 8 correct, Chairperson.  
 9 MR SEMENYA SC: Who presented that?  
 10 MAJOR-GENERAL ANNANDALE: It was  
 11 presented by the, by Brigadier Engelbrecht, who is the  
 12 section head, or the head of Crime Intelligence in the  
 13 province of North West.  
 14 MR SEMENYA SC: Let me digress a little.  
 15 What was the scope available for the SAPS in  
 16 collecting/collating intelligence around this time?  
 17 MAJOR-GENERAL ANNANDALE: Chairperson, we  
 18 would work with your Public Order Policing information  
 19 officers and then the Crime Intelligence in terms of  
 20 informers network that they have, where they would keep  
 21 specific taskings in terms of information that they  
 22 acquire. We're also very dependent in terms of the  
 23 investigating officers in terms of information that they  
 24 get through their normal line of investigation, which would  
 25 then be analysed by the Crime Intelligence and presented in

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1 a feedback report to the JOCOM.  
 2 [14:33] In this instance we also had the small grouping  
 3 of Brigadier Fikter in terms of the information that they  
 4 collected on the intelligence level.  
 5 MR SEMENYA SC: How easy or difficult was  
 6 intelligence gathering for the team?  
 7 MAJOR-GENERAL ANNANDALE: Chairperson,  
 8 the feedback that we received from Brigadier Engelbrecht is  
 9 that it was extremely difficult, this despite him  
 10 committing – I think he had something like nine, or even  
 11 more, dedicated Crime Intelligence analysts, personnel from  
 12 his office that was dedicated to the Marikana area. Then  
 13 we had the added number from the Crime Intelligence group  
 14 from Gauteng, and we probably had close to about 30  
 15 detectives that were working on the various cases. He  
 16 reflected to us that the taskings that he would give to his  
 17 informers, that the people indicated that they really are  
 18 in fear of their life. He indicated that it's extremely  
 19 difficult for them to infiltrate specifically a group of  
 20 about 2, 300, the specific grouping that we saw the whole  
 21 time separate from the bigger group, and the specific group  
 22 which we felt was the core on the Monday also. He  
 23 indicated that the group cohesion is such that it's very  
 24 difficult for an outsider that's not part of that circle to  
 25 actually get into the inner group. It was also difficult

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1 because they did not know specifically who these people  
 2 are, exactly where they are staying, and that the people  
 3 are probably spread over a number of hostels, informal  
 4 settlement, and other villages. There was also reference  
 5 made to an, during an earlier strike at Implats where there  
 6 was a specific informer who was a security guard at the  
 7 mine, that this person was used as informer for the police  
 8 and that he was found out and he was subsequently killed.  
 9 MR SEMENYA SC: Was it somewhat  
 10 established how or by whom was the informer killed?  
 11 MAJOR-GENERAL ANNANDALE: Chairperson, I  
 12 cannot give you the detail. I did not follow up  
 13 necessarily in terms of what was the outcome or the  
 14 circumstances around that. It was just in mentioning.  
 15 MR SEMENYA SC: The intelligence report  
 16 presented at that JOCOM meeting you presided, what  
 17 information is relayed in relation to the unions?  
 18 MAJOR-GENERAL ANNANDALE: Chairperson, it  
 19 was relayed that the situation in the greater Marikana area  
 20 is still very tense. It was indicated that information  
 21 suggests that the members from AMCU will not lay down their  
 22 weapons, and that they specifically need those weapons to  
 23 protect themselves against NUM.  
 24 MR SEMENYA SC: In the light of that  
 25 report, what was agreed to be the operational plan?

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1 MAJOR-GENERAL ANNANDALE: Chairperson,  
 2 before I get to that, I think I mentioned earlier that  
 3 there was an ATM bombing on the Tuesday morning that was  
 4 reported during this meeting, because I can recall that I  
 5 chaired a meeting, the first meeting I chaired, when it was  
 6 brought to my attention. So I think it was rather during  
 7 the early hours of that Wednesday morning that there was an  
 8 ATM bombing, and that was mentioned in the feedback report  
 9 of Brigadier Van Zyl, the Detective Head.  
 10 To get back to your question in terms of the  
 11 operational concept for the day, it was agreed that we will  
 12 continue with the monitoring and negotiation deployment,  
 13 indicated that Brigadier Calitz and the negotiators with  
 14 the five Nyalas will again go and position themselves where  
 15 they were the previous late afternoon. It was also agreed  
 16 that there will be a TRT support line about 100 metres  
 17 behind this line of the Public Order Policing, and it was  
 18 also then agreed, as I've mentioned, that there will be two  
 19 forward holding areas, so basically meaning that there will  
 20 be two reserve groupings. The one will be at forwarding  
 21 holding area 1 under the command of Major-General Naidoo.  
 22 The other one was under the command at the time of  
 23 Brigadier Whitman, who deployed then on that Wednesday with  
 24 a number of members from the Gauteng Public Order Policing  
 25 and TRT, but Brigadier Whitman indicated that in all

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1 probability he will not be able to be back on the following  
 2 and subsequent days, so we had Lieutenant-Colonel Pitsi to  
 3 be his assistant so that we can ensure that there would be  
 4 consistency in terms of the deployment. Major-General  
 5 Naidoo had the bigger reserve group and his position was  
 6 probably, I reckon about a kilometre from the koppie area,  
 7 whilst the second holding area was a bit further; I reckon  
 8 about 1.3 kilometres. Why we decided on two forward  
 9 holding areas, that was if you need to respond and you need  
 10 to send additional personnel forward to go and assist on  
 11 the deployment with Brigadier Calitz, that you can respond  
 12 from the, either side, if one of the sides would be  
 13 typically cut off.  
 14 In Major-General Naidoo's group he had additional  
 15 personnel from Public Order Policing, from the National  
 16 Intervention Unit and Tactical Response Teams. He also had  
 17 K9 handlers and dogs, Mounted Unit, and he the Detective  
 18 Team as well as members for the Local Criminal Record  
 19 Centre, and he had the assistance from medical personnel,  
 20 as well as fire brigade from, arranged through Lonmin. At  
 21 the forward holding area 2 we also had Public Order  
 22 Policing members, National Intervention Unit, TRT members,  
 23 and if I can remember they had a small deployment of K9 and  
 24 Special Task Force deployed, apart from their deployment  
 25 that they had on the observation post, and the two teams of

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1 two people each that they deployed with the monitoring  
 2 Nyalas of Brigadier Calitz. They were also at the forward  
 3 holding area 1 area.  
 4 MR SEMENYA SC: In terms of area  
 5 reconnaissance, what was available to you?  
 6 MR HANABE: In terms of?  
 7 MAJOR-GENERAL ANNANDALE: Aerial.  
 8 CHAIRPERSON: Aerial reconnaissance. In  
 9 terms of aerial reconnaissance, what was available to you?  
 10 MAJOR-GENERAL ANNANDALE: Chairperson, we  
 11 had two South African Police Service helicopters available.  
 12 The one was a, known as a squirrel helicopter. It is a  
 13 helicopter – with my limited knowledge about the industry -  
 14 of a pilot, as well as then a, what we refer to as LEO,  
 15 assistant law enforcement officer, with the carrying  
 16 capacity for three passengers.  
 17 Then we had an R44, Robinson R44 chopper, and I  
 18 think the total carrying capacity of that is probably just  
 19 the two people. Over and above to that we had the support  
 20 of an Oryx helicopter from the South African Air Force. We  
 21 had that specifically there because of its carrying  
 22 capacity so that we could have either Special Task Force or  
 23 National Intervention Unit members that we can deploy if  
 24 there would be any wayward incidents that would come to our  
 25 attention, that they can take those people there and then

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1 go and deploy them in the specific area so they can attend  
 2 to such an incident.  
 3 Then even although it was not any of our assets,  
 4 there was a Protea Coin, a Mr De Waal from Protea Coin. He  
 5 approached us during that, I think that Wednesday,  
 6 somewhere during the day, and he'd indicated that we should  
 7 be aware that he has a chopper that is flying on the  
 8 perimeter area, focussing on specific key points within the  
 9 Lonmin Mine area as part of their security deployment  
 10 contract that they have with the mine. He wanted us to be  
 11 aware of that additional chopper that would be in the air,  
 12 and he also made available, he said should we have the  
 13 need, that we can also utilise the second chopper that  
 14 Protea Coin has when it's available, because all of the  
 15 choppers use the same landing site. Chairperson, which was  
 16 just outside of the JOC area, there was an open area where  
 17 a lot of the vehicles parked, and then adjacent to that  
 18 where the choppers would typically land.  
 19 Chairperson, then the use of the two police  
 20 choppers, we had that for aerial surveillance and providing  
 21 information back to the joint operational centre, also in  
 22 terms of a specific command post for wayward incidents if  
 23 we have to then move away from the area of responsibility  
 24 where typically Brigadier Calitz would operate in, and then  
 25 to guide Brigadier Calitz and the members in terms of

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1 typically being eye-in-the-sky so they can relay that  
 2 information.  
 3 MR SEMENYA SC: Would this, Chair, be a  
 4 convenient stage for the tea adjournment?  
 5 CHAIRPERSON: Very well. The Commission  
 6 will take the tea adjournment. We'll try to resume at  
 7 about 5 past 3.  
 8 [COMMISSION ADJOURNS COMMISSION RESUMES]  
 9 [15:10] CHAIRPERSON: The Commission resumes.  
 10 Major-General, you're still under oath.  
 11 CHARL ANNANDALE: s.u.o.  
 12 CHAIRPERSON: Mr Semenya, would you like  
 13 to ask the witness some more questions?  
 14 EXAMINATION BY MR SEMENYA SC (CONTD.):  
 15 Indeed, Chair. General, we have just finished discussing  
 16 the salient features of the operational concept for the day  
 17 of the 15th. Correct?  
 18 MAJOR-GENERAL ANNANDALE: That is  
 19 correct, Chairperson.  
 20 MR SEMENYA SC: Primary in that would  
 21 have been also the continued negotiations.  
 22 MAJOR-GENERAL ANNANDALE: That is  
 23 correct, Chairperson.  
 24 MR SEMENYA SC: Are the protesters  
 25 contacted again who were at the koppie?

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1 MAJOR-GENERAL ANNANDALE: Chairperson, on  
 2 the Wednesday the 15th after the morning JOCOM meeting,  
 3 Brigadier Calitz and their monitoring contingent, as well  
 4 as the rest of the deployment went back to their respective  
 5 positions, as I've highlighted during the agreed planning.  
 6 That was just prior to 10 o'clock in the morning. They  
 7 were then, they resumed dialogue with the same five men as  
 8 per the previous day. The spokesperson of the five men was  
 9 an individual dressed in a, or he had a type of a green  
 10 blanket; he's now known as Mr Noki. In these negotiations  
 11 that resumed, Mr Noki insisted that they want to speak to  
 12 the mine management.  
 13 Brigadier Calitz further reported back to the JOC  
 14 that the negotiation team tried to convince this group to  
 15 lay down their weapons. In this attempt that they made to  
 16 convince them to lay down their weapons, it was indicated  
 17 that this group of five became agitated and this in turn  
 18 then sort of led to the rest of the group also to become  
 19 more – the word probably, I do not want to use the word  
 20 "aggressive," but also agitated, and they, or he reported  
 21 that it then became difficult to continue negotiation.  
 22 There was then a break in negotiation.  
 23 MR SEMENYA SC: We know that that effort  
 24 was not successful to get the protesters to disarm.  
 25 MAJOR-GENERAL ANNANDALE: That is

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1 correct, Chairperson.  
 2 MR SEMENYA SC: Is there any contact that  
 3 gets made between General Mpembe and the union  
 4 representatives?  
 5 MAJOR-GENERAL ANNANDALE: Advocate, did  
 6 you say the unit representatives?  
 7 MR SEMENYA SC: President –  
 8 CHAIRPERSON: Union. Die vakbond se  
 9 verteenwoordigers.  
 10 MAJOR-GENERAL ANNANDALE: Union. Before  
 11 I get to that, if I can just mention that it was also  
 12 reported earlier that the leader element of that group  
 13 indicated that they have an Adv Shapiro and that Adv  
 14 Shapiro would want to speak to the overall commander, or  
 15 somebody in command of the police. That was relayed to the  
 16 JOC by Brigadier Calitz and we provided Brigadier Calitz  
 17 with a landline telephone number of the joint operational  
 18 centre and said that he should give this through them and  
 19 relay it to the advocate so that he can speak to the  
 20 commander. It was reported, and I do not know the time,  
 21 that there was a specific threat made by Mr Noki to the  
 22 negotiators through the negotiation that "People in hippos  
 23 will die here today."  
 24 Coming to General Mpembe, I know that on that  
 25 afternoon at around 14:00 he met with mine management and

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1 also with the presidents of AMCU as well as NUM, which was  
 2 arranged on the insistence of General Mpmembe in terms of  
 3 previous interactions he had with, I think the labour  
 4 representative or somebody from the Lonmin Mine on the  
 5 Tuesday, as well as the Wednesday, where he requested that  
 6 they should make such arrangements.

7 MR SEMENYA SC: What was the purpose of  
 8 meeting these presidents?

9 MAJOR-GENERAL ANNANDALE: It was  
 10 consistently reported that, basically that AMCU says that  
 11 it's not our members, and NUM said it's not necessarily our  
 12 members, that NUM would say that there's some of their  
 13 people that have gone over to AMCU although they're still  
 14 card bearers of the NUM, and General Mpmembe insisted that  
 15 the only way that we will be able to resolve that is to  
 16 have, set up a meeting with the highest authority in both  
 17 those unions. He wanted to meet with them to see if they  
 18 can then intervene in terms of reaching out to their  
 19 members and then to get them to a peaceful resolution in  
 20 terms of laying down their weapons, and he's requested  
 21 Lonmin Mine to facilitate such a meeting. As indicated,  
 22 around 2 o'clock he then went to such a meeting where they  
 23 were both available and present, and then after the meeting  
 24 he came out and he said that there's an agreement that both  
 25 of these presidents are willing to go and meet with the

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1 people at the koppie. He requested me to make arrangements  
 2 that these people would be taken to the koppie by police  
 3 vehicles, as he indicated that the arrangement that was  
 4 made on his request that they would go and that they  
 5 volunteered after much convincing and discussions to go  
 6 there. He indicated that it was agreed that the respective  
 7 presidents plus two of their representatives each would go  
 8 to the koppie.

9 I then arranged that we have two separate police  
 10 vehicles, minibuses available, because the two union  
 11 presidents and the delegation said that they are not  
 12 travelling together. The president of NUM specifically was  
 13 concerned about his safety. They asked if he can take more  
 14 people along in his delegation and if he can take  
 15 specifically some of his, I take it close protectors or  
 16 people responsible for his safety, to go along. I  
 17 indicated to him that we will take the responsibility in  
 18 terms of their safety by delegating then the Special Task  
 19 Force members to actually escort them and take them there,  
 20 and I had then Special Task Force members in both vehicles.

21 The groups left to the forward holding area  
 22 because the agreement was they will go to the forward  
 23 holding area of Major-General Naidoo. I, if I can  
 24 remember, General Mpmembe and I think a, it's a Mr Kgwadi,  
 25 Kgwadi from Lonmin, is the person that is responsible for

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1 their labour, he's the labour representative, was his  
 2 responsibility. They went along, and there was a Mr Kgotle  
 3 from Lonmin that stayed behind. Then they left and went to  
 4 the forward holding area and feedback indicated that around  
 5 quarter past 5, 17:15 on that day, it was first the NUM  
 6 delegation that was taken forward to go to the command  
 7 Nyala of Brigadier Calitz, and that their president had an  
 8 opportunity to address the members. Even though General  
 9 Mpmembe during the discussions he had in the meeting made it  
 10 clear in terms of what the references would be in terms of  
 11 their approach and their discussion when they address their  
 12 members, it was reiterated before their departure that they  
 13 have agreed that they will talk only to their members on  
 14 matters of security in terms of their laying down their  
 15 arms, and that there will be no other discussion in terms  
 16 of labour related issues.

17 MR SEMENYA SC: Time allocation?  
 18 MAJOR-GENERAL ANNANDALE: It was also  
 19 agreed that they, both groups will get 20 minutes to  
 20 address their members. Chairperson, it was a difficult  
 21 process to get there in terms of what's the number of the  
 22 delegations, who will go first, who will go second, what  
 23 will be the time allocated, so that took us a while. In  
 24 the end we decided on that 20 minutes because it was  
 25 getting late, because it started earlier than that and it

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1 took us a while to get the two presidents to agree amongst  
 2 themselves, without wanting to talk directly to one  
 3 another. So we had to act as intermediaries again. Then  
 4 about half an hour after the president of NUM and his  
 5 delegation returned from the koppie; the AMCU president  
 6 with his delegation then went forward to the koppie.

7 MR SEMENYA SC: Before you say that, was  
 8 it evident what the reasons were why the two presidents  
 9 would not speak to each other?

10 MAJOR-GENERAL ANNANDALE: Chairperson, it  
 11 was difficult. It was just blatantly said that there is no  
 12 trust and it was said that "We will go first, we will not  
 13 travel in the vehicle." So there was no reasons advanced  
 14 specifically why; it was just said that "We are not  
 15 travelling, we do not want to be seen with one another."

16 MR SEMENYA SC: Was the gravity of the  
 17 situation apparent to both of them?

18 MAJOR-GENERAL ANNANDALE: Chairperson,  
 19 yes, the groups were separate, so the NUM president with  
 20 his delegation - which was a bigger delegation than the two  
 21 - was standing on one side, and then a distance away, that  
 22 was now in the general area of the JOC, the others were,  
 23 but both of them were aware and both of them individually  
 24 to the police gave their commitment that they understand  
 25 that and they understand their responsibility.

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1 MR SEMENYA SC: Which particular group  
 2 then goes first to the koppie?  
 3 MAJOR-GENERAL ANNANDALE: Chairperson,  
 4 that was the NUM group, and on the radio it was reported  
 5 back by Brigadier Calitz that the president when he  
 6 addressed the crowd on the public address system of the  
 7 Nyala, that he was jeered and that he really did not have  
 8 an opportunity to actually try to get his message across,  
 9 even although there was such an attempt made.  
 10 MR SEMENYA SC: And in relation to the  
 11 president of AMCU and his attempt at speaking to the  
 12 protesters at the koppie?  
 13 MAJOR-GENERAL ANNANDALE: Chairperson, as  
 14 I've mentioned, he went about an half an hour after the NUM  
 15 delegation. It was reported back to the JOC that he was  
 16 welcomed by the bigger group.  
 17 MR SEMENYA SC: Does he achieve the goal  
 18 of having some of those members disarm?  
 19 MAJOR-GENERAL ANNANDALE: Chairperson,  
 20 no.  
 21 MR SEMENYA SC: You later as police  
 22 officials then meet separately with the union leaders.  
 23 MAJOR-GENERAL ANNANDALE: Chairperson,  
 24 that's correct, yes, at around, probably around 19:30 - it  
 25 was already dark – we then met. We met at a facility in

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1 the bigger area of the joint operational centre. We had  
 2 present myself, General Naidoo and General Mpembe – General  
 3 Mpembe basically requested General Naidoo and myself to be  
 4 present. I can remember we had Mr Kwadi again, Kgwadi, as  
 5 well as Mr Kgotle from Lonmin, and then we had a big  
 6 delegation of NUM. Again the groupings did not want to sit  
 7 down together in terms of providing this feedback, or  
 8 having this debriefing with us, so we met first with NUM  
 9 and the bigger delegation, and Mr Kgwadi facilitated. The  
 10 president of NUM gave his feedback in terms of how they  
 11 were received at the koppie, and he indicated that he was  
 12 not welcomed, that the people did not allow him to talk,  
 13 and that that was indicative to him that, or indicative to  
 14 him that these are not his members. He, however, said that  
 15 he's appealing to the police to maintain a high presence  
 16 within the area. He said that their own members, the NUM  
 17 members, that they are in fear of their life, and he gave  
 18 his commitment that they will assist in any way they can in  
 19 terms of information and intelligence, and he indicated  
 20 that they condone, as a NUM leadership they condone  
 21 violence.  
 22 [15:30] MR SEMENYA SC: Condemn, not condone.  
 23 MAJOR-GENERAL ANNANDALE: Condemn.  
 24 CHAIRPERSON: You mean condemn –  
 25 MAJOR-GENERAL ANNANDALE: That's a huge

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1 difference. Even I as an Afrikaans-speaking individual  
 2 know that.  
 3 VOORSITTER: Dit kan ek nie verstaan nie  
 4 – kondoneer in Afrikaans beteken nie – jy weet –  
 5 MAJOR-GENERAL ANNANDALE: That was  
 6 basically the crux of the meeting with the NUM delegation.  
 7 Then we met with the president of AMCU and also a sizeable  
 8 delegation, and feedback was given. I know General Mpembe,  
 9 and I'm not aware of the contents of the actual discussion,  
 10 or what was conveyed by the president of AMCU, but I know  
 11 General Mpembe said that that was not as part of the  
 12 agreement in terms of the message that you brought across.  
 13 The president of AMCU, he said then that despite the  
 14 general perception that exists in the media, that AMCU as a  
 15 leadership also condemns violence, and that they've  
 16 indicated their willingness to assist also in terms of to  
 17 assist the police to find a peaceful resolution to this  
 18 whole process.  
 19 The president, Mr Mathunjwa, then said that he is  
 20 convinced that on the following day at 9 o'clock, that his  
 21 members, or that group – he did not say his members - that  
 22 that group will lay down their weapons. He said that it  
 23 was agreed because of the late hour that they will convene  
 24 again and that they will meet again at 9 o'clock on the  
 25 Thursday. He indicated that he's so convinced that they

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1 will lay down their weapons, that he's asked for the police  
 2 that we should arrange that the people be allowed to spend  
 3 their last night at the koppie, and he said that he's  
 4 requesting the police not to harass the people – the word  
 5 that he used. I indicated to him that as the South African  
 6 Police Service we do not harass people, but what we will do  
 7 is to get our nightshift deployment that they keep a fair  
 8 distance from the koppie, that it's not perceived that the  
 9 people would be harassed.  
 10 I then went into more detail and I said, so Mr  
 11 Mathunjwa, how will we practically do this disarmament, or  
 12 disarming, and I proposed, I said the police will form a  
 13 line and that the people as they then leave, that they  
 14 leave through this area and that they will just lay down  
 15 their, the weapons that they have as they walk through, and  
 16 he said, "General, no, people will never do that," because  
 17 he said he will probably, they will be, it will be seen  
 18 that the police will probably take photographs and be able  
 19 to identify them for potential arrests. He then made the  
 20 proposal and he indicated that the people, as they are  
 21 seated on the koppie and the immediate surroundings, that  
 22 they will just then leave the weapons there where they are  
 23 seated and that they will just disperse and leave, and I  
 24 indicated that we will be comfortable with that. He  
 25 remarked that we will all be smiling, I think the word that



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1 he used, "smiling" the next day, and this meeting was  
 2 concluded around, about 20:30 – probably it lasted, the  
 3 meeting with both of the unions lasted just around an hour,  
 4 maybe a bit more.

5 MR SEMENYA SC: Mr Mathunjwa in his  
 6 evidence doesn't agree that he had made any undertaking  
 7 and/or promise. He says all he reported was that the  
 8 workers have said to them they must come back the following  
 9 day to have further discussions.

10 MAJOR-GENERAL ANNANDALE: Chairperson, I  
 11 can recall the word that he used was he's convinced.

12 CHAIRPERSON: That's not necessarily a  
 13 promise, of course. What he – from what we can deduce from  
 14 your evidence is that he indicated to you that he was  
 15 confident that it would happen. That was his assessment of  
 16 the situation, but he could swing it, as a - if I may use a  
 17 colloquialism, but I don't understand certainly from the  
 18 statement we've got that you say that he actually made a  
 19 promise in those terms. He spoke very optimistically, I  
 20 take it, said I'm convinced it will happen, but that's not  
 21 the same as saying I promise it will happen. In any event,  
 22 he had no mandate or authority on their behalf to make a  
 23 promise, did he?

24 MAJOR-GENERAL ANNANDALE: And he also did  
 25 not have that full control, Chairperson. That's why he

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1 indicated that he's convinced that –

2 CHAIRPERSON: Yes. Now you see the  
 3 further point, I take it Brigadier Calitz was with him in  
 4 the Nyala, was he?

5 MAJOR-GENERAL ANNANDALE: I didn't get  
 6 that, Chairperson.

7 CHAIRPERSON: I take it Brigadier Calitz  
 8 was with him in the Nyala, was he?

9 MAJOR-GENERAL ANNANDALE: That is  
 10 correct, at Brigadier Calitz's Nyala.

11 CHAIRPERSON: Ja, so that if there had  
 12 been a promise, Brigadier Calitz would have known about it  
 13 anyway, because it was all done by loudspeaker, wasn't it?

14 MAJOR-GENERAL ANNANDALE: Chairperson,  
 15 yes, I do not know if he uttered any such words during the  
 16 address, his address to the crowd.

17 CHAIRPERSON: Yes, he says, presumably,  
 18 as far as I remember he's Zulu-speaking, and he spoke, as I  
 19 understand it, sort of half isiXhosa, half isiZulu, but was  
 20 there somebody in the Nyala who would have been able to  
 21 understand what Mr Mathunjwa said in the vernacular to the  
 22 strikers?

23 MAJOR-GENERAL ANNANDALE: Chairperson,  
 24 it's my understanding that the interpreter that was made  
 25 available by Lonmin was in the Nyala at the time, and he

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1 would probably have understood.

2 CHAIRPERSON: Anyway, it's not a blemish  
 3 on your evidence because you are merely saying what you  
 4 heard at the JOC, I take it, and what you were told, but  
 5 these are matters that presumably we have to explore with  
 6 Brigadier Calitz and the others, but Mr Mathunjwa, as you  
 7 heard from Mr Semenya, says he didn't make a promise. At  
 8 best, I think – or I'm not sure whether this is what Mr  
 9 Mathunjwa said, this is my impression, he was possibly  
 10 overly confident that, as I say, he could swing it the next  
 11 morning, but would that be a fair assessment on your  
 12 understanding, or is it something that you can't really  
 13 comment on?

14 MAJOR-GENERAL ANNANDALE: Chairperson, I  
 15 do not know the contents of his address at the koppie.

16 CHAIRPERSON: The other point of course  
 17 if in your presence –

18 MAJOR-GENERAL ANNANDALE: In my presence  
 19 he –

20 CHAIRPERSON: - did he say "I promise" –

21 MAJOR-GENERAL ANNANDALE: No, Sir.

22 CHAIRPERSON: Or was he merely, perhaps  
 23 overly – but overly is not something you would have known  
 24 about at the time, he was merely confident that he could  
 25 ensure that it happen, or bring it about. Would that be

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1 fair?

2 MAJOR-GENERAL ANNANDALE: Chairperson,  
 3 confident, convinced, but he did not make a promise. He  
 4 did not promise to us that this is what will happen.

5 MR SEMENYA SC: The end of that day there  
 6 was a debriefing.

7 MAJOR-GENERAL ANNANDALE: Chairperson,  
 8 that is right, but I can just mention before we left with  
 9 the, after the discussion with AMCU, there was a discussion  
 10 between Mr Mathunjwa, and he actually asked, I think he  
 11 asked Mr Kgotle, "So what will the process be of the  
 12 induction programme?" because he said that when people have  
 13 been away from work there's an induction that is required  
 14 before they can go in, so he asked that, and that was not  
 15 discussed in detail. He said that, basically the response  
 16 was, "We can discuss that in terms of the processes," but  
 17 which was a further indication to us at least that they are  
 18 thinking already in terms of this workers returning to  
 19 their workstations. And then, yes, after that meeting we  
 20 returned to the JOC where the debriefing meeting for the  
 21 day was already ongoing, and when we, the three of us  
 22 joined we basically relayed to the group of commanders  
 23 during the JOCOM what transpired in terms of the meeting we  
 24 had. I know that before we joined the JOCOM, Mr Mathunjwa  
 25 actually asked that it's already late hour and if I would

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1 mind to actually provide them with just police escort to  
 2 get them in, onto the national road, which I obliged.  
 3 MR SEMENYA SC: And for the record, Mr  
 4 Mathunjwa does confirm that they discussed the matter of  
 5 the induction the following day – they were to discuss the  
 6 matter of induction the following day, as well as mine  
 7 safety, health and safety. Shall you talk a little about  
 8 the debriefing that happens end of that day?  
 9 MAJOR-GENERAL ANNANDALE: Chairperson, as  
 10 I've indicated, when we joined after that meeting, the same  
 11 time that we were in that meeting the rest of our  
 12 commanders started with the debriefing. I think it was  
 13 probably chaired by either Brigadier Pretorius or Brigadier  
 14 Calitz in terms of getting that feedback, so the detail in  
 15 terms of that feedback, we were not present, but when we  
 16 joined, we gave them detailed feedback in terms of the  
 17 meetings that we just had. We shared with our commanders  
 18 that we had a constructive meeting, that we had the  
 19 commitment from both unions that they denounce violence,  
 20 that it was conducted in a real good spirit, and that we  
 21 feel confident that tomorrow at 9 o'clock when the  
 22 president of AMCU will meet again with the people at the  
 23 koppie, that there will be a laying down of weapons. We  
 24 indicated that we will then re-gather again the next  
 25 morning at 6 o'clock and that we will have the same

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1 approach as we have followed during that specific day in  
 2 terms of the continuation with the monitoring, as well as  
 3 then should there be any further negotiations necessary.  
 4 Brigadier Whitman also indicated that he himself and two of  
 5 his commanders will not be available for the Thursday due  
 6 to four specific crowd management situations that they have  
 7 to attend to, planned ones, but he indicated that he will  
 8 send the maximum personnel that he has both in terms of  
 9 Public Order Policing and TRT, and the rest of the  
 10 deployment was the same people that would return the next  
 11 day.  
 12 MR SEMENYA SC: Now before we discuss the  
 13 events of the 16th, can we just touch on the plan that went  
 14 and got designed for the 16th, and perhaps –  
 15 CHAIRPERSON: I'm sorry, Mr Semenya, but  
 16 you've asked something that I'm not quite sure it fits in  
 17 with what we know so far - it may do, but I just want to  
 18 clarify. Mr Semenya talks about the plan that was designed  
 19 for the 16th. So was it decided that the operational plan  
 20 was going to be implemented on the 16th, or was the decision  
 21 taken that the plan, such as it was, will be implemented on  
 22 the 16th, was that decision made later? You know you could  
 23 have a plan in place; the exact time and date when it's  
 24 going to be executed could stand over. Alternatively you  
 25 could have already agreed that come what may, that the plan

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1 is going to be executed on the 16th. What was the position?  
 2 MAJOR-GENERAL ANNANDALE: Chairperson,  
 3 no, there was no specific plan for the 16th. We already  
 4 developed the plan on the Tuesday, the 14th, and that plan  
 5 consisted of six specific phases and it was a question of  
 6 the agreement that we had is that we will just continue  
 7 with the phase 1, which was the monitoring and so on, and  
 8 that was the same that we agreed for the 16th. So no, there  
 9 was no decision made that we will be on either this or that  
 10 day, that we will do that.  
 11 CHAIRPERSON: That was my understanding.  
 12 Thank you, Sir.  
 13 MR SEMENYA SC: Yes, so if all went  
 14 according to plan, the operation would have been handled,  
 15 as the documents tell us, exhibit SS3 – can I invite you to  
 16 go there? Do you recognise that document?  
 17 MAJOR-GENERAL ANNANDALE: I do indeed,  
 18 yes, Chairperson.  
 19 MR SEMENYA SC: It is dated the 10th of  
 20 August 2012. This is some days before you arrive at  
 21 Marikana. Correct?  
 22 MAJOR-GENERAL ANNANDALE: That's correct,  
 23 it's prior to my arrival. I arrived on the 13th.  
 24 CHAIRPERSON: In fact it is correct to  
 25 say that that exhibit consists of a number of plans in date

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1 order. Some were in place before you arrived, some of  
 2 them, the plan is refined and added to and so forth. I  
 3 think that's correct, is it not?  
 4 [15:51] MAJOR-GENERAL ANNANDALE: Chairperson,  
 5 yes, but the document that I think Adv Semenya is referring  
 6 to is a separate plan which was developed on the 10th, which  
 7 says "Rustenburg POP contingency plan - Strike by  
 8 employees."  
 9 CHAIRPERSON: What exhibit number is  
 10 that? That's also part of SS3, isn't it?  
 11 MAJOR-GENERAL ANNANDALE: Ja, so it's  
 12 also SS3, but –  
 13 CHAIRPERSON: That's my point. SS3  
 14 consists of a number of these plans, so when you're  
 15 referring to them, you have to make it clear which of the  
 16 constituent plans in that exhibit you're referring to,  
 17 otherwise it will be difficult later when we read the  
 18 record to realise what's being talked about.  
 19 MAJOR-GENERAL ANNANDALE: Chairperson  
 20 yes, it was given to me as two separate plans, not in terms  
 21 of a bundle. So, but yes, I -  
 22 MR SEMENYA SC: What does the document  
 23 tell us was the situation as described on page 1 of that  
 24 document?  
 25 MAJOR-GENERAL ANNANDALE: Chairperson,

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1 ja, the situation is divided into a number of sub-headings  
 2 which consist of the nature of the operation, the venue,  
 3 the risk analysis, as well as then the threat. Do you want  
 4 me to read that, Chairperson?  
 5 CHAIRPERSON: Ja, I think you and I are  
 6 both in the hands of Mr Semenya; he will tell us.  
 7 MR SEMENYA SC: Let me try and draw your  
 8 attention to the salient elements of that situation. How  
 9 is risk analysis documented as at 10 August 2012?  
 10 MAJOR-GENERAL ANNANDALE: It is  
 11 documented as "Seizure, damage to property, intimidation,  
 12 person flocking together."  
 13 MR SEMENYA SC: And the threats are  
 14 described how?  
 15 MAJOR-GENERAL ANNANDALE: Chairperson,  
 16 the threat is described as "Crime Intelligence has been  
 17 tasked to ensure information flow to all relevant role-  
 18 players."  
 19 MR SEMENYA SC: And the operational focus  
 20 areas are described how in the plan?  
 21 MAJOR-GENERAL ANNANDALE: It is described  
 22 as "Visible policing at the mine from where strike is."  
 23 The second point, "Securing of areas before, during, and  
 24 after the strike." Third point, "Address disruptive  
 25 action, example bomb threat, attack, and etcetera." Fourth

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1 point, "To provide transport and accommodation in emergency  
 2 situations." Fifth point, "Crowd management where the need  
 3 arises," and point 6, "Protect lives and property as far as  
 4 possible."  
 5 MR SEMENYA SC: What does it tell us  
 6 around intelligence?  
 7 MAJOR-GENERAL ANNANDALE: It says under  
 8 paragraph 5.2.2, "Must liaise with intelligence community  
 9 regarding all available intelligence and provided to the  
 10 operational coordinating structures for operational  
 11 planning purposes."  
 12 MR SEMENYA SC: The responsibilities of  
 13 the Public Order Police?  
 14 MAJOR-GENERAL ANNANDALE: It indicates  
 15 under paragraph 5.2.4, "Two officers and 12 members will be  
 16 responsible to do the following." First bullet, "To do  
 17 crowd management in terms of the national policy on crowd  
 18 management;" second bullet, "To record all incidents and  
 19 casualties as they occur;" third bullet, "To post a record  
 20 clerk at the JOC."  
 21 MR SEMENYA SC: In terms of  
 22 implementation, what was conceived under paragraph 5.3?  
 23 MAJOR-GENERAL ANNANDALE: Under  
 24 subparagraph 1, "The operational concept," first bullet,  
 25 "To keep ready to immediately arrest perpetrators for any

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1 crime committed within section line;" sub-bullet 2, "To  
 2 keep ready to immediately isolate any place before, during,  
 3 and after the strike when information received about any  
 4 risk, with one section in line;" bullet 3, "To patrol" –  
 5 Chairperson? Continue? "To patrol the area with one  
 6 section in line" –  
 7 CHAIRPERSON: Mr Semenya wanted to – yes,  
 8 carry on.  
 9 MAJOR-GENERAL ANNANDALE: I'll repeat  
 10 that, "To patrol the area with one section in line on a 24-  
 11 hour basis," and then the last bullet, "Hour of beginning  
 12 of OPS on command on 2012-08-10."  
 13 MR SEMENYA SC: It also deals with  
 14 coordination instructions, but more importantly, what does  
 15 it tell us about the use of force?  
 16 MAJOR-GENERAL ANNANDALE: Paragraph 7  
 17 under the heading "Use of force," it reads, "Only on  
 18 command or self-defence."  
 19 MR SEMENYA SC: And it itemises various  
 20 equipment that was to be used, but deals with special  
 21 instructions under paragraph 9.  
 22 MAJOR-GENERAL ANNANDALE: That is  
 23 correct, yes, Chairperson.  
 24 MR SEMENYA SC: What does it tell us  
 25 under special instructions?

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1 MAJOR-GENERAL ANNANDALE: It indicates  
 2 under bullet, the first bullet, "If problems are  
 3 experienced with channel 77 and channel 65 as an emergency  
 4 channel;" second bullet, "When the order is given to  
 5 intervene, it must be done as soon as possible;" third  
 6 bullet, "When it is necessary to leave the vehicle for any  
 7 situation, it must be done as soon as possible in order to  
 8 achieve the goal."  
 9 MR SEMENYA SC: Perhaps, Chair, tomorrow  
 10 morning we may begin with what the document tells us in  
 11 relation to the arrest policy.  
 12 CHAIRPERSON: Yes, the Commission will  
 13 adjourn at this stage, and resume at 9:30 tomorrow morning.  
 14 [COMMISSION ADJOURNED]  
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