

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 214

9 APRIL 2014

PAGES 26373 TO 26453



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1 [PROCEEDINGS ON 9 APRIL 2014]
 2 [09:12] CHAIRPERSON: The Commission resumes.
 3 Lieutenant-Colonel, you're still bound by your affirmation.
 4 SALMON JOHANNES VERMAAK: (affirms
 5 further)
 6 CHAIRPERSON: Mr Gotz, you're with us,
 7 where were you yesterday afternoon?
 8 MR GOTZ: Good morning, Chairperson. I
 9 understand that there was a five minute interlude at the
 10 end of Mr Mpofu's –
 11 CHAIRPERSON: Yes, but five minutes were
 12 wasted because you weren't here but your excuse was
 13 tendered and accepted, but don't let it happen again.
 14 Shall we carry on?
 15 MR GOTZ: Thank you, Chairperson. Chair,
 16 may we commence by introducing as exhibits two articles
 17 which have been provided to the witness and I believe to
 18 the Commissioners. The first is an article by Sean Tait
 19 and Monique Marks entitled "You strike a gathering, you
 20 strike a rock."
 21 CHAIRPERSON: You strike?
 22 MR GOTZ: "You strike a gathering, you
 23 strike a rock – current debates in the policing of public
 24 order in South Africa."
 25 CHAIRPERSON: "You strike a gathering,

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1 you strike a rock" – I must turn my machine on, "You strike
 2 a gathering, you strike a rock" article. What exhibit do
 3 you want to make it? Ms Pillay, what is it, OOO31, 32?
 4 MS PILLAY: Chair, it will be OOO32 and
 5 OOO33.
 6 CHAIRPERSON: OOO32 is this article "You
 7 strike a gathering, you strike a rock," yes? And OOO33,
 8 what's that?
 9 MR GOTZ: That's an article by David
 10 Bruce which is entitled "The Road to Marikana: Abuses of
 11 force during -"
 12 CHAIRPERSON: Okay, just The Road to
 13 Marikana.
 14 MR GOTZ: - public order.
 15 CHAIRPERSON: I've got copies here
 16 somewhere. Anyway, so – thank you.
 17 MR GOTZ: Chairperson, then later in my
 18 cross-examination I'll be referring to a short presentation
 19 which we've entitled "The movement of the strikers from the
 20 koppie towards the small kraal," that will be exhibit 34.
 21 CHAIRPERSON: No, it won't. It'll be
 22 OPENBARE ORDE POLISIEMAN –
 23 MR GOTZ: OOO34.
 24 CHAIRPERSON: What is it? Presentation,
 25 what's it called?

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1 MR GOTZ: It's entitled "The movement of
 2 the strikers from the koppie towards the small kraal" and
 3 that'll be OOO34.
 4 CHAIRPERSON: Ja, alright, got that.
 5 CROSS-EXAMINATION BY MR GOTZ: Good
 6 morning, Lieutenant-Colonel.
 7 COLONEL VERMAAK: Good morning, sir.
 8 MR GOTZ: My name is Anthony Gotz. I'll
 9 be asking you questions on behalf of AMCU. Lieutenant-
 10 Colonel, have you had an opportunity to read the two
 11 articles that we've referred to as exhibit OOO32 and 33?
 12 COLONEL VERMAAK: I looked through my
 13 documents and I couldn't find them.
 14 CHAIRPERSON: [Microphone off, inaudible]
 15 – what the article "The Road to Marikana" looks like and
 16 this is what the article "You strike a gathering, you
 17 strike a rock" looks like. Did you not see those?
 18 COLONEL VERMAAK: No, Chair.
 19 CHAIRPERSON: Well, I suggest you look at
 20 my copies and – you can use my copies – Adv Hemraj insists
 21 on giving you hers.
 22 COLONEL VERMAAK: Thank you, Chair.
 23 CHAIRPERSON: I suppose you can't say no
 24 to a lady in those circumstances. Alright, OOO32 and 33
 25 have been handed to you. We don't want to sit here while

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1 you read them, so we'll adjourn for – how long do you think
 2 he needs, Mr Gotz?
 3 MR GOTZ: Chair, they're relatively short
 4 so I –
 5 CHAIRPERSON: Can you not carry on with
 6 other stuff first, in the meanwhile or is it important –
 7 have you worked out, structured your cross-examination?
 8 MR GOTZ: This is the way I've structured
 9 it, in fact it's the bulk of my cross-examination,
 10 Chairperson.
 11 CHAIRPERSON: This is the launch pad.
 12 MR GOTZ: I would imagine 10, 15 minutes.
 13 CHAIRPERSON: We'll give you – we'll
 14 adjourn until you send us a message to the effect that you
 15 have read and considered the articles.
 16 COLONEL VERMAAK: Thank you, Chair. Oh
 17 yes, are you going to put the whole article to him or is
 18 there some particular passage that he should study
 19 particularly, to see the context and so on?
 20 MR GOTZ: Chair, there are select
 21 passages. I can, I don't necessarily need to do that in
 22 open forum now –
 23 CHAIRPERSON: I'll tell you what, let's
 24 adjourn now, let's adjourn now. You can go and chat to
 25 him.

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1 MR GOTZ: Yes.

2 CHAIRPERSON: And draw his attention to

3 the specific passages that you think he should study

4 carefully. Obviously he will want to read the whole

5 article so he can see the passages in context but it'll

6 save time if we do that.

7 MR GOTZ: Indeed.

8 CHAIRPERSON: You'll help him once we've

9 adjourned?

10 MR GOTZ: Will do.

11 CHAIRPERSON: Right, we'll take a short

12 adjournment now. We'll carry on when you're ready.

13 COLONEL VERMAAK: Thank you, Chair.

14 [COMMISSION ADJOURNS COMMISSION RESUMES]

15 [09:31] CHAIRPERSON: The Commission resumes.

16 Lieutenant-Colonel, I reminded you earlier that you're

17 still bound by your affirmation and that reminder stands.

18 Mr Gotz?

19 MR GOTZ: Thank you, Chair.

20 CHAIRPERSON: The witness has had an

21 opportunity, I am informed, to study the articles. You

22 drew his attention the particular passages that you regard

23 as relevant and important, is that correct?

24 MR GOTZ: Yes indeed, Chair.

25 CHAIRPERSON: Alright.

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1 SALMON JOHANNES VERMAAK: (affirms

2 further)

3 CROSS-EXAMINATION BY MR GOTZ (CONTD.):

4 Lieutenant-Colonel, before we look at the articles, can we

5 highlight some of the things you say in exhibit HHH68, that

6 is the letter that you wrote to the Provincial Commissioner

7 and the Provincial Head of Operational Services on 12

8 December 2012. First of all, you say in exhibit HHH68 in

9 paragraph 2 at the bottom of the first – sorry, paragraph

10 2, "I was the commander of the POP Klerksdorp from January

11 1990 until 2005 whereby I was transferred to the North-West

12 Air Wing as the commander." You also say in paragraph 9

13 that "The period from 1990 to 1994, the country experienced

14 some of the worst unrest and the members most of the time

15 handled it without loss of life." Do you see that?

16 COLONEL VERMAAK: That's correct.

17 MR GOTZ: And then if we can go back to

18 paragraph 4 you refer to some of the incidents or the

19 unrest situations over which you were let's say commander

20 or in control. One of those is the Boipatong incident, do

21 you see that?

22 COLONEL VERMAAK: Yes, I was part of the

23 people who had been deployed to Boipatong, not overall in

24 command.

25 MR GOTZ: I presume you're referring to

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1 the Boipatong massacre which happened in 1992, during that

2 period that you describe as –

3 COLONEL VERMAAK: That's correct.

4 MR GOTZ: - most of the unrest,

5 significant amounts of unrest occurred. What happened in

6 the Boipatong massacre was that on the night of 17 June

7 1992 there was an attack on the Boipatong township

8 residents by the occupants of a nearby hostel and some 40

9 township residents were in fact killed in that massacre and

10 a number of others were injured, is that correct?

11 COLONEL VERMAAK: That is correct.

12 MR GOTZ: And shortly after the massacre

13 it was alleged that the SAPS had in fact co-ordinated the

14 massacre with the hostel dwellers who belonged to the

15 Inkatha Freedom party, correct?

16 COLONEL VERMAAK: I remember that

17 allegation, yes.

18 MR GOTZ: I think ultimately it was

19 established that SAPS did not have any role to play in the

20 incident but nevertheless there was a considerable amount

21 of animosity towards the police in the days and weeks

22 following the massacre, correct?

23 COLONEL VERMAAK: That is correct.

24 MR GOTZ: Your role would have included,

25 I presume, policing the mass funeral which was attended by

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1 thousands of people in the week or so following the

2 massacre, correct?

3 COLONEL VERMAAK: That's correct, I was

4 in the chopper with General Van der Walt.

5 CHAIRPERSON: You didn't actually attend

6 the funeral on the ground, as it were?

7 COLONEL VERMAAK: No, I was –

8 CHAIRPERSON: You were in a helicopter

9 circling above –

10 COLONEL VERMAAK: That's correct.

11 CHAIRPERSON: - keeping an eye on what

12 was happening, is that right?

13 COLONEL VERMAAK: That's correct, Chair.

14 MR GOTZ: I in fact attended that

15 funeral, Lieutenant-Colonel, and I recall that there was a

16 considerable amount of tension and indeed animosity towards

17 the police on the ground on that day. Do you recall that?

18 COLONEL VERMAAK: As I said, I was in the

19 air. I cannot really comment on reaction or, of the people

20 on the ground itself but I know there was a lot of

21 policemen being deployed, called from all over the country.

22 MR GOTZ: And there were probably in

23 excess of 10 000 people that attended that mass funeral,

24 correct?

25 COLONEL VERMAAK: That's correct.

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1 MR GOTZ: And despite the animosity and
 2 the tension, that incident was handled by the SAPS without
 3 any loss of life, correct?
 4 COLONEL VERMAAK: That's correct.
 5 MR GOTZ: Can you give us some other
 6 examples of the most challenging incidents that POP has had
 7 to deal with during the period in which you were the
 8 commander of the POP in the North-West?
 9 COLONEL VERMAAK: I think some of the
 10 most challenges was the ethical conflict at the mines.
 11 There we have a lot of incidents there and just before the
 12 election in a small town, Hartbeesfontein –
 13 CHAIRPERSON: You're referring to 1994, I
 14 take it? You say just before the election, were you
 15 referring to 1994?
 16 COLONEL VERMAAK: That's correct, Chair.
 17 In Hartbeesfontein the township was Tigani, there was
 18 really a lot of big conflict also between ANC and IFP
 19 supporters where they, on a weekly basis, killed one of the
 20 groups. This week you buried an ANC member, next week you
 21 buried an IFP member. So that was a big challenge for me.
 22 MR GOTZ: Lieutenant-Colonel, you would
 23 agree that from your experience, that it is entirely
 24 possible to handle protests far bigger than what we saw in
 25 Marikana in August of 2012 without loss of life or indeed

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1 injury to persons caused by police action, correct?
 2 COLONEL VERMAAK: From my experience and
 3 where I was deployed and operational commander, we did
 4 handle very big groups of people and there was no losses of
 5 life through the actions of the police.
 6 MR GOTZ: And as you say, this was done
 7 successfully during the tumultuous period in our history
 8 from 1990 to 1994. The unit that was responsible for
 9 public order policing at the time was the Internal
 10 Stability Unit, not POP, correct?
 11 COLONEL VERMAAK: That's correct.
 12 MR GOTZ: And after 19 –
 13 CHAIRPERSON: Was it just a name change?
 14 MR GOTZ: Well –
 15 COLONEL VERMAAK: Chair, yes –
 16 CHAIRPERSON: I understand this unit has
 17 gone through various name changes but is it the same animal
 18 all the time just with different names or was it – how does
 19 it work?
 20 COLONEL VERMAAK: When I joined the
 21 public order police it was first the riot unit and then
 22 they changed it to internal stability unit, thereafter it
 23 was the area crime combating unit and then again public
 24 order police.
 25 CHAIRPERSON: The point is it's basically

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1 the same unit –
 2 COLONEL VERMAAK: It's the same unit –
 3 CHAIRPERSON: - under different names or
 4 aliases, as it were.
 5 COLONEL VERMAAK: Ja, no Chair, it was
 6 the same unit, same members, only a change of names.
 7 MR GOTZ: That's fine, we don't disagree
 8 with that, Lieutenant-Colonel. Of course after 1994 and
 9 indeed after the Regulation of Gatherings Act was passed,
 10 the members were trained in democratic principles in
 11 relation to the policing of public order events, correct?
 12 COLONEL VERMAAK: That is correct, there
 13 were courses and workshops held where it specially
 14 concentrated on the commanders and the platoon commanders
 15 regarding the Gatherings Act.
 16 MR GOTZ: That training was done largely
 17 by the Belgians, correct?
 18 COLONEL VERMAAK: Belgian and France
 19 people, the first part of the sessions, yes.
 20 CHAIRPERSON: I'm sorry to interrupt, Mr
 21 Gotz. You've seen the statement, two statements I think,
 22 of Colonel Hendrickx and he describes, he's a Belgian and
 23 he describes he was part of that whole exercise. Did you
 24 ever encounter him during the course of –
 25 COLONEL VERMAAK: No, no, Chair.

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1 CHAIRPERSON: - your attendance at
 2 courses during that period?
 3 COLONEL VERMAAK: No, I didn't. There
 4 was a Major and a Lieutenant, the Major was from France and
 5 the Lieutenant from Belgium.
 6 MR GOTZ: And after that training, public
 7 order policing continued to be highly successful and what I
 8 mean by that is, it was, public order policing was
 9 conducted without any loss of life at the hands of the
 10 police and indeed I think the point is made in the Tait and
 11 Marks article that for a number of years after the Act was
 12 promulgated and this training occurred, violence associated
 13 with mass demonstrations was reduced to virtually nil.
 14 COLONEL VERMAAK: That is correct.
 15 MR GOTZ: Now let's look at what happened
 16 during the 2000s and perhaps we can refer to what David
 17 Bruce says about this subject and if you could turn to his
 18 article which is exhibit OOO33. On the front page of that
 19 article – first of all, do you know David Bruce,
 20 Lieutenant-Colonel?
 21 COLONEL VERMAAK: Just repeat?
 22 MR GOTZ: Do you know David Bruce?
 23 COLONEL VERMAAK: No.
 24 MR GOTZ: Approximately, if we can put
 25 OOO33 up on the screen, the technicians have got copies of

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1 it –

2 CHAIRPERSON: The operator is telling us

3 something. Can you not put it up on the screen? You

4 haven't got it? The logistics have failed. It looks as if

5 someone is going with a memory stick to beef up the

6 logistics, is that right? Where is Mr Wesley when we need

7 him?

8 MR GOTZ: Let me read the article –

9 CHAIRPERSON: Can an attempt be – I don't

10 know how these things work, it's not a matter of which I

11 have any knowledge but is it possible to put it onto a

12 memory stick and take it to the operator?

13 MR GOTZ: It is possible and we'll be

14 doing that.

15 CHAIRPERSON: Alright. Okay, I have

16 every confidence in you people to do it, I'm just interested

17 to know how long it will take but in the meanwhile let's

18 carry on, read the passage and –

19 MR GOTZ: Probably about two or three

20 minutes.

21 CHAIRPERSON: - Ms Pillay, as Ms Hemraj

22 says, Adv Hemraj says, is to the rescue once again. Thank

23 you, Ms Pillay. I saw, to be fair, Ms Lewis was going to

24 help as well so –

25 MR GOTZ: Lieutenant-Colonel, the passage

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1 that I'd like to focus on commences approximately, I think

2 probably three-quarters of the way down the page where Mr

3 Bruce says, "Notwithstanding this dramatic increase in

4 violent demonstrations" – he in fact talks about the

5 increase in violent demonstrations in the passages before

6 that and indicates in those passages that there has been a

7 dramatic increase in violent demonstrations. In this

8 passage he says, "Notwithstanding this dramatic increase in

9 violent demonstrations there was no significant increase in

10 killings by police during demonstrations. Over roughly

11 five years, between the beginning of 2000 and the end of

12 2004, four people were killed by police during

13 demonstrations. Three of these deaths did take place in

14 2004 but two of these occurred during an operation by the

15 Ekurhuleni metro police and one of the local sheriff's

16 offices. Two more people were killed in 2006 and one in

17 2008. Notwithstanding the horrific violence that was

18 involved no people were killed by the SAPS during the

19 xenophobic attacks of May 2008 with police in fact being

20 accused of being deliberately tardy in their response. Two

21 people were also killed during a demonstration in

22 Thandakukhanya township near Piet Retief in Mpumalanga in

23 2009. One was allegedly shot by a traffic police officer

24 and the other by a private security guard."

25 Then Mr Bruce says, "There was something of an

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1 escalation in 2010, with three people killed by police in

2 that year. These included a 46 year-old grandmother,

3 Priscilla Sukhai, in Daveyton in May and a schoolgirl, Anna

4 Nokele in Welkom, in September 2010. But then something

5 very dramatic happened." He says "During a period of less

6 than five months, from the middle of February 2011 to the

7 beginning of June 11 people were killed in demonstrations."

8 And then he goes on to describe the people who were

9 killed." These included two young children who were

10 allegedly drowned as they tried to escape from police who

11 were firing at a township demonstration in Boipelo. The

12 other nine deaths appear to have been direct consequences

13 of the adoption by the SAPS of brutal new methods of

14 dealing with public protests. These methods involved the

15 use of live ammunition in some instances. They also

16 involved direct firing of rubber bullets at demonstrators."

17 Now Lieutenant-Colonel, you don't, I presume,

18 disagree with the assessment that Bruce makes of a period

19 of relative – well, let's say that there were relatively

20 few killings at the hands of police during public order

21 demonstrations and then a dramatic increase in the 2011

22 period.

23 COLONEL VERMAAK: Chair, I'll have to

24 accept it. I haven't got that statistics myself but I

25 believe if he published it, it will be the correct

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1 information.

2 MR GOTZ: On the basis of the assumption

3 that the figures are correct, what they do show is a very

4 low, virtually nil fatalities at the hands of police in

5 crowd management operations during the 1990s, a gradual

6 increase starting in 2000 and then a massive spike in the

7 2011 –

8 CHAIRPERSON: Mr Gotz, we've now got the

9 exhibit up on the screen. You're going on reading, don't

10 you think we should wait till the operator has caught up

11 with you and the passage that you're reading is on the

12 screen? Wouldn't it make it easier for us all? Don't you

13 think that's a suggestion you might give consideration to?

14 MR GOTZ: Yes, certainly, Chair.

15 CHAIRPERSON: Please do so.

16 MR GOTZ: The passage begins some three-

17 quarters, at the end of the page.

18 CHAIRPERSON: You've been reading the

19 passage "Notwithstanding" –

20 MR GOTZ: Yes, "Notwithstanding" –

21 CHAIRPERSON: - "this dramatic increase"

22 and then you've been reading for some time now. How far

23 have you got in your reading –

24 MR GOTZ: I'd reached the following page,

25 so that'll be page 2 and it will be –

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1 CHAIRPERSON: Yes, and where were you on
 2 the following page?
 3 MR GOTZ: The top paragraph.
 4 CHAIRPERSON: "These methods involved?"
 5 MR GOTZ: Yes.
 6 CHAIRPERSON: Mm?
 7 MR GOTZ: Yes.
 8 CHAIRPERSON: Alright, so that's where
 9 you got. So have you now got up to "This pattern of
 10 killing?"
 11 MR GOTZ: Yes.
 12 CHAIRPERSON: Alright, okay. Well, maybe
 13 the operator who has done this kind of thing before, can
 14 arrange it in such a way that we see the last couple of
 15 paragraphs on the first page and the first paragraph on the
 16 second page. He's doing it now, yes. A little bit –
 17 that's it. Now we've got the passage you referred to,
 18 everybody can see it and now you are able to carry on with
 19 your –
 20 MR GOTZ: Yes, but I have read it
 21 reasonably slowly so it should form part of the record and
 22 everybody should have had a sense of it. Perhaps I can
 23 summarise. Really what Bruce is saying is that what we see
 24 from the 2000s is a very gradual increase in the number of
 25 killings at the hands of police and then a massive spike in

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1 2011 due to what he refers to in that final paragraph as
 2 being the consequence of the adoption by the SAPS of brutal
 3 new methods for dealing with public protests, including the
 4 use of live ammunition. So what I put to you, Lieutenant-
 5 Colonel, is that you don't disagree – first of all, you don't
 6 disagree with the figures that Bruce gives.
 7 COLONEL VERMAAK: No.
 8 MR GOTZ: In fact, it's a concern that
 9 you raise in HHH68, is that not so?
 10 COLONEL VERMAAK: That's correct.
 11 MR GOTZ: Now some of the reasons that
 12 you give in HHH68 for the increase in certain concerns that
 13 you raise, you give a number of reasons for the increase in
 14 police killings and if I can probably just summarise those
 15 for you and see whether you agree, one of the concerns that
 16 you raise is inadequate training, which is in fact the key
 17 problem that you identify, correct?
 18 COLONEL VERMAAK: That's correct.
 19 MR GOTZ: You also identify inadequate
 20 knowledge of applicable legislation and standing orders,
 21 correct?
 22 COLONEL VERMAAK: That's correct.
 23 MR GOTZ: That would really be a symptom
 24 of inadequate training, correct?
 25 COLONEL VERMAAK: That is correct.

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1 MR GOTZ: You also identify
 2 insufficiently experienced commanders over operations as a
 3 problem, correct?
 4 COLONEL VERMAAK: That is correct.
 5 MR GOTZ: And the lack of the necessary
 6 equipment or possibly the inadequate use of available
 7 equipment, correct?
 8 [09:51] COLONEL VERMAAK: That is correct.
 9 MR GOTZ: And you also identify
 10 inadequate information and intelligence gathering systems
 11 as a particular concern, correct?
 12 COLONEL VERMAAK: That is correct.
 13 MR GOTZ: In your evidence-in-chief you
 14 also mentioned a concern relating to a decrease in the
 15 number of POP personnel, as we understood your evidence.
 16 You suggested that there was a minimising of POP as a
 17 consequence of restructuring that occurred during the
 18 1990s.
 19 COLONEL VERMAAK: Yes, Chair, with their
 20 new approach they made the decision, some of the members
 21 must go to the police stations. What the problem with that
 22 was, is that when a member is transferred to the police
 23 station, in the beginning the idea was that they will work
 24 as a group with the police station and with the members of
 25 the police stations but then unfortunately they were used

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1 by VISPOL and they were divided in different shifts, so the
 2 groups was not anymore utilised at the stations as one
 3 group. They were supposed to handle the level 1 and the
 4 level 2 unrest situations and that caused that the public
 5 order police decreased a lot and also it put, it made it
 6 difficult for them with less people to handle big events,
 7 as I pointed it out in my letter in May 2012.
 8 MR GOTZ: And just so that we have an
 9 additional reference for this point, perhaps we can have a
 10 look at exhibit R which is a document entitled "Police and
 11 Guidelines – Policing of public protests, gatherings and
 12 major events," if we can put exhibit R up on screen? This
 13 is a document that's in fact issued by the Ministry of
 14 Police and the relevant passage appears on page 14 of that
 15 document under the heading which is at the bottom of what
 16 is visible on screen, "Establishment of a dedicated Public
 17 Order Policing (POPs) Unit." In this passage the Ministry
 18 makes the point that in fact the public order policing unit
 19 is something that is required by section 17 of the SAPS
 20 Act. It reads, "In terms of the SAPS Act the National
 21 Commissioner is obliged to establish a national public
 22 order policing unit and maintain the same. Such a unit was
 23 indeed established during 1996. During 2002 the POP unit
 24 was subject to the SAPS restructuring and aligned to
 25 function at policing area level as the Area Crime Combating

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1 Units. As the latter name suggests, the functions also
 2 changed to include crime combating." Then the Ministry
 3 makes the point, "Unfortunately, this relegated the crowd
 4 management function into a secondary function. During the
 5 subsequent restructuring process in 2006, the policing
 6 areas were disbanded and policing resources 'released' to
 7 supplement much needed capacity at station level. Again
 8 the ACCUs was affected and the name was changed to Crime
 9 Combating Units."

10 And then on the next page, so it will be the top
 11 of page 15, "The restructuring also had the effect that the
 12 CCUs were incorporated as a section under the division
 13 Operational Response Services. The ACCUs was drastically
 14 rationalised and more than half of its members seen
 15 deployed to police station level to strengthen the 'local
 16 crime combating' initiatives. The remaining half of
 17 members found themselves in a situation where they had to
 18 cover bigger areas with lesser resources." And then the
 19 document on page 16 identifies the depletion of POP
 20 personnel as a serious problem and concludes, "The National
 21 Commissioner must ensure that sufficient appropriate
 22 capacity is created (whether by transferring back previous
 23 experienced and skilled members or building capacity
 24 through effective and focused training to other members
 25 deemed fit) and must ensure that the unit is appropriately

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1 resourced." I presume that you agree that those
 2 restructuring decisions which are identified in those
 3 passages had an extremely detrimental effect on the unit
 4 which we now call POP.

5 COLONEL VERMAAK: That is correct. I
 6 think what he also missed there is, at some stage the POP
 7 was put under the Visible Policing Division as well and
 8 2010, if I remember correctly, they were again placed under
 9 Operational Response Services.

10 MR GOTZ: So what we see, I think fairly
 11 summarised, is some schizophrenia as to what to do with
 12 this particular unit but what's happened over the years has
 13 been a significant depletion of both resources and
 14 personnel which has had a detrimental effect on the
 15 operations of those units.

16 COLONEL VERMAAK: That is correct.

17 MR GOTZ: You would agree that POP
 18 currently has a significant or has a shortage of personnel.

19 COLONEL VERMAAK: Ja, I agree on that.

20 MR GOTZ: And you'd agree that this is a
 21 serious problem.

22 COLONEL VERMAAK: That's -

23 MR GOTZ: Did you say that's correct?

24 COLONEL VERMAAK: That's correct.

25 MR GOTZ: Just a further reference, Tait

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1 and Marks, which is the exhibit 00032 also identify this
 2 issue in similar terms on page 18 of their article, so
 3 that'll be 00032 on page 18 and I'm not sure that it's
 4 necessary to read the entire passage into the record but
 5 perhaps we can go down to the bottom of the page. It's the
 6 passage on the right-hand column or in the right-hand
 7 column which starts, "However, even while this unit was
 8 being restructured" and if you cast your eye over that
 9 passage, Lieutenant-Colonel, you'll see that they
 10 essentially make the same point that is made in exhibit R.

11 CHAIRPERSON: The passage is actually
 12 quite important, perhaps we should read it. The authors
 13 talk about the restructuring of the unit which is now the
 14 POP unit.

15 COLONEL VERMAAK: That's correct, Chair.

16 CHAIRPERSON: And they say even while
 17 this unit was being restructured, "there was a longer term
 18 plan in the mind of police leaders to decentralise public
 19 order policing. In a second round of 'restructuring' most
 20 of the newly retrained POP members were deployed to
 21 stations where they were meant to guide local visible
 22 police in the policing of public order events. However,
 23 the required in-service training did not occur, leaving the
 24 stations ill-prepared as first responders to crowd events.
 25 In addition, the significantly reduced POP unit itself was

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1 also restructured and renamed the Crime Combating Unit
 2 (CCU) in 2006. This unit's primary function was no longer
 3 crowd
 4 management, but crime control. Its original core
 5 mandate was watered down, while ongoing training in crowd
 6 management philosophy and strategy fell away."

7 And then comes this paragraph, These
 8 restructuring processes have proven very disruptive of
 9 public order policing capacity. The result has been a loss
 10 of capacity, morale and the esprit de corps that once
 11 existed. This restructuring process shifted focus away
 12 from the specialist skills developed so painstakingly in
 13 the mid-1990s and is reason for concern given the increases
 14 in (volatile) protest action." Now I take it that the
 15 point of Mr Gotz's question is, do you agree with those
 16 views?

17 COLONEL VERMAAK: I do agree with that,
 18 Chair.

19 CHAIRPERSON: And then the next paragraph
 20 makes a point that appears to be relevant to Marikana. "An
 21 additional problem confronting those police responsible for
 22 public order policing has been the introduction of
 23 additional layers of 'paramilitary' police, such as the
 24 Tactical Response Units (TRU), into public order
 25 management. Many of the members of these units lack

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1 training and skills in the democratic policing of public
 2 order events.30 This has led to problems with co-ordination
 3 during public order events. The CCU was mandated to co-
 4 ordinate the actions of the stations and the Tactical
 5 Response Unit at
 6 protests. Members from the stations who are
 7 deployed to public order events are generally not provided
 8 with appropriate briefing, equipment or training. The
 9 result is that they tend to resort to heavy-handed tactics
 10 very rapidly. They do not display commitment to the
 11 principles of minimal or proportional use of force,
 12 tolerance or
 13 negotiated arrangements. Lines of accountability
 14 have also become blurred and it has become difficult to
 15 identify which units and individuals have been
 16 unnecessarily violent or rough with protesters." Now do
 17 you wish to comment at all on – there are a number of
 18 statements in that paragraph, if you don't agree with all
 19 of them I think you should indicate those with which you
 20 don't agree, unless you don't agree with all of them but it
 21 does appear, prima facie at least and obviously we're going
 22 to hear more evidence on this, that regard being had to
 23 your background and experience, you appear to be in a
 24 position to make comments which would carry some value. So
 25 are you able to –

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1 COLONEL VERMAAK: Yes, Chair.
 2 CHAIRPERSON: - respond at all to what is
 3 said in this paragraph? Are the authors right or have they
 4 got it wrong?
 5 COLONEL VERMAAK: I think most of it is
 6 correct, Chair. Referring to TRT, I just want to say that
 7 the TRT is functioning on their own. They are falling
 8 under their own provincial co-ordinator and also they're
 9 falling under the unit commander and those unit commanders
 10 is giving feedback to the cluster commander. So that is
 11 one of the problems. In the past we did have the capacity
 12 of a reaction unit, that is members who did more or less
 13 the same as the TRT but they were part of the public order
 14 unit, so they get the training of public order policing,
 15 they were part of all the exercises with them, they attend
 16 the public order policing courses and then they were
 17 selected to be part of the reaction groups in the public
 18 order police. So it makes it much more controllable to
 19 control these people as part of a public order police unit.
 20 Then I must also, one of the problems that I also
 21 identified is, in the past the public order or the internal
 22 stability unit at that stage, has to go through an
 23 evaluation process by psychologists of the police and if
 24 you do fail that, they work on a specific battery to
 25 establish if you can be used in public order police and

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1 that totally fall away –
 2 CHAIRPERSON: Psychometric testing, in
 3 other words.
 4 COLONEL VERMAAK: Ja, ja –
 5 CHAIRPERSON: You had to come
 6 satisfactorily through the psychometric testing –
 7 COLONEL VERMAAK: That is correct.
 8 CHAIRPERSON: - to be in the POP, is that
 9 right?
 10 COLONEL VERMAAK: That's correct, Chair.
 11 CHAIRPERSON: And you say that's fallen
 12 away now?
 13 COLONEL VERMAAK: That's correct, Chair.
 14 So this is other topics that is maybe not discussed in this
 15 article but I believe that has a big influence on the
 16 members as well. And then at one stage all the shotguns
 17 was withdrawn from the police stations, they did not leave
 18 something alternative for the members on the police
 19 station. They withdrew all the shotguns and it was only
 20 being used by public order police. I remember it at that
 21 stage, I wrote a letter also to the provincial head office,
 22 ORE's head, and I was complaining about it because I said
 23 to them normally on spontaneous gatherings the stations are
 24 first at those gatherings and then they only have R5 and 9
 25 millimetre pistols. So, but they've withdrawn it and I

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1 think up to now there is no shotguns at any police station.
 2 MR GOTZ: You also make the point in
 3 exhibit HHH68 that you have a complaint, as it were, about
 4 the withdrawal of what you refer to as birdshot shells or
 5 birdshot rounds from public order policing, from their
 6 armoury, as it were, and I'll get to that point but can we
 7 just return to the point that is made by Tait and Marks on
 8 page 19 which the Chairperson has read to you and in
 9 anticipation of the questions that I am going to raise, has
 10 indicated that this is a significant, significant point.
 11 The Chairperson put to you, or perhaps not put to you but
 12 mentioned that this may be relevant to Marikana. Do you
 13 think that the introduction of paramilitary units into the
 14 Marikana operation in August 2012 was a problem?
 15 COLONEL VERMAAK: I cannot comment on why
 16 they took the decision on deploying the TRT and STF but if,
 17 I believe if myself or Brigadier Calitz was in charge of
 18 that operation you would have only made use of public order
 19 police members.
 20 MR GOTZ: Well, I think the question is –
 21 let's take it one step further. Would you think that that
 22 would have been sufficient, the use of public order
 23 policing personnel on the 16th August?
 24 COLONEL VERMAAK: Chair, if the
 25 information that was given to them from the Sunday

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1 regarding experience with mine unrest and also from CIG's
 2 side that informed them that these people will not
 3 willingly hand over their traditional weapons, there should
 4 have been a plan B and myself should not try to approach
 5 the people on the koppie with that sort of information,
 6 especially also from the experience of the Monday where it
 7 was clear at the railway track that they're not going to
 8 hand over their weapons. So if you take all that
 9 information in consideration, I believe there was another
 10 approach that you could do.

11 MR GOTZ: Yes, I mean you've testified on
 12 a number of occasions that with your experience in POP and
 13 in fact in crowd management operations, you would have done
 14 things differently, correct?

15 COLONEL VERMAAK: That's correct.

16 MR GOTZ: Just at the level of perhaps
 17 general solutions to the concerns that we've been looking
 18 at, would you agree that the POP unit must be reconstituted
 19 as a centralised standalone unit? This is in fact a point
 20 that the Ministry makes, if we could look again at exhibit
 21 R and look at the foot of page 15 where it is said
 22 technically – in effect it says that technically section 17
 23 of the Act, of the SAPS Act, is not being complied with
 24 because there's no longer a specialised dedicated POP
 25 function and then it says, "the POP unit must be re-

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1 established, maintained and capacitated to execute those
 2 functions the Act confers upon it. Would you agree with
 3 that as a solution to some of the concerns that have been
 4 raised?

5 [10:11] COLONEL VERMAAK: I do agree with that.

6 MR GOTZ: Would you agree that
 7 significantly more POP members are needed?

8 COLONEL VERMAAK: With the correct
 9 selection, yes.

10 MR GOTZ: And that training needs to be
 11 dramatically improved.

12 COLONEL VERMAAK: That's correct. I can
 13 mention, in the past there was different courses that was
 14 continuously, where the people or the members were sent on
 15 and they were called the FLOM 1, FLOM 2 and FLOM 3 courses.
 16 Now your FLOM 1 course was mainly for your normal members
 17 and FLOM 2 was for your section commanders and FLOM 3 was
 18 for your platoon commanders and then you've got your
 19 operational –

20 MR GOTZ: I don't want to interrupt you.
 21 FLOM, is that F-L-O-M?

22 COLONEL VERMAAK: F-L-O-M, that's
 23 correct.

24 MR GOTZ: Can you tell us what that
 25 stands for?

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1 COLONEL VERMAAK: Now I was sitting here
 2 to think exactly the same, what is the meaning but I
 3 remember it is also coming from that investigations from
 4 the Belgians and the France where this training started.

5 MR GOTZ: In any event, I interrupted
 6 you. You were telling us what also needed to be done in
 7 terms of training.

8 COLONEL VERMAAK: Okay and the last one
 9 was an OCT course where your operational commanders and
 10 overall commanders were attending those courses. I know
 11 now lately they also send station commanders and head of
 12 VISPOL at police stations on the operational commanders
 13 training.

14 MR GOTZ: I'm told by my learned friend
 15 Mr Budlender that it's F-L-O-M stands for First Line
 16 Operational Managers.

17 COLONEL VERMAAK: That's correct.

18 MR GOTZ: Thank you for that. You'd also
 19 agree, I suspect, that there's a drastic need for an
 20 assessment of the correct equipment that needs to be taken
 21 on these operations and that equipment needs to be
 22 provided.

23 COLONEL VERMAAK: I have testified that
 24 your public order member is issued with specific
 25 ammunition, firearms and other riot, they call it riot gear

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1 and when you deploy as a POP member, they expect you to
 2 take that all with you. I know in the North-West they took
 3 the initiative to buy a bag where all those equipment could
 4 be put in and it was easily, for them to only take his bag
 5 and go where he is needed with all his equipment, his
 6 bullet-proofs, gas masks, riot helmet, shotgun, the
 7 ammunition that they are supposed to have. They also issue
 8 him with stun grenades and also per sections there were
 9 also shields that was available to the people, depending on
 10 the situation they have to go and face. If it is a total
 11 peaceful demonstration then it is not always necessary to
 12 take for example your shields with you but if you deploy to
 13 a place where you knew that there's, you expect serious
 14 problems, we can maybe take for example Bloemhof now that
 15 we all see there's big problems there, there they will go
 16 with full riot gear to handle those situations.

17 MR GOTZ: Thank you, Lieutenant-Colonel.
 18 I take it you will also agree with the proposition that the
 19 intelligence function that was previously part of the
 20 capacity of POP needs to be restored.

21 COLONEL VERMAAK: In the past - I have a
 22 document here regarding the intelligence capacity in the
 23 POP – there was stipulated what is expected from your
 24 information manager, what sort of information is needed,
 25 what information he was expected to give to his commander,

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1 the information that they are supposed to gather during
 2 operations to keep the operational commander up to date so
 3 that he can make the necessary decision on it, but if you
 4 have that document you will see in it there's a lot of
 5 requirements, also for a member to be in the information
 6 section, that they put some requirements for him to be part
 7 of that group of people.
 8 MR GOTZ: Is that the document which has
 9 been handed up as an exhibit entitled "The information
 10 note" or is that a different –
 11 COLONEL VERMAAK: It's a different one.
 12 If you just give me a minute, I have got it here.
 13 MR GOTZ: I think what we can probably do
 14 –
 15 CHAIRPERSON: Handed in as an exhibit,
 16 Lieutenant-Colonel?
 17 COLONEL VERMAAK: I don't know, Chair.
 18 CHAIRPERSON: I don't remember it but
 19 that doesn't mean anything. Have you got it with you?
 20 COLONEL VERMAAK: I've got it, Chair.
 21 CHAIRPERSON: Well, produce it and
 22 perhaps – I don't know whether there is something, some
 23 point you want to make on it or I don't know whether Mr
 24 Gotz wants to take the point further.
 25 MR GOTZ: Well, Chair, we have no – I

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1 think it makes the point that we have established but if
 2 it's further support for it, we have no objection to it
 3 being handed in as an exhibit.
 4 CHAIRPERSON: Well, I imagine you
 5 wouldn't object but others might.
 6 MR GOTZ: So we have elicited that during
 7 evidence and I think we can make copies available during
 8 the –
 9 CHAIRPERSON: I'm going to take the
 10 comfort break in 10 minutes so perhaps we can then, the
 11 necessary – well, perhaps let's just look at the document
 12 to see whether we want, it may – if it simply repeats what
 13 we know already then there's no point in burdening the
 14 record even further with another document if it makes a
 15 point we have already, but if it's got stuff in it which we
 16 haven't quite had in the way it's presented – I mean this
 17 article for example, OOO32 has got some very valuable,
 18 well, prima facie very valuable stuff. It may be that
 19 other parties to the Commission may attack some of the
 20 points made and say that we shouldn't adopt them and put
 21 them in our report but prima facie it addresses the issues
 22 which arise in this Commission, particularly the use of
 23 paramilitary tactics and that sort of thing, which are
 24 clearly matters that have to engage our attention. So if
 25 this document is like that then I think we should put it in

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1 but we can't say that until we've seen it, can we?
 2 MR GOTZ: Yes, indeed. Let's have a look
 3 at it during the adjournment.
 4 CHAIRPERSON: Is there some material,
 5 cross-examination material you can usefully – I don't like
 6 the word but I will use it – deploy from now until half
 7 past 10 or would you prefer me to take the comfort break
 8 now? I'm in your hands.
 9 MR GOTZ: Well, let me – let's take the
 10 comfort break now, it does –
 11 CHAIRPERSON: Comfort break. Let's try
 12 to be back – sorry, Mr Chaskalson?
 13 MR CHASKALSON SC: Chair, given that
 14 we're breaking at 12 today, can I suggest that the comfort
 15 break and tea break are rolled into one at this point?
 16 CHAIRPERSON: We will have a comfort,
 17 we'll have a hybrid break, to use a word that's been used
 18 in this Commission, we'll have a hybrid break, a comfort
 19 break and a tea break at the same time. Mr Chaskalson's
 20 proposal is adopted. We will now take the break that he
 21 has referred to.
 22 MR GOTZ: Thank you, Chair.
 23 [COMMISSION ADJOURNS COMMISSION RESUMES]
 24 [10:47] CHAIRPERSON: The Commission resumes.
 25 Lieutenant-Colonel, I remind you that you're still bound by

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1 your affirmation. Mr Gotz, are you now ready to – what's
 2 the story about that document? Do we –
 3 SALMON JOHANNES VERMAAK: (affirms
 4 further)
 5 MR GOTZ: Thank you, Chairperson.
 6 CHAIRPERSON: Procedural Manual – Public
 7 order police information manual. Oh!
 8 MR GOTZ: Yes, Chair, we actually think
 9 it should be introduced as an exhibit.
 10 CHAIRPERSON: Alright.
 11 MR GOTZ: It does have some useful
 12 information.
 13 CHAIRPERSON: OOO34.
 14 MS PILLAY: Chair, 35. OOO35.
 15 CHAIRPERSON: Oh sorry, 35. Oh yes, of
 16 course, because the presentation has already been numbered
 17 in anticipation. Alright, OOO35 will be the Procedural
 18 Manual, Public order or just POP information management, 1
 19 Ed 2000, is that right? As far as you know is this still
 20 the current edition or is there, have other manuals, other
 21 editions appeared since?
 22 COLONEL VERMAAK: Chair, as far as I know
 23 there's no other document drawn up.
 24 CHAIRPERSON: Alright, thank you.
 25 CROSS-EXAMINATION BY MR GOTZ (CONTD.):

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1 Lieutenant-Colonel, as we read this document, it was
 2 produced in or around 2000, correct?
 3 COLONEL VERMAAK: That's correct.
 4 MR GOTZ: And it sets out in quite some
 5 detail the information management procedures that should be
 6 instituted and kept by POP units, correct?
 7 COLONEL VERMAAK: That is correct.
 8 MR GOTZ: Is your point that, despite the
 9 fact that we have such information manuals available or
 10 rather that the SAPS has such information manuals
 11 available, that there has been a departure from the
 12 principles that are set out in this document?
 13 COLONEL VERMAAK: As I must look on what
 14 was happening in August 2012, that was one of my concerns
 15 that there's a lack of information. I did not know any
 16 public order police member who made any inputs from the
 17 information section during that period.
 18 MR GOTZ: Is your point also that each
 19 POP unit or the POP units that are deployed in crowd
 20 management operations need to have and apply the
 21 principles, need to have in place these information
 22 management systems and apply the principles that are set
 23 out in this document?
 24 COLONEL VERMAAK: That's correct. Every
 25 unit, every public order unit, Chair, must have this

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1 management.
 2 MR SEMENYA SC: Chair, can we invite the
 3 witness to give specificity in relation to the criticisms
 4 they do. I find the questions are broad and answers are
 5 also broad. It does not help us understand where the focus
 6 of the criticism lies.
 7 CHAIRPERSON: I hope you'll forgive me,
 8 Mr Gotz, if I say that seems to me to have merit because
 9 you know at the end of the day we're going to be called
 10 upon to make recommendations and, you know, broad
 11 recommendations aren't going to help. Specific
 12 recommendations focused on particular defects will be
 13 necessary and important. So this witness, I think your
 14 point is that he is able to assist us in that regard and
 15 what Mr Semenya says is obviously important. So would you
 16 be kind enough to bear it in mind as you proceed with your
 17 cross-examination?
 18 MR GOTZ: Yes, Chair, I think the point
 19 has merit but it was a little premature because I was
 20 moving from the general proposition to the more specific.
 21 I should just say also that we unfortunately have not had
 22 the time to study the document in detail and so we'll be
 23 relying on –
 24 CHAIRPERSON: We finish as 12 today. You
 25 may not be finished with your cross-examination despite the

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1 fact that you said you thought you might, but the way it's
 2 going I don't think it will. That'll give you an
 3 opportunity to look at the documents overnight, to bring
 4 some such specificity as you can command to bear tomorrow.
 5 MR GOTZ: Yes.
 6 CHAIRPERSON: And if necessary, if you
 7 finish your cross-examination before 12, there's no-one
 8 standing ready to take over from you so we might have to
 9 adjourn early, it'll give you an opportunity, an even
 10 longer time to study this document and come with specific
 11 focused, helpful cross-examination – I'm not suggesting
 12 your cross-examination is unhelpful, please don't think
 13 that but you can come with specific focused cross-
 14 examination on the morrow.
 15 MR GOTZ: Yes, Chair. I think what I
 16 would like to do now is simply ask the witness to identify
 17 for us, with your knowledge of the document, what
 18 particular recommendations or principles are established or
 19 set out in this document and perhaps if you can identify
 20 also which specific paragraphs you think weren't,
 21 principles weren't adhered to during the week of August 12th
 22 to the 16th August 2012. So perhaps to get it a little bit
 23 more focused, Lieutenant-Colonel, perhaps we can start by
 24 turning to the content of the document, perhaps we can
 25 start on paragraph 5 –

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1 CHAIRPERSON: I'm sorry to interrupt you,
 2 Mr Gotz, he mentioned the document so obviously it's
 3 something that he's been using, I take it, since 2000. He
 4 probably stopped using it on the same regular basis as he
 5 did before in 2005 but I take it there may well be passages
 6 that he wishes to bring to our attention and perhaps that
 7 might be a helpful way to go. I don't mean to interrupt
 8 you –
 9 MR GOTZ: No –
 10 CHAIRPERSON: That's just a suggestion.
 11 MR GOTZ: Let's, Lieutenant-Colonel,
 12 let's give it or hand it over to you, perhaps you can
 13 identify the particular paragraphs that you want to
 14 highlight for us.
 15 COLONEL VERMAAK: Thank you, Chair, if
 16 you can go to paragraph 4.4. It's page 8, it says there,
 17 "Information may be gathered from a variety of sources. In
 18 the first instance, a notice required in terms of the
 19 Regulation Act will provide the operational response
 20 services with valuable information regarding some
 21 gathering. Other types of gatherings may come to the
 22 attention of operational response services through
 23 organisers of sporting events, local governments and other
 24 police sources." Then if you can go to the next page, 4.7
 25 "The historical and statistical data which includes

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1 information pertaining to events is just as important in a
 2 planning of any public gathering.”
 3 MR GOTZ: Can I just highlight paragraph
 4 4.5 where you, where this document stresses that all
 5 information must be kept and readily obtainable and it
 6 gives the example, telephone numbers of leaders of a labour
 7 union such as my client AMCU, for example, those should be
 8 kept because it is information that is available to the
 9 public and which can be obtained from any telephone
 10 directory. Would you agree that that sort of information
 11 ought to be kept and it's necessary to keep it?
 12 COLONEL VERMAAK: That's correct. There
 13 is, later in this document, files that they are referring
 14 to that must be kept at each unit.
 15 MR GOTZ: Lieutenant-Colonel, if you can
 16 proceed?
 17 COLONEL VERMAAK: Page 10 –
 18 CHAIRPERSON: Before you go to page 10,
 19 who is IRIS and IRIS Bis? They are referred to in 4.7 on
 20 page 9. We may have been told this already but if we have,
 21 I've forgotten, but who is IRIS or who are IRIS or what is
 22 IRIS and what is IRIS Bis?
 23 COLONEL VERMAAK: Chair, IRIS is the
 24 system where the public order police – I think I have
 25 explained it that all events that happen, it is registered

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1 on the IRIS system then it is immediately available on the
 2 whole system. Everybody who is registered on that can draw
 3 that sort of information. The IRIS Bis is a system where
 4 you share some information on the system where anybody also
 5 can go in and have a look at the information that specific
 6 units have.
 7 MR GOTZ: Thank you.
 8 CHAIRPERSON: You were moving on to page
 9 10.
 10 COLONEL VERMAAK: Page 10, paragraph 5.5,
 11 “Information obtained during the event is vitally important
 12 as in some situations the information gathered would either
 13 have evidential value, which would be used to prosecute any
 14 transgressors, or used for future operations with that same
 15 group of demonstrators.” The next page 11 and I think that
 16 is also a very critical part, “When unconfirmed information
 17 is received it can never be ignored. It must used to
 18 prepare for possible actions although all information
 19 should always be followed up for confirmation and
 20 intelligence. Patrols can be sent out and the various
 21 intelligence agencies within the SAPS can be used to
 22 confirm information.”
 23 In page 12 the four categories of information,
 24 “Information can be divided into four categories for
 25 operational response service purposes, namely events,

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1 groups, persons and interventions.” If we can go to page
 2 14, paragraph 6.5, 6.5.1 “Information on previous
 3 operational response service interventions with similar or
 4 same group is an important source of information, is vital
 5 for operational commanders to study these interventions as
 6 it is a vital tool for assessment of an operation. These
 7 previous interventions are important for the operational
 8 commander in drawing up contingency plans and also with the
 9 preparations for an operation. Information on previous
 10 interventions are also important for national command to
 11 evaluate present strategies, tactics and techniques used
 12 for the handling of public order situations. Information
 13 of this nature will have an effect on the equipment and
 14 training of the personnel of operational response
 15 services.”
 16 Then on page 16, the post description of
 17 information manager, you will see on the top, Chair, it's
 18 the unit commander then your operational commander, in the
 19 middle is your information manager, on the right-hand side
 20 is your operational commander, company commander and you
 21 can see how the information is being distributed to all the
 22 people. The objective, collecting and analysing,
 23 utilisation and dissemination of information to the unit
 24 commander, operational commander and the relevant company
 25 and platoon commanders.

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1 Then the qualification for an information
 2 manager, they say he must have analytical skills,
 3 experienced POP officer, proficient in English, none
 4 convictions for dishonesty, negotiation skills, good human
 5 relations, sound human knowledge, POP information gathering
 6 and processing training and he must also have the platoon
 7 commanders' training.
 8 CHAIRPERSON: - know Act 205 of '93 and
 9 the Constitution, report writing skills, knowledge of IRIS
 10 and be computer literate.
 11 COLONEL VERMAAK: That's correct, Chair.
 12 Then I can go to page 28 –
 13 CHAIRPERSON: Can I ask you, sorry to
 14 interrupt you, what exactly is the complaint? Did the, in
 15 2012 did the POP people in the North-West not have an
 16 information manager at unit level as is described here in
 17 this annexure?
 18 COLONEL VERMAAK: No Chair, they didn't
 19 and that is also due to training, a lack of training these
 20 days to the members at POP.
 21 MR GOTZ: So would it be fair to say,
 22 Lieutenant-Colonel, that if, as we see in annexure A, it's
 23 recognised by POP documents that it's important to have an
 24 information management system put in place and overseen by
 25 an information manager, this capacity as it were has been

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1 lost and had been lost by the time August 2012 came along?
 2 COLONEL VERMAAK: If they really utilised
 3 it as it is now, I don't know, but I know that during 2012
 4 at the JOC meetings there were no POP members, information
 5 managers specifically, who gave any feedback during the JOC
 6 meetings.
 7 CHAIRPERSON: Lieutenant-Colonel, you've
 8 been referring us to various paragraphs. If there are
 9 other paragraphs in this document you want to refer us to,
 10 may I suggest that at the end of the day you just give us a
 11 list of the references and we can read them overnight and
 12 so on because, you know, it takes times to read them out.
 13 Obviously they're important but it would help us if we
 14 actually had a chance to look at them first because I don't
 15 think that'll affect Mr Gotz's cross-examination because he
 16 wasn't expecting this document anyway.
 17 COLONEL VERMAAK: That's correct, Chair.
 18 CHAIRPERSON: If that is acceptable to
 19 you, I suggest we move forward that way. Mr Gotz?
 20 MR GOTZ: Yes. And Lieutenant-Colonel, I
 21 may study the document overnight and have specific
 22 questions that I may want to ask in relation to –
 23 COLONEL VERMAAK: I can maybe mention
 24 there's only two topics still that I, have been highlighted
 25 in this document.

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1 CHAIRPERSON: If you can perhaps then
 2 just orally give us the references then Mr Gotz will return
 3 to them on the morrow when he resumes his cross-
 4 examination.
 5 COLONEL VERMAAK: It is page 28 paragraph
 6 3, 3.1 and 3.2 and 3.2.4 on page 29, Chair.
 7 CHAIRPERSON: Are those the only other
 8 two passages that you were referring us to?
 9 COLONEL VERMAAK: That's correct.
 10 CHAIRPERSON: Alright, so if you can take
 11 up those topics tomorrow then, Mr Gotz, when you've had an
 12 opportunity to study the relevant passages and there may be
 13 something else of course in this manual that you'll want to
 14 bring to our attention and seek assistance from the witness
 15 on.
 16 MR GOTZ: Thank you, Chair. Lieutenant-
 17 Colonel, can we go back to your letter that you wrote in
 18 December 2012, exhibit HHH68, and return to the paragraph
 19 which we referred to briefly in the beginning which is
 20 paragraph 9, it's on the second page. We highlighted the
 21 first sentence of that paragraph at the outset of my
 22 questioning and it's to the second sentence that I want to
 23 draw your attention to. You say that after making the
 24 point that most of the time members handled unrest
 25 situations without loss of lives, you then say, "The

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1 members were permitted to use number 5 shotgun birdshot
 2 cartridges and in my 15 years in the POP there were only
 3 two protesters killed by number 5 birdshot shotgun rounds."
 4 And you make a similar point where you conclude this point
 5 in paragraph 12.3 of your letter, if we can go to the next
 6 page where you make the point that one of the
 7 recommendations that ought to be considered is a
 8 reconsideration of the facts, you say to issue the members
 9 again with number 5 birdshot shotgun rounds instead of R5.
 10 "I'll rather wound a protester with number 5 shotgun
 11 birdshot than kill him with an R5 rifle." Now Lieutenant-
 12 Colonel, I understand that the point you're making is that
 13 live, let's say weapons that shoot live rounds such as the
 14 R5 rifle ought not to be used in public order policing
 15 operations.
 16 [11:07] COLONEL VERMAAK: That is correct.
 17 CHAIRPERSON: But you know, Mr Gotz, we
 18 have covered this point before. I think even when he was
 19 giving evidence-in-chief being led by Adv Pillay, this
 20 point was dealt with. So I don't want to unduly hamper you
 21 in your cross-examination but I think repetition is
 22 something to be avoided if possible.
 23 MR GOTZ: With that in mind, Lieutenant-
 24 Colonel, the only point that I want to still raise with you
 25 is, you are aware that various people, two people in

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1 particular were killed with shotgun rounds at scene 1 on
 2 the 16th of August.
 3 COLONEL VERMAAK: That's correct, Chair.
 4 If you use shotgun rounds there's also specific
 5 instructions on which distances you might use the shotguns,
 6 as it's also with, the same with rubber rounds and the
 7 shotgun, there's also specific instructions from which
 8 distance you are allowed to use it. So if you stay in that
 9 distances that is being described, the chances is very less
 10 that you will kill a person with shot, number 5.
 11 MR GOTZ: Well, Mr Mdze and Mr Yona both
 12 died, according to the pathologists, from injuries
 13 sustained by shotgun pellets at scene 1 on the 16th of
 14 August. Are you aware of that?
 15 COLONEL VERMAAK: I am aware of it, yes.
 16 MR GOTZ: The Commission has had some
 17 difficulty in identifying the source of shot shotgun
 18 pellets. Are you able to assist, Lieutenant-Colonel?
 19 COLONEL VERMAAK: As far as I know, there
 20 is no number 5 shotgun rounds, it's withdrawn very long ago
 21 and there was some inspections at the units to make sure
 22 that they do not have number 5 in their possession.
 23 MR GOTZ: When you refer to birdshot
 24 number 5 shotgun rounds, is that the same type of
 25 ammunition as we understand as shotgun pellets? They're

Page 26421

1 small –

2 COLONEL VERMAAK: Very small ball, you

3 can call it ball bearings. I think they are about a

4 millimetre in diameter.

5 MR GOTZ: Sorry, are you finished your

6 sentence?

7 COLONEL VERMAAK: Yes, I'm finished,

8 Chair.

9 MR GOTZ: Sorry, I didn't understand.

10 Are you not able to assist us as to where those shotgun

11 pellets were shot from or who shot them?

12 COLONEL VERMAAK: No, Chair,

13 unfortunately not.

14 MR GOTZ: I want to raise an issue which

15 is of some concern to my client, AMCU, and it's a statement

16 that you make in paragraph 4 of your consolidated statement

17 LLL8, if we can have that up on the screen. In paragraph 4

18 you're describing the events of Sunday the 12th of August.

19 You say in the first sentence of that paragraph that you

20 received a phone call from Brigadier Calitz asking you to

21 deploy a helicopter to Marikana as a result of the unrest

22 there. You then say that you sent Warrant Officer

23 Padayachee and Sergeant Venter off in the Robinson R44

24 helicopter to give air support and then you, as I

25 understand what you say in paragraph 4, you received BBM

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1 photographs from Sergeant Venter which you then forwarded

2 on to Brigadier Calitz as well as Brigadier Garnett. You

3 also sent a message, you say in the last couple of

4 sentences of paragraph 4, you sent an SMS or a BBM message

5 at about 13:51 to say AMCU and NUM are fighting one

6 another. You don't say so expressly but I presume that you

7 sent that to Brigadier Garnett of the NATJOC as well.

8 COLONEL VERMAAK: That is correct, Chair.

9 I can just mention, that is the information that I received

10 from Sergeant Venter and Warrant Officer Padayachee after

11 have landed close to the scene and that was also the

12 information that they received from the people who was on

13 the ground and that is the information that I conveyed to

14 Brigadier Calitz and Garnett.

15 MR GOTZ: Let us go to the point that

16 you're making in relation to information gathering, in

17 particular the accurate verification of information. Do

18 you accept that the information that you received –

19 CHAIRPERSON: Sorry, sorry, before you

20 carry on, on that point – you say information to people on

21 the ground, were these people on the ground who gave this

22 information about the involvement of AMCU in these –

23 COLONEL VERMAAK: That is –

24 CHAIRPERSON: - fight with NUM. Were

25 these Lonmin people or informants or –

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1 COLONEL VERMAAK: That was security

2 officers.

3 CHAIRPERSON: Of Lonmin?

4 COLONEL VERMAAK: Of Lonmin, on the

5 ground, Chair.

6 CHAIRPERSON: We do know that Lonmin were

7 under the impression, which may or may not be correct,

8 Lonmin were under the impression – and this is what they

9 conveyed to the generals when they came – that the cause of

10 the trouble was conflict between AMCU and NUM and in fact

11 they appear to have equated the strikers with AMCU. They

12 used the expression the strikers or the expressions, the

13 strikers and AMCU, almost interchangeably. Now it

14 certainly appears to have been the information which Lonmin

15 had or the belief that Lonmin had. The evidence that we've

16 had so far seems to indicate that that may not be correct

17 because a number of the strikers appear to have had no

18 union affiliations, some of the rock drill operators who

19 were involved in the strike appear to have been NUM

20 members, there were deductions from their salaries in

21 favour of NUM and in fact some of the evidence is that the

22 rock drill operators deliberately elected to proceed with

23 their campaign for increased emoluments up to the amount of

24 12 500 a month, independently of the trade unions. So

25 there are indications that Lonmin believed that the

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1 strikers were all AMCU people and it was really, AMCU and

2 the strikers were one and the same. The indications we

3 have are that that may not be correct. Can you take that

4 any further or would you agree essentially with what I have

5 put to you?

6 COLONEL VERMAAK: I agree with what Chair

7 put to me.

8 MR GOTZ: Sorry, let's just be clear.

9 What the Chairperson is putting to you is that the

10 information that AMCU and NUM were fighting each other on

11 the 12th of August was in fact incorrect. Are you agreeing

12 that it was incorrect?

13 CHAIRPERSON: No, I didn't put that.

14 What I put was that the belief that the strikers and AMCU

15 were one and the same, which was a belief which Lonmin

16 appears to have held, may not be correct and in any event

17 he says he can take it no further because this is almost

18 double hearsay that he got. I take it, or perhaps I must

19 ask you this, the statement, "AMCU en NUM baklei teen

20 mekaar," AMCU and NUM are fighting each other, which is

21 that message you sent, I take it that didn't refer to a

22 statement, there were actually hostilities taking place on

23 that Sunday afternoon between the two unions.

24 COLONEL VERMAAK: No, Chair –

25 CHAIRPERSON: - I take it a metaphorical

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1 statement that there is friction –

2 COLONEL VERMAAK: Correct.

3 CHAIRPERSON: - and conflict, whether

4 physical or otherwise, between AMCU and NUM.

5 COLONEL VERMAAK: Ja.

6 CHAIRPERSON: It merely meant that, I

7 take it, is that right?

8 COLONEL VERMAAK: That's correct. The

9 two members of the air wing was on the ground, they get

10 this information from the people on the ground. If it was

11 true, well, that is what we got land that is what we give

12 through.

13 CHAIRPERSON: Yes. No, what I meant was,

14 if there'd been an actual physical fight, a kind of trade

15 union based faction fight between NUM and AMCU going on

16 that Sunday afternoon, you would have known all about it

17 and there was no such event –

18 COLONEL VERMAAK: That's correct, Chair.

19 CHAIRPERSON: - taking place. What had

20 happened was, two security officers had been killed on the

21 Sunday morning.

22 COLONEL VERMAAK: That's correct.

23 CHAIRPERSON: But, and it was obviously

24 believed by Lonmin, it would appear that information found

25 its way to you, that as I've said, Lonmin and the strikers

Page 26426

1 and the people involved in killing the security officers

2 were all one and the same.

3 COLONEL VERMAAK: That's correct.

4 CHAIRPERSON: But that's all hearsay, you

5 can't – ja.

6 COLONEL VERMAAK: That's correct, Chair.

7 I can just mention, the helicopter withdrew back to

8 Potchefstroom at about 5 o'clock and from that they arrived

9 there on the murder scene until they have, go back to

10 Potchefstroom, there was not any other serious or any

11 incidents that they know of. The people were gathering on

12 the koppie. That photos was also sent to me and I also

13 shared it with the two brigadiers.

14 MR GOTZ: Lieutenant-Colonel, can we turn

15 to the presentation document that we've provided, it's

16 exhibit OOO34 and it's the document which is entitled "The

17 movement of the strikers from the koppie towards the small

18 kraal." Lieutenant-Colonel, I'd like to move through this

19 relatively quickly. Have you had an opportunity to study

20 the document and watch some of the videos that have been

21 referred to in the document?

22 COLONEL VERMAAK: Chair, I did see some

23 videos of the media and I did go through this, photos that

24 I was given from the –

25 MR GOTZ: Can we start with page 2 of the

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1 document? This is a photograph that you took at 15:42:35

2 on the 16th of August, do you accept that?

3 COLONEL VERMAAK: That's correct.

4 MR GOTZ: Chairperson, may I simply, may

5 I indicate that all times that we reflect in the document

6 are eTV times.

7 CHAIRPERSON: That's fine. I was going

8 to ask you about that. I expected that would be the case.

9 It seems to be accepted –

10 MR GOTZ: Yes.

11 CHAIRPERSON: - that Greenwich Mean Time

12 and eTV time are, correspond in the sense that Greenwich

13 Mean Time is two hours behind eTV time otherwise we can

14 accept it as correct.

15 MR GOTZ: Yes and it all, it does all

16 depend on which photographic instrument you're using as

17 well.

18 CHAIRPERSON: But that exercise was

19 performed by Mr Chaskalson and we've got the benefit of his

20 researches in that regard, have we not, and I understand

21 everybody accepts.

22 MR GOTZ: And this photograph, what this

23 photograph depicts, Lieutenant-Colonel, is that Nyala 1

24 which is demarcated by the red arrow on the far right, has

25 just started to deploy its barbed wire in the direction,

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1 moving in the direction of Nyala 2. Would you accept that?

2 COLONEL VERMAAK: That's correct.

3 MR GOTZ: Can I ask you just to take a

4 note of the position of Nyala 5 which is demarcated by the

5 arrow which is second to the left, if you move from left to

6 right it'll be the second arrow -

7 COLONEL VERMAAK: I saw it.

8 MR GOTZ: - to that. You can see that

9 Nyala 5 is, in a sense, parked across, across the road.

10 COLONEL VERMAAK: That is correct.

11 MR GOTZ: And can I ask you also to have

12 a look at the position of Nyala 6 which is the Nyala parked

13 on the far left? You'll see that at 15:42:35 Nyala 6 is

14 parked on the northern side of that road that you see

15 running past the small kraal.

16 COLONEL VERMAAK: That's correct.

17 MR GOTZ: Then if we can look at slide 3,

18 this is also a photograph that you took on your Pentax

19 camera at 15:43:56, so it's approximately a minute and a

20 half later. In this photograph what we see is that Nyala 1

21 has reached Nyala 2 and Nyala 1 has finished deploying its

22 barbed wire indicated by the red line and you see that the

23 two intercept in the position of the blue circle. Would

24 you agree with that?

25 COLONEL VERMAAK: That's correct, Chair.

<p style="text-align: right;">Page 26429</p> <p>1 MR GOTZ: You can see at this point that 2 Nyala 5 is still in the same position. 3 COLONEL VERMAAK: That is correct. 4 MR GOTZ: That's indicated by the yellow 5 arrow. What has changed, however, is the position of Nyala 6 6 which at this point, 15:43:56, has moved from the 7 northern side of the road to the southern side of the road. 8 COLONEL VERMAAK: I saw it. 9 MR GOTZ: Can you give us an explanation 10 of why, in effect, Nyala 6 was moved out of that line-up? 11 COLONEL VERMAAK: Chair, no, I cannot 12 assist with why and what the reason for that was. 13 MR GOTZ: One of the consequences or 14 perhaps an inadvertent consequence but one of the 15 consequences is that you can see to the right of the orange 16 circle and along that road, a large number of people 17 moving, as we interpret the photograph, down the road 18 towards Nkaneng. Was that your impression as well at the 19 time? 20 COLONEL VERMAAK: That is correct, Chair. 21 MR GOTZ: Those are people that are 22 moving off the koppie towards Nkaneng. 23 COLONEL VERMAAK: That is correct. 24 MR GOTZ: You make that point I think in 25 your witness statement, in your consolidated statement,</p>	<p style="text-align: right;">Page 26431</p> <p>1 structures. My understanding is that that's the Wonderkop 2 hostel from which a number of protesters came. 3 COLONEL VERMAAK: That is correct. 4 MR GOTZ: And the settlement as it were 5 to the, below that, is in effect Nkaneng proper, correct? 6 COLONEL VERMAAK: That is correct. 7 MR GOTZ: Where again a number of the, a 8 large number of the strikers lived. 9 COLONEL VERMAAK: That's correct. 10 MR GOTZ: Would you agree that if one is 11 a striker on the koppie, either on the 15th or the 16th, the 12 road home, as it were, would be to take either one of the 13 two paths, the one which runs closest to the small kraal 14 which will be pretty much in the centre of the photograph 15 or, alternatively, the road to the right of that where you 16 see the road fork. 17 COLONEL VERMAAK: That is correct. 18 MR GOTZ: And you yourself saw the 19 movement of strikers virtually on a daily basis moving back 20 and forth along those two pathways to the koppie and back 21 home again. 22 COLONEL VERMAAK: That's correct, Chair. 23 MR GOTZ: There was a regular movement of 24 the strikers back and forth along those, along those roads. 25 COLONEL VERMAAK: That is correct.</p>
<p style="text-align: right;">Page 26430</p> <p>1 that people moved freely – I think when you deal in 2 relation to this photograph, that people moved freely from 3 the koppie towards Nkaneng along this road. 4 COLONEL VERMAAK: That is correct. 5 MR GOTZ: And just so that we have the 6 opposite perspective, what we've done on slide 4 is to give 7 it from the, in a sense, the other direction to indicate 8 where the road to Nkaneng leads. This is also a photograph 9 that you took but not on the 16th. You took this photograph 10 on the 14th of August. Can you confirm that? 11 COLONEL VERMAAK: That's correct. 12 CHAIRPERSON: According to the note at 13 the bottom it was on the 15th – 14 MR GOTZ: Oh, I beg your pardon. 15 CHAIRPERSON: Which is the Wednesday. 16 MR GOTZ: I do beg your pardon. 17 CHAIRPERSON: I don't think anything 18 turns on it but it's nice to be accurate. 19 MR GOTZ: You took a number of 20 photographs of the scene on the 14th as well as the 15th. 21 COLONEL VERMAAK: That's correct. 22 MR GOTZ: Can you orientate us a little, 23 Lieutenant-Colonel? If I can ask you to look at the, at 24 the photograph in the middle towards the top you'll see a 25 brown patch and to the north of that you'll see some</p>	<p style="text-align: right;">Page 26432</p> <p>1 MR GOTZ: It was those roads, in fact, 2 that were blocked off by the barbed wire on the 16th. 3 COLONEL VERMAAK: I accept that. 4 [11:26] MR GOTZ: On the following slide we 5 start, commence the main point of this presentation which 6 is to outline the objective evidence relating to the lead 7 group's movement past Nyala 5 and I'd like you to look at 8 page 6 of the presentation which is headed, "Mr Noki leads 9 the front group away from the koppie." Now I think it may 10 be useful to play this clip which is exhibit JJJ194.11. 11 The clip commences at eTV time 15:48:20 seconds and let's 12 see what we see on the clip. We can go back to the 13 beginning. Lieutenant-Colonel, you'll agree with me that 14 that is a picture of the people congregated on the koppie 15 and immediately in front of the koppie. 16 COLONEL VERMAAK: Yes, that's correct. 17 MR GOTZ: And it would be on the 16th of 18 August, correct? 19 COLONEL VERMAAK: That's correct, Chair. 20 MR GOTZ: Let's play the clip and stop it 21 at six seconds. 22 [VIDEO IS SHOWN] 23 MR GOTZ: Now there you see just to the 24 left of the Casspir, that's the STF Casspir coming in from 25 the right, you'll see Mr Noki.</p>

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1 COLONEL VERMAAK: That is correct.

2 MR GOTZ: And let's see what Mr Noki –

3 CHAIRPERSON: He had some kind of green

4 blanket or green – I'm not sure if it's a blanket, it

5 probably is but you can't see that, but he seems to have

6 some kind of green, not exactly a garment, it's either a

7 blanket or a scarf or shawl or something of that kind, over

8 his right shoulder, part of it hanging down in front of him

9 and part behind. Is that right?

10 MR GOTZ: Yes.

11 CHAIRPERSON: I think it probably is a

12 blanket but I mean we can't see that from the photograph.

13 MR GOTZ: Let's proceed, if the

14 technicians can play the clip, and observe the direction

15 that Mr Noki, the man in the white with the green blanket,

16 is moving and what you'll see immediately following this is

17 the group of people that he leads, as it were. So let's

18 continue to play the clip.

19 [VIDEO IS SHOWN]

20 MR GOTZ: At 38 seconds, I think it's a

21 second further on. Now, if you look at slide 7 of our

22 presentation that's the screen shot of exhibit JJJ194.11 at

23 38 seconds. You'll agree with me, Lieutenant-Colonel, that

24 the general direction of the strikers is from left to right

25 on the screen, correct?

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1 COLONEL VERMAAK: That's correct.

2 MR GOTZ: And given your knowledge of

3 photographs and photographic angles, there's a large degree

4 of foreshortening, as it were, but they are in a sense

5 moving, they're moving from left to right, they would be

6 moving generally in a northerly direction, correct?

7 COLONEL VERMAAK: That is correct.

8 MR GOTZ: So perhaps if we can go back to

9 slide 2 of our presentation, you'll agree with me that the

10 direction that they would be heading is effectively north,

11 correct?

12 COLONEL VERMAAK: That is correct, Chair.

13 CHAIRPERSON: They seem to be moving more

14 or less parallel with the wire, is that right? Well, I'm

15 not sure if the wire was out yet but it was, they're moving

16 parallel with the –

17 COLONEL VERMAAK: More or less with the –

18 CHAIRPERSON: - with the line of the

19 wire.

20 COLONEL VERMAAK: With the Nyalas, that's

21 correct, Chair.

22 MR GOTZ: Would you agree with me also

23 that what they, if this is their starting position at

24 15:42:35, that the direction that they would be heading is

25 towards Nyala 5?

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1 COLONEL VERMAAK: Chair, the front group,

2 as we mentioned it, was crossing that crossing that you see

3 on the photo closest to the small koppie on the right-hand

4 side of the picture and then some of the people from that

5 koppie joined the front group and then they moved as I have

6 explained and also seen on that photo of mine, of the

7 Blackberry, where they move in a circle about, or to that

8 specific point for the first time where there was a clash

9 between them and the police.

10 MR GOTZ: Well, Lieutenant-Colonel, let's

11 – what I want to focus on is what the objective evidence

12 seems to be showing and what I'm putting to you is that if

13 one looks at exhibit JJJ194.11, the direction that they are

14 moving is north and the direction that they are moving is

15 towards Nyala 5. That's what exhibit JJJ194.11 seems to

16 suggest.

17 COLONEL VERMAAK: If you maybe can just

18 get that photo on where, which was taken by Blackberry,

19 where you can see the movement of the people.

20 MR GOTZ: Are you referring to the

21 photograph that's already been made an exhibit, which has

22 lines on it? I think it's 0006, it could be 0007. In our

23 presentation that photograph would be appearing on page 12.

24 COLONEL VERMAAK: It's photo 1515.

25 Chair, there you can see that they are not coming directly

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1 from that crossing next to the Nyalas. They come with a

2 sort of an arrow from the small koppie with the front group

3 in the front and then you can also notice that a lot of

4 people is walking down on this photograph towards the kraal

5 at the bottom of the photograph in the middle.

6 MR GOTZ: Lieutenant-Colonel, this

7 photograph of course was taken some minutes later and

8 perhaps what I can do is take you through the presentation

9 and you can make this point in relation to where it fits

10 in, in the timing but before the group – the point I want

11 to make to you is, before the group reaches this position

12 they in fact pass quite close to where Nyala 5 was

13 situated.

14 COLONEL VERMAAK: Chair, I cannot confirm

15 on that. I was not on the ground and I don't want to

16 speculate on a photo which was also not taken by me.

17 MR GOTZ: Well, Lieutenant-Colonel, can I

18 ask you simply to look at slides 8 and 9 of our

19 presentation which are two photographs that are showing the

20 group as they approach Nyala 5 and on slide 9 showing the

21 group as they pass Nyala 5. You would agree with me, first

22 of all, that this is the lead group, the front group as we

23 have referred to them as.

24 COLONEL VERMAAK: That is correct.

25 MR GOTZ: It is headed by Mr Noki in both

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1 photographs.

2 COLONEL VERMAAK: That's correct.

3 MR GOTZ: And you will agree with me also

4 that the Nyala that you see in both photographs is Nyala 5.

5 COLONEL VERMAAK: Well, I see it's been

6 marked on this photo, it say 5 so I'll have to accept it

7 but I did not know that for a fact.

8 MR GOTZ: Okay. I think it has been

9 established by, through various witnesses and we can get

10 those references if necessary, that that is in fact Nyala

11 5. So the position of Nyala 5 at this point, if you'll

12 refer back to side 2 of our presentation, had not in fact

13 changed.

14 COLONEL VERMAAK: I saw it.

15 MR GOTZ: So when one is looking at

16 slides 8 and 9, one is looking at, effectively, Nyala 5

17 where it is parked across the road.

18 COLONEL VERMAAK: Chair, I can only

19 testify on what I've seen and what I have taken from the

20 air with my Pentax and with my Blackberry. As I explained,

21 there was some times during the encircling with the

22 helicopter that you're not always, have everything visual

23 on the ground.

24 MR GOTZ: I accept that you see it from a

25 particular perspective, Lieutenant-Colonel, but what I'm

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1 putting to you is that there is objective evidence which

2 creates, at least in our minds, quite considerable doubt

3 that your impressions are correct. So let me put this to

4 you, is there a possibility, would you concede that there's

5 a possibility that your impression as to the movements of

6 the lead group as they moved off the koppie is not

7 necessarily accurate?

8 COLONEL VERMAAK: No, Chair, what you can

9 see on that photo is what was happening on the ground, so I

10 don't think I can be wrong if I've taken the photo clearly,

11 so I won't agree with that statement that you make, Chair.

12 CHAIRPERSON: Lieutenant-Colonel, of

13 course you do say you were circling.

14 COLONEL VERMAAK: That's correct, Chair.

15 CHAIRPERSON: So there were times where

16 presumably you lost sight of the group.

17 COLONEL VERMAAK: There were some times,

18 yes, Chair –

19 CHAIRPERSON: How long would those times

20 have been for, you know –

21 COLONEL VERMAAK: There was –

22 CHAIRPERSON: – seconds, 10 seconds, half

23 a minute?

24 COLONEL VERMAAK: We were also instructed

25 to monitor any gatherings from the informal settlement, so

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1 sometimes you will make a bigger circle and it might take

2 maybe a minute before you're again back at that specific

3 point.

4 CHAIRPERSON: So in other words there

5 were periods of about a minute when you weren't looking at

6 the group and so therefore you can't say what they were

7 doing during that time.

8 COLONEL VERMAAK: That is correct, Chair.

9 MR GOTZ: Lieutenant-Colonel, I hear your

10 answers. I think I should in fairness simply put the

11 following propositions to you. On slides 10 and 11 of our

12 presentation we have simply captured two seconds of a video

13 clip which is exhibit JJJ194.13. It is right at the

14 beginning of that clip and you'll see that at 15:50:23 and

15 at 15:50:24 Nyala 5 starts to move but at that point in

16 time the lead group of strikers is moving past Nyala 5 and

17 this clip is taken from a different angle from the

18 photograph that you see on slide 9 but is effectively taken

19 at roughly the same time. And so Lieutenant-Colonel, what

20 I –

21 CHAIRPERSON: What are you putting to the

22 Colonel?

23 MR GOTZ: If one looks at the objective

24 evidence, the analysis that we then perform on page 12 of

25 our presentation is that what in fact happens is that the

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1 lead group of strikers moves from the position in the,

2 where the green triangle is at its widest point and moves

3 effectively north past Nyala 5 and Nyala 5 at 15:50:24 then

4 starts to move in the direction that we've plotted from

5 that box that we've drawn to its position to the north-

6 west, to the north-east, I beg your pardon, of the line of

7 barbed wire and Nyalas.

8 COLONEL VERMAAK: Chair, I can only

9 testify on the photo that I have taken that day and I think

10 if you will look closer, I'm not sure, if we can zoom in on

11 that yellow arrow you will see that there's, I don't think

12 there's any person at that stage – so you can see on this

13 photo the people is coming from the small koppie and I

14 think we can also see that the people is all facing the

15 same direction, there's no group that is facing a different

16 direction. So that front group is facing straight forward

17 where that Nyala and I think the water cannon is standing.

18 So I'll stay with my version that I did not see any people

19 following the yellow line and the people that I saw is the

20 group and it is clear on this photo.

21 MR GOTZ: Well, Lieutenant-Colonel, of

22 course this is a diagrammatic representation of where the

23 strikers were or came, as we indicate, from 15:48:30 to

24 15:50:30, as we say in the top right-hand corner, so where

25 you see the point of the arrow at the point of the green

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1 triangle, that would be where they would be at – where they
 2 were, on our analysis, at 15:50:30. If you can now, your
 3 photograph of course is taken some two minutes after this,
 4 what this seeks to represent, so it's not really surprising
 5 that you don't see any people there and they've moved past
 6 that point. Do you –
 7 COLONEL VERMAAK: Chair, I just want to
 8 get to one of the photos we were shown.
 9 CHAIRPERSON: Mr Gotz, isn't the point
 10 that he can't say whether that yellow arrow of yours on the
 11 left-hand side as we look at the triangle is the route
 12 followed by the front group? You say there's evidence
 13 which indicates that. He says well, I was circling around,
 14 I didn't take a photograph at the time when the group was
 15 there, if they were there, I didn't take a photograph of
 16 them where I think they were either. So you're trying to
 17 get him to make a concession which I'm inclined to think
 18 he's not really able to make, to be fair.
 19 MR GOTZ: Well, Chair, of course I would
 20 like the concession that he may possibly have been wrong in
 21 his analysis but I have indicated already that what we are
 22 doing simply now is, in fairness to the witness, putting
 23 the conclusion of our analysis of the objective evidence
 24 and –
 25 CHAIRPERSON: I understand you're putting

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1 your analysis to him. The question is whether he can agree
 2 with your analysis or not and what he told us is that he
 3 was flying around in circles, he also had to keep an eye on
 4 people coming from Nkaneng if there were any, he was taking
 5 photographs at particular times, there were gaps for
 6 obvious reasons and what you're really asking him about is
 7 something that happened in one of those gaps. Isn't that a
 8 fair summary of what you're doing?
 9 MR GOTZ: Yes Chair, it is. I simply
 10 don't want, as Mr Mpofu always says, in the final argument
 11 to be accused of not having put –
 12 CHAIRPERSON: No, I understand.
 13 MR GOTZ: - propositions fairly to the
 14 witness.
 15 CHAIRPERSON: No, I understand that and I
 16 also indicated that if the witness can't answer the point
 17 then you can't be criticised for not having put it to him,
 18 you know, but anyway you are doing your duty as you see it,
 19 you're putting your case to the witness. Am I correct in
 20 thinking that you can't really answer what Mr Gotz says
 21 because it's, he's dealing with some that happened when you
 22 weren't looking and you weren't taking photographs.
 23 COLONEL VERMAAK: That is correct.
 24 CHAIRPERSON: Is that right?
 25 COLONEL VERMAAK: That's correct, Chair.

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1 Miskien, maybe I can just refer to page 10, exhibit JJJ194.
 2 MR GOTZ: Would you like us to play that
 3 clip, Lieutenant-Colonel?
 4 COLONEL VERMAAK: I just want to show
 5 something and then you can decide if you want to play the
 6 clip, Chair.
 7 MR GOTZ: Okay.
 8 MS PILLAY: I think the witness wants to
 9 see the presentation, Chair, not the clip.
 10 [11:46] MR GOTZ: Yes, no, I understand.
 11 COLONEL VERMAAK: Ja.
 12 MR GOTZ: Thank you. So if we can go
 13 back to –
 14 COLONEL VERMAAK: That one. Just go back
 15 one. No, to the other side.
 16 MR GOTZ: Slide 10, isn't it?
 17 CHAIRPERSON: You want slide 10?
 18 COLONEL VERMAAK: That's correct, Chair.
 19 If you look at that policeman you will see more than, to
 20 his right side is a bush and if we go back to the previous
 21 photo where the arrow is –
 22 MR GOTZ: Is that on slide 12?
 23 COLONEL VERMAAK: That's it, that's it.
 24 If you can zoom in to the point where the policeman is.
 25 MR GOTZ: Where would that be on your

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1 analysis?
 2 COLONEL VERMAAK: At the front, on the
 3 front line of the strikers or protesters. There you can
 4 see on the right-hand side there's also bush there.
 5 MR GOTZ: Sorry, you'll have to be a
 6 little bit clearer for –
 7 COLONEL VERMAAK: On the right you see
 8 that blue line, more or less in the middle of that blue
 9 line down to where you see the, maybe the first people
 10 arriving there, there is the pointer. The pointer was on
 11 it now. There it is.
 12 CHAIRPERSON: You show what looks like a
 13 greenish shape which is below the blue line, more or less
 14 in the middle of the blue line, as you say, very close to
 15 the front group of strikers.
 16 COLONEL VERMAAK: That is correct, Chair.
 17 MR GOTZ: Yes, Lieutenant-Colonel, I'm
 18 sorry, I will beg to differ with you. I'm not sure that
 19 that is the bush that you're referring to although I must
 20 say without the –
 21 CHAIRPERSON: Well, if we've got the
 22 front group of the strikers and the bush was near them, it
 23 must be somewhere on the photograph.
 24 MR GOTZ: Yes, except Chairperson, this
 25 is taken at two minutes apart so perhaps what we should do

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1 is show the clip which does indicate that the lead group of
 2 strikers has just moved past Nyala 5. And what happens
 3 there is that Nyala 5 starts to move for the first time.
 4 So it's a very short clip but you can see quite clearly
 5 that it's the lead group of strikers that are moving past
 6 Nyala 5. Nyala 5 meanwhile starts to move and on our –
 7 CHAIRPERSON: What time is that clip?
 8 MR GOTZ: Well, that – as we've indicated
 9 on slide 10, is at 15:50:23.
 10 CHAIRPERSON: Ja. Well –
 11 MR GOTZ: We've taken two –
 12 CHAIRPERSON: What you've got on your
 13 page 12 is a depiction or based upon your analysis of what
 14 happened between 15:48:30 and 15:50:30 and in fact what you
 15 - the earlier photograph is 15:50:23. So it's in that
 16 period.
 17 MR GOTZ: Yes.
 18 CHAIRPERSON: Now it seems from what the
 19 witness is saying, if I'm wrong I trust he'll correct me,
 20 that in those two minutes from 15:48:30 to 15:50:30 he
 21 wasn't there because he was circling around, he wasn't
 22 taking photographs, is that correct?
 23 COLONEL VERMAAK: That's correct, Chair.
 24 MR GOTZ: Lieutenant-Colonel, are you
 25 prepared to accept the possibility that our analysis is

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1 correct?
 2 COLONEL VERMAAK: It is a possibility but
 3 what I analyse from what I saw now there, the bush and the
 4 movement of the people and where my picture was taken, it
 5 is also a possibility that your possibility is not the true
 6 version.
 7 MR GOTZ: You see of course what we
 8 haven't done in this presentation is analyse what happens
 9 in the 15:50, from 15:50:30 to the point at which this
 10 photograph is in fact taken.
 11 COLONEL VERMAAK: I agree but I said I
 12 can only testify on what I have, photos that I have taken.
 13 You have shown me a video clip and I pointed out to you a
 14 bush and the possibility is, the bushy that you see in that
 15 one picture where the member was standing, that that might
 16 also the correct version be.
 17 MR GOTZ: Finally on this point, what I
 18 do want to put to you is as you'll see from slide 13 of our
 19 presentation, what happens after 15:50:30 is that the
 20 strikers simply continue to move past Nyala 5 until they
 21 reach the position that they are in on your photograph
 22 which we have used as a base for the diagrammatic
 23 representations.
 24 COLONEL VERMAAK: I saw it.
 25 MR GOTZ: If we can play slide, I beg

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1 your pardon, if we can play exhibit 194.14 you'll see that
 2 quite clearly.
 3 [VIDEO IS SHOWN]
 4 MR GOTZ: Well, at 10 seconds it's
 5 15:50:57 and so the clip would commence at 15:50:47.
 6 CHAIRPERSON: You see the problem I've
 7 got with this, I must put it to you so you can deal with it
 8 if I'm on a dwaalspoor here, what we're debating or what
 9 you're putting to the witness is the path followed by the
 10 front group of strikers from 15:48 to 15:50. Now if they
 11 were a ball that were thrown into the air it's probably
 12 permissible to work out what the trajectory was from 15:48
 13 to 15:40, 15:50, by looking at the trajectory after 15:50.
 14 But here's a bundle of human beings moving across the
 15 ground and by looking where they were at 15:50 or after
 16 15:50 doesn't really help us to ascertain where they were
 17 between 15:48 and 15:50 because, as I say, if they were,
 18 you know, balls that were thrown, you can follow the end
 19 part of the trajectory of the ball and you can work out
 20 where it was before that, more or less, but that doesn't
 21 apply here. So there is something amounting to a logical
 22 fallacy underlying what you're putting but perhaps that's
 23 too harsh a judgment, you may not agree with that.
 24 MR GOTZ: With respect, Chairperson, I
 25 think it is too harsh. We're not suggesting by reference

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1 to exhibit JJJ194.14 that one can work out the trajectory
 2 of what happened some 30 seconds earlier. All I'm putting
 3 to this witness is that the explanation for where they are
 4 when he takes the photograph, which is 1515 I think it is,
 5 is simply that they continued to walk past Nyala 5.
 6 CHAIRPERSON: He concedes, that's why he
 7 concedes, as I understand it, that your analysis is a
 8 possible one but he also says it's also possible, the very
 9 idea that it's a possible one indicates that it may also be
 10 wrong and I'm not sure that you can get any more out of him
 11 than a concession that your analysis is possibly correct,
 12 but –
 13 MR GOTZ: I think I can take it, as you
 14 suggest, Chairperson, no further than that. Lieutenant-
 15 Colonel, perhaps you can simply be asked, in the last
 16 moments of today we can work through the remainder of this
 17 presentation very quickly. On slide 15 in an appendix I
 18 have, we have included two scene photographs. There's been
 19 some issue in these proceedings or some doubt expressed by
 20 some witnesses that the points that I've marked A, B, C, D,
 21 E on slide 15 are joined by fences. From your aerial
 22 observation of the scene and having flown over it on a
 23 number of occasions, are you able to confirm that A to B is
 24 a fence, B to C is a fence, C to D is a fence and D to E is
 25 a fence?

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1 COLONEL VERMAAK: No, there was
 2 definitely not a fence.
 3 MR GOTZ: Definitely not a fence?
 4 COLONEL VERMAAK: That's correct. The
 5 only fence that was there is where you saw that small house
 6 more or less in the middle, a big rock and also a kraal on
 7 that side –
 8 CHAIRPERSON: I'm sorry to interrupt you.
 9 That surely means that we can see a fence from C to D, C
 10 being the top right-hand corner, from C to D there's a –
 11 that looks like a fence, doesn't it? We see the fence
 12 poles.
 13 COLONEL VERMAAK: Yes.
 14 CHAIRPERSON: Then there's a fence from D
 15 to E, is that right?
 16 COLONEL VERMAAK: That's correct.
 17 MR GOTZ: Can we zoom in on the area
 18 which is between A and B?
 19 CHAIRPERSON: A and B there also appear
 20 to be fence poles, isn't that right? When was this picture
 21 taken? Was this after Brigadier Calitz had driven his
 22 Nyala through the fence, knocked part of it down?
 23 COLONEL VERMAAK: Yes, it –
 24 MR GOTZ: That's the second point that I
 25 wanted to make, was that this – let me explain, this

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1 photograph was taken by the LCRC. I'm not sure whether it
 2 was taken by you or – Lieutenant-Colonel Botha.
 3 CHAIRPERSON: LCRC man –
 4 MR GOTZ: But it was taken the morning
 5 after the incident of the 16th of August 2012 at
 6 approximately 10 o'clock in the morning.
 7 COLONEL VERMAAK: No, I'm not sure that
 8 is my photo there.
 9 MR GOTZ: Be that as it may would you
 10 accept that on the basis of this photograph there was a
 11 fence on the day between A and B?
 12 CHAIRPERSON: It looks like it, doesn't
 13 it?
 14 COLONEL VERMAAK: It's difficult to say
 15 if there was a fence. If you look close to the picture you
 16 can see there's poles standing but I don't think you can
 17 see that there is wires.
 18 MR GOTZ: And similarly, well –
 19 CHAIRPERSON: Yes, I'm sorry to interrupt
 20 you. I'm not quite, I can't remember where exactly
 21 Brigadier Calitz said his Nyala went through the fence but
 22 if you look at – is it on the other side – if you look at
 23 between A and B there's, counting from the top of the page,
 24 there's a little bush to the right of A and then there are
 25 three fence poles and then there appears to be a gap and it

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1 looks like a fence pole lying on the ground on the road.
 2 Someone has very kindly put an arrow there. So I don't
 3 know whether that's where Brigadier Calitz crashed through
 4 the fence. Ja, I think – no, it's put to me that he was
 5 actually, he said he was on the right-hand side. Anyway
 6 the point is, there was either a fence or there had been a
 7 fence because – there was either a fence or an ex-fence
 8 because there were fence poles, is that right?
 9 COLONEL VERMAAK: That's correct.
 10 MR GOTZ: Chairperson, perhaps we can
 11 assist in looking at the point between B and C, a close-up
 12 of that. You'll see that the, to the right of the –
 13 CHAIRPERSON: I'm reminded, it's between
 14 B and C, that's where Calitz went through and I'm not sure
 15 if that gap we see there is not where his Nyala knocked
 16 over the fence.
 17 MR GOTZ: Indeed. So our assessment
 18 would be that he drove through the fence roughly in the
 19 middle, mid-point between the points marked B and C.
 20 Lieutenant-Colonel, would you –
 21 CHAIRPERSON: In the middle, I'm inclined
 22 to think it's more to the left towards Brigadier – there
 23 appear to be two fence poles, one of which is bending
 24 sideways near the top. If I was a betting man, which I'm
 25 not, I would put money on it that that's where he went

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1 through.
 2 MR GOTZ: No –
 3 CHAIRPERSON: It doesn't matter really,
 4 for our purposes.
 5 MR GOTZ: It doesn't matter save that I
 6 would like the witness to accept that there was a fence
 7 there, B to C.
 8 CHAIRPERSON: Well, if he can't, he
 9 can't. Can you help us with that? Apart from what you saw
 10 from the air, did you later go there on the ground and have
 11 a look, inspect the fences?
 12 COLONEL VERMAAK: If you look at the
 13 movement of the people, they move along that fence that we
 14 can see that is between D and it looks like C. And if you
 15 look at the one picture where, the second time they come
 16 around the kraal –
 17 MR GOTZ: Is that your, you're referring
 18 to your photograph –
 19 COLONEL VERMAAK: My photo, yes.
 20 MR GOTZ: 1516, I think it is.
 21 COLONEL VERMAAK: That is correct, Chair.
 22 MR GOTZ: Just to be clear, this is JJJ,
 23 I think it's the 10 series. I beg your pardon, 11 and it's
 24 1516.
 25 CHAIRPERSON: [Microphone off, inaudible]

1 – for the missing fences isn't going to be concluded today
2 and it is just after noon and we did indicate we would
3 adjourn at noon because the technicians have to go to Wits
4 to the seminar site to set up their equipment there. So I
5 fear this fascinating debate is going to be, not be able to
6 be terminated today but we can look forward in eager
7 anticipation to tomorrow, to the exciting conclusion to
8 this debate.

9 MR GOTZ: I hope, Chair –

10 CHAIRPERSON: Shall we adjourn now until
11 tomorrow morning, 9 o'clock?

12 MR GOTZ: I hope to be very brief in
13 relation to this fascinating topic tomorrow, Chair.

14 [COMMISSION ADJOURNED]

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<p style="text-align: center;">A</p> <p>able 26389:18 26397:25 26410:14 26420:18 26421:10 26441:18 26448:23 26453:5 Abuses 26374:10 accept 26387:24 26422:18 26427:2,14 26428:1 26432:3 26437:6,24 26445:25 26450:10 26452:6 acceptable 26417:18 accepted 26373:13 26427:9 accepts 26427:21 accountability 26397:13 accurate 26422:17 26430:18 26438:7 ACCUs 26393:8,13 accused 26386:20 26442:11 Act 26383:9,15 26384:11 26392:20 26392:20 26401:23 26401:23 26402:2 26412:19 26416:8 action 26382:1 26396:14 actions 26382:5 26397:4 26414:18 actual 26425:14 addition 26395:25 additional 26392:9 26396:21,23 addresses 26406:21 adhered 26411:21 adjourn 26376:1,14,24 26376:24 26411:9 26453:3,10 adjourned 26377:9 26453:14 adjournment 26377:12 26407:3 ADJOURNS 26377:14 26407:23 adopt 26406:20 adopted 26407:20 adoption 26387:13 26390:2 Adv 26375:20 26385:22 26419:19 aerial 26448:21 affect 26417:15 affiliations 26423:18 affirmation 26373:3 26377:17 26408:1 affirms 26373:4 26378:1 26408:3 Africa 26373:24 afternoon 26373:7 26424:23 26425:16 agencies 26414:21 ago 26420:20</p>	<p>agree 26381:23 26390:15 26394:1,17 26394:19,20 26396:15,17 26397:18,20,20 26401:18 26402:2,5,6 26403:19 26404:18 26413:10 26424:4,6 26428:24 26431:10 26432:13 26433:23 26434:9,22 26436:21 26437:3 26438:11 26442:1 26446:11 26447:23 agreeing 26424:11 air 26378:12 26380:19 26421:24 26425:9 26437:20 26447:11 26452:10 aliases 26383:4 aligned 26392:24 allegation 26379:17 alleged 26379:13 allegedly 26386:23 26387:10 allowed 26420:8 alright 26375:4,24 26377:25 26385:15 26389:8,12 26408:10 26408:17,24 26418:10 alternative 26399:18 alternatively 26431:15 AMCU 26375:9 26413:7 26421:15 26422:5,22 26423:10 26423:11,13 26424:1 26424:1,10,14,19,20 26425:4,15 ammunition 26387:15 26390:4 26403:25 26404:7 26420:25 amount 26379:20 26380:16 26423:23 amounting 26447:21 amounts 26379:5 analyse 26446:3,8 analysing 26415:22 analysis 26439:24 26441:2,21,23 26442:1,2 26444:1 26445:13,25 26448:7 26448:11 analytical 26416:2 ANC 26381:18,20 angle 26439:17 angles 26434:3 animal 26382:17 animosity 26379:21 26380:16 26381:1 Anna 26387:3 annexure 26416:17,22 answer 26442:16,20 answers 26410:4 26439:10 Anthony 26375:8</p>	<p>anticipation 26400:9 26408:17 26453:7 anybody 26414:4 anymore 26392:2 anyway 26374:16 26417:16 26442:18 26451:5 apart 26444:25 26452:9 appear 26387:12 26397:21,23 26423:11,17,19 26425:24 26449:19 26451:23 appeared 26408:21 appearing 26435:23 appears 26392:14 26396:20 26423:14 26424:16 26450:25 appendix 26448:17 applicable 26390:20 apply 26409:20,22 26447:21 approach 26391:20 26401:4,10 26436:20 appropriate 26393:21 26397:8 appropriately 26393:25 approximately 26384:24 26386:1 26428:19 26450:6 APRIL 26373:1 area 26382:23 26392:25,25 26449:17 areas 26393:6,18 aren't 26410:11 argument 26442:10 armoury 26400:6 arrange 26389:14 arrangements 26397:13 arrived 26426:8 arriving 26444:10 arrow 26427:24 26428:5,6 26429:5 26436:2 26440:11,25 26441:10 26443:21 26451:2 article 26373:18 26374:2,6,9 26375:15 26375:16 26376:17 26377:5 26384:11,18 26384:19 26385:8 26395:2 26399:15 26406:17 articles 26373:16 26375:11 26376:15 26377:21 26378:4 ascertain 26447:16 asked 26448:15 asking 26375:9 26421:20 26442:6 assessment 26387:18 26403:20 26415:6</p>	<p>26451:17 assist 26410:14 26420:18 26421:10 26429:12 26451:11 assistance 26418:14 associated 26384:12 assumption 26388:2 attack 26379:7 26406:19 attacks 26386:19 attempt 26385:9 attend 26380:5 26398:15 attendance 26384:1 attended 26379:25 26380:14,23 attending 26403:10 attention 26377:2,22 26406:24 26412:6,22 26418:14,23 August 26381:25 26400:14,23 26409:14 26411:21 26411:22 26417:1 26420:2,14 26421:18 26424:11 26427:2 26430:10 26432:18 26450:5 authors 26395:12 26398:3 available 26391:6 26404:9 26406:7 26409:9,11 26413:8 26414:1 avoided 26419:22 aware 26419:25 26420:14,15</p>	<p>26450:10 battery 26398:24 BBM 26421:25 26422:4 bear 26410:16 26411:4 bearings 26421:3 beef 26385:5 beg 26430:14,16 26440:6 26444:18 26446:25 26452:23 beginning 26386:11 26387:7 26391:23 26418:19 26432:13 26439:14 begins 26388:16 behalf 26375:9 beings 26447:14 Belgian 26383:18,22 Belgians 26383:17 26403:4 Belgium 26384:5 belief 26423:15 26424:14,15 believe 26387:25 26399:15 26400:17 26401:9 believed 26423:25 26425:24 believer 26373:17 belonged 26379:14 bending 26451:23 benefit 26427:19 betting 26451:24 big 26381:18,21 26382:4 26392:6 26399:15 26404:15 26449:6 bigger 26381:24 26393:18 26439:1 birdshot 26400:4,5 26419:1,3,9,11 26420:23 Bis 26413:19,22 26414:3 bit 26389:16 26411:22 26444:6 Blackberry 26435:7,18 26437:20 blanket 26433:4,4,7,12 26433:15 blocked 26432:2 Bloemhof 26404:14 blue 26428:23 26444:8 26444:8,13,14 blurred 26397:14 Boipatong 26378:20,23 26379:1,6,7 Boipelo 26387:11 Botha 26450:2 bottom 26378:9 26392:15 26395:5 26430:13 26436:5 bound 26373:3 26377:17 26407:25 box 26440:5 break 26406:10</p>
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