

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 272

12 AUGUST 2014

PAGES 34606 TO 34850



© REALTIME TRANSCRIPTIONS

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



Page 34606

1 [PROCEEDINGS ON 12 AUGUST 2014]
 2 [09:00] CHAIRPERSON: The Commission resumes. Mr
 3 Ramaphosa, you're still under oath. Ms Barnes?
 4 MATAMELA CYRIL RAMAPHOSA: (s.u.o.)
 5 CROSS-EXAMINATION BY MS BARNES: Yes,
 6 thank you, Chair. Good morning, Mr Ramaphosa.
 7 MR RAMAPHOSA: Good morning to you.
 8 MS BARNES: I represent AMCU in this
 9 Commission of Inquiry.
 10 MR RAMAPHOSA: That's wonderful.
 11 MS BARNES: Mr Ramaphosa, you testified
 12 yesterday –
 13 MR RAMAPHOSA: Yes.
 14 MS BARNES: - that you knew that there
 15 was a differential between what RDOs at Lonmin were paid –
 16 MR RAMAPHOSA: Yes.
 17 MS BARNES: - and what RDOs at other
 18 platinum mines were paid.
 19 MR RAMAPHOSA: yes.
 20 MS BARNES: But that you were not aware
 21 of the extent of the differential or how huge the
 22 differential was until the 11th of August 2012, is that
 23 correct, when you received the e-mail?
 24 MR RAMAPHOSA: Yes.
 25 MS BARNES: Now you knew, of course, that

Page 34607

1 there'd been a massive unprotected strike led by RDOs at
 2 Implats in the first quarter of 2012, correct?
 3 MR RAMAPHOSA: I got to read about it.
 4 MS BARNES: And that strike culminated in
 5 Impala management granting massive increases to its RDOs,
 6 in the region of 25%. Were you aware of that?
 7 MR RAMAPHOSA: I knew they had been
 8 granted an increase.
 9 MS BARNES: You weren't aware of the
 10 precise figures?
 11 MR RAMAPHOSA: I was not aware of the
 12 precise figures.
 13 MS BARNES: Now those increases were
 14 granted on the 20th April 2012. We have, that evidence is
 15 before the Commission, that's the date on which those
 16 increases were granted. You don't dispute that,
 17 presumably.
 18 MR RAMAPHOSA: If they were granted –
 19 MS BARNES: I'm just giving you the date.
 20 MR RAMAPHOSA: Oh, okay.
 21 MS BARNES: Yes, the 20th of April 2012.
 22 MR RAMAPHOSA: I hear what you say.
 23 MS BARNES: Now it was primarily those
 24 increases that were granted unilaterally by Impala
 25 management on the 20th of April 2012 –

Page 34608

1 MR RAMAPHOSA: Yes.
 2 MS BARNES: - that created the huge
 3 differential between what RDOs at Lonmin were paid and what
 4 RDOs at Implats were paid, do you agree?
 5 MR RAMAPHOSA: Mm-mm.
 6 CHAIRPERSON: The "mm-mm" comes out as
 7 "yes" on the record, so it might be helpful to say yes.
 8 MR RAMAPHOSA: Yes, I would agree.
 9 MS BARNES: Now were you aware, and I'm
 10 talking about your awareness as at the 11th of August 2012
 11 when you were informed about the strike at Lonmin, were you
 12 aware that the RDOs at Lonmin had, for many years,
 13 considered themselves to be grossly underpaid?
 14 MR RAMAPHOSA: No, I was not aware.
 15 MS BARNES: You were then presumably also
 16 not aware that that view that the RDOs themselves held was
 17 also shared by NUM. Not aware of that either?
 18 MR RAMAPHOSA: Not aware.
 19 MS BARNES: And the uncontested –
 20 CHAIRPERSON: Shared by NUM –
 21 MS BARNES: Shared by NUM.
 22 CHAIRPERSON: Is this at the national
 23 level or just the local level or any level, I suppose?
 24 MS BARNES: I beg your pardon, Chair?
 25 CHAIRPERSON: No, did you mean, are you

Page 34609

1 suggesting it was shared at the national level or just the
 2 local level or throughout NUM?
 3 MS BARNES: Well, it was certainly shared
 4 by NUM at Lonmin and we've had evidence in this Commission
 5 from the chief negotiator for NUM who was based at Lonmin
 6 and I want to tell you what that evidence is. His evidence
 7 was that in two sets of wage negotiations, and we know that
 8 they happen once every two years at Lonmin so in 2009 and
 9 in 2011 NUM demanded quite a significant differential
 10 increase for RDOs at Lonmin. Essentially the demand was
 11 that they be rolled up three categories, so they'd be
 12 rolled up from category 4 to category 7.
 13 MR RAMAPHOSA: Yes.
 14 MS BARNES: That was the NUM demand in
 15 2009 and 2011 and on both occasions NUM was unsuccessful.
 16 Do you follow?
 17 MR RAMAPHOSA: I do follow.
 18 MS BARNES: And the evidence before this
 19 Commission is that the chief negotiator for NUM at Lonmin
 20 was so concerned about the failure to achieve a
 21 differential increase for RDOs at Lonmin that he called the
 22 situation a ticking time bomb. I take it that you were not
 23 aware of that.
 24 MR RAMAPHOSA: I was not aware of that.
 25 MS BARNES: So Mr Ramaphosa, I put it to

Page 34610

1 you that as at April 2012 there were three critical facts
 2 in existence at Lonmin. Fact number 1 there was a huge
 3 differential between what RDOs at Lonmin were being paid
 4 and what RDOs at other platinum mines were being paid. Do
 5 you accept that?

6 MR RAMAPHOSA: Yes.

7 MS BARNES: Fact number 2, RDOs at Lonmin
 8 had for four years, and apparently with some justification
 9 according to NUM, considered themselves to be grossly
 10 underpaid, do you accept that?

11 MR RAMAPHOSA: Yes.

12 MS BARNES: and then three, the RDOs at
 13 Implats had taken matters in to their own hands and
 14 embarked on a massive unprotected strike and secured huge
 15 increases for themselves. Do you accept that?

16 MR RAMAPHOSA: Yes.

17 MS BARNES: So those were the facts that
 18 Lonmin was presented with in April, never mind August, in
 19 April 2012. Do you accept that?

20 MR RAMAPHOSA: Yes.

21 CHAIRPERSON: If I can interpose at this
 22 point, am I correct in thinking that the various platinum
 23 mining companies knew what they were paid, what their
 24 competitors or colleagues, whatever word is appropriate to
 25 use, were paying? In other words, if Impala gave a 35%

Page 34611

1 increase in April, there's a high degree of probability, if
 2 not certainty, that Lonmin would have known about it within
 3 a day or two. Would that be correct?

4 MR RAMAPHOSA: Well, Chairman, this is
 5 the great fault line that exists in the platinum industry,
 6 that there isn't any centralised bargaining and as far as I
 7 remember the companies, for competitive reasons, have felt
 8 that they did not want to have a centralised bargaining
 9 because they did not want the secrets, the trade secrets
 10 that they had to be known to each other and as a result
 11 that the pay levels tended to be the proprietary of one
 12 company and at the best of times the other company did not
 13 know and if they did know, it would be obtaining
 14 information through other means, and so the information was
 15 usually not publicly available. So it is for this reason
 16 that in various other companies and indeed in Lonmin, one
 17 did not immediately get to know what was being paid to a
 18 category of other workers because they tended to keep it to
 19 themselves. This, in my view, could have been solved quite
 20 easily if there was centralised bargaining, like there is
 21 centralised bargaining in the other two industries that I
 22 know of, the coal industry as well as the gold industry.

23 CHAIRPERSON: It's not quite as simple as
 24 that. I understand the thrust of what you say and in fact
 25 I'm interested to hear that you take the view that

Page 34612

1 centralised bargaining would be appropriate for the
 2 platinum industry, which of course as a result of the
 3 recent strike is effectively what happened but that's
 4 another issue that we don't have to go into now, but
 5 there's some suggestion on material before us that
 6 certainly the rock drill operators –

7 MR RAMAPHOSA: Yes.

8 CHAIRPERSON: - in the different mines,
 9 knew quite quickly what their opposite numbers were getting
 10 in other mines.

11 MR RAMAPHOSA: They did get to know.

12 CHAIRPERSON: So I would have thought
 13 that it would have been possible for Lonmin, once it was
 14 publicly announced that Impala had settled their strike by
 15 giving increases, to find out what the increases were. So
 16 okay, it might not have been instantaneous, it mightn't
 17 have been immediate in the sense that within a few days or
 18 so they would know, but it wouldn't have been difficult in
 19 a matter of weeks to find out what the relevant figures
 20 were. That must be right, surely?

21 MR RAMAPHOSA: That is correct.

22 CHAIRPERSON: And the further point that
 23 arises is, it would have been sensible, I would have
 24 thought, this is a prima facie view I'm putting to you –

25 MR RAMAPHOSA: Yes.

Page 34613

1 CHAIRPERSON: It would have been
 2 sensible, I would've thought, for Lonmin, once they
 3 realised – and it would have been sensible for Amplats too,
 4 of course, once they realised that Impala had given the big
 5 increase for the RDOs, there would inevitably be ripple
 6 effects of that.

7 MR RAMAPHOSA: Indeed.

8 CHAIRPERSON: So it would have been
 9 sensible for Lonmin to have found out what the increases
 10 were. Would you agree with that?

11 MR RAMAPHOSA: I would agree with that.

12 CHAIRPERSON: And if they'd done that,
 13 they should've communicated, the management should have
 14 communicated it to non-executive directors as well.

15 MR RAMAPHOSA: Yes.

16 CHAIRPERSON: And then one can imagine
 17 the kind of initiatives you might have taken if that
 18 information had been conveyed to you.

19 MR RAMAPHOSA: Yes, indeed.

20 CHAIRPERSON: Am I right?

21 MR RAMAPHOSA: You are right.

22 MS BARNES: Because, Mr Ramaphosa, I put
 23 it to you that those three facts, the huge differential,
 24 the fact that RDOs at Lonmin were deeply dissatisfied and
 25 had been for some time, plus the fact that RDOs at Implats

Page 34614

1 had taken matters into their own hands, those three facts
 2 together created, in our submission, a recipe for – to use
 3 your language of yesterday – a perfect storm.
 4 MR RAMAPHOSA: Indeed.
 5 MS BARNES: Do you agree?
 6 MR RAMAPHOSA: I would agree.
 7 MS BARNES: And so if you, presumably you
 8 didn't have those facts at the time and neither did your
 9 board, correct?
 10 MR RAMAPHOSA: We did not.
 11 MS BARNES: And if your board had had
 12 those facts at the time, you would have recognised the
 13 recipe for the perfect storm, you would have approached
 14 management, at the very least you would have made enquiries
 15 about what was management was doing in order to deal with
 16 the storm when it came, correct?
 17 MR RAMAPHOSA: I would say that we would
 18 most probably have said a different approach needed to be
 19 taken to address the problem and to more or less get in
 20 line with what others had done.
 21 MS BARNES: Certainly some steps would
 22 have to be taken, contingency plans put in place, correct?
 23 MR RAMAPHOSA: Yes, sir.
 24 MS BARNES: Now Mr Ramaphosa, you've
 25 testified that you knew prior to the commencement of the

Page 34615

1 strike at Lonmin in 2012 that there had been talks between
 2 Lonmin and the RDOs, correct?
 3 MR RAMAPHOSA: I got to know about it
 4 when I read Mr Da Costa's evidence but it only came to the
 5 board after the – just before, just before –
 6 MS BARNES: Just before the strike?
 7 MR RAMAPHOSA: Ja, ja. There is a minute
 8 to that effect in the papers.
 9 MS BARNES: And you knew, I take it, that
 10 those talks had been conducted directly between Lonmin
 11 managers and the RDOs and not through NUM, correct?
 12 MR RAMAPHOSA: That detail I did not
 13 know, I must admit.
 14 MS BARNES: You knew presumably that
 15 those talks had culminated in Lonmin offering the RDOs an
 16 allowance. I think it was referred to in the e-mail that
 17 you received as a special bonus, but essentially an
 18 allowance of R750.
 19 MR RAMAPHOSA: That only came to surface
 20 to me when the chief executive officer reported to the
 21 board.
 22 MS BARNES: But prior to the strike?
 23 MR RAMAPHOSA: I think it would have been
 24 just prior, yes. Yes, I think that's what the record says.
 25 MS BARNES: In any event, that

Page 34616

1 information is repeated in the e-mail that you received on
 2 the 11th of August, that an offer was made to RDOs which
 3 they rejected. So that is your understanding of what had
 4 happened, correct?
 5 MR RAMAPHOSA: Yes.
 6 MS BARNES: And then we know that the
 7 RDOs embarked on an unprotected strike over the same issue
 8 on the 10th of August 2012, correct?
 9 MR RAMAPHOSA: Yes.
 10 MS BARNES: Now let's go to the e-mail
 11 that you received –
 12 CHAIRPERSON: Have you moved away from
 13 wage increases and so forth and negotiations?
 14 MS BARNES: Yes, I'm coming back there –
 15 CHAIRPERSON: You're coming back. No,
 16 there were some questions I want to ask but they may well
 17 be the ones you're going to come back to, so I won't ask my
 18 questions now.
 19 MS BARNES: So Mr Ramaphosa, if we could
 20 look at JJJ1, that's the e-mail that you received on the
 21 11th of August informing you – that, you say, is the first
 22 notice you got of the unprotected strike, correct?
 23 MR RAMAPHOSA: Yes.
 24 MS BARNES: And that, the e-mail that you
 25 got sets out Lonmin's response to the strike. At the

Page 34617

1 bottom of the page it reads, "The response of Lonmin is to
 2 follow disciplinary procedures and, if required, will
 3 dismiss the illegal strikers. Barnard is preparing the
 4 ultimatum which they will issue tomorrow and will terminate
 5 contracts of employment should the employees not show up
 6 for duty tomorrow." So you understood from that,
 7 presumably, that Lonmin was not going to engage with the
 8 strikers, correct?
 9 MR RAMAPHOSA: Mm-mm.
 10 MS BARNES: If you could just verbalise
 11 your answer, please?
 12 MR RAMAPHOSA: Yes, yes.
 13 MS BARNES: Thank you. And you testified
 14 yesterday that you did not agree with that approach. As
 15 far as you were concerned, negotiations were the correct
 16 way to go and were in fact the only workable solution,
 17 correct?
 18 MR RAMAPHOSA: Yes.
 19 MS BARNES: Now if we go over the page –
 20 CHAIRPERSON: Before you leave that e-
 21 mail can I, there's something I'd like to put to the
 22 witness. The first sentence of Ms Ncube's e-mail to you
 23 says this, "Yesterday" – well, the first two sentences –
 24 "Yesterday the Lonmin rock drill operators (RDO) at Karee
 25 Mine embarked on an illegal strike demanding more money.

<p style="text-align: right;">Page 34618</p> <p>1 This has been on the table with management since the Impala 2 strike earlier this year.”</p> <p>3 MR RAMAPHOSA: Yes.</p> <p>4 CHAIRPERSON: Were you aware of the fact 5 that this had been on the table with management since the 6 Impala strike earlier in the year, which we've heard was 7 about April?</p> <p>8 MR RAMAPHOSA: No, I was not aware.</p> <p>9 CHAIRPERSON: Do you think that you 10 should have been informed of it at the time?</p> <p>11 MR RAMAPHOSA: I would have said yes.</p> <p>12 MS BARNES: If we, still on that e-mail 13 if we could just go over to the page to the next paragraph 14 of the e-mail. It reads as follows, “This is necessary,” 15 and that's a reference back to the response that Lonmin has 16 adopted to the strike, “This is necessary as Lonmin has 17 been engaging” or rather “had been engaging with the RDOs 18 in trying to address their needs. Secondly, the strike is 19 illegally and lastly, other workers in the business are 20 watching the situation and if the RDOs are successful to 21 bargain outside the engagement structures, it will set a 22 very bad precedent.” So there, Mr Ramaphosa, what's 23 essentially being communicated to you are the reasons for 24 the stance that Lonmin has adopted in response to the 25 strike, correct?</p>	<p style="text-align: right;">Page 34620</p> <p>1 Commission is we've, over and over again, emphasised that 2 an unprotected strike is unprotected in the sense that 3 it's, a dismissal following upon it is not an unfair labour 4 practice. So there are consequences which flow from 5 participating in an unprotected strike which don't flow 6 from participating in a protected strike. And we've also, 7 the point has been emphasised over and over again that 8 strikers do not commit a crime by participating in an 9 unprotected strike. They rather foolishly, some may say, 10 put their head in a noose, that they can be dismissed 11 without having redress, but that's the distinction we draw 12 and I think that's the point that Ms Barnes is making but I 13 take your point. The terminology is a bit imprecise but I 14 think the main thrust of what Ms Barnes is putting is 15 clear. If the witness has a problem I'm sure he'll let us 16 know but he is one who has himself been involved in many 17 unprotected strikes in the '80s and he knows very well, I'm 18 sure, the distinction better than you or I do.</p> <p>19 MS BARNES: Yes, of course, Mr Ramaphosa, 20 it used to be a crime to participate in an unpro – in a 21 strike that was not in accordance with the legal 22 prescripts. That's no longer the case, correct?</p> <p>23 MR RAMAPHOSA: Yes.</p> <p>24 MS BARNES: So it's really, it's more, 25 it's accurate and appropriate to refer to an unprotected</p>
<p style="text-align: right;">Page 34619</p> <p>1 MR RAMAPHOSA: Yes.</p> <p>2 MS BARNES: Now let's look at those 3 reasons. Firstly, you are told that “other workers in the 4 business are watching the situation and if the RDOs are 5 successful to bargain outside the engagement structures, it 6 will set a bad precedent,” but now that has really already 7 happened, isn't that correct? Lonmin has already, the 8 facts are that Lonmin has already engaged with RDOs outside 9 the structures and made them an offer, correct?</p> <p>10 MR RAMAPHOSA: Indeed.</p> <p>11 MS BARNES: So that can't be a reason for 12 refusing to speak to the strikers, correct?</p> <p>13 MR RAMAPHOSA: That is correct.</p> <p>14 MS BARNES: The second reason that is 15 given is that the strike is illegal, that is the word that 16 used. Do you see that?</p> <p>17 MR RAMAPHOSA: Yes.</p> <p>18 MS BARNES: And of course that's not 19 correct, is it? Workers don't commit a crime by going on 20 strike, even if it's unprotected.</p> <p>21 MR UNTERHALTER SC: Chair, that question 22 is rather ambiguous. Does my learned friend mean to refer 23 to illegality in the sense of criminality or simply not 24 protected under the scheme of the labour laws?</p> <p>25 CHAIRPERSON: What we've done in this</p>	<p style="text-align: right;">Page 34621</p> <p>1 strike rather than an illegal strike.</p> <p>2 MR RAMAPHOSA: Indeed.</p> <p>3 MS BARNES: Correct. Now of course the 4 fact that the strike was unprotected was not, again in and 5 of itself, a reason not to speak to the strikers, correct?</p> <p>6 MR RAMAPHOSA: I would agree.</p> <p>7 MS BARNES: And of course if a company 8 has a policy that requires it to speak to strikers in the 9 event of an unprotected strike, then they would be obliged 10 to follow that policy, correct?</p> <p>11 MR RAMAPHOSA: Yes.</p> <p>12 MS BARNES: Were you aware that Lonmin 13 had such a policy?</p> <p>14 MR RAMAPHOSA: Not the precise part of 15 it. What we'd always sort to encourage is that – and this 16 is a situation where they were dealing with one union that 17 they had recognised and I guess they never really had to 18 deal with many of such strikes in the new dispensation, so 19 they had one port of call which was the NUM and in this 20 situation I think they were traversing uncharted ground.</p> <p>21 MS BARNES: Well, let me take you to the 22 policy so that you can see precisely what it says. It's 23 exhibit XXX8, if we could have that on the screen, please.</p> <p>24 CHAIRPERSON: It's quite a lengthy 25 document, I think you –</p>

<p style="text-align: right;">Page 34622</p> <p>1 MS BARNES: Yes, it's –</p> <p>2 CHAIRPERSON: Give the page number. I</p> <p>3 think there's a particular section that, chapter or –</p> <p>4 MS BARNES: Paginated page 24 and clause</p> <p>5 8.3.</p> <p>6 [09:20] You will see that 8.3 deals with the steps that</p> <p>7 are required to be taken in the event of unprotected</p> <p>8 industrial action. There's reference to ultimatums that</p> <p>9 need to be given. There's reference to application for a</p> <p>10 court interdict that may be made, and then 8.3.6 describes</p> <p>11 the formation of a management committee. 8.3.7 describes</p> <p>12 the formation of a committee from the strikers that will be</p> <p>13 established in order to speak to management. 8.3.8 goes on</p> <p>14 to say that that should preferably not exceed four people,</p> <p>15 and then 8.3.9 deals with the fact that an appropriate</p> <p>16 location must be identified at which talks shall be held.</p> <p>17 So the witnesses from Lonmin that have testified</p> <p>18 thus far have confirmed that that's what was envisaged by</p> <p>19 this policy, is that a committee of management and a</p> <p>20 committee of the strikers are set up, should be set up and</p> <p>21 engage in talks and that that was not done in this case.</p> <p>22 You agree that it ought to have been done?</p> <p>23 MR RAMAPHOSA: Well, in terms of this</p> <p>24 policy yes, it ought to have been done.</p> <p>25 MS BARNES: So Mr Ramaphosa, if we look</p>	<p style="text-align: right;">Page 34624</p> <p>1 MS BARNES: Well, there's certainly no</p> <p>2 evidence that you did.</p> <p>3 CHAIRPERSON: I think she's asking you</p> <p>4 whether that's correct. There should be a question mark</p> <p>5 hanging over her head after she made her statement.</p> <p>6 MR RAMAPHOSA: Ja, I did not notice the</p> <p>7 question mark. There were discussions that ensued,</p> <p>8 particularly in relation to the suggestion that there could</p> <p>9 even be dismissals, which as I said yesterday I'm opposed</p> <p>10 to. So those discussions about embarking on an option of</p> <p>11 dismissals and so forth did happen and I remember</p> <p>12 communicating to Ms Ncube that that is not an option that</p> <p>13 should be pursued and there should be discussions.</p> <p>14 MS BARNES: Did you communicate to Lonmin</p> <p>15 though, to anyone from Lonmin that there should be</p> <p>16 negotiations with the strikers?</p> <p>17 MR RAMAPHOSA: I remember, and maybe the</p> <p>18 full detail is not immediately available to me. I do</p> <p>19 remember talking to Ms Ncube, who is the Shanduka</p> <p>20 representative, and I also remember talking to Mr Barnard,</p> <p>21 who I would have said to dismissal is not an option as they</p> <p>22 have already conceived.</p> <p>23 MS BARNES: Did you say that negotiations</p> <p>24 are the only option?</p> <p>25 MR RAMAPHOSA: Yes, that is my general</p>
<p style="text-align: right;">Page 34623</p> <p>1 at the reasons that were communicated to you for Lonmin's</p> <p>2 stance in relation to the strike on the 11th of August,</p> <p>3 surely, Sir, you could not have been satisfied with the</p> <p>4 reasons that were communicated to you for Lonmin's stance?</p> <p>5 Isn't that correct?</p> <p>6 MR RAMAPHOSA: The reasons being?</p> <p>7 MS BARNES: The reasons being, 1, that it</p> <p>8 would set a bad precedent to engage outside the structures</p> <p>9 when that had already happened to your knowledge.</p> <p>10 MR RAMAPHOSA: Yes.</p> <p>11 MS BARNES: And 2, that this was an</p> <p>12 illegal strike.</p> <p>13 MR RAMAPHOSA: Yes.</p> <p>14 MS BARNES: So surely you would have not</p> <p>15 considered those to be valid reasons for not engaging with</p> <p>16 the strikers?</p> <p>17 MR RAMAPHOSA: That is correct.</p> <p>18 MS BARNES: And yet you didn't take this</p> <p>19 up with management. You didn't say to management but these</p> <p>20 reasons don't stand up to scrutiny, this is not a basis not</p> <p>21 to engage with the strikers. You didn't do that.</p> <p>22 MR RAMAPHOSA: You are –</p> <p>23 MS BARNES: Isn't that correct?</p> <p>24 MR RAMAPHOSA: Are you saying so as a</p> <p>25 matter of fact?</p>	<p style="text-align: right;">Page 34625</p> <p>1 stance, that negotiations are the only option in matters</p> <p>2 like these.</p> <p>3 MS BARNES: And you said so to Mr</p> <p>4 Mokwena?</p> <p>5 MR RAMAPHOSA: I said so clearly to Ms</p> <p>6 Ncube.</p> <p>7 MS BARNES: And Mr Mokwena?</p> <p>8 MR RAMAPHOSA: I don't recall how that</p> <p>9 conversation would have gone, but in the course of our</p> <p>10 discussions that may well have emerged.</p> <p>11 MS BARNES: So you have no specific</p> <p>12 recollection of giving that message, that particular</p> <p>13 message to any Lonmin employee?</p> <p>14 MR RAMAPHOSA: I do not, I'm afraid.</p> <p>15 MS BARNES: Now Mr Ramaphosa, you've said</p> <p>16 that you were extremely concerned about the violence at</p> <p>17 Marikana, correct?</p> <p>18 CHAIRPERSON: [Microphone off, inaudible]</p> <p>19 MS BARNES: Yes, for the moment.</p> <p>20 CHAIRPERSON: [Microphone off, inaudible]</p> <p>21 MS BARNES: Please go ahead, Chair.</p> <p>22 CHAIRPERSON: One point that was made to</p> <p>23 the police when they came on the scene on the 13th, in fact</p> <p>24 to the National Commissioner I think it was, was that there</p> <p>25 was a two-year wage agreement in place.</p>

Page 34626

1 MR RAMAPHOSA: Yes.

2 CHAIRPERSON: And there was therefore no

3 basis for negotiating any change until the two years were

4 up, which were going to be October 2013.

5 MR RAMAPHOSA: Ja.

6 CHAIRPERSON: And that was a position

7 which as far as we could make out from the evidence was

8 supported by the local branch of NUM, but when Mr Zokwana

9 came he said that that was incorrect. The relevant clause

10 in the two-year wage agreement said that no strike action

11 was possible to enforce a wage demand during the two-year

12 period, but he said that that didn't prevent negotiation

13 and he said in appropriate cases if there had been a

14 dramatic change in circumstances negotiations could be and

15 had in the past been resorted to.

16 MR RAMAPHOSA: Yes.

17 CHAIRPERSON: And he referred to a

18 precedent from, I think it was round about 2005 as far as I

19 remember, where there had been a two-year, I think it was a

20 two-year agreement, provision for an increase after the end

21 of the first year of a certain percentage, but there had

22 been a dramatic rise in the rate of inflation which made

23 that increase meaningless.

24 MR RAMAPHOSA: Ja.

25 CHAIRPERSON: And therefore NUM adopted

Page 34627

1 the stance that negotiation was possible despite the fact

2 that the two-year agreement had not yet run its course and

3 they did so and they succeeded in getting it change, and he

4 conceded also, as I understood his evidence, that the

5 increase that the RDOs got at Impala and then later at

6 Amplats as well was that kind of change of circumstance

7 which would have justified negotiation. So I take it

8 that's a view that you would agree with as well.

9 MR RAMAPHOSA: I would agree with that

10 view, Mr Chairman.

11 CHAIRPERSON: Was the question of the

12 two-year agreements and the Lonmin stance as communicated

13 to the police that negotiations were inappropriate because

14 the two-year agreement hadn't run its course and that would

15 only be a matter for consideration in October 2013, was

16 that a matter that was raised with you at any stage by the

17 Lonmin management?

18 MR RAMAPHOSA: Not in as direct a way as

19 that. There was a view that once you have that type of

20 two-year agreement you need to run through with it until

21 the end and then renegotiate, but I would tend to agree

22 with what Mr Zokwana was saying and what you are saying as

23 well, that given new circumstances that would have come on

24 the scene there would be a need to renegotiate to avert a

25 bad situation.

Page 34628

1 CHAIRPERSON: Thank you.

2 MS BARNES: So Mr Ramaphosa, you've

3 testified that you were extremely concerned about the

4 violence at Marikana during that period, correct?

5 MR RAMAPHOSA: Yes.

6 MS BARNES: And the violence that was

7 taking place arose out of the strike, correct?

8 MR RAMAPHOSA: Yes.

9 MS BARNES: So there was a strong

10 probability that if the strike was resolved the violence

11 would end, correct?

12 MR RAMAPHOSA: Yes.

13 MS BARNES: And the cause of the strike

14 was a wage dispute, correct?

15 MR RAMAPHOSA: Yes.

16 MS BARNES: So there needed to be some

17 mechanism in place in order to deal with the wage dispute

18 in order to resolve the strike in order for the violence to

19 end, correct?

20 MR RAMAPHOSA: I would agree.

21 MS BARNES: And there needed to be some

22 mechanism put in place as a matter of urgency to attend to

23 the wage dispute, correct?

24 MR RAMAPHOSA: Yes.

25 MS BARNES: Now surely, Mr Ramaphosa, you

Page 34629

1 would have been concerned to ensure that that was

2 happening. Is that right?

3 MR RAMAPHOSA: Yes.

4 CHAIRPERSON: The mechanism that could

5 have been put in place fairly easily would have been the

6 mechanism referred to in paragraph 8.3 of this document.

7 Would you agree with that?

8 MR RAMAPHOSA: I would agree with that.

9 MS BARNES: You see, the peculiar thing,

10 Mr Ramaphosa, is that there was nothing in place at all.

11 Nothing was being done at all in relation to the wage

12 dispute. Lonmin refused to speak to the strikers at all,

13 despite being repeatedly requested to do so, not only by

14 the strikers but by the police. You say you didn't know

15 that. Is that correct?

16 MR RAMAPHOSA: Could you rephrase that

17 question about what I did not know?

18 MS BARNES: Yes, I apologise, it was a

19 long convoluted question.

20 MR RAMAPHOSA: Yes, please.

21 MS BARNES: Lonmin refused to engage with

22 the strikers at all despite being requested to do so by the

23 strikers themselves, the police, Mr Mathunjwa and Bishop

24 Seoka, to name four parties from whom that request was

25 coming.

Page 34630

1 MR RAMAPHOSA: Yes.

2 MR VAN AS: Sorry, Mr Chairperson, in
3 relation to Mr Mathunjwa requesting Lonmin to engage
4 directly with the strikers there's no evidence to that
5 effect.

6 CHAIRPERSON: I think that's right.
7 Let's take Mr Mathunjwa out of the question. You don't
8 need him in the question. Carry on with the abridged
9 question.

10 MS BARNES: Let's just stick to the
11 strikers and the police. The police were asking Lonmin to
12 engage with the strikers, as were the strikers themselves.
13 Lonmin refused to do so. Your evidence is that you did not
14 know that, correct?

15 MR RAMAPHOSA: Yes, I did not.

16 MS BARNES: There wasn't even a meeting
17 organised between Lonmin and all the unions together and I
18 must point out to you, Mr Ramaphosa, that Mr Mathunjwa's
19 reaction on being informed of the strike on Friday the 10th
20 of August 2012, his response was to immediately suggest
21 that a meeting be called between Lonmin management and all
22 the unions as soon as possible. Were you ever informed of
23 that?

24 MR RAMAPHOSA: No, I was not informed of
25 that.

Page 34631

1 MS BARNES: And that didn't happen. The
2 first time that Lonmin and AMCU and NUM all sat around the
3 same table was on Wednesday, the 15th of August and that was
4 as a result of a challenge being issued by a radio talk
5 show host. That meeting was not organised by Lonmin. Did
6 you know that?

7 MR RAMAPHOSA: I did not know that.

8 MS BARNES: So nothing was happening as
9 far as the wage dispute was concerned. No mechanism was
10 being put in place, nothing was being done. Why did you
11 not establish that and why did you not establish that
12 nothing was being done?

13 MR RAMAPHOSA: Well, we had people, as I
14 indicated yesterday, who were dealing with the matter at
15 the level where everything was happening and I think one
16 can concede that a meeting should have happened, a
17 negotiation should have ensued at that early stage even
18 before everything escalated into the violence that it did,
19 yes.

20 MS BARNES: So steps should have been
21 taken at a much earlier stage to deal with the wage
22 dispute?

23 MR RAMAPHOSA: I would agree with that.

24 MS BARNES: But Mr Ramaphosa, what I'm
25 particularly interested in is why you didn't find out that

Page 34632

1 nothing was being done and demand that something be done.

2 MR RAMAPHOSA: Well, as I indicated
3 yesterday and even now, we had people, we had people on the
4 executive who were dealing with these matters and as I said
5 yesterday as a non-executive director we delegate all these
6 powers, authority and matters to the management team who
7 are employed on a fulltime basis to deal with these
8 matters.

9 MS BARNES: Mr Ramaphosa, presumably if
10 you had known that nothing was being done in relation to
11 the wage dispute you would have said that this is
12 unacceptable, steps must be taken, correct?

13 MR RAMAPHOSA: It is possible that any
14 non-executive director would have said so, yes.

15 MS BARNES: So you didn't even ask
16 whether steps were being taken, because if you had asked
17 you would have been told that they weren't.

18 MR RAMAPHOSA: Well, we got reports from
19 where everything was happening that they had met and Ms
20 Ncube, who is our representative, was dealing with the
21 matter on an ongoing basis.

22 MS BARNES: So you had no information
23 about what was going on in relation to the wage dispute and
24 you made no attempt to get that information personally?

25 MR RAMAPHOSA: I had no information on an

Page 34633

1 ongoing basis about what was happening.

2 CHAIRPERSON: Mr Ramaphosa, I see that in
3 the email you got from Ms Ncube, JJJ1, page 2 of your
4 bundle, the last sentence of that email says, "I will keep
5 you updated should the situation get any worse."

6 MR RAMAPHOSA: Yes.

7 CHAIRPERSON: Did she keep you updated?
8 Were you informed after you received the email from her
9 that – were you informed by her that the situation had got
10 worse?

11 MR RAMAPHOSA: She – yes, she did inform
12 me and that is when the situation got really worse, when
13 the violence then started unfolding.

14 MS BARNES: Because you see, Mr
15 Ramaphosa, it seems to us that you expended a great deal of
16 energy on lobbying to have the events at Marikana
17 characterised as criminal and to increase the police
18 presence at Marikana, but yet you did not take a single
19 step to find out what was going on in relation to the wage
20 dispute. Can you explain that?

21 MR RAMAPHOSA: Well, as I said yesterday
22 I was being given information of people dying and being
23 killed and as I indicated yesterday that represented in my
24 mind an emergency situation that needed to be stabilised
25 and that stabilisation would in my view then have led to

Page 34634

1 negotiations or discussions or talks beginning to happen to
2 bring the situation to a solution. So I was confronted
3 with information about the deaths and the injury of a
4 number of people, so that is what I reacted to immediately.

5 MS BARNES: I understand that partially,
6 Mr Ramaphosa, but remember we've earlier agreed that in
7 order for the violence to end the strike had to be
8 resolved. So it was surely as urgent to make sure that
9 there was at least some sort of mechanism in place in order
10 to begin dealing with the wage dispute. Surely that was
11 the other side of the coin and equally urgent.

12 MR RAMAPHOSA: I think it is the other
13 side of the coin, but I've also been involved in situations
14 where there have been strikes and where we have made it
15 clear to members of the union that in any strike situation
16 workers should not resort to violence and attacking other
17 workers and killing them, and during my days at the
18 National Union of Mineworkers we even went to an extent of
19 writing down strike rules, that during a strike you do not
20 attack other workers, whoever the workers might be; you do
21 not take steps to injure them or kill them. This we did
22 because we said if you begin to do that it begins to
23 interfere with the process that you are involved in to win
24 your demands and the situation that was communicated to me
25 was of an emergency nature that needed to be resolved

Page 34636

1 about finding ways of resolving problems through
2 negotiation. I think it's a little bit unfair on your part
3 to say I was unconcerned. I've been more concerned than
4 you can imagine about having people sit down and negotiate
5 their problems and find solutions.

6 MS BARNES: But Mr Ramaphosa, you have
7 conceded that you did not know what was going on as far as
8 the labour dispute was concerned and you did not take steps
9 to find out. Isn't that correct?

10 MR RAMAPHOSA: I did not know. It does
11 not mean that one did not take steps.

12 MS BARNES: Mr Ramaphosa, you would have
13 heard at some stage about Mr Zokwana, the president of NUM
14 at the time, attempting to address strikers on Wednesday
15 the 15th of August 2012 and the very bad reception that he
16 received. Did you hear about that?

17 MR RAMAPHOSA: Yes, I got to hear about
18 that.

19 MS BARNES: Did you hear about that on
20 the 15th of August, on the day on which it happened?

21 MR RAMAPHOSA: Yes. I think it could
22 have been on the day or soon thereafter.

23 MS BARNES: It could have been on the
24 day? That must have been very distressing for you to hear
25 that?

Page 34635

1 before the discussions and negotiations could ensue. So in
2 my view there were then two types of situations; the
3 emergency one which was the violent actions that were
4 taking place and the normal one that would have ensued with
5 negotiations.

6 MS BARNES: But surely, Mr Ramaphosa,
7 there was no reason why those things could not have
8 happened simultaneously. In fact then you had a greater
9 prospect of bringing the strike to an end more quickly, in
10 which case the violence would end.

11 MR RAMAPHOSA: Well, I think it is easy
12 to say that they should be dealt with simultaneously. It
13 becomes a bit more difficult if many people are being
14 killed on a daily basis. What you seek to do is to
15 stabilise that so that there is peace and calm and
16 stabilisation and thereafter you are then able to embark on
17 proper more fruitful discussions.

18 MS BARNES: It appears to us, and we're
19 going to argue this, Mr Ramaphosa, that you appear to be
20 entirely unconcerned during that week about whether there
21 was a mechanism in place to deal with a labour dispute,
22 even though you have said that you considered negotiation
23 to be the only workable solution. Would you like to
24 comment on that?

25 MR RAMAPHOSA: I've always been concerned

Page 34637

1 MR RAMAPHOSA: Yes.

2 CHAIRPERSON: [Microphone off, inaudible]

3 MR RAMAPHOSA: I think I would probably
4 have seen it on television as well.

5 CHAIRPERSON: Yes, and answer the day or
6 soon thereafter is a bit unclear. I'd just like to clarify
7 one thing.

8 MR RAMAPHOSA: Yes.

9 CHAIRPERSON: The attempt by Mr Zokwana
10 to address the strikers was reasonably late on the
11 Wednesday afternoon. The killing of 34 people took place
12 on the Thursday afternoon.

13 MR RAMAPHOSA: That's true.

14 CHAIRPERSON: I take it your answer
15 implies that you knew about Mr Zokwana's unsuccessful
16 attempt –

17 MR RAMAPHOSA: On the day?

18 CHAIRPERSON: - to address the strikers
19 before the shooting on the Thursday afternoon?

20 MR RAMAPHOSA: Yes, Mr Chairman, with
21 respect, yes I did and as I recall now because most of this
22 was being played out on television.

23 [09:39] I would have seen it on television. And
24 similarly I would have seen Mr Mathunjwa succeeding in
25 going to address the workers.

<p style="text-align: right;">Page 34638</p> <p>1 MS BARNES: Thank you, Chair, those are 2 our questions. 3 CHAIRPERSON: Thank you, Ms Barnes. Mr 4 Van As, standard terms and arrangements between Mr Mpopo 5 and Mr Bham, you're going to deal with one topic in cross- 6 examination now and then if matters arise during the course 7 of his cross-examination he may seek to cross-examine 8 further in relation to such matters. Is it that we 9 understand? 10 MR VAN AS: That's correct, Mr 11 Chairperson. Mr Chairperson may I ask for a short five 12 minute adjournment? I'd just like to speak to Mr 13 Ramaphosa's counsel, just to consult about a document that 14 I don't know whether they received or not. It's part of 15 the – 16 CHAIRPERSON: Yes we'll adjourn for five 17 minutes. 18 MR VAN AS: Thank you. 19 [COMMISSION ADJOURNS COMMISSION RESUMES] 20 [09:50] CHAIRPERSON: The Commission resumes. Mr 21 Ramaphosa, you're still under oath. Mr van As. 22 CROSS-EXAMINATION BY MR VAN AS: Thank 23 you, Mr Chairperson. Good morning, Mr Ramaphosa, I act on 24 behalf of Lonmin. 25 MR RAMAPHOSA: Good morning to you.</p>	<p style="text-align: right;">Page 34640</p> <p>1 quite right. The row, going across – 2 MR RAMAPHOSA: The row, yes. 3 CHAIRPERSON: Sorry, forgive me, Mr van 4 As. Someone on the right-hand side has got, I don't know 5 what it is, but it's either headphones that are on the 6 table so we can hear what's coming out of the headphones or 7 it's a radio or something. But anyway it's making a noise, 8 it's disturbing us, making it difficult for us to 9 concentrate on the questions that are being answered. So 10 please see to it that it doesn't happen anymore. Carry on, 11 Mr van As. 12 MR VAN AS: Thank you. Perhaps I should 13 just set the background. This is a memorandum which 14 Lonmin's Human Capital department sent to Mr Mark Munroe 15 who is the executive vice president mining on the 27th of 16 July 2012. If one has a look at row number 1 it sets out 17 Lonmin's current basic salary as at July 2012 and you see 18 that 5 405. 19 MR RAMAPHOSA: Yes. 20 MR VAN AS: And it's set out the total 21 package as being 9 063. 22 MR RAMAPHOSA: That's correct. 23 MR VAN AS: Now what's more important for 24 the purposes of my cross-examination if you go to row 2 25 you've got Impala and that's set out the basic salary at</p>
<p style="text-align: right;">Page 34639</p> <p>1 MR VAN AS: Mr Ramaphosa, I'd like to 2 please refer you to exhibit JJJJ1 and if we could just 3 scroll down to the bottom of the document please? You 4 testified yesterday that this was the email which you 5 received from Ms Ncube at Shanduka, do you confirm that? 6 MR RAMAPHOSA: Yes I do confirm that. 7 MR VAN AS: I'd like to take you to 8 paragraph 1, the third sentence. It says "The RDOs have 9 been demanding what Impala ultimately settled for which was 10 an increase to R12 000 per month basic salary." Do you see 11 that? 12 MR RAMAPHOSA: Yes I do see that. 13 MR VAN AS: I'd like to then take you to 14 exhibit XXXX3.20. I've given you a copy of the document. 15 CHAIRPERSON: A bit lower down I think, a 16 bit lower down. I think that's the section that you want 17 Mr van As, isn't it? 18 MR VAN AS: Now, Mr Ramaphosa, I've 19 highlighted on there, I've also given you a hard copy, I've 20 highlighted with a yellow highlighter column number 1 on 21 table 1 is the current salaries, current remuneration as at 22 July of 2012. Do you see that? 23 MR RAMAPHOSA: By column, do you mean the 24 row or the column. 25 MR VAN AS: I beg your pardon, you're</p>	<p style="text-align: right;">Page 34641</p> <p>1 6 540 and the total remuneration as 9 961. 2 MR RAMAPHOSA: I see that. 3 MR VAN AS: So would it be fair to say 4 that Ms Ncube was incorrect when she advised you that 5 Impala rock drill operators were receiving a basic salary 6 R12 000 per month in July of 2012? 7 MR RAMAPHOSA: Yes on the basis of this, 8 clearly. 9 MR VAN AS: And then if I go to your – if 10 we can go back to JJJJ1 please? If we got to the top email 11 would it also be fair to then say that there is not the 12 huge differential between the wages paid to RDOs in other 13 companies and the RDOs paid – than the wages to RDOs at 14 Lonmin? 15 MR RAMAPHOSA: Yes it is – 16 CHAIRPERSON: I think what Mr van As 17 wants shown on the screen is Mr Ramaphosa's reply to Ms 18 Ncube. So it would be higher on that page. There it is, 19 that's it. 20 MR RAMAPHOSA: Yes, that's right. 21 MR VAN AS: Is that a fair 22 interpretation? 23 MR RAMAPHOSA: It is fair, that's true 24 the first statement. 25 MR VAN AS: Thank you, Mr Chairperson,</p>

Page 34642

1 those are my only questions for Mr Ramaphosa.
 2 CHAIRPERSON: Thank you. Mr Mpfu.
 3 CROSS-EXAMINATION BY MR MPOFU: Thank
 4 you, Chairperson. Good morning, Mr Ramaphosa.
 5 MR RAMAPHOSA: Good morning, Advocate
 6 Mpfu.
 7 MR MPOFU: I think that without wasting
 8 time I must also make a few declarations somewhere that you
 9 and I go quite a long way. I think we met in 19 –
 10 CHAIRPERSON: You go back quite a long
 11 way.
 12 MR MPOFU: Go back quite a long way, yes.
 13 1983 I remember that somewhere at East Rand Gold Mining
 14 when I was a student engineer, aspirant mining engineer or
 15 metallurgist and you were canvassing there for the NUM.
 16 That's more than 30 years ago, about 31 years ago.
 17 MR RAMAPHOSA: And you didn't join the
 18 union.
 19 MR MPOFU: I didn't unfortunately but I
 20 helped. I had already done that. Well in 1981 I was a
 21 strike leader in East London, but that's another story. To
 22 cut a long story short then the last encounter that we had
 23 was about 2 years ago, 30 years later in the disciplinary
 24 hearing that was referred to by General Mbombo. Do
 25 remember that one?

Page 34643

1 MR RAMAPHOSA: How can I forget that one?
 2 MR MPOFU: Thank you and in between those
 3 30 years countless occasions that you and I have worked
 4 together, notably you were my chairman of the National
 5 Reception Committee –
 6 MR RAMAPHOSA: Indeed.
 7 MR MPOFU: - for political leaders. Now
 8 – well that's not the last niceties, there's another nicety
 9 that's still coming so that we just get rid of the
 10 niceties.
 11 CHAIRPERSON: What is the opposite of
 12 nicety, the nastety, are you going to have the nastities
 13 after that?
 14 MR MPOFU: That is the rest, thank you,
 15 Chairperson. No I won't go that far. The other issue that
 16 I really wanted to converse with you in this light is – I
 17 think I'm going level quite substantial criticisms against
 18 you towards the end of the cross-examination. But I think
 19 that it's important to start the cross-examination on a
 20 positive note and I will start it with quite a compliment
 21 on what you said in an article that is on page 338,
 22 Chairperson, of the LRC bundle.
 23 CHAIRPERSON: Well yes so that was
 24 already an exhibit, we made the whole bundle an exhibit.
 25 MR MPOFU: Yes made it JJJJ8,

Page 34644

1 Chairperson.
 2 CHAIRPERSON: Yes that's correct. It's
 3 JJJJ8 and it's page ?
 4 MR MPOFU: 338, Chairperson.
 5 CHAIRPERSON: 338.
 6 MR MPOFU: Do you remember this is an
 7 article you wrote in the Sunday Times about the Marikana
 8 massacre?
 9 MR RAMAPHOSA: Yes.
 10 MR MPOFU: Or tragedy.
 11 MR RAMAPHOSA: Yes.
 12 MR MPOFU: I'm just going to read a few
 13 paragraphs just for context. In the first paragraph you
 14 say "The events at Marikana last week present probably the
 15 lowest moments in the short history of a democratic South
 16 Africa. The scene reminiscent of an age we thought had
 17 long been left behind has shaken the nation to its core."
 18 You obviously still agree with that.
 19 MR RAMAPHOSA: Yes, I do.
 20 MR MPOFU: And then let's jump two
 21 paragraphs. You say, the paragraphs that start with "Much
 22 has" do you see that?
 23 MR RAMAPHOSA: Yes.
 24 MR MPOFU: Ja, it says, "Much has been
 25 written about the confluence of circumstances that led to

Page 34645

1 the deaths of 44 people. The Judicial Commission of
 2 Inquiry established by President Jacob Zuma will shed light
 3 on how the events unfolded. Both the public commentary and
 4 the inquiry are essential to our efforts to understand what
 5 has happened, but they will be meaningless if one is not
 6 able to find the resolve and courage to attend to the flaws
 7 in our society that these vents have exposed." You
 8 obviously still agree with that.
 9 MR RAMAPHOSA: Yes.
 10 MR MPOFU: And then the next paragraph
 11 you say "The events at Marikana have revealed in the
 12 starkest terms possible the extent to which violence has
 13 become the language through which discontent is articulated
 14 and disagreement mediated. Such is the depth of grievance
 15 and such is the extent of popular alienation that to some
 16 peaceful forms of protests seem ineffective. For a nation
 17 that owes this democratic dispensation to its ability to
 18 solve what was seemingly an intractable conflict this is a
 19 devastating realisation." Then the next paragraph you say
 20 "It is not sufficient to bemoan this development. We need
 21 to act now, to address it. We need to attend both to the
 22 mechanisms through which we resolve conflict and to the
 23 broader question as to how those in positions of
 24 responsibility interact with and are guided by the needs
 25 and interests of the working people and communities."

<p style="text-align: right;">Page 34646</p> <p>1 And then later you say "In the early 1990s in 2 response to escalating political violence diverse parties 3 came together to negotiate the national peace accord with 4 mechanisms for independent monitoring and mediation. There 5 is much that can be learnt from that experience. The 6 current situation suggests the need for society wide effort 7 to promote peaceful resolution of conflict. We need to 8 reclaim our capacity to negotiate." Later on I'll just 9 paraphrase. You talk about effective communication, the 10 ability to listen and then you say "The democratic 11 dispensation we live in today requires that companies also 12 need to be more engaged with the communities in which they 13 operate. They need to be sensible to their needs and 14 ensure that they are able to respond to their concerns." 15 And it goes on and you say, underpinning the next 16 page, fourth paragraph, "Underpinning all the sectors that 17 led to this tragedy are extremes of economic inequality, 18 poverty, under development that continue to characterise 19 our society today. The conditions on the platinum belt in 20 the North-West resemble those in many communities" and so 21 on. But the most important paragraph is the one just 22 before the last one. You say there "There are few 23 innocents in this tragic space. Those who suffered the 24 greatest loss, the wives, the partners and children of 25 those who died bear the least responsibility for what</p>	<p style="text-align: right;">Page 34648</p> <p>1 be laid onto one person or one institution and so on. So 2 as much as you accept yourself that responsibility you say 3 that others should also do the same. Is that correct? 4 MR RAMAPHOSA: Well as I've articulated 5 before, even yesterday and I did so in that article that 6 you referred to the tragedy that occurred at Marikana has 7 to be approached as a collective failure by many role 8 players, many stakeholders. And I don't think that many 9 who had some role to play can say that they do not bear any 10 form of responsibility. I think the responsibility has to 11 be collective and as a nation we should dip our heads and 12 accept that we did fail the people of Marikana, 13 particularly the families and the workers and those who 14 died. We did fail them. 15 MR MPOFU: Yes, right. No, no that's 16 fine. We fortunately or unfortunately some of those 17 parties who must share or not share that responsibility 18 have either already been here or are still going to be here 19 so now we're going to deal with your responsibility since 20 you are the one who is testifying at the moment. I'm sure 21 that's acceptable. If you can say yes. 22 MR RAMAPHOSA: Yes, yes we should deal. 23 MR MPOFU: Thanks. Now I just want to 24 situate my cross-examination as follows. A lot has been 25 said about your own failures or failure to exercise certain</p>
<p style="text-align: right;">Page 34647</p> <p>1 happened. The rest of us will find it harder to make such 2 a claim. This must include the Lonmin management, the 3 board and all its shareholders. The National Union of 4 Mineworkers, the Association of Mineworkers and 5 Construction Union, AMCU, the South African Police Service 6 and the striking miners themselves." And if you allow me I 7 could add the government. Would that be acceptable? 8 MR RAMAPHOSA: Yes. 9 MR MPOFU: Thanks and you say "For 10 wherever we find ourselves we cannot escape that through 11 our action or inaction. We bear some responsibility for 12 the circumstances that made such a tragedy possible. As we 13 mourn so too must we introspect. Do you still stand by 14 that as well? 15 MR RAMAPHOSA: Yes I do. 16 MR MPOFU: Well I read that in detail 17 because I think it's going to make the cross-examination – 18 it will cut a lot of ground that we would have covered in 19 the cross-examination in that what it looks like here is 20 that at the very least you accept your share of the 21 responsibility for the massacre or for the tragedy. Is 22 that correct? 23 MR RAMAPHOSA: Yes. 24 MR MPOFU: Obviously you also probably 25 correctly say that this is not the kind of thing that can</p>	<p style="text-align: right;">Page 34649</p> <p>1 of the responsibilities that you know that's in reference 2 to your fiduciary duties as a board member and also I 3 suppose your moral duty as a person who has been in 4 leadership and so on. Do you remember that? 5 MR RAMAPHOSA: Yes. 6 MR MPOFU: And so given that and what I 7 read to you the only question really that we need to 8 determine is the extent of your responsibility. Would you 9 agree? 10 MR RAMAPHOSA: I don't know what that 11 means, the extent. 12 MR MPOFU: No it means that if you and I 13 agree that you accept some share of the responsibility the 14 only thing that remains is not to establish that because 15 that's established, it's to establish the extent of that 16 responsibility. 17 MR UNTERHALTER: Chair, these are utterly 18 abstract questions which are not helpful to anyone. If my 19 learned friend wants to pursue the question of the Deputy 20 President's responsibility let him deal with matters that 21 can be dealt with factually. But these general statements 22 are just entirely unhelpful and the editorialising is 23 equally unhelpful. 24 MR MPOFU: Chairperson, I'm not here to 25 help anybody. I'm putting –</p>

<p style="text-align: right;">Page 34650</p> <p>1 CHAIRPERSON: I'm sorry, Mr Mpfu, I 2 thought you were here to help us in the Commission – but - 3 MR MPOFU: You, yes I concede that, but 4 everyone else must help themselves . 5 CHAIRPERSON: Can I just ask the witness 6 two questions? Do you accept, you talked about collective 7 responsibility, do you accept, because this is the 8 foundation of Mr Mpfu's questioning, that to some extent 9 you personally have some responsibility for what happened? 10 That's the foundation of his cross-examination. What's the 11 answer to that? 12 MR RAMAPHOSA: Yes I would. I have 13 couched all this and without being evasive to say that we 14 all have had a role to play and somewhere along the line we 15 may not have fulfilled those roles as we should have 16 fulfilled them and that is what I would say yes I accept. 17 CHAIRPERSON: So to paraphrase what 18 you've said you and a lot of other people – 19 MR RAMAPHOSA: Yes. 20 CHAIRPERSON: - and institutions fell 21 short to some extent. 22 MR RAMAPHOSA: Indeed. 23 CHAIRPERSON: Now what Mr Mpfu wants to 24 know from you is would you be able, in order to help us, to 25 define the extent to which you, in retrospect, because we</p>	<p style="text-align: right;">Page 34652</p> <p>1 MR MPOFU: Thank you. In fact you had, 2 of the parties that you have listed, of the parties that 3 you have listed that you say should share the 4 responsibility, you were associated with about six of them. 5 The only two you were not associated with were AMCU and the 6 striking miners as, strikers as such. Would you agree? 7 MR RAMAPHOSA: Yes. 8 MR MPOFU: You were associated with 9 Lonmin management, you were associated with the board, you 10 were a shareholder, you were associated with the National 11 Union of Mineworkers, you had some dealings with SAPS and 12 the government, correct? 13 MR RAMAPHOSA: I was not in government 14 when all this happened. 15 MR MPOFU: Fair enough, you were not in 16 government but you were exchanging telephone calls with 17 people in government. 18 MR RAMAPHOSA: Yes. 19 MR MPOFU: Yes. 20 CHAIRPERSON: I'm not sure, I know this 21 is one of the issues we have to decide but I'm not sure we 22 can take it at this stage as a given that his contacts with 23 the government, the Ministers and the police in themselves 24 brought about a share of responsibility for him. It may 25 be, depending on the issues that are going to be covered</p>
<p style="text-align: right;">Page 34651</p> <p>1 all know that hindsight is 20/20, to what extent would you 2 with hindsight say you fell short? 3 MR RAMAPHOSA: Is that what you would 4 like me to deal with now? 5 CHAIRPERSON: I would. 6 MR RAMAPHOSA: Yes I think, Mr Chairman, 7 I think the responsibility at the board level, as a non- 8 executive board member of Lonmin, one should have sought to 9 find out more closely the actual process of negotiating 10 with the union. 11 [10:10] That I concede I should have done, I should have 12 probed that and I should also, I would concede, have looked 13 more closely at the unintended consequences that flowed 14 from paying workers a living out allowance and finally 15 getting them to a point where they took the money and went 16 to live in less than desirable accommodation where they 17 would face challenges of nutrition, challenges of having to 18 pay a lot of money for transport. As a company that is 19 what we should have done, we should have looked more 20 closely at where the workers live and how they live because 21 the living conditions that workers were exposed to is not 22 something that I can proudly say that I would like to be 23 associated with, in fact they are appalling and they are 24 inhuman and that is what I should have paid, and indeed the 25 board should have paid closer attention to.</p>	<p style="text-align: right;">Page 34653</p> <p>1 later in your cross-examination – 2 MR MPOFU: Yes, fair enough, Chairperson. 3 CHAIRPERSON: - but it's not a given at 4 this stage. 5 MR MPOFU: No, no, it's not. I accept 6 that, I accept that. 7 CHAIRPERSON: Those are matters we have 8 to anxiously consider. 9 MR MPOFU: Yes. Well, maybe I can short- 10 circuit it by saying you were a senior member of the 11 governing party, the ANC, at the time. Correct? 12 MR RAMAPHOSA: Yes. 13 MR MPOFU: Thanks, but we'll still 14 develop that association. Now what I'm going to seek to 15 establish, in fairness to you I must say this up front so 16 that we walk together, is not all the stories about 17 fiduciary responsibility and all that which you've just 18 dealt with now. I'm going to suggest at the end that the 19 extent of your responsibility is not confined to that but 20 should also extend to criminal liability, you understand 21 that? 22 MR RAMAPHOSA: I hear you. 23 MR MPOFU: Yes. And therefore this 24 discussion is just going to be at another level, at that 25 level. It is not about some moral duties that you might</p>

Page 34654

1 have failed to do, although we'll touch on those, but it
 2 will be driving towards that point. Now in order, and just
 3 for clarity's sake so that nobody misunderstands what I'm
 4 saying, what I'm saying is not that the Commission – the
 5 Commission is not empowered to say whether you are
 6 criminally guilty or not, that's not its purpose, that can
 7 be determined by another forum. All the Commission can do,
 8 or at least all I can say to the Commission is that they
 9 must make a recommendation for another forum. We
 10 understand each other? Yes?

11 MR UNTERHALTER SC: Chair, just on a
 12 point, if no part of your remit concerns questions of the
 13 attribution of criminal liability, I can't imagine –

14 CHAIRPERSON: One of the questions we
 15 have to consider is possibly making recommendations –

16 MR MPOFU: Yes.

17 CHAIRPERSON: - to the prosecution
 18 authority –

19 MR MPOFU: Yes.

20 CHAIRPERSON: - for consideration by the
 21 Provincial Director of Public Prosecutions, I take it
 22 primarily, of possible prosecutions of various persons. So
 23 I think that's what –

24 MR MPOFU: That's the distinction I'm
 25 drawing.

Page 34655

1 CHAIRPERSON: - alluding to.

2 MR UNTERHALTER SC: I'd understood my
 3 learned friend to say that that was not what he considered
 4 to be relevant for your purposes but if it is then he must
 5 make it plain that that's what he wishes to suggest you
 6 should do.

7 MR MPOFU: Yes –

8 CHAIRPERSON: Well, he can look after
 9 himself but my understanding was that he was saying,
 10 correctly –

11 MR MPOFU: Yes.

12 CHAIRPERSON: - it's not for this
 13 Commission to find anybody guilty. The most that we are
 14 called upon to do in that area is to consider whether it's
 15 appropriate for us to recommend –

16 MR MPOFU: That's all.

17 CHAIRPERSON: - consideration, not even
 18 recommend prosecution but to recommend consideration by the
 19 prosecution authority of particular persons for particular
 20 alleged offences.

21 MR UNTERHALTER SC: Just so that we're
 22 plain that that is what my learned friend is seeking to
 23 establish for the purposes of making, you're in due course
 24 making such a recommendation. If that is what he's doing,
 25 then fine, we at least know what the terms of this exchange

Page 34656

1 are about.

2 CHAIRPERSON: That's what I understood
 3 him to say but I may have misunderstood him –

4 MR MPOFU: That's exactly what I said,
 5 Chairperson, I don't understand this. That's exactly, when
 6 I used the word "recommendation" I was using it in that
 7 context.

8 CHAIRPERSON: [Microphone off, inaudible]
 9 – correctly summarised.

10 MR MPOFU: Yes, ja.

11 CHAIRPERSON: Sorry, I correctly
 12 summarised the point –

13 MR MPOFU: You did, you did.

14 CHAIRPERSON: I didn't misunderstand you
 15 on that issue, at least.

16 MR MPOFU: No, you didn't, Chairperson,
 17 no. And you understand that distinction after that debate,
 18 Mr Ramaphosa, correct?

19 MR RAMAPHOSA: I'm trying to understand.

20 MR MPOFU: Yes, no, okay I'll help you.
 21 One of the terms of reference that the President has given
 22 to the Commission is for it to make recommendations for
 23 certain aspects or outcomes to be referred to other
 24 agencies and that includes the prosecuting authorities. So
 25 I'm saying to you, when I say I'm going to talk to you

Page 34657

1 about criminal liability it's not as if at the end of this
 2 Commission I'm now going to say, well, Mr Ramaphosa is
 3 guilty of this and that and therefore, Mr Chairman, you
 4 must find him guilty. That's not the purpose or powers of
 5 this Commission. It's only for them to refer it to another
 6 place. Do you understand now?

7 MR RAMAPHOSA: I do.

8 MR MPOFU: Thank you. Now, in order to
 9 circumscribe then our discussion, for me to be able to make
 10 that recommendation at the end –

11 CHAIRPERSON: You're going to make the
 12 submission and you're going to ask us to make the
 13 recommendation.

14 MR MPOFU: Yes, of course, yes, without
 15 usurping the powers of the Chairperson, for me to motivate
 16 for that recommendation to be made, I would have to lay the
 17 basis for four broad things or things which I'm going to
 18 canvass with you in this cross-examination. Do you
 19 understand?

20 MR RAMAPHOSA: Mm-mm.

21 MR MPOFU: The first one would have to
 22 deal with things that you did, actions, physical actions or
 23 you know, inactions that you must have performed, do you
 24 understand that?

25 MR RAMAPHOSA: Yes.

Page 34658

1 MR MPOFU: The second broad category
 2 would have to deal with your state of mind, your intention
 3 and so on. Do you understand that, for sure?
 4 MR RAMAPHOSA: Yes.
 5 MR MPOFU: And thirdly, one would have to
 6 deal with what we lawyers call causality, the connection
 7 between what you did and the consequences, the
 8 consequences. In this case the consequences are the deaths
 9 of people and their injuries and so on, you understand
 10 that?
 11 MR RAMAPHOSA: Yes.
 12 MR MPOFU: And then of course it's the
 13 outcome which I've just mentioned and that's easy, I don't
 14 have to establish that. We all know that people died,
 15 others were injured and so on and so on, correct?
 16 MR RAMAPHOSA: Yes.
 17 MR MPOFU: Ja. So let's start then with
 18 just a few of the things which are relevant to what I'm
 19 going to ask you about which you have done or you have
 20 agreed to having done, it's just a list in no particular
 21 order. Number 1, you made the call to Mr Zokwana, correct?
 22 MR RAMAPHOSA: Yes.
 23 MR MPOFU: Which has been referred to.
 24 I'm using shorthand, I'm not going to say on such and such
 25 a date, you know what I'm talking about. Secondly, you

Page 34659

1 made a call on the 12th of August to Minister Mthethwa.
 2 MR RAMAPHOSA: Yes.
 3 MR MPOFU: Thirdly, you made a call
 4 around the 14th of August to Minister Susan Shabangu.
 5 MR RAMAPHOSA: Yes.
 6 MR MPOFU: Fourthly, you made another
 7 call on the 15th of August to Minister Mthethwa.
 8 MR RAMAPHOSA: Yes.
 9 MR MPOFU: Number 5, you – and this is
 10 almost like a question – in order to arrange the meeting in
 11 Cape Town you must have made another call to Minister
 12 Shabangu or her PA.
 13 MR RAMAPHOSA: Yes.
 14 MR MPOFU: Correct? Ja. Six, you made a
 15 call to the ANC secretary general Gwede Mantashe or had a
 16 discussion with him, it might not have been a telephone
 17 call.
 18 MR RAMAPHOSA: Yes.
 19 MR MPOFU: Yes. Then seventh, you had a
 20 meeting in Cape Town with Minister Shabangu.
 21 MR RAMAPHOSA: Yes.
 22 MR MPOFU: Eight, you had a call or a
 23 discussion with the Chamber of Mines.
 24 MR RAMAPHOSA: Mr Mike Teke, yes.
 25 MR MPOFU: Mike Teke, yes.

Page 34660

1 MR RAMAPHOSA: Mm-mm.
 2 MR MPOFU: And you and this one, you
 3 didn't participate directly but you were made aware of a
 4 discussion subsequent to your discussions with Minister
 5 Shabangu that was going to take place in the cabinet and
 6 with the President, correct?
 7 MR RAMAPHOSA: Can you just rephrase that
 8 one, please?
 9 MR MPOFU: Were you – just a minute.
 10 CHAIRPERSON: The reference is to page 18
 11 of your bundle BBB4, your e-mail of the 15th of August at
 12 2:58PM to Mr Jameson and others. In paragraph 2 of that e-
 13 mail you have summarised a discussion you'd had with
 14 Minister Shabangu by saying, "She is going into cabinet" –
 15 MR RAMAPHOSA: Yes.
 16 CHAIRPERSON: - "and will brief the
 17 President as well and get the Minister of Police Nathi
 18 Mthethwa to act in a more pointed way."
 19 MR RAMAPHOSA: Yes.
 20 CHAIRPERSON: The question is based upon
 21 that -
 22 MR RAMAPHOSA: Okay, I understand now.
 23 CHAIRPERSON: - that passage in the e-
 24 mail.
 25 MR RAMAPHOSA: I understand now.

Page 34661

1 MR MPOFU: Yes, and in fact in your own
 2 statement it's put much more clearer. Your statement is
 3 FFF32, 13.5 Chairperson.
 4 CHAIRPERSON: That's on page 23 of your
 5 bundle.
 6 MR MPOFU: Yes, page 23 of the witness
 7 bundle.
 8 CHAIRPERSON: On the fourth page of your
 9 statement.
 10 MR MPOFU: There you say, "Minister
 11 Shabangu agrees with Lonmin's characterisation of the
 12 situation," which we'll come to, "and indicated to me that
 13 she would bring the matter to the attention of the cabinet
 14 and the President." Is that –
 15 MR RAMAPHOSA: Yes.
 16 MR MPOFU: - how you understood it?
 17 MR RAMAPHOSA: Yes.
 18 MR MPOFU: Ja. So, and then number 10
 19 is, let's call it the e-mail exchange that you had with Ms
 20 Ncube.
 21 MR RAMAPHOSA: Yes.
 22 MR MPOFU: Then you had a similar e-mail
 23 exchange with Mr Mokwena.
 24 MR RAMAPHOSA: Yes.
 25 MR MPOFU: And then lastly number 12, you

Page 34662

1 had the famous e-mail exchanges with Lonmin leadership or
2 chairperson and so on.

3 MR RAMAPHOSA: Yes.

4 MR MPOFU: Okay, so those are the 12
5 facts that I'm going to refer to. I will call them the
6 dirty dozen.

7 CHAIRPERSON: Before we get too fixated
8 on the number 12, the evidence indicates that there in fact
9 wasn't a cabinet meeting on the 15th of August –

10 MR MPOFU: Ja.

11 CHAIRPERSON: And Minister Shabangu is
12 still going to come and tell us what she did on that day.

13 MR MPOFU: Yes.

14 CHAIRPERSON: But there wasn't a cabinet
15 meeting.

16 MR MPOFU: There was a cabinet committee,
17 that's been established.

18 CHAIRPERSON: No, I'm saying it wasn't a
19 cabinet meeting and according to the evidence of the
20 Minister of Police she didn't speak to him on that day,
21 certainly before the –

22 MR MPOFU: Yes.

23 CHAIRPERSON: So I'm not sure whether
24 your dozen stands but certainly 11 of the points you make
25 are still there to be discussed.

Page 34663

1 MR MPOFU: Well, it wouldn't affect the
2 dozen because the President is still there. So let's say
3 there was no cabinet meeting, it was referred to the
4 President, it's still a dozen.

5 CHAIRPERSON: We don't know whether she
6 referred it to the President.

7 MR MPOFU: No –

8 CHAIRPERSON: That's the point. That's
9 why I'm saying I'm not sure that we can accept that, accept
10 the 12th point. I'm not saying it isn't correct. Certainly
11 there wasn't a cabinet meeting. Whether she spoke to the
12 President or not is something, there's no evidence about –

13 MR MPOFU: Yes, fair enough.

14 CHAIRPERSON: She will be coming in due
15 course.

16 MR MPOFU: I accept that, I accept that.

17 CHAIRPERSON: So perhaps it would be
18 sensible to confine yourself to the 11 points that –

19 MR MPOFU: No.

20 CHAIRPERSON: - are common cause that
21 took place.

22 MR MPOFU: Yes. No, Chairperson, all I
23 was saying to the witness, which he has already agreed to,
24 by the way, is that he was made to understand that those
25 discussions would be escalated to the cabinet and the

Page 34664

1 President and that is the case. Whether indeed that
2 happened is another matter.

3 MS NKOSI THOMAS SC: Chairperson, just a
4 brief one to deduct from the dozen of my learned friend.
5 There was no telephone conversation between Minister
6 Mthethwa and the witness on the 15th.

7 CHAIRPERSON: Yes, yes, I said that I
8 thought there wasn't. There certainly wasn't one before
9 the shooting but yes, that's also a factor to be borne in
10 mind but anyway –

11 MR MPOFU: Fair enough, fair enough –

12 CHAIRPERSON: - you've got enough
13 material to cross-examine on for the moment.

14 MR MPOFU: Yes, yes.

15 CHAIRPERSON: In the time that's been
16 allotted to you.

17 MR MPOFU: Yes, I'm saying yes,
18 Chairperson, we'll fill the dozen. Maybe one should have
19 done the, what do you call, the baker's dozen so that –

20 CHAIRPERSON: - 13.

21 MR MPOFU: Yes, so that you have, you
22 have a spare wheel, ja, but be that as it may, the point
23 really is that this is a cluster of acts, whatever we call
24 it. Are we still together, Mr Ramaphosa?

25 MR RAMAPHOSA: Yes.

Page 34665

1 MR MPOFU: Yes. Now we are then going to
2 deal with those, let's put that issue aside for now because
3 I want to deal with an issue that doesn't quite fall into
4 those four categories that I spoke about, so that we get it
5 out of the way. You are familiar, you must be, with the
6 whole notion of conflict of interest, yes?

7 MR RAMAPHOSA: Yes.

8 MR MPOFU: And you are aware that it is
9 undesirable for one to act when they are conflicted in
10 various situations, I'm just talking generally now.

11 MR RAMAPHOSA: Yes.

12 MR MPOFU: Yes. And sometimes those
13 breaches of those conflicts might even be unlawful,
14 depending on whether it's a breach of articles of
15 association or a statute or the constitution, agreed?

16 MR RAMAPHOSA: Well, in the situation of
17 articles of association, yes.

18 MR MPOFU: Yes.

19 MR RAMAPHOSA: Or breach of a statute,
20 yes.

21 MR MPOFU: Of course, yes, thank you.
22 Now just on the actions, that basket of actions that we
23 have spoken about, you were – let me put it this way, you
24 regarded yourself as, or well at least, or you were
25 regarded correctly as a person who is associated with NUM,

<p style="text-align: right;">Page 34666</p> <p>1 a former leader of NUM who has some direct relationship 2 with them, correct? 3 MR RAMAPHOSA: Yes. 4 MR MPOFU: And when you had your 5 telephonic discussions which I referred to in the e-mails 6 with Mr Zokwana, Mr Motlatsi and people like that, you were 7 doing so in that capacity? 8 MR MPOFU: Right. At the same time you 9 were communicating with Lonmin management. 10 MR RAMAPHOSA: Yes. 11 MR MPOFU: Where the NUM is, was the 12 recognised union, correct? 13 MR RAMAPHOSA: Yes. 14 MR MPOFU: And at the same time you were 15 a shareholder of Lonmin? 16 MR RAMAPHOSA: Yes, Shanduka. 17 MR MPOFU: Of Shanduka. 18 MR MPOFU: Of Shanduka, yes, which is a 19 shareholder in Lonmin. 20 MR RAMAPHOSA: Yes. 21 MR MPOFU: Ja. Eventually, it is a 22 shareholder in Lonmin, correct? 23 CHAIRPERSON: Well indirectly it is. 24 MR RAMAPHOSA: Indirectly. 25 [10:29] MR MPOFU: Yes, thank you and it holds 9%</p>	<p style="text-align: right;">Page 34668</p> <p>1 MR MPOFU: What am I leaving out? And 2 you were a non-executive director of Lonmin. 3 MR RAMAPHOSA: Yes. 4 MR MPOFU: Now if you look at that web 5 of – 6 MR RAMAPHOSA: Relationships. 7 MR MPOFU: - relationships. 8 MR RAMAPHOSA: Yes. 9 MR MPOFU: Thank you. 10 MR RAMAPHOSA: Yes. 11 MR MPOFU: You would accept that then you 12 were caught up in a sauce pool of incestuous 13 relationships – 14 MR UNTERHALTER SC: Chair, that – 15 MR MPOFU: - in relation to the players. 16 MR UNTERHALTER SC: Chair, that is not a 17 proper question to put, not only by the use of adjectives 18 which are unhelpful in elucidating what question is being 19 put but if my learned friend wants to suggest that 20 something about these relationships gives rise to a 21 conflict of interest he has to articulate what were the 22 duties that are relevant to his question and what are the 23 interests with which they conflict. 24 MR MPOFU: Okay – 25 MR UNTERHALTER SC: Absent any such</p>
<p style="text-align: right;">Page 34667</p> <p>1 of Lonmin. 2 MR RAMAPHOSA: Yes. 3 MR MPOFU: About. 4 MR RAMAPHOSA: Of Lonplats, yes. 5 MR MPOFU: Yes, of Lonplats, ja. 6 MR RAMAPHOSA: Much less of Lonmin 7 itself. 8 MR MPOFU: Yes, of PLC. 9 MR RAMAPHOSA: Yes. 10 MR MPOFU: Ja, fair enough. And at the 11 same time you were also having discussions, as we've 12 established, with Mr Mantashe. 13 MR RAMAPHOSA: Yes. 14 MR MPOFU: And you were a member of the 15 National Executive Committee of the ANC. 16 MR RAMAPHOSA: That is true. 17 MR MPOFU: And as we've already 18 established, the ANC is the governing party. 19 MR RAMAPHOSA: Yes. 20 MR MPOFU: And at the same time you had, 21 your relations with Mr Mthethwa among other things were 22 that you were both in the National Executive of the ANC. 23 MR RAMAPHOSA: Yes, that's correct. 24 MR MPOFU: As well as Mr Mantashe. 25 MR RAMAPHOSA: Yes.</p>	<p style="text-align: right;">Page 34669</p> <p>1 specification that is not a question that is properly put 2 or helpful to anyone. 3 MR MPOFU: Okay. 4 MR RAMAPHOSA: Mr Chairman, could I also 5 say that – 6 MR MPOFU: It's a fair question. 7 MR RAMAPHOSA: - I do take exception to 8 your question that seems to suggest that my relationship 9 with my organisation, the African National Congress, is 10 incestuous. 11 MR MPOFU: No – 12 MR RAMAPHOSA: I also similarly do take 13 exception to a suggestion that my relationship with the 14 secretary general of the ANC is incestuous, and all the 15 other colleagues that you referred to. Mr Chairman, I do 16 take exception to that. 17 MR MPOFU: Ja, that might well be. 18 CHAIRPERSON: [Microphone off, inaudible] 19 MR MPOFU: Yes – 20 CHAIRPERSON: There are two points. The 21 first points is incestuous was an unhappy word, which I 22 take it you will withdraw. The second point is that you 23 should spell out what the nature of the conflict was. Just 24 a vague phrase like the one you used, even shorn of that 25 objectionable adjective, is still unhelpful.</p>

Page 34670

1 MR MPOFU: I've already said I'm going to
2 do that.

3 CHAIRPERSON: Well, you put the general
4 question, expecting an answer. So put to the witness
5 clearly what the conflict, or conflicts, I think implicitly
6 what you're putting to the witness is there were several
7 conflicts.

8 MR MPOFU: Yes.

9 CHAIRPERSON: Spell out what the
10 conflicts are, don't use objectionable adjectives and we
11 will make progress.

12 MR MPOFU: Well, this witness is an
13 expert in using adjectives like dastardly, so I will try
14 and restrain myself –

15 CHAIRPERSON: No, let's not –

16 MR MPOFU: That's fine.

17 CHAIRPERSON: - engage in a debate of
18 that kind.

19 MR MPOFU: Alright, we'll get there.
20 Well, from your experience –

21 CHAIRPERSON: Sorry, Mr Mpofu, sorry, is
22 this going to take some time? I was proposing to take the
23 first comfort break now. I thought I'd wait until this
24 point was finished but it looks to me as if it may take a
25 bit of time.

Page 34671

1 MR MPOFU: Yes, Chairperson, if –

2 CHAIRPERSON: So if it's convenient for
3 you – I don't want to do anything that's inconvenient for
4 you, but if it's convenient for you shall we take the first
5 comfort break now?

6 MR MPOFU: Yes, it is, Chairperson,
7 because there are many relationships.

8 CHAIRPERSON: That's right. Quarter of
9 an hour break.

10 [COMMISSION ADJOURNS COMMISSION RESUMES]

11 [11:01] CHAIRPERSON: The Commission resumes. Mr
12 Ramaphosa, you're still under oath.

13 MATAMELA CYRIL RAMAPHOSA: [s.u.o.]

14 CHAIRPERSON: Mr Mpofu, you're still
15 cross-examining I believe.

16 CROSS-EXAMINATION BY MR MPOFU (CONTD.):
17 Yes, thank you, Chairperson. Thank you, yes. Again just
18 to be fair I think let me – I'm going to continue where we
19 left it off, but just to put it in context. You do
20 understand that effectively the case that I've been
21 presenting here from day 1 is that you exerted political
22 pressure which resulted in the massacre, to summarise it.
23 I know you disagree with it, but you understand that that's
24 our case?

25 MR RAMAPHOSA: I disagree with it and I

Page 34672

1 hear you.

2 MR MPOFU: You understand?

3 MR RAMAPHOSA: I hear you.

4 MR MPOFU: No, but do you understand –
5 you can't disagree with something you don't understand. Do
6 you understand the case?

7 MR RAMAPHOSA: I hear what you are saying
8 and I disagree with you.

9 MR MPOFU: Do you disagree with something
10 you understand or something you don't understand?

11 MR UNTERHALTER SC: Chairman, there's
12 no –

13 CHAIRPERSON: No, no, I think you're
14 wasting time now. He says he heard what you say, he
15 doesn't agree with what you said. I think that's enough
16 for my purposes.

17 MR MPOFU: Well, Chairperson –

18 CHAIRPERSON: It's enough for my
19 purposes.

20 MR MPOFU: Can't you just ask the witness
21 to answer the question so that we move on, rather than what
22 have I done except answering and asking a question?

23 CHAIRPERSON: I interpreted his answer as
24 being an answer to the question.

25 MR MPOFU: Well –

Page 34673

1 CHAIRPERSON: Let's not waste time, let's
2 carry on.

3 MR MPOFU: Ja, well let's not. Do you
4 understand the gist of our case?

5 MR RAMAPHOSA: I have heard the gist of
6 your case, Mr Mpofu.

7 MR MPOFU: Yes. Now you also understand
8 that the – to be fair to you, it's no use for me to say you
9 exerted political pressure. That can mean a million
10 things. We have to narrow it to a specific part. You
11 understand that?

12 MR RAMAPHOSA: I'm waiting to hear the
13 question, Mr Mpofu.

14 MR MPOFU: No, that's the question. Do
15 you understand what I'm saying? That is the question.

16 MR RAMAPHOSA: Okay –

17 MR MPOFU: There's a question mark at the
18 end of that. Do you understand?

19 MR RAMAPHOSA: I understand.

20 MR MPOFU: Thank you. Okay, so when I'm
21 talking about all these things I'm trying to do that so
22 that I be helpful so that we can narrow it. Now that was
23 just to assist you, to give context.

24 In one of the emails you suggested that you were
25 going to call Mr Gwede Mantashe for the ANC to intervene.

Page 34674

1 MR RAMAPHOSA: Yes.

2 MR MPOFU: How was the ANC going to
3 intervene in this situation?

4 MR RAMAPHOSA: Well, I would have left
5 the intervention of the secretary general of the ANC up to
6 him. All I would have wanted to do is to say there is a
7 problem, the African National Congress is the ruling party
8 in the country, is interested in all manner of things that
9 lead to the lives and death of people.

10 MR MPOFU: Thanks. Ja, that's enough.
11 So the ANC had an interest, as you've described it.

12 MR RAMAPHOSA: I wanted to communicate to
13 the secretary general.

14 MR MPOFU: Yes. Now in the protection of
15 that interest how was the ANC going to intervene in line
16 with your proposal?

17 MR RAMAPHOSA: I don't know how the
18 secretary general would have intervened and all I wanted to
19 do was that there should be a discussion.

20 MR MPOFU: No, please Mr Ramaphosa, you
21 said that you were going to speak to Mr Mantashe for the
22 ANC to intervene. I can't ask this of Mr Mantashe even if
23 he was here because it's you who proposed it.

24 MR RAMAPHOSA: Mr Mpofo, it could have
25 amounted to a variety of things. It could have amounted to

Page 34675

1 him talking to Mr Mathunjwa, who he knows very well from
2 their past days. It could have amounted talking to anyone
3 who is involved, who was involved in the whole drama, and
4 this is a matter where we required people to be raising the
5 issue and talking to other people.

6 MR MPOFU: Oh, is it? Alright. Okay,
7 let's put it this way then. If that had succeeded that the
8 ANC would then have been a player of some sort or another,
9 peripheral maybe, but it would have been a player, correct?

10 MR RAMAPHOSA: It could have been. It
11 could never have been, you know, the whole might of the
12 ANC. It could have been the individual, the secretary
13 general used to be general secretary of the National Union
14 of Mineworkers. He knows some of the players there, he
15 knows Frans Baleni, Senzeni Zokwana, and he knows Mathunjwa
16 as well, and he knows quite a number of the people who were
17 involved in that whole drama.

18 MR MPOFU: No, well two things. 1, you
19 know that that is not the case. You know that the office
20 of the secretary general of the ANC brings effectively the
21 weight of the organisation, because you've been the
22 secretary general of the ANC. Isn't that correct?

23 MR RAMAPHOSA: No, in this case what
24 would have happened is that Mantashe was being brought in,
25 like James Motlatsi who used to be the president of the

Page 34676

1 National Union of Mineworkers, to play a role in talking to
2 some of the people who are involved in this.

3 MR MPOFU: No, but that is not true, Mr
4 Ramaphosa, because you said at BBB4.1, "I will be speaking
5 to Gwede Mantashe, the ANC secretary general, and suggest
6 that the ANC should intervene" –

7 MR RAMAPHOSA: Yes.

8 MR MPOFU: - not Gwede Mantashe.

9 MR RAMAPHOSA: Fair enough.

10 MR MPOFU: Do you see the difference?

11 MR RAMAPHOSA: Fair enough.

12 MR MPOFU: Yes.

13 MR RAMAPHOSA: Yes.

14 MR MPOFU: Ja, so now that we've cleared
15 that –

16 MR RAMAPHOSA: Yes.

17 MR MPOFU: - what was the ANC
18 intervention - not Gwede Mantashe, who knows, Baleni or
19 what-what – going to be?

20 MR RAMAPHOSA: Well, I was seeking to say
21 to the secretary general people are dying, people are dying
22 out there. If there is any help that can be brought to
23 bear, people to be talked to so that we can bring the
24 killing of people to an end.

25 MR MPOFU: Yes, okay. Let me just

Page 34677

1 summarise it like this. Of the players that we have
2 identified you were a party, or let's call it the lowest
3 common denominator if we talk about the ANC, Lonmin, NUM.
4 Is that correct?

5 MR UNTERHALTER SC: Chair, a question
6 that is not comprehensible. What does it mean to say you
7 are the lowest common denominator?

8 MR MPOFU: Alright –

9 CHAIRPERSON: I think he meant something
10 else, but perhaps he can rephrase the question –

11 MR MPOFU: Well, I meant exactly that.

12 MR UNTERHALTER SC: Could he just –

13 MR MPOFU: Yes, I will. I will.

14 MR UNTERHALTER SC: Could my learned
15 friend please just make plain –

16 MR MPOFU: Yes.

17 MR UNTERHALTER SC: - what he's asking?
18 The lowest common denominator is not something that is
19 comprehensible.

20 MR MPOFU: Ja, well to those who know
21 mathematics it is. But what the lowest common denominator
22 means, Mr Ramaphosa, is that if you have a number of
23 fractions, or in this case we are talking about these
24 entities, the one thing that is common among them could be
25 a number, let's say 12 and 4, and 16 and 4; the lowest

<p style="text-align: right;">Page 34678</p> <p>1 common denominator is 4 because it's common to all of them.</p> <p>2 CHAIRPERSON: [Microphone off, inaudible]</p> <p>3 MR MPOFU: No, LCD, that's what it's</p> <p>4 called in mathematics. Looks like I have to have night</p> <p>5 school –</p> <p>6 MR UNTERHALTER SC: Chairman, I wonder</p> <p>7 whether the use of metaphor is particularly helpful.</p> <p>8 Perhaps my learned friend could just ask the question</p> <p>9 directly that he wants to ask.</p> <p>10 MR MPOFU: Well, the question is that you</p> <p>11 were a common feature in those three entities. I'm sure</p> <p>12 everybody understands that. I don't know why my time is</p> <p>13 being wasted.</p> <p>14 CHAIRPERSON: Let's not get involved in</p> <p>15 this debate. Just let's get questions answered. You</p> <p>16 understand the question? You were an actor in each of</p> <p>17 those three parties that have been referred to. You had a</p> <p>18 foot in each of those camps, to use another metaphor.</p> <p>19 That's basically the point he's pointing.</p> <p>20 MR MPOFU: Yes.</p> <p>21 MR RAMAPHOSA: Yes.</p> <p>22 MR MPOFU: Thank you, and so what I'm</p> <p>23 going to do now is just to give you a set of facts on the</p> <p>24 basis of which I'm going to at the end justify my statement</p> <p>25 that there were these conflicts. You've already said that</p>	<p style="text-align: right;">Page 34680</p> <p>1 not have known. He would have –</p> <p>2 MR MPOFU: He wouldn't, yes.</p> <p>3 MR RAMAPHOSA: Yes.</p> <p>4 MR MPOFU: He would have had to guess.</p> <p>5 Minister Shabangu also would not have known whether you</p> <p>6 were calling her in your capacity as a shareholder or a</p> <p>7 board member or a fellow member of the NEC of the ANC.</p> <p>8 MR RAMAPHOSA: Well, I think Ms Shabangu</p> <p>9 would have known that I was a board member of Lonmin</p> <p>10 because we had had dealings on a variety of issues and we</p> <p>11 had had meetings with her prior to all this on a variety of</p> <p>12 matters that had to do with the mining business.</p> <p>13 MR MPOFU: No, that's true. Actually</p> <p>14 Lonmin submitted a submission on the nationalisation debate</p> <p>15 of the ANC, correct?</p> <p>16 MR RAMAPHOSA: Indeed.</p> <p>17 MR MPOFU: Yes, so she would have known,</p> <p>18 ja. Okay, now you would also agree as a seasoned former</p> <p>19 unionist that usually the interests of management and the</p> <p>20 union are not, do not coincide completely. Let's put it</p> <p>21 like that.</p> <p>22 MR RAMAPHOSA: Yes.</p> <p>23 MR MPOFU: Ja, and yet you being a</p> <p>24 shareholder and an executive on the Lonmin side were –</p> <p>25 CHAIRPERSON: He wasn't an executive. He</p>
<p style="text-align: right;">Page 34679</p> <p>1 Mr Mantashe was the secretary general of the ANC, correct?</p> <p>2 MR RAMAPHOSA: That is true.</p> <p>3 MR MPOFU: He was also a former secretary</p> <p>4 general, like yourself, of the National Union of</p> <p>5 Mineworkers.</p> <p>6 MR RAMAPHOSA: General secretary of the</p> <p>7 National Union of Mineworkers.</p> <p>8 MR MPOFU: General secretary, yes.</p> <p>9 MR RAMAPHOSA: Yes.</p> <p>10 MR MPOFU: And Mr Motlatsi –</p> <p>11 MR RAMAPHOSA: James Motlatsi.</p> <p>12 MR MPOFU: Mr James Motlatsi –</p> <p>13 MR RAMAPHOSA: Former president –</p> <p>14 MR MPOFU: Former president of the –</p> <p>15 MR RAMAPHOSA: - of the National Union of</p> <p>16 Mineworkers.</p> <p>17 MR MPOFU: - National Union of</p> <p>18 Mineworkers in your era, correct?</p> <p>19 MR RAMAPHOSA: Yes.</p> <p>20 MR MPOFU: Now Mr Mthethwa, when you were</p> <p>21 phoning Mr Mthethwa – I'm going to suggest to you he would</p> <p>22 not have known whether you were calling him as a</p> <p>23 shareholder of Lonmin or as a fellow member of the National</p> <p>24 executive. Would that be fair? Or did you specify it?</p> <p>25 MR RAMAPHOSA: You're correct, he would</p>	<p style="text-align: right;">Page 34681</p> <p>1 was a non-executive.</p> <p>2 MR MPOFU: Yes, well non-executive</p> <p>3 director. Well, more than that. You were more than just a</p> <p>4 non-executive director as we know it, independent non-</p> <p>5 executive director. You were also a shareholder, if you</p> <p>6 forget the structural things, in the sense that you and I</p> <p>7 understand, correct?</p> <p>8 MR RAMAPHOSA: Yes.</p> <p>9 MR MPOFU: Yes, so that's the one side.</p> <p>10 Then you are convening a meeting of the union, as it were,</p> <p>11 or under the banner of the NUM to see what must be done</p> <p>12 about the strike at the same time, correct?</p> <p>13 MR RAMAPHOSA: What do you mean, under</p> <p>14 the banner of the NUM?</p> <p>15 MR MPOFU: Well, you said that when you</p> <p>16 were calling Mr Senzeni Zokwana, James Motlatsi and so on</p> <p>17 to your meeting which was going to happen on Friday, that</p> <p>18 was being done in your capacities as NUM people.</p> <p>19 MR RAMAPHOSA: Former NUM people, yes.</p> <p>20 MR MPOFU: Yes, and current in the case</p> <p>21 of Mr Zokwana.</p> <p>22 MR RAMAPHOSA: Of course.</p> <p>23 MR MPOFU: Yes.</p> <p>24 MR RAMAPHOSA: Ja.</p> <p>25 MR MPOFU: Yes, that's what I mean by</p>

Page 34682

1 under the banner of the NUM.
 2 MR RAMAPHOSA: Okay.
 3 MR MPOFU: Yes, now would you agree at
 4 the very least that that is unusual in the sense that you
 5 are, as the Chairperson put it, one of your feet is on the
 6 management, or on the company side, let's put it, and then
 7 you are also on the labour side.
 8 MR RAMAPHOSA: I don't see what the
 9 unusual aspect of that is because we are human beings, we
 10 know each other, we play different roles in different
 11 organisations and we are meeting around a common purpose.
 12 MR MPOFU: Mr Ramaphosa, really, in your
 13 days as a unionist would you have had a caucus of the NUM
 14 together with Mr Oppenheimer?
 15 MR RAMAPHOSA: I did meet on a number of
 16 occasions with the full knowledge of my members, members of
 17 the National Union of Mineworkers, sometimes on a one-to-
 18 one basis with people who represent the employers. They
 19 knew that there was nothing fraudulent, there was nothing
 20 suspicious about those meetings. Mr Mpofo, I've held
 21 numerous meetings with people on the opposite side of the
 22 divide and what we've always, I've always sought to do is
 23 to deal in those meetings honestly, openly, and make sure
 24 that I am prepared to disclose whatever would have been
 25 discussed.

Page 34683

1 MR MPOFU: Yes.
 2 MR RAMAPHOSA: So there was nothing
 3 suspicious about any of those meetings.
 4 MR MPOFU: Yes, well you know that that's
 5 not what I'm asking about. Obviously people have to meet,
 6 even in the heat of a strike or whatever conflict. That's
 7 not what I'm talking about, and you know it. I'm saying is
 8 it, when you were a unionist would you have found it as a
 9 usual occurrence that you have a caucus of the NUM to deal
 10 about what to do about the strike and invite Mr
 11 Oppenheimer?
 12 MR RAMAPHOSA: I would not characterise –
 13 MR MPOFU: Yes.
 14 MR RAMAPHOSA: - a meeting with the
 15 employer as a caucus.
 16 MR MPOFU: Well okay, a meeting that
 17 happens under the banner, as you and I have agreed, of the
 18 NUM where you invite Mr Oppenheimer.
 19 MR RAMAPHOSA: No, leave Mr, late Mr
 20 Oppenheimer out of this, so –
 21 MR MPOFU: Well, I'm making an example –
 22 MR RAMAPHOSA: Let's deal with some of
 23 the things that I experienced and I went through.
 24 MR MPOFU: Yes.
 25 MR RAMAPHOSA: During the 1987 strike

Page 34684

1 there was a lot of violence on the mines and we had
 2 occasion to meet with representatives of the Chamber of
 3 Mines and of the employers and in those meetings we were
 4 able to find ways of curbing the violence to the extent
 5 that we could because that was a completely different
 6 situation that we are exposed to now, and there was nothing
 7 suspicious about that, or unusual.
 8 MR MPOFU: Again you know that I'm not
 9 talking about those kinds of meetings. But by the way,
 10 since you've mentioned the 1987 strike, was some of that
 11 violence perpetrated by your members in the NUM?
 12 MR RAMAPHOSA: Yes.
 13 MR MPOFU: Ja.
 14 MR RAMAPHOSA: But as you say there, you
 15 will recall what I said earlier that in the National Union
 16 of Mineworkers we had strike rules.
 17 MR MPOFU: Yes, well did those strike
 18 rules involve not shooting other workers?
 19 MR RAMAPHOSA: Not as far as I know.
 20 What I do know is that the workers who were shot at were
 21 shot at by the apartheid police.
 22 MR MPOFU: Yes. No, I'm saying when you
 23 were there one of the rules you've referred to must have
 24 involved people, NUM members not shooting fellow workers,
 25 correct?

Page 34685

1 MR RAMAPHOSA: Well, it could not have
 2 been maybe specified like shooting, but not perpetrating
 3 acts of violence against other workers.
 4 MR MPOFU: Any acts of violence, yes.
 5 Well, after you left, yes, we will hear, on the 11th
 6 actually the first act of violence was by NUM members
 7 shooting the protesters.
 8 MR TIP SC: Objection, Chair –
 9 MR RAMAPHOSA: So I heard.
 10 MR TIP SC: This objection I've had to
 11 make previously. It is not the first act of violence.
 12 There are several acts of violence and acts of intimidation
 13 that have been logged by Lonmin in respect of strikers
 14 taking action against persons who wished to go to work.
 15 MR MPOFU: Okay.
 16 MR TIP SC: So this is not being put
 17 correctly and again it needs to be put in context.
 18 MR MPOFU: Okay, Chairperson, I'll refer
 19 to my previous answer to that, but you are aware that one
 20 of the –
 21 CHAIRPERSON: No, no, wag, wag, wag.
 22 Let's take this point slowly. I think, am I correct in
 23 saying that the first live ammunition that was fired in
 24 this whole saga as far as we know on the evidence before us
 25 at the moment was on the Saturday morning by NUM officials

Page 34686

1 who gave evidence, they claimed they were acting in self-
 2 defence. There may be a basis for arguing, which we'll
 3 hear at the end, that the bounds of self-defence were
 4 exceeded, but I think it's correct to say, Mr Tip, that
 5 there is evidence from the unabridged Lonmin occurrence
 6 book that rubber bullets were fired on the Friday night,
 7 but I think it's also correct to say there's no entry that
 8 I'm aware of that anybody on either side actually, either
 9 the strikers' side or the employer's side, or the police
 10 side, fired live ammunition on the Friday night. The first
 11 live ammunition was fired by NUM officials, they say in
 12 defence of itself on the Saturday morning. That's correct,
 13 isn't it?
 14 MR MPOFU: That's correct, Chairperson.
 15 CHAIRPERSON: So I think, so subject to
 16 those qualifications I think Mr Mpofo may proceed.
 17 MR MPOFU: Thank you, Chairperson.
 18 MR TIP SC: Well Chair, let me just
 19 complete what I have to say on that because it is my
 20 recollection that there are indeed entries in the logs and
 21 in the evidence concerning shots of a live ammunition kind
 22 that were fired in the course of the evening of the 10th,
 23 but with respect, that is not the pertinent question here
 24 at all.
 25 MR MPOFU: Ja.

Page 34687

1 MR TIP SC: It is simply that my learned
 2 friend Mr Mpofo must put facts to the Deputy President in a
 3 balanced and complete way so that he can deal with it in an
 4 equally balanced and complete way.
 5 MR MPOFU: Yes, I'm happy to do it on the
 6 basis that the Chairperson –
 7 CHAIRPERSON: Mr Mpofo, maybe you can
 8 reformulate it this way. It's not necessarily relevant who
 9 fired what first. What is relevant is that, what you are
 10 putting is that NUM officials did fire live ammunition and
 11 injured two strikers on the Saturday morning and that,
 12 unless they were acting in self-defence, which they say
 13 they were of course, that would not have been covered by
 14 the strike rules to which the witness has referred.
 15 MR MPOFU: Yes.
 16 CHAIRPERSON: Alright.
 17 MR MPOFU: And I think in fairness the
 18 witness has agreed. Is that correct?
 19 MR RAMAPHOSA: Yes.
 20 [11:21] MR MPOFU: And by the way, by the way,
 21 Chairperson, apropos – I don't want to be sidetracked but
 22 the so-called five shots that were heard turned out to be
 23 an unrelated incident but we'll deal with that on another
 24 day.
 25 CHAIRPERSON: We don't know, the trouble

Page 34688

1 is there's no evidence really before us in any depth at all
 2 of what happened –
 3 MR MPOFU: No, it did. There was a body
 4 that was found with five shots but it was –
 5 CHAIRPERSON: No, no, there's no evidence
 6 before us as to its relation, if any, to the things we're
 7 busy with.
 8 MR MPOFU: Thanks, Chair.
 9 CHAIRPERSON: Anyway we can concentrate –
 10 MR MPOFU: This much we –
 11 CHAIRPERSON: - on the issues before us
 12 we can make progress.
 13 MR MPOFU: Ja, thank you, Chairperson.
 14 In fact, if one goes to your biography written by Anthony
 15 Butler, a copy of which was supplied – I'll just read it
 16 out, it's a short – on page 195 it says the following,
 17 "While the strike," it's about the 1987 strike, "While the
 18 strike unfolded in various ways, no two mines were alike.
 19 Violence, at least, was everywhere. The worst of the
 20 violence was inflicted by NUM's own members. Strikers
 21 assaulted non-strikers and strike breakers with
 22 unprecedented viciousness. In some compounds armed workers
 23 set up kangaroo courts and strikers received 'death
 24 sentences' for betraying their comrades." You remember
 25 that?

Page 34689

1 MR RAMAPHOSA: Yes.
 2 MR MPOFU: Ja, and that's a correct
 3 reflection of what happened?
 4 MR RAMAPHOSA: Well, I remember the
 5 reference to it in the biography.
 6 MR MPOFU: Yes.
 7 MR RAMAPHOSA: It does not follow that
 8 it's exactly what happened.
 9 MR MPOFU: That is exactly why I'm asking
 10 you the second question.
 11 CHAIRPERSON: Mr Mpofo, just for
 12 housekeeping in a proper form, you've given us a copy of an
 13 extract from Professor Anthony Butler's biography of the
 14 witness.
 15 MR MPOFU: That is correct.
 16 CHAIRPERSON: That is, that extract will
 17 be JJJ9, it's page 22 and following of your bundle but
 18 that won't go into the record. All that will go into the
 19 record as an exhibit will be this extract you've given us
 20 and you are quoting from, I think it's page 29 of the
 21 bundle which is 195 of the published book.
 22 MR MPOFU: Thank you, thank you. Okay,
 23 let me put it this way. I see there is a distinction. I
 24 was making the same distinction. You remember that that's
 25 what it says in the biography. Now I'm saying in relation

Page 34690

1 to the events generally that occurred during that strike,
 2 you wouldn't quarrel with what the author says.
 3 MR RAMAPHOSA: You know, I do quarrel.
 4 MR MPOFU: Okay.
 5 MR RAMAPHOSA: Because that's not
 6 entirely the truth.
 7 MR MPOFU: Oh, so there was no violence
 8 from NUM members?
 9 MR RAMAPHOSA: I'm not saying that there
 10 was no violence. There was violence during that strike. A
 11 number of people died. The description that he attached to
 12 how people died and the kangaroo courts is in question
 13 because he clearly has a particular view as a writer, as an
 14 author. What he's saying has not been tested.
 15 MR MPOFU: Okay, can we then say, going
 16 again for a minimalist approach, that during that strike
 17 there were some attacks and murders of non-strikers?
 18 MR RAMAPHOSA: There were people who were
 19 killed, yes, non-strikers as well.
 20 MR MPOFU: Yes.
 21 MR RAMAPHOSA: A number of people were
 22 killed.
 23 MR MPOFU: Yes, so you are not completely
 24 unfamiliar with the notion of strike violence yourself.
 25 MR RAMAPHOSA: I am very familiar with

Page 34691

1 it, Mr Mpofo.
 2 MR MPOFU: Yes. And you are also
 3 familiar with the COSATU study that says that increasingly
 4 workers are regarding strike violence as an acceptable way
 5 of perpetrating a strike, which is obviously undesirable
 6 but that is what is happening?
 7 MR RAMAPHOSA: I have read that.
 8 MR MPOFU: Yes. And you know that in
 9 recent times one of the most vicious strikes was, I think
 10 29 people died, was by a COSATU union, I think it was
 11 SATAWU, correct?
 12 MR RAMAPHOSA: Yes.
 13 MR MPOFU: Right. Now the bottom line
 14 really in what I'm saying is that we are going to argue
 15 that your actions in this whole saga were motivated by your
 16 own financial interest.
 17 MR RAMAPHOSA: Mm-mm.
 18 MR MPOFU: Do you understand and do you
 19 agree?
 20 MR RAMAPHOSA: I hear you. I do not
 21 agree.
 22 MR MPOFU: So your actions had nothing to
 23 do with your financial interests?
 24 MR RAMAPHOSA: No, they did not.
 25 MR MPOFU: And yet in the circulars that

Page 34692

1 were being sent to people, including yourself, some of the
 2 things that were being highlighted was the impact of the
 3 strike financially on the shareholders obviously, correct?
 4 MR RAMAPHOSA: Well, it could well be
 5 articulated in the circular. My intervention had to do
 6 with people losing their lives. I think we need to
 7 understand that.
 8 MR MPOFU: No, your intervention had
 9 nothing to do with people losing their lives. It had
 10 everything to do with your financial interests and the fact
 11 that your shares were diminishing as a result of the
 12 strike.
 13 MR RAMAPHOSA: Mr –
 14 MR MPOFU: That's what I'm putting to
 15 you.
 16 MR RAMAPHOSA: Mr Mpofo, I disagree with
 17 you completely on that one.
 18 MR MPOFU: Alright, let's get, let's go
 19 there. You accept that, you have accepted that if Lonmin
 20 had engaged with the strikers, the violence would not have
 21 occurred.
 22 MR RAMAPHOSA: Well, Lonmin needed to
 23 engage with the strikers, negotiate with them, that I think
 24 we've already covered.
 25 MR MPOFU: And if they had done so, one

Page 34693

1 of the possible consequences is that the violence would not
 2 have occurred?
 3 MR RAMAPHOSA: I don't know whether it
 4 would not have occurred.
 5 MR MPOFU: But it's possible. You
 6 conceded that yesterday.
 7 MR RAMAPHOSA: Yes, it is.
 8 MR MPOFU: It is possible, yes. Now you
 9 see, that's because – that proposition was put, let me put
 10 it this way, generously by Mr Budlender by saying that no
 11 further deaths would have occurred, in other words alluding
 12 to the deaths of the 34 miners. Do you remember that?
 13 MR RAMAPHOSA: Yes, I do.
 14 MR MPOFU: Ja. Now what I'm putting to
 15 you is that Lonmin's obligation from all the discussions
 16 that have taken place, I don't want to re-canvass all that
 17 so I'll just put the proposition, if Lonmin did not adopt
 18 what you have called and the NUM have called an inflexible
 19 approach on the 10th of August, which is when the strikers
 20 first marched to LPD and refused to talk to them, then all
 21 the deaths could have been avoided.
 22 CHAIRPERSON: [Microphone off, inaudible]
 23 – the question badly. It's, the strikers marched to the
 24 LPD and Lonmin refused to talk to them. You said "and
 25 refused to talk to them." It's Lonmin refused to talk to

Page 34694

1 them –

2 MR MPOFU: Yes, at the top of the

3 sentence was Lonmin, so I was still talking about Lonmin.

4 CHAIRPERSON: No, anyway, I've added in

5 the sentence, the second –

6 MR MPOFU: Alright –

7 CHAIRPERSON: - which it needed.

8 MR MPOFU: - but anyway with that

9 addition do you accept what I'm saying?

10 MR RAMAPHOSA: Yes, yes.

11 MR MPOFU: Yes. So that this whole

12 notion of yours that you were intervening to stop

13 criminality, to stop violence and all that is actually

14 baseless because the very violence that resulted in the 10

15 people, would have been avoided had you performed your

16 duties to ensure that Lonmin talks to the strikers in

17 accordance with their duties that were shown to you this

18 morning. Do you understand that?

19 MR UNTERHALTER SC: Chair, that's a very,

20 very long set of questions, perhaps my learned friend –

21 MR MPOFU: I'm not asking you. I'm

22 asking the witness.

23 MR UNTERHALTER SC: Chair, I am making –

24 MR MPOFU: So why do you –

25 MR UNTERHALTER SC: Chair –

Page 34695

1 CHAIRPERSON: Mr Mpofu, I think you must

2 give Mr Unterhalter an opportunity to raise his objection

3 without interrupting him –

4 MR MPOFU: No, well, the length of a

5 question has never been an objection, Chairperson.

6 CHAIRPERSON: Mr Mpofu, please, please.

7 Mr Unterhalter is still addressing me on the objection, he

8 is entitled to do that. I will call upon you to reply when

9 he's finished.

10 MR MPOFU: Thank you, Chair.

11 MR UNTERHALTER SC: Chair, my objection

12 is simply this, that it's unfair to a witness to ask

13 compound questions with multiple variants within them.

14 I'd ask my learned friend simply to ask one question at a

15 time and solicit the answers sequentially.

16 CHAIRPERSON: Mr Mpofu, that is correct.

17 We have frequently in this Commission disallowed, or I have

18 disallowed questions that are double, treble questions.

19 This one, I'm not sure how many questions were bound up in

20 this one. There is no objection, as I understand it, to

21 the substance of what you're asking. The request is that

22 you ask your questions singly. I think that sounds like a

23 valid request.

24 MR MPOFU: Chairperson, really, with the

25 greatest respect, I qualified the question by saying to the

Page 34696

1 witness I don't want to re-canvass all the things that have

2 been re-canvassed, I'm going to compound a few propositions

3 in order to save time and I'm sure the witness understands

4 the question, you know.

5 MR RAMAPHOSA: Chair, I don't understand

6 the question. Could you rephrase the question?

7 MR MPOFU: Okay.

8 MR UNTERHALTER SC: Chair, and if I may,

9 just whilst we're having this intervention, it's precisely

10 the problem that by putting multiple propositions one after

11 the other and then –

12 CHAIRPERSON: I've agreed, I've agreed to

13 that point.

14 MR MPOFU: Ja.

15 CHAIRPERSON: And I have frequently,

16 before you joined us, ruled against questions which are not

17 single questions and said that questions must be put singly

18 and I reaffirm that ruling and Mr Mpofu will obey it, I'm

19 sure.

20 MR MPOFU: Thank you, Chairperson. You

21 have also said you don't want concurring judgments. Thank

22 you. So I'm saying to you, this is very important, you

23 have conceded that had Lonmin – or let me start a bit there

24 - you've conceded that you knew that all the employees

25 wanted was to be talked to. You knew that?

Page 34697

1 MR RAMAPHOSA: That's a given.

2 MR MPOFU: Yes. You, of all people, know

3 that as you said, one of the achievements that you have

4 made in the past was to restore the dignity of mineworkers,

5 correct?

6 MR RAMAPHOSA: Yes.

7 MR MPOFU: And one of the ways in which

8 to assert the dignity of a person or a group of persons is

9 to talk to them. Whether you're going to agree with them

10 or not, as a skilled negotiator as you were described, you

11 would know that.

12 MR RAMAPHOSA: Yes.

13 MR MPOFU: Yes. So the inflexible stance

14 of Lonmin in refusing even to engage, not to give 12 500

15 but to talk to the workers, was an affront to their

16 dignity, among other things. Correct?

17 MR RAMAPHOSA: Yes.

18 MR MPOFU: Yes. Now what I'm saying is

19 that had that affront to their dignity not been perpetrated

20 on the 10th, because we know that the first death occurred

21 on the 12th, you know that, of the 10th.

22 MR RAMAPHOSA: Mm-mm.

23 MR MPOFU: Do you know that the first

24 death of those 10 occurred on the 12th of August?

25 MR RAMAPHOSA: Yes.

Page 34698

1 MR MPOFU: Yes, so had the affront to the
2 dignity of the workers not been perpetrated on the 10th and
3 they had been engaged, the ensuing deaths could have been
4 avoided. That's the only proposition I'm making.
5 MR UNTERHALTER SC: Chair, I'm not
6 certain how this witness can help on that issue of
7 causation.
8 MR RAMAPHOSA: I can't.
9 CHAIRPERSON: Isn't it for the witness to
10 say that he can't help us?
11 MR MPOFU: Yes.
12 CHAIRPERSON: Yes –
13 MR MPOFU: Please answer the question –
14 MR RAMAPHOSA: I was about to say I would
15 not be able to say –
16 MR MPOFU: Well, you were able to say
17 yesterday. You were able to say when it was put to you by
18 Mr Budlender that had the approach which was taken by Mr Da
19 Costa been followed, further deaths could have been
20 avoided.
21 MR UNTERHALTER SC: I think the
22 proposition was different. It was that –
23 CHAIRPERSON: The answer – sorry, Mr
24 Unterhalter.
25 MR MPOFU: Sorry.

Page 34699

1 CHAIRPERSON: The question really was put
2 on the basis of "might," it was put on the basis that it
3 was a possibility –
4 MR MPOFU: Really –
5 CHAIRPERSON: It was a possibility. It's
6 one thing to say it's a possibility, it's another thing to
7 say it's a definite proposition. So if you put it on the
8 basis that you concede that it was a possibility then you
9 can proceed.
10 MR MPOFU: Yes, I'm putting it on that
11 basis.
12 MR RAMAPHOSA: If it's being put as a
13 possibility my answer would be yes.
14 MR MPOFU: Thank you.
15 MR RAMAPHOSA: But you have put it
16 forward as though it was a fact –
17 MR MPOFU: I am so –
18 MR RAMAPHOSA: - an absolute reality.
19 MR MPOFU: Okay, thanks.
20 MR RAMAPHOSA: It is a possibility.
21 MR MPOFU: It's a possibility –
22 MR RAMAPHOSA: Yes.
23 MR MPOFU: - the deaths could have been
24 avoided.
25 MR RAMAPHOSA: It is a possibility.

Page 34700

1 MR MPOFU: Yes. So that your crusade or
2 attempts to save lives would have been unnecessary had the
3 simple duty of engaging the workers been adhered to,
4 possibly, correct?
5 MR RAMAPHOSA: Possibly. The premise –
6 MR MPOFU: Sorry?
7 MR RAMAPHOSA: Ja.
8 MR MPOFU: Thank you, no, ja, you can –
9 MR RAMAPHOSA: Where I want to come in,
10 Mr Mpofo, is with all this having happened and the failure
11 to engage with the workers and then the deaths start, it
12 still does not justify how one seeks to address problems,
13 to go and kill other workers and kill them in the brutal
14 way that they were killed. It still does not justify it.
15 MR MPOFU: Mr Ramaphosa, you know me
16 better. I've said that we go a long way. I would never
17 justify the killing, brutal or otherwise, of any person.
18 MR RAMAPHOSA: Yes.
19 MR MPOFU: That's not the point I'm
20 making. I'm saying to you that even if we take – even
21 let's say for example your intervention, belated as it
22 might have been, had happened after the two, the first two
23 deaths had occurred on the 12th, brutal and so on. If your
24 intervention had been to say, well, there are these two
25 brutal deaths, let's engage with the workers, then I'm

Page 34701

1 saying possibly the further eight deaths might have been
2 avoided. You can't quarrel with that, given where we've
3 come from with this questioning.
4 MR RAMAPHOSA: Possibly.
5 MR MPOFU: Possibly, yes. So that that's
6 really the nub of the issue, Mr Ramaphosa, which is to say
7 had you expended a quarter of the energy that you expended
8 with multiple e-mails and airtime and phoning this one and
9 that one in ensuring that the simple duty of Lonmin to
10 affirm the dignity of the workers by engaging them, that
11 energy would have been much more usefully expended – thank
12 you, Chairperson – in that it would have achieved what you
13 claim was your purpose, which was to avoid further deaths.
14 I stop it there because I don't want to ask another long
15 question and I'm told length is a problem.
16 MR RAMAPHOSA: Yes.
17 CHAIRPERSON: No, it's simplicity that's
18 more the problem but, Mr Ramaphosa, can you answer the
19 question you've been asked?
20 MR RAMAPHOSA: Well, the answer that I
21 would give is that we had people on the ground who were
22 engaging with the workers in a variety of ways and clearly
23 there were weaknesses here and there in as far as engaging
24 with them in the form where they could sit down and
25 negotiate, and what I was then called upon to do, even if

Page 34702

1 you look at all those e-mails to say could you assist us
 2 because the situation is getting out of control, many more
 3 people are being killed and that is where I entered because
 4 I entered at the level at where they believed I could give
 5 more effective help.
 6 MR MPOFU: Yes. No, I accept that. All
 7 I'm saying is, I'm making a simple proposition which says
 8 you probably had easier access to the Lonmin people than
 9 you had to government ministers, would that be a fair
 10 statement?
 11 MR RAMAPHOSA: I had access to both,
 12 almost equally.
 13 MR MPOFU: Almost equally?
 14 MR RAMAPHOSA: Yes.
 15 MR MPOFU: Well, okay. Let's accept that
 16 –
 17 MR RAMAPHOSA: But when it comes to the
 18 Lonmin people, they are the executives on the ground
 19 dealing with the matter.
 20 MR MPOFU: Yes.
 21 MR RAMAPHOSA: On a day to day basis, on
 22 a hands-on basis.
 23 MR MPOFU: Yes, that's fine. Let's
 24 accept that you had equal access. Now all I'm saying is
 25 that that equal access would have been better utilised to

Page 34703

1 say to Lonmin management the obvious, that people are
 2 dying, engage with them. In my experience as a former
 3 trade unionist, if you engage with them, engaging with them
 4 does not mean you give them what they want. You spoke
 5 yesterday of give and take and so on and the workers have
 6 given evidence here that they understood that, that the
 7 employer might not have the 12 500 and so on and so on.
 8 And that, I'm suggesting that instead of flying to Cape
 9 Town and e-mailing this one and phoning that one, you
 10 should have just performed the simple task – or let me put
 11 it this way, had you performed that simple task then all
 12 the deaths would have been avoided, could have been avoided
 13 possibly.
 14 MR RAMAPHOSA: No, no. All of us were
 15 performing various tasks and I was performing the task that
 16 I had been asked more directly to help in. I was
 17 performing that and on the ground, and I'm repeating this a
 18 few times now and I'm sure that you will also understand –
 19 maybe I should ask you whether you agree but –
 20 MR MPOFU: No, you are here to answer
 21 questions –
 22 MR RAMAPHOSA: I'm here to answer your
 23 questions, fair enough.
 24 MR MPOFU: - not to ask questions.
 25 MR RAMAPHOSA: Ja, I'm here to answer

Page 34704

1 your questions.
 2 MR MPOFU: Unfortunately.
 3 MR RAMAPHOSA: And all I'm saying is that
 4 there was a situation of great exigency, emergency, that
 5 needed to be dealt with and that is what I was requested to
 6 help in dealing with or solving.
 7 MR MPOFU: Yes.
 8 [11:41] MR RAMAPHOSA: On the ground they were
 9 dealing with other issue – situation of interacting with
 10 the workers and doing whatever needed to be done there.
 11 MR MPOFU: No, I'm sorry, there's no
 12 other issue. Your mission was to prevent the deaths of
 13 people, wasn't it?
 14 MR RAMAPHOSA: That is what I was doing
 15 when I was interacting with all those people that I was
 16 interacting with –
 17 MR MPOFU: Yes.
 18 MR RAMAPHOSA: - in the emails.
 19 MR MPOFU: Ja, I'm simply putting a
 20 proposition to you that says if it was true that your
 21 mission was simply to prevent the deaths of people and it
 22 had nothing to do with the fact that the strike was
 23 affecting you in the pocket, then you would have taken the
 24 easiest route in preventing those deaths, namely to ensure
 25 that the strikers are engaged with.

Page 34705

1 MR RAMAPHOSA: Mr –
 2 MR MPOFU: I'm sorry. Okay, you can
 3 answer.
 4 MR RAMAPHOSA: I did what I had to do in
 5 terms of interacting with all those people who I believed
 6 could bring the situation under stability. That is what we
 7 were dealing with.
 8 MR MPOFU: Well, also you knew that the
 9 management was reticent, or reluctant to engage with the
 10 workers because of the floodgates argument, that it would
 11 open floodgates and there would be other groups of
 12 employees also making these demands, and that by the way is
 13 also a financial consideration, but the point I'm making is
 14 that you knew about that.
 15 MR RAMAPHOSA: I knew that in their
 16 interaction with the employees they had put forward the
 17 views that are articulated in the report that I got from Ms
 18 Ncube.
 19 MR MPOFU: No, I'm afraid it's more than
 20 that. There's a new exhibit, Chairperson, which is the
 21 extract from the minutes of Lonmin PLC board meeting held
 22 on 25 July 2012.
 23 CHAIRPERSON: [Microphone off, inaudible]
 24 the documents we got? I don't remember reading it last
 25 night.

Page 34706

1 MR MPOFU: Yes, it was only given
2 yesterday, Chairperson. It's just half a page.
3 CHAIRPERSON: What you've got in the list
4 that we got was under new documents it says item 20,
5 relevant Lonmin board minutes still to be specified.
6 MR MPOFU: And 21 –
7 CHAIRPERSON: I haven't got a 21.
8 MR MPOFU: Oh ja, no then you've got the
9 provisional list. There is a –
10 CHAIRPERSON: Anyway, something is now on
11 the screen.
12 MR MPOFU: That's the one.
13 CHAIRPERSON: I see, and there's now a
14 page 78 in my file. Alright, so that will be JJJ10,
15 extract minutes, this is the LPC company, Lonmin – I mean
16 sorry, Lonmin PLC, sorry - PLC dated 25 July.
17 MR MPOFU: Yes, thank you, Chairperson.
18 In that it says –
19 CHAIRPERSON: So that's JJJ10.
20 MR MPOFU: 10, thank you, Chairperson.
21 In that it says, I'll just read the first paragraph, this
22 is presumably the CEOs report to you, to the board,
23 "Ongoing tension between AMCU and NUM continue to pose the
24 biggest risk to production. Both unions are actively
25 recruiting members across the business with current

Page 34707

1 membership of AMCU and NUM at 18% and 52% respectively. A
2 two-year wage agreement was in place with the NUM and
3 whilst limited recognition rights had been granted to AMCU
4 there was a possibility that AMCU could seek to demand a
5 different settlement ahead of the implementation of this
6 2012. In addition" – that's the important part – "rock
7 drill operators were seeking an additional increase to
8 align their remuneration with their counterparts at Impala
9 and Amplats. Given that we have wage bargaining structures
10 agreed with those unions entitled to collective bargaining
11 rights we were resisting" – underline resisting – "any such
12 separate deals as this would effectively open the door to
13 demands from a potentially unlimited number of other
14 parties, including conflicting and overlapping groupings of
15 workers." You knew about this.
16 MR RAMAPHOSA: Yes.
17 MR MPOFU: In fact you were at this
18 meeting.
19 MR RAMAPHOSA: I believe I would have
20 been, yes.
21 MR MPOFU: Well, you were. If you read
22 further down –
23 MR RAMAPHOSA: Yes, I was actually.
24 MR MPOFU: Yes, thank you. It actually
25 says that "Mr Farmer noted that the potential volatility of

Page 34708

1 the situation between the two unions was apparent in a
2 recent incident where an NUM representative took a
3 handgun" –
4 MR RAMAPHOSA: Yes.
5 MR MPOFU: - "to Saffy Shaft. The police
6 were able to intervene before anyone was hurt. Mr Farmer
7 assured the meeting that there was police presence at the
8 hostels and there were regular checks for weapons.
9 However, the hostels only house approximately 10% of our
10 workforce. Mr Ramaphosa suggested that electronic security
11 devices be installed throughout the property to
12 automatically check for firearms and that serious
13 disciplinary action be taken against all individuals
14 involved in any kind of intimidation or violent behaviour."
15 Remember that?
16 MR RAMAPHOSA: That is correct.
17 MR MPOFU: Ja, so in that meeting, apart
18 from suggesting that they must erect electric fences and
19 all that –
20 MR RAMAPHOSA: Sure.
21 MR MPOFU: - you did not say this idea of
22 yours in the first paragraph that we must resist talking to
23 people because it might open floodgates is dangerous and
24 might lead to violence, did you?
25 MR RAMAPHOSA: Well, what I would have

Page 34709

1 said clearly, minutes never record everything but what I
2 would have said is – well, what I did say is that we need
3 to take care to negotiate or to talk to the unions and if
4 anything explain to them the difficulty that this would
5 give rise to that you give an increase to one bargaining
6 unit and then it starts going, it starts creating problems
7 all round. That is the type of thing that any management
8 should be able to explain to workers and say may not be
9 able to do it now, but if we do it now this is the problem
10 that it would give rise to. That is the view that I put
11 forward.
12 MR MPOFU: Well –
13 MR RAMAPHOSA: But it's obviously not
14 recorded.
15 MR MPOFU: Well, it's not just, it's not
16 about not being recorded. If you had put that forward, if
17 indeed you had put that view forward and not been defeated
18 then on the 10th of August the stance that was adopted,
19 which I've said was causally linked to all the deaths, all
20 44 of the deaths, the stance that was taken could not have
21 been taken because what would have happened here, you would
22 have pooh-poohed this idea and it would have been clear
23 that this is not the approach to be taken and yet, and then
24 two weeks later or so when the workers came at LPD they
25 would not have been told that management is refusing to

Page 34710

1 talk to them, using the same lame excuse about agreements.
 2 MR UNTERHALTER SC: Again, Chair, my
 3 learned friend is simply giving an address. If he could
 4 either ask questions or break down the propositions he
 5 wants to put.
 6 MR MPOFU: Ja. Are you unable to answer
 7 the question that your counsel suspects –
 8 CHAIRPERSON: No, no, Mr Mpofu –
 9 MR RAMAPHOSA: I don't know what the
 10 question is.
 11 CHAIRPERSON: Mr Mpofu, it helps us –
 12 MR MPOFU: The question is simple –
 13 CHAIRPERSON: Sorry, Mr Mpofu, it helps
 14 us when we read the record later to have single questions,
 15 single answers, otherwise you ask a whole lot of questions
 16 in one, get an answer yes. What's he saying yes to? So
 17 please adhere to that ruling I gave.
 18 MR MPOFU: Chairperson, honestly. The –
 19 CHAIRPERSON: It was an honest ruling and
 20 I'm sure you can deal with it honestly to –
 21 MR MPOFU: Ja sure, you know I'm sure
 22 many questions have been asked in this Commission much
 23 longer and more multiple than that, but be that as it may.
 24 I'm saying to you, okay, let me do it like this. Did you
 25 or did you not raise an objection to this proposal?

Page 34711

1 MR RAMAPHOSA: Well, I raised the issue
 2 of discussing this problem that the CEO had raised with the
 3 unions and articulating to them the difficulty and getting
 4 them to understand how this increase in between wage
 5 agreements would create a problem.
 6 MR MPOFU: Then why did the board not
 7 adopt your suggestion, or warning?
 8 MR RAMAPHOSA: Well, I don't know. I was
 9 just one board member out of many.
 10 MR MPOFU: No, you can't not know, Mr
 11 Ramaphosa. It's either you did not raise the thing, as the
 12 minutes suggest, or you raised it and then you were
 13 defeated. You can't say I don't know.
 14 MR RAMAPHOSA: Well clearly it's
 15 something that management would have needed to act on and
 16 as it turns out, yes, they didn't act on it.
 17 MR MPOFU: Alright.
 18 MR RAMAPHOSA: Yes.
 19 MR MPOFU: So then it's even worse. Then
 20 it means that the management, despite your warning that the
 21 path that they were following might be dangerous, on the
 22 10th of August nevertheless refused to speak to the workers,
 23 knowing that this might lead to violence. Is that your
 24 evidence?
 25 MR RAMAPHOSA: Well, that's what you're

Page 34712

1 putting forward. You say that they refused to speak to
 2 management – I mean to the workers.
 3 MR MPOFU: Yes. No, no, I'm saying there
 4 are two, there are only two possibilities; it's either they
 5 refused to speak to the workers in line with what they had
 6 presented here, or they refused to speak to them in
 7 contravention of what you had raised.
 8 MR RAMAPHOSA: Well, I think we would
 9 need to look at the various sequences that followed,
 10 whether meetings were held, any real attempt was made to
 11 meet and at the executive management level whether they
 12 sought to meet, and I know for sure that management were,
 13 there was a time when they were even afraid to go to the
 14 koppie, when they were called to go to the koppie they
 15 thought that they would be attacked and killed.
 16 MR MPOFU: Fair enough.
 17 MR RAMAPHOSA: Ja.
 18 MR MPOFU: You see, that excuse is even
 19 lamer than the first one because by all accounts on the 10th
 20 of – even in one of your emails on the 10th of August the
 21 march was peaceful, so nobody was afraid of anything. So
 22 that could never have been the reason why they did not
 23 engage. The only reason they did not engage is because of
 24 what is stated here.
 25 MR RAMAPHOSA: Well, as I say, one would

Page 34713

1 need to understand the number of attempts that were made on
 2 both sides. I don't have line of sight of that right now,
 3 to be quite truthful.
 4 MR MPOFU: No, fair enough.
 5 MR RAMAPHOSA: Ja.
 6 MR MPOFU: That I understand. I'm simply
 7 saying to you the evidence so far – you can take it from
 8 me, otherwise I'm sure somebody will object – is that the
 9 march of the 10th was peaceful and that management refused
 10 to speak to the workers, and we are going to argue that
 11 that was – I don't want to bore you with – that was the
 12 event that then snowballed into a whole lot of tragic
 13 events.
 14 MR RAMAPHOSA: Okay.
 15 MR MPOFU: I'm just summarising. You
 16 understand that?
 17 MR RAMAPHOSA: I understand.
 18 MR MPOFU: Yes, and there was no question
 19 of anybody being afraid of anything on the 10th. Actually
 20 Mr Sinclair was the security person, I think he was
 21 surprised that, you know, that's what he was told; go and
 22 tell them we're not going to speak to them. I'm saying had
 23 that not happened – well, you and I have agreed had that
 24 not happened possibly the rest might have been –
 25 MR RAMAPHOSA: Ja.

Page 34714

1 MR MPOFU: - the day might have been
2 saved, correct? And we would not be sitting here.
3 MR RAMAPHOSA: I understand what you say.
4 MR MPOFU: Yes. So let's then go to the
5 question of – I just wanted to deal with, I've dealt with
6 the question of what I call the conflicts. I want to deal
7 now with the element of unlawfulness of some of the –
8 remember we said there were those activities and I'm going
9 to attach certain things to them, as it were.
10 MR RAMAPHOSA: Which conflicts are you
11 referring to?
12 MR MPOFU: The conflicts that you and I
13 have gone through of the lowest common denominator and all
14 that, that whole discussion, ANC, Lonmin, NUM, sitting on
15 both sides, shareholder –
16 CHAIRPERSON: That's the way you
17 presented it, but of course the conflict of interest
18 actually goes a bit further than that. You can, if you
19 wear three hats you can wear, provided they don't clash
20 with each other you can wear all of them simultaneously
21 when you engage in negotiations or do other things, but
22 it's the clash between your different interests which
23 causes you to either say I'm only acting in this capacity
24 or to recuse yourself completely because you can't, your
25 loyalty is to two sides and you can't –

Page 34715

1 MR MPOFU: Ja, but that's exactly –
2 CHAIRPERSON: But you didn't specify –
3 MR MPOFU: I did, Chairperson. I spoke
4 about being in NUM and being in a union at the same time as
5 being in management. What more –
6 CHAIRPERSON: Well, I'm just saying to
7 you that's the point that's inherent in a conflict of
8 interest.
9 MR MPOFU: Yes.
10 CHAIRPERSON: If you're satisfied you've
11 dealt with the point adequately and you'll be able to argue
12 it at the end, well then I won't stop you.
13 MR RAMAPHOSA: Mr Chairman, I do want to
14 respond to this issue of conflict of interest because it
15 does seem to be quite central in Mr Mpofu's cross-
16 examination and I would have thought that the issue of
17 conflict of interest, a problem of conflict of interest
18 really should only arise when one believes that there is,
19 the connection between the parties is improper, it's either
20 fraudulent or even, maybe even criminal.
21 MR MPOFU: Yes.
22 MR RAMAPHOSA: Now in all these
23 relationships that you tried to even suggest are incestuous
24 I would say that if someone is trying to help solve a
25 situation, a situation which would either save lives, would

Page 34716

1 either advance the common purpose of everyone, it should
2 never be seen as a conflict of interest. You came to me
3 here yesterday as counsel and you said "I've been trying to
4 be certified as senior counsel. Is there anything you can
5 do for me?"
6 MR MPOFU: No, that's not true.
7 MR RAMAPHOSA: And I said –
8 MR MPOFU: No, that is untrue. You
9 mustn't –
10 CHAIRPERSON: No, Mr Mpofu, please
11 don't –
12 MR MPOFU: No, but he can't come here and
13 make up stories –
14 MR RAMAPHOSA: I haven't finished –
15 CHAIRPERSON: Mr Mpofu, please –
16 MR MPOFU: You can't make up stories. He
17 said to me –
18 CHAIRPERSON: Mr Mpofu –
19 MR MPOFU: - "Are you senior counsel
20 yet?"
21 CHAIRPERSON: Mr Mpofu, please –
22 MR MPOFU: Tell the story as it happened,
23 Mr Ramaphosa.
24 CHAIRPERSON: Mr Mpofu, please don't
25 interrupt the witness –

Page 34717

1 MR MPOFU: No, but he must not lie.
2 CHAIRPERSON: When he's finished – well,
3 that's a question we don't have to go into now. When he's
4 finished his answer you can deal with it, but if you're
5 going to interrupt, you're going to interrupt him or he
6 interrupt you, then things will get out of hand.
7 MR MPOFU: Ja.
8 CHAIRPERSON: Let's keep the temperature
9 down. Let him finish his answer and you can then deal with
10 it.
11 MR RAMAPHOSA: Mr Chairman, this –
12 MR MPOFU: Let him go on.
13 MR RAMAPHOSA: Mr Mpofu and I had a
14 fairly friendly discussion here yesterday and I asked him,
15 "Are you now senior counsel?" He said –
16 MR MPOFU: Now that's true.
17 MR RAMAPHOSA: He says, "Yes, I'm
18 supposed to be senior counsel." And I said, "Silk?" and he
19 said, "I'm supposed to be. All that remains is for the
20 President to sign the certificate that I should be clothed
21 with the proper robe of being a silk."
22 MR MPOFU: Yes.
23 MR RAMAPHOSA: And then he said –
24 MR MPOFU: And I showed you Ms Pillay.
25 MR RAMAPHOSA: And you even referred to

Page 34718

1 Ms Pillay –

2 MR MPOFU: Correct.

3 MR RAMAPHOSA: And you said there are

4 quite a number of other counsels who are waiting for the –

5 MR MPOFU: Including, I said –

6 MR RAMAPHOSA: - the certification.

7 MR MPOFU: I referred to the Judge's son

8 as well.

9 MR RAMAPHOSA: And I said – and he said

10 it awaits the President's signature, and he said, "Is there

11 anything you can do for me?"

12 MR MPOFU: No, I did not say that.

13 MR RAMAPHOSA: And I said, "Dali" –

14 CHAIRPERSON: Mr Mpofo, please, Mr

15 Mpofo –

16 MR MPOFU: No, but I can't allow somebody

17 to lie about me, Chairperson.

18 CHAIRPERSON: Mr Mpofo, I can't allow

19 people to interrupt other people.

20 MR MPOFU: Ja.

21 CHAIRPERSON: If he's saying things you

22 don't agree with I'll give you an opportunity. Don't –

23 MR MPOFU: Ah okay, you say what you

24 want.

25 CHAIRPERSON: Don't interrupt him –

Page 34719

1 MR MPOFU: But you know that is not true.

2 MR RAMAPHOSA: And I –

3 CHAIRPERSON: Mr Mpofo, don't interrupt

4 me either.

5 MR MPOFU: Let him do what he wants.

6 He's wasting my –

7 CHAIRPERSON: Mr Mpofo, don't interrupt

8 me either.

9 MR MPOFU: Okay, well –

10 CHAIRPERSON: Keep the temperature down.

11 Let the witness continue his answer. If you don't like it

12 and you want to put something to him you can do so.

13 MR MPOFU: Let him –

14 CHAIRPERSON: Otherwise we won't get

15 anywhere with this –

16 MR MPOFU: - say what he wants so that we

17 can go back to the –

18 CHAIRPERSON: You're interrupting me

19 again –

20 MR MPOFU: - [inaudible] murder which

21 the –

22 CHAIRPERSON: Mr Mpofo, you're

23 interrupting the again. Please –

24 MR RAMAPHOSA: The point I'm trying to

25 get to, Mr Chairman, is this issue of conflict of interest,

Page 34720

1 and I even raised it with him and I said, "Oh, this could

2 be a conflict of interest." But then I said, "It cannot be

3 a conflict of interest because I do want you to get that

4 certificate, I do want you to be a silk, properly with the

5 proper certificate," and I say so even as I know that he's

6 opposed to me, he's on another sort of side of the

7 political divide. It is for me of great interest that his

8 career and everything should be advanced. So there is no

9 conflict of interest when it comes to that because there's

10 nothing fraudulent about it, there's nothing criminal about

11 it, and similarly when I intervened for the people to, the

12 killings to stop. What he calls an incestuous relationship

13 cannot be so because what I was seeking to do is to advance

14 the common purpose of everyone and save lives, just like I

15 am prepared to ensure that one intervenes so that he can

16 get his certificate to be able to practice as a senior

17 counsel. That's what I was referring to as on the issue of

18 conflict of interest.

19 MR MPOFU: Well, Mr Ramaphosa –

20 CHAIRPERSON: Mr Mpofo, what do you want

21 to say?

22 MR MPOFU: Thank you, ja. Mr Ramaphosa,

23 if you can misrepresent something that happened less than

24 24 hours ago and tell an untruth about the sequence of what

25 happened, then one shudders what, how much

Page 34721

1 misrepresentation and falsification you can put to the

2 events where your integrity and your criminality is in

3 question. Now what I'm saying to you –

4 CHAIRPERSON: Mr Mpofo, let's ask a

5 question. If there's a conflict of fact between you as to

6 what was said yesterday then it's a matter for evidence,

7 but it's not an issue covered by our terms of reference –

8 MR MPOFU: No.

9 CHAIRPERSON: - and I don't propose to

10 investigate it.

11 MR MPOFU: Well, you allowed it,

12 Chairperson, so I must have a say. You understand? If he

13 can make falsifications about me in the public forum, the

14 least you can allow, Chairperson, is for me to refute it,

15 if you are a fair chairperson.

16 CHAIRPERSON: Of course I am a fair

17 chairperson.

18 MR MPOFU: Oh, well that's what I

19 thought.

20 [12:01] CHAIRPERSON: I would have hoped that

21 there'd be no question about it.

22 MR MPOFU: Yes. No, there isn't,

23 Chairperson. What, let me - I don't want to be

24 sidetracked. What I said to the gentleman is that your

25 son, I even said the judge's son, Ms Pillay sitting there

Page 34722

1 and myself [inaudible], are in the same position and he
 2 said – I never said is there anything you can do, that is
 3 just a fabrication. He then said I will speak to whoever
 4 he is going to speak to, that's all. And he even said, and
 5 I'm sure that the majority of those people are black people
 6 who are on that list and therefore I will intervene. He
 7 offered that himself gratuitously, so don't come and
 8 patronise me, I did not ask you for any favours.

9 MR RAMAPHOSA: It's not a conflict of
 10 interests.

11 MR MPOFU: Okay, fine. Now –

12 CHAIRPERSON: Okay, well, it's not going
 13 to help us to resolve the issues before us. Anyway you've
 14 replied to what –

15 MR MPOFU: Thank you, Chairperson.

16 CHAIRPERSON: - Mr Ramaphosa said and I
 17 propose taking the tea adjournment now and then hopefully
 18 after the break occasioned by the tea break, the last one
 19 was supposed to be quarter of an hour, it was half an hour
 20 because we had to discuss the programme for tomorrow and
 21 the day after, this time let's stick to quarter of an hour.

22 MR MPOFU: Thank you, Chairperson.

23 [COMMISSION ADJOURNS COMMISSION RESUMES]

24 [12:21] CHAIRPERSON: The Commission resumes.
 25 Before we carry on with the evidence I've been asked to

Page 34723

1 address an appeal to those who are present in the chamber.
 2 I see there are some people who aren't here and I'd be
 3 grateful if those who are here would convey to them what
 4 I'm now going to say. Apparently yesterday two people took
 5 sets of headphones and then didn't hand them in when they
 6 left. So at the moment we're three sets of headphones
 7 short. We had a problem with a set of headphones earlier
 8 and these headphones belong to the contractor and the
 9 Department of Justice is going to have to recompense their
 10 contractor if there are headphones missing. Now I'm sure
 11 the people who took them didn't take them intending to keep
 12 them permanently. It was probably just forgetfulness, but
 13 I'd be grateful if those who took headphones yesterday, if
 14 they're here in the chamber will please bring them back and
 15 hand them in. And if anybody here knows anybody who did
 16 that I'd be grateful if they'd tell them and pass on the
 17 message. So that's the first thing I want to say. The
 18 second thing I want to say is that Ms Michele Le Roux who
 19 appears for the Human Rights Commission reminded me that
 20 today is the second anniversary of those who died on the
 21 12th, that's the Sunday, that's the two security guards and
 22 the worker who went to Karee 4. And I think it's
 23 appropriate for us to mark the occasion. I ask you all
 24 please that we have a minute's silence and we all stand and
 25 we'll pray that their souls may rest in peace with light

Page 34724

1 perpetually shining on them. Thank you very much. And
 2 those who are family members or loved ones of the three
 3 persons I have mentioned who are present today we convey to
 4 you once again our condolences and sympathy. Thank you Mr
 5 –

6 MR MPOFU: Thank you, Chairperson, if you
 7 allow may I just maybe implore you to use that very welcome
 8 symbolic gesture in respect of all the victims so that –

9 CHAIRPERSON: I will do so tomorrow and
 10 the rest of the week. Tomorrow, the 13th anniversary on the
 11 Friday we will remember – sorry the 13th is for those who
 12 died on the 13th, the 14th for those died, well actually Mr
 13 Twala and we will also, of course, remember the 34 who died
 14 on the 16th. All of them –

15 MR MPOFU: On Friday?

16 CHAIRPERSON: Yes, yes –

17 MR MPOFU: Because the 16th happens to
 18 fall on the Saturday.

19 CHAIRPERSON: The anniversary is over the
 20 weekend.

21 MR MPOFU: Yes, thanks, Chairperson.

22 CHAIRPERSON: But all 44 of them are very
 23 much in our thoughts.

24 MR MPOFU: Thank you, Chairperson.

25 CHAIRPERSON: We certainly will observe,

Page 34725

1 as closely as we can, the anniversary videos. And we also,
 2 while I'm about it, when Bishop Seoka came he suggested
 3 that some kind of a memorial should be put up at the scene
 4 for the people concerned and there were crosses put up. I
 5 understand many have been removed, but one of the matters
 6 we will address in our reports is that something be done of
 7 a permanent nature because as the witness himself said in
 8 the article to which you referred us this was a horrific
 9 act in the new South Africa –

10 MR MPOFU: That's correct, Chairperson.

11 CHAIRPERSON: - which must never be
 12 forgotten and never be repeated.

13 MR MPOFU: Thank you, Chairperson. On
 14 that we are at one. Now, Mr Ramaphosa.

15 MR RAMAPHOSA: Yes, Mr Mpofo.

16 MR MPOFU: You know time is of the
 17 essence.

18 MR RAMAPHOSA: Indeed.

19 MR MPOFU: Ja you and I am sure will find
 20 other terrain to deal with each other. So let's just
 21 concentrate on the business of the Commission.

22 MR RAMAPHOSA: Heaven forbid that we deal
 23 with each other, Mr Mpofo.

24 CHAIRPERSON: May I say that I hope that
 25 despite what happens you will still put in a good word for

<p style="text-align: right;">Page 34726</p> <p>1 all those people who are waiting, for are waiting for -</p> <p>2 MR MPOFU: The Chairperson is conflicted</p> <p>3 because his -</p> <p>4 CHAIRPERSON: Conflict means there are</p> <p>5 conflicting interests then there's one interest that we all</p> <p>6 share, as you yourself pointed out and I hope that you'll</p> <p>7 do your best to ensure that the letters patterned that are</p> <p>8 awaiting the President's signature will soon be signed.</p> <p>9 Thank you very much.</p> <p>10 MR MPOFU: Thank you, Chairperson.</p> <p>11 MR RAMAPHOSA: Mr Chairman, I can assure</p> <p>12 you that I will not see it as a conflict of interest which</p> <p>13 is what I was trying to communicate and indeed it is</p> <p>14 something that needs to be addressed and we will duly put</p> <p>15 in a good word, Mr Mpofu that this should be done more so</p> <p>16 also that the judge has articulated it.</p> <p>17 MR MPOFU: Thank you, Chairperson.</p> <p>18 MR RAMAPHOSA: It makes a lot better,</p> <p>19 thank you very much. So we close the chapter on this</p> <p>20 matter.</p> <p>21 MR MPOFU: No we do.</p> <p>22 CHAIRPERSON: May I say one thing? We</p> <p>23 will not regard it as political intervention.</p> <p>24 MR MPOFU: The oppression. Thank you.</p> <p>25 No in curiousness I accept that term, Mr Ramaphosa. In</p>	<p style="text-align: right;">Page 34728</p> <p>1 financial interest in the company. Okay let me put it this</p> <p>2 way, people died at Impala a few months before that,</p> <p>3 correct?</p> <p>4 MR RAMAPHOSA: Yes that's what thought -</p> <p>5 MR MPOFU: You did not phone Minister</p> <p>6 Mthethwa, the do-gooder as a person who was just interested</p> <p>7 with the loss of life. You only did it when it was your</p> <p>8 company in which you had a financial interest. Is that</p> <p>9 correct?</p> <p>10 MR RAMAPHOSA: Now if you were to know,</p> <p>11 Mr Mpofu, when incidents like this do occur in the mining</p> <p>12 industry, which I've been associated with for nine years of</p> <p>13 my life, I do pick up the phone and talk to those who are</p> <p>14 in authority. So in the Impala situation I did speak to</p> <p>15 Minister Mthethwa as well and said the people who died</p> <p>16 there should not have died because the police presence was</p> <p>17 weak.</p> <p>18 MR MPOFU: Did you send emails left,</p> <p>19 right and centre?</p> <p>20 MR RAMAPHOSA: No I did not send emails</p> <p>21 because I did not get any emails from the company</p> <p>22 representatives of Impala. What initiated the emails was</p> <p>23 that I was dealing with a situation at closer range and</p> <p>24 received an email from one of my colleagues Thandika Ncube.</p> <p>25 MR MPOFU: Yes because this was a company</p>
<p style="text-align: right;">Page 34727</p> <p>1 fact the reason why I pointed to all those people was</p> <p>2 because you thought maybe it was just me and I said no</p> <p>3 it's not just me, there are others. So I assumed the</p> <p>4 President has not directed his wrath at me.</p> <p>5 MR RAMAPHOSA: The President likes you</p> <p>6 actually.</p> <p>7 MR MPOFU: Well I like him too. I won't</p> <p>8 quote what Budlender is saying. Now what I was saying, Mr</p> <p>9 Ramaphosa, about the conflict is, remember in fairness what</p> <p>10 I was saying to you is that you have a financial interest</p> <p>11 in this matter as a shareholder. That we accept, correct?</p> <p>12 MR RAMAPHOSA: In which matter, Mr Mpofu?</p> <p>13 MR MPOFU: When there is a strike as</p> <p>14 there was now in this case, one of the consequences, in</p> <p>15 fact it's not even just one of the consequences, it's the</p> <p>16 intention of the strikers is to hurt the shareholders.</p> <p>17 Isn't that self evident?</p> <p>18 MR RAMAPHOSA: Well if you put it that</p> <p>19 way. I mean I never saw this as a matter where one should</p> <p>20 protect one's financial interest. I was much more</p> <p>21 interested and you may not agree, with the loss of life.</p> <p>22 Financial interest is basically the very last thing if at</p> <p>23 all that one thinks of. Thank you.</p> <p>24 MR MPOFU: Yes. No, no that may well be</p> <p>25 so. We'll explore that. All I'm saying is that you had a</p>	<p style="text-align: right;">Page 34729</p> <p>1 in which you had a financial interest. Why is that so</p> <p>2 difficult to admit?</p> <p>3 MR RAMAPHOSA: Mr Mpofu, what I'm trying</p> <p>4 to say to you that I do have interests in what happens not</p> <p>5 only in one company in the mining industry, but in several</p> <p>6 other companies as well. But if it will please you the</p> <p>7 answer will be yes.</p> <p>8 MR MPOFU: It will please me very much</p> <p>9 especially since it is true. Also it is not so that on the</p> <p>10 25th of July you raised or objected or even raised a finger</p> <p>11 against the suggestion that the workers should not be</p> <p>12 spoken to lest we open the floodgates and have to pay more</p> <p>13 money to more people and so on. Because A, if that was</p> <p>14 true and it would have been reflected in the minutes, B, if</p> <p>15 it was not reflected in the minutes you would have</p> <p>16 corrected it in a subsequent meeting, not here in the</p> <p>17 Commission two years later.</p> <p>18 MR RAMAPHOSA: Mr Mpofu, not everything</p> <p>19 that it tends to be said is reflected in minutes, but I</p> <p>20 will leave it there because it's not an issue that I'm</p> <p>21 prepared to have a big argument over.</p> <p>22 MR MPOFU: No, it is an issue, Mr</p> <p>23 Ramaphosa, unfortunately. Remember that the gist of the</p> <p>24 criticism that we level against you centres around your</p> <p>25 failure to act in a particular way in relation to Lonmin</p>

Page 34730

1 and its management and so on which may possibly have
 2 resulted in the deaths. There's nothing more important in
 3 this Commission than anything which may have contributed to
 4 avoiding the deaths of 44 people. There can't be anything
 5 more important than that. Do you understand, do you accept
 6 that?
 7 MR RAMAPHOSA: I understand.
 8 MR MPOFU: Ja, thank you. Now you – it's
 9 correct isn't it that when you were talking about this
 10 dastardly criminal act you were referring to the ten deaths
 11 that had preceded the massacre, correct?
 12 MR RAMAPHOSA: Yes.
 13 MR MPOFU: Yes, you were referring to all
 14 ten deaths.
 15 MR RAMAPHOSA: Yes.
 16 MR MPOFU: Indiscriminately.
 17 MR RAMAPHOSA: Yes.
 18 MR MPOFU: Did you really know the
 19 details of how these people had died?
 20 MR RAMAPHOSA: The detail was related to
 21 me by the people in management, yes.
 22 MR MPOFU: How did they say these ten
 23 people had died?
 24 MR RAMAPHOSA: As I was trying to
 25 describe and explain yesterday that the two security guards

Page 34731

1 were on patrol or in their vehicle and their vehicle was
 2 attacked and they were burnt and the two policemen as well.
 3 I don't remember the exact, fuller detail, but what was
 4 described to me sounded quite horrific.
 5 MR MPOFU: Yes. Ja you see the thing is
 6 your view was that these were criminal acts and these
 7 people had been murdered, correct?
 8 MR RAMAPHOSA: Yes.
 9 MR MPOFU: And putting aside the two
 10 policemen, the two security guards, six workers in your
 11 language were murdered.
 12 MR RAMAPHOSA: Yes.
 13 MR MPOFU: Yes. Were you aware that to
 14 use the word, three of those six of those workers, 50% half
 15 of them were murdered by the police according to you?
 16 MR RAMAPHOSA: I was aware that they were
 17 killed.
 18 MR MPOFU: No.
 19 MR RAMAPHOSA: The detail of the police
 20 or killing them I did not know.
 21 MR MPOFU: No, Mr Ramaphosa, you said
 22 that six workers were murdered.
 23 MR RAMAPHOSA: Yes.
 24 MR MPOFU: So you can't change now, so if
 25 they were murdered, those three were murdered by the

Page 34732

1 police, correct?
 2 MR RAMAPHOSA: Yes, I mean if they were
 3 murdered, yes.
 4 MR MPOFU: And those were dastardly acts.
 5 MR RAMAPHOSA: Yes.
 6 MR MPOFU: Yes. Now – and the shooting
 7 of workers by NUM were dastardly acts too.
 8 MR RAMAPHOSA: Yes.
 9 MR MPOFU: Yes and so your prescription
 10 to this problem was that the people who murdered those
 11 three workers you must increase the number of the
 12 murderers. Is that really what you - you understand what
 13 I'm saying. You were saying if those people were murdered
 14 by the police bring another 1000 so that they can murder
 15 more which they did, by the way.
 16 MR RAMAPHOSA: No I would say –
 17 CHAIRPERSON: Mr Semanya.
 18 MR SEMENYA SC: For one or other reason
 19 one thought it imprudent to intervene, but clearly this
 20 reference to police murdering people is inappropriate. My
 21 learned colleague would know what murder is and what the
 22 elements of that is. That the people were killed and some
 23 of them at the hands of the police is common cause. He's
 24 able to put his propositions without inflaming the
 25 situation with conclusions that are not borne by the

Page 34733

1 evidence.
 2 MR MPOFU: Thank you, Chairperson. If I
 3 may reply by referring to 13.2 of the witnesses statement.
 4 He says "Arising from the violence which included the
 5 brutal murder of six employees" and so on and so on. And
 6 I'm talking about –
 7 CHAIRPERSON: I think you've made the
 8 point.
 9 MR MPOFU: Thank you, Chairperson.
 10 CHAIRPERSON: The witness described these
 11 six employees, he includes the three people who were killed
 12 on the 13th near the railway line as having been murdered.
 13 That was his impression.
 14 MR MPOFU: His words.
 15 CHAIRPERSON: You put the question, as I
 16 understand it, to the witness if they were murders then
 17 they were by the police because they had been killed. Of
 18 course it will be argued later we know that the witnesses
 19 statement here that six of the employees were brutally
 20 murdered the police will deny that and there'll be an
 21 argument about it. So it's not a given that we can accept
 22 as a fact. But anyway you've made the point. If the
 23 witness is correct they were murdered by the police if they
 24 were murdered. The witness may well have been erroneously
 25 informed, the statement he makes may not be correct and

Page 34734

1 that's something we'll deal with later. But I think the
2 point's been made and we can move on.

3 MR MPOFU: Thank you, Chairperson. And
4 the real point, Mr Ramaphosa, you of all people you know
5 the difference between just killing and murder, correct?

6 MR RAMAPHOSA: I would know.

7 MR MPOFU: Yes, you would. But that's
8 not even the point I'm making. The point I'm making is
9 much more subtle than that. I'm saying what – the
10 prescription, what you are prescribing as a solution, you
11 claim your mission was to curtail any further violence.
12 What you are prescribing was to bring more of the police
13 who "had murdered" those three workers.

14 MR RAMAPHOSA: Mr Mpofo, I think I should
15 say and possibly confess that I did not know that some of
16 those people who were killed were killed by the police.

17 MR MPOFU: Aha.

18 MR RAMAPHOSA: What I do know is that the
19 ten people were killed prior to the tragedy that occurred
20 and as it was put to me and as it was described to me it
21 sounded quite horrific.

22 MR MPOFU: Yes.

23 MR RAMAPHOSA: Thank you.

24 MR MPOFU: Thank you very much. Ja
25 that's exactly what I suspected. You did not know the

Page 34735

1 details of who had killed who, which side had shot which
2 side. You only knew that there were ten people who had
3 died.

4 MR RAMAPHOSA: I knew about some of the
5 people and we can go back to some of the communication that
6 I received at the time. So there was a description that
7 prompted me to react in the way that I did. And the
8 description was to the effect that two security guards and
9 two police people and some of the workers were actually
10 killed by people who came marching through and they killed
11 them. That's what I was sensitised to.

12 MR MPOFU: Ja. You had no idea even in
13 relation to the security guards what transpired, who shot
14 who first and all those kinds of things for you to conclude
15 that they were murdered, correct?

16 MR RAMAPHOSA: Well I had the general
17 picture, an idea that was put forward to me. So in terms
18 of actual detail, no.

19 MR MPOFU: You did not know?

20 MR RAMAPHOSA: Yes.

21 [12:40] MR MPOFU: And this detail such as it
22 was, was given to you by the one side of the picture, as it
23 were, by Lonmin, correct?

24 MR RAMAPHOSA: Yes, by people in the
25 management, yes.

Page 34736

1 MR MPOFU: In the management of Lonmin.
2 So if you had bothered to, because if – I'm just trying to
3 show that this thing, this mission of yours of saving lives
4 is something that is untrue and basically made up after the
5 fact. Remember my theory, which you disagree with, is that
6 you were motivated by your personal financial interest.
7 MR RAMAPHOSA: Which I disagree with.
8 MR MPOFU: Of course. So I'm exploring –
9 we stand on opposite sides on this question, so I'm
10 exploring your theory of general benevolence and I'm saying
11 that firstly, you knew that just as a South African, a
12 prominent leader and so on, you knew that there are
13 questions about police brutality in South Africa, correct?

14 MR RAMAPHOSA: Yes.

15 MR MPOFU: You knew that there are
16 questions about some of the utterances made by ministers,
17 various Ministers of Police or people in that ministry,
18 shoot to kill, fight fire with fire, that kind, those kinds
19 of controversies were taking place in the political arena,
20 correct?

21 MR RAMAPHOSA: Yes.

22 MR MPOFU: And one of the key things
23 about those debates, at least as explained by Mr Mthethwa
24 here, is that the theory of fight fire with fire, use
25 maximum force, kill the bastards and all that was confined

Page 34737

1 only for criminals. You understand this, you know that?

2 MR RAMAPHOSA: I know that and -

3 MR MPOFU: Yes, you knew it at the time.

4 MR RAMAPHOSA: - I should say that I, I
5 don't agree with fight fire with fire –

6 MR MPOFU: With it, yes.

7 MR RAMAPHOSA: No, I don't.

8 MR MPOFU: No, fair enough.

9 MR RAMAPHOSA: Ja.

10 MR MPOFU: But you knew that the
11 explanation, which I'm sure you and I wouldn't accept, was
12 that, you know, normal citizens mustn't worry about this
13 war talk, it's confined for criminals. That was the
14 excuse, valid or invalid.

15 MR RAMAPHOSA: Mm-mm.

16 MR MPOFU: You knew about that.

17 MR RAMAPHOSA: I've heard about it.

18 MR MPOFU: Yes. And so it's of, that is
19 why it was of crucial importance for you people at Lonmin
20 to ensure that the strikers are characterised as criminals
21 so that the full brutality of the South African Police
22 Services might be visited upon them.

23 MR SEMENYA SC: Chair –

24 MR MPOFU: Your mission to go to Cape
25 town was to ensure that the characterisation was changed,

Page 34738

1 was it not?
 2 MR SEMENYA SC: I object to that
 3 question.
 4 CHAIRPERSON: Mr Semenya has objected.
 5 MR SEMENYA SC: There is no basis on the
 6 evidence to say there was a full brutality of the police
 7 service on individuals.
 8 MR MPOFU: Well –
 9 MR SEMENYA SC: That’s precisely why we
 10 have this Commission.
 11 MR MPOFU: No, Chairperson, with the
 12 greatest respect, I think Mr Semenya is just wasting my
 13 time. I’m making a submission, he can argue at the end of
 14 the case. I’m saying, making a very –
 15 CHAIRPERSON: The complaint is that
 16 you’re putting something as a fact which is in fact
 17 controversial. If you reformulate the question to indicate
 18 that what you are putting is what, is your assertion which
 19 is controversial, then I don’t think the objection can be
 20 upheld.
 21 MR MPOFU: Right, okay. So let’s try
 22 again. Given the fact that the theory of maximum force,
 23 the theory of fight fire with fire, kill the bastards and
 24 all that has been explained on the basis that it only is
 25 attributed to criminals.

Page 34739

1 MR RAMAPHOSA: Mm-mm.
 2 MR MPOFU: It becomes important when one
 3 is sending the police for them to know whether, on this
 4 occasion, they’re going to be dealing with ordinary
 5 citizens or they’re going to be dealing with criminals.
 6 You understand that?
 7 MS NKOSI THOMAS SC: Chairperson –
 8 MR UNTERHALTER SC: I’m afraid we now
 9 object. My learned friend articulates a theory, he doesn’t
 10 explain who it is attributable to, who had the relevant
 11 belief at the relevant time and why that has a bearing on
 12 whatever actions were taken by Lonmin. Until those
 13 matters –
 14 CHAIRPERSON: We’ve had a lot of evidence
 15 – he’s saying the statements by the Minister of Police, the
 16 then Deputy Minister of Police and so on and the point that
 17 Mr Mpofo is putting, if I can perhaps reformulate it, I
 18 think would be in order. What he’s putting is, he is
 19 saying you, he is saying to the witness, whether it’s
 20 correct or not of course is a matter that is not clear at
 21 this stage, he is putting to the witness, you use this
 22 terminology “dastardly criminals” because you wanted to put
 23 the people against whom you wanted the police to act, into
 24 the class of people against, in respect of whom they had
 25 been exhorted to act in a particular way by the Minister

Page 34740

1 and the previous Deputy Minister. That’s the basis of the
 2 question.
 3 MR UNTERHALTER SC: Yes, but –
 4 MS NKOSI THOMAS SC: Chair –
 5 MR UNTERHALTER SC: The factual predicate
 6 for that contention has firstly to be laid by suggesting
 7 that either the witness or somebody in Lonmin had adopted
 8 that frame of reference and understood that that was what
 9 the police would be likely to do. That has not been
 10 established and it wouldn’t even be –
 11 CHAIRPERSON: I’m sorry, Mr Unterhalter,
 12 the witness conceded that he had heard that talk of that
 13 kind. He was aware obviously of the statements that had
 14 been made, unfortunate statements as it happened that had
 15 been made and he said he didn’t agree with them. All that
 16 Mr Mpofo is putting, I don’t know what the answer will be
 17 but I think I can suspect, all Mr Mpofo is putting is that
 18 you knew about those statements, you knew the police had
 19 received those exhortations from people in high authority
 20 in the Department of Police – I think one of the National
 21 Commissioners of Police had said similar unfortunate things
 22 when he was in office – you knew about that and you used
 23 this expression “dastardly criminal conduct” to try to
 24 persuade the police to act in the way they’d been exhorted
 25 to act. That’s the point, I don’t think there’s a problem

Page 34741

1 with that.
 2 MR UNTERHALTER SC: Well, if that is what
 3 is being asked –
 4 CHAIRPERSON: Ms Nkosi Thomas?
 5 MS NKOSI THOMAS SC: Thank you, Chair,
 6 just to bring balance to the question my learned friend
 7 should also refer to the fact that the evidence given by
 8 the Minister of Police was that statements such as fire
 9 with fire were directed at criminals within a particular
 10 context and that context is the cash in transit context and
 11 no other context. In other words, it wasn’t meant to apply
 12 to criminals in their totality, as it were –
 13 CHAIRPERSON: That may apply to remarks
 14 that the Minister made but of course that point doesn’t
 15 apply to remarks that the previous National Commissioner
 16 made or the Deputy Minister made, so subject to that
 17 excision, I’ll allow the question to be put. It’s been
 18 put.
 19 MR MPOFU: Thank you.
 20 CHAIRPERSON: The witness will answer.
 21 MR MPOFU: And in fairness to the
 22 witness, because of the debate, I can – because I know him
 23 well, I know that he didn’t, he’s lost the question.
 24 MR RAMAPHOSA: Oh, my –
 25 CHAIRPERSON: It’s one thing to ask the

Page 34742

1 witness questions, it's another thing to insult the
 2 witness's intelligence. I'm quite sure the witness
 3 understands the question. Mr Ramaphosa, what's your
 4 answer? Did you use that expression, "dastardly
 5 criminals," in order to induce the police to think that
 6 they would be dealing with the kind of people who were
 7 subject to the exhortations that the police had, in years
 8 gone by, received from the Deputy Minister and the
 9 previous, yes, the previous National Commissioner?
 10 MR RAMAPHOSA: My answer to that is, no.
 11 MR MPOFU: Okay, now that the Chairperson
 12 has repeated it himself, I wanted to repeat it –
 13 MR RAMAPHOSA: I hadn't forgotten the
 14 question, Mr Mpofo, I just wanted to know whether you would
 15 be able to have the capability that the Judge has displayed
 16 of repeating it in the way that he did.
 17 MR MPOFU: Oh, ja, no. Look, it's Bantu
 18 education. Now I know why you have a white team. Okay,
 19 now what –
 20 CHAIRPERSON: Mr Mpofo, that is a
 21 thoroughly objectionable –
 22 MR MPOFU: I withdraw –
 23 CHAIRPERSON: I know it was said in jest
 24 but you know that's the kind of joke which doesn't go down
 25 well –

Page 34743

1 MR MPOFU: It's not a joke, Chairperson,
 2 it's not a joke. It's a serious, the witness is seeking to
 3 insult my intelligence without an intervention from –
 4 MR RAMAPHOSA: No, that was –
 5 MR MPOFU: - said earlier that was –
 6 CHAIRPERSON: You're now making remarks
 7 about why he has the team he has and –
 8 MR MPOFU: No, no, I'm not going to take
 9 that from a witness.
 10 CHAIRPERSON: Anyway, let's move on.
 11 MR MPOFU: Thank you. I won't take that
 12 from any witness, but this is what I was saying to you, Mr
 13 Ramaphosa, if you – I'll try with my slow thinking to say
 14 it slowly – Mr Mthethwa once said, for example, we don't
 15 believe that when you are faced with criminals armed with
 16 sophisticated weapons that the police task would be to take
 17 out some human rights charter, because we are on the field,
 18 on the killing field where criminals are killing law
 19 abiding citizens and so on. So that they are able on the
 20 field to teach those people a lesson – sorry, to fight fire
 21 with fire. There's no other way on that. That's just one
 22 of the quotes and then he said on the 8th of July 2011,
 23 "There must be a good appreciation of the distinction
 24 between the need to use maximum force against violent
 25 criminals and minimum force in dealing with fellow

Page 34744

1 citizens," which is what I was trying to explain to you in
 2 my broken English. And then he said in May 2012, "Police
 3 must return fire with fire" – I'm sorry, Chairperson, this
 4 is FFF14. I'm just, it's a collection of extracts which
 5 I'm reading for the benefit maybe of Mr Unterhalter. Those
 6 who have been here have heard it many times now. You can
 7 put it up, FFF14.
 8 CHAIRPERSON: Mr Mpofo, haven't you made
 9 the point, the witness says he was aware of these
 10 statements. He said he didn't agree with him but he was
 11 aware they were made and he said he didn't give, he didn't
 12 use that terminology in his e-mail in order to encourage
 13 the police to act in a way that they had been exhorted to
 14 act against the strikers. That's the point you made. You
 15 obviously don't agree with that, your submission will be –
 16 MR MPOFU: Okay.
 17 CHAIRPERSON: - that that denial is not –
 18 MR MPOFU: That's fine, that's fine.
 19 CHAIRPERSON: Can't we move on to
 20 something else now?
 21 MR MPOFU: No, I'm not going to move to
 22 something else. I'm going to show you that your answer, if
 23 that is indeed your answer, cannot hold any water. If you
 24 go to BBB4.2, this e-mail has been dealt with but I'm just
 25 going to zoom in on the thing that I'm talking about.

Page 34745

1 "Hello Cyril," says the e-mail and then the first bullet,
 2 "The Minister was on radio today saying she'd been briefed
 3 that this was a wage dispute and management and unions
 4 should sit down and sort it out. Not sure who briefed her.
 5 We are waiting to talk to her (Roger) and although not too
 6 damaging, it is also not too helpful." Firstly, would you
 7 agree that as we have agreed repeatedly, that the
 8 management and unions or the workers should have sat down
 9 to sort this out?
 10 MR RAMAPHOSA: Yes, we have said so
 11 already.
 12 MR MPOFU: Yes, so how can something that
 13 is true be damaging? It can't be damaging because they
 14 should sit down and sort it out. Is that, you agree with
 15 that?
 16 MR RAMAPHOSA: I think you'll have to
 17 talk to Mr Albert Jameson –
 18 MR MPOFU: No.
 19 MR RAMAPHOSA: - about that.
 20 MR MPOFU: This e-mail was written to
 21 you.
 22 MR RAMAPHOSA: Yes.
 23 MR MPOFU: It was communicating to you.
 24 MR RAMAPHOSA: Yes.
 25 MR MPOFU: So this refer to Jameson story

Page 34746

1 is not going to help.

2 MR RAMAPHOSA: It cannot be damaging,

3 you're right.

4 MR MPOFU: It can't be damaging.

5 MR RAMAPHOSA: Mm-mm.

6 MR MPOFU: Neither can it be unhelpful.

7 MR RAMAPHOSA: Mm-mm.

8 MR MPOFU: Okay, so this was wrong, what

9 you were saying, correct?

10 MR RAMAPHOSA: Yes.

11 MR MPOFU: Yes. Now that we've got that

12 out of the way he then says, proceeding on this wrong

13 basis, "I have had two discussions with DG. In each case

14 I've characterised this as not" – and N-O-T is in capital

15 letters for emphasis – "NOT an industrial relations issue

16 but," underline "but" as well, "a civil

17 unrest/destabilisation/criminal issue that could not be

18 resolved without political intervention and needs the

19 situation to be stabilised by the police or army." So if

20 the first part is wrong, the second part must be wrong as

21 well because this can be resolved without political

22 intervention by people sitting down. So again his second

23 statement is incorrect.

24 MR RAMAPHOSA: Well, I think if you take

25 the whole e-mail into context, the very part that you have

Page 34747

1 just read, to me raises quite an alarm. For a senior

2 executive like that to then say this is civil unrest,

3 destabilisation and a criminal issue and he even goes on to

4 say this requires the police/the army, because that

5 conjures up in one's head that this is a rather serious

6 situation.

7 MR MPOFU: Ja, and that's not my

8 question, Mr Ramaphosa.

9 MR RAMAPHOSA: So I cannot say that it's

10 wrong.

11 MR MPOFU: No.

12 MR RAMAPHOSA: No.

13 MR MPOFU: Surely you can say it's wrong

14 if you've agreed with me that it's wrong that, or that it

15 can be sorted out by sitting down.

16 MR RAMAPHOSA: Yes, that's why I say

17 you've got to look at everything in the broader context.

18 MR MPOFU: Yes, exactly.

19 MR RAMAPHOSA: And if you take the whole

20 context into account, then you've got to say what he is

21 saying with the second part, it's quite a serious

22 situation.

23 MR MPOFU: No.

24 MR RAMAPHOSA: And that is what I reacted

25 to.

Page 34748

1 MR MPOFU: No, but what he's saying is

2 that it is not an industrial relations issue, which is

3 false, patently.

4 MR RAMAPHOSA: Well, that's the view that

5 he had come to.

6 MR MPOFU: Yes, it's a view, it's a wrong

7 view. It doesn't make it not a view. I'm saying it is

8 incorrect.

9 MR RAMAPHOSA: That's where we disagree.

10 MR MPOFU: You're saying it's correct?

11 MR RAMAPHOSA: Yes, I'm saying he was

12 saying, he has characterised it as an issue that is now

13 criminal and he then paints a picture of saying this is

14 almost civil unrest because he is on the ground and he has

15 seen what is happening.

16 MR MPOFU: Yes, but the point of the

17 matter is that he is asking you to act as a messenger to go

18 and influence that change of characterisation.

19 MR RAMAPHOSA: Yes.

20 MR MPOFU: Which you gladly did.

21 MR RAMAPHOSA: Yes.

22 MR MPOFU: Ja, that's the point. The

23 point is that this person mischaracterises the situation,

24 asks you to swallow that mischaracterisation and go and

25 spew it out to a Minister of state, which you do

Page 34749

1 unquestioningly. That is not the role of black economic

2 empowerment partners. You should have said to him, no,

3 this is not a situation that needs the army to kill our

4 people. This is an industrial relations issue, you must

5 talk to those people, instead of running around, flying to

6 Cape Town to ask Minister Shabangu to change her

7 characterisation. That is a shame.

8 MR UNTERHALTER SC: Again my learned

9 friend is offering an address to the witness. Perhaps he

10 could again break down the questions into parts.

11 MR MPOFU: Okay.

12 MR UNTERHALTER SC: So that they can be

13 dealt with.

14 MR MPOFU: Fair enough. Thank you,

15 Chairperson. Do you accept that the whole notion of black

16 economic empowerment is so that people like you must bring

17 to the table the views, fresh views, fresh perspectives,

18 fresh values, ubuntu and not things to go as they always

19 have? Do you accept that?

20 MR RAMAPHOSA: I would accept that –

21 MR MPOFU: Yes.

22 MR RAMAPHOSA: - but in this case we were

23 dealing with actions of criminality, people were being

24 killed and that, Mr Mpofo, has nothing to do with black

25 economic empowerment.

<p style="text-align: right;">Page 34750</p> <p>1 MR MPOFU: No.</p> <p>2 MR RAMAPHOSA: That is just plainly</p> <p>3 people getting killed and when people get killed, whether</p> <p>4 you are black or you are white or whether you are a black</p> <p>5 economic empowerment advocate or whatever, you've got to</p> <p>6 act and I acted to try and save the lives of further people</p> <p>7 being killed.</p> <p>8 MR MPOFU: Yes, but your actions – I have</p> <p>9 no problem with you acting, I'm saying the nature of your</p> <p>10 actions was to go to Cape Town and ensure that Minister</p> <p>11 Susan Shabangu also mischaracterises the situation so that</p> <p>12 the people, to make the conditions fertile for the people</p> <p>13 to be massacred, you did that.</p> <p>14 MR RAMAPHOSA: As an aside, Mr Mpofu, I</p> <p>15 did not go to Cape Town specially. I was on a scheduled</p> <p>16 trip –</p> <p>17 MR MPOFU: I know.</p> <p>18 MR RAMAPHOSA: - to Cape Town to go and</p> <p>19 launch the National Development Plan.</p> <p>20 MR MPOFU: Development Plan, on the 15th.</p> <p>21 MR RAMAPHOSA: That is what I was going</p> <p>22 for, so your throwing this remark about that I went to Cape</p> <p>23 Town specially is incorrect.</p> <p>24 MR MPOFU: No, that's not –</p> <p>25 MR SEMENYA SC: Chair –</p>	<p style="text-align: right;">Page 34752</p> <p>1 CHAIRPERSON: After you raised the point</p> <p>2 I looked at my dictionary and it talks about wanton</p> <p>3 killing, or murders. So if it was –</p> <p>4 MR MPOFU: No –</p> <p>5 CHAIRPERSON: That's what my dictionary</p> <p>6 says.</p> <p>7 MR MPOFU: Well, my dictionary doesn't.</p> <p>8 CHAIRPERSON: Well, I'll looked at the</p> <p>9 shortened Oxford –</p> <p>10 MR MPOFU: Anyway, it's fine. Everyone</p> <p>11 in the country except this Commission uses the word</p> <p>12 "massacre," so I will use – what must I say?</p> <p>13 CHAIRPERSON: Mr Mpofu, what I say –</p> <p>14 MR MPOFU: According to Mr Semenya it's</p> <p>15 an incident actually.</p> <p>16 CHAIRPERSON: No, no, no, say killings-</p> <p>17 MR MPOFU: That's what he has said</p> <p>18 before. But it's fine, let's –</p> <p>19 CHAIRPERSON: No, please –</p> <p>20 MR MPOFU: Let's call it whatever, but 34</p> <p>21 people were killed on the 16th of August, human beings like</p> <p>22 you and me. You accept that? Whatever we call it.</p> <p>23 MR RAMAPHOSA: Yes, indeed.</p> <p>24 MR MPOFU: Yes.</p> <p>25 MR RAMAPHOSA: Unfortunately people were</p>
<p style="text-align: right;">Page 34751</p> <p>1 MR MPOFU: You'll find that I've actually</p> <p>2 made that point to Minister Mthethwa.</p> <p>3 CHAIRPERSON: Mr Mpofu, Mr Semenya has</p> <p>4 got an objection.</p> <p>5 MR MPOFU: Oh, sorry.</p> <p>6 MR SEMENYA SC: In very repeated</p> <p>7 occasions, Chair, at your, at your ruling, the word</p> <p>8 "massacre" has always been an unfortunate word and I</p> <p>9 beseech you, Chair, that you –</p> <p>10 CHAIRPERSON: Yes, you're quite right. I</p> <p>11 hadn't actually concentrated on hearing that word. We have</p> <p>12 in the past, you'll remember, said whether it's a massacre</p> <p>13 is a matter we'll decide at the end of the day. If the</p> <p>14 police acted in self-defence then, on the appropriate</p> <p>15 definition of massacre I don't think it could be described.</p> <p>16 But if they didn't, if they had not acted in self defence</p> <p>17 then of course it would qualify.</p> <p>18 [13:00] The problem is always one can't put as an</p> <p>19 accepted fact something which is still the subject of</p> <p>20 debate before the Commission.</p> <p>21 MR MPOFU: Ja. No, Chairperson, I won't</p> <p>22 waste time on that. You and I have had our differences on</p> <p>23 that. "Massacre" is a simple English word that means the</p> <p>24 killing of many people. So it's got nothing to do with</p> <p>25 whether they're killed in self-defence or whatever –</p>	<p style="text-align: right;">Page 34753</p> <p>1 killed.</p> <p>2 MR MPOFU: Unfortunately.</p> <p>3 CHAIRPERSON: Mr Mpofu, it's now</p> <p>4 lunchtime.</p> <p>5 MR MPOFU: Yes.</p> <p>6 CHAIRPERSON: We'll now take the lunch</p> <p>7 adjournment. I plead with those people who make</p> <p>8 interjections and laugh loudly and so on to desist from</p> <p>9 that otherwise I'll have to implement what I said I'd do</p> <p>10 yesterday. I don't want to do that. I know everybody</p> <p>11 wants to be here to hear the evidence of Mr Ramaphosa, but</p> <p>12 we want to hear it in peace without disturbance.</p> <p>13 MR MPOFU: Thanks, Chairperson.</p> <p>14 CHAIRPERSON: We now adjourn until</p> <p>15 quarter to 2. I'm going to see – I hope we can be back at</p> <p>16 quarter to 2. I'm going to see some of the counsel in</p> <p>17 respect of the presentations to be presented tomorrow and</p> <p>18 partly on Thursday, so we may not be back at quarter to 2,</p> <p>19 but we'll try hard. Mr Budlender, do you want me to</p> <p>20 adjourn till 2 o'clock?</p> <p>21 MR BUDLENDER SC: Chair, let's aim for</p> <p>22 quarter to 2, on the understanding it may be a few minutes</p> <p>23 late.</p> <p>24 CHAIRPERSON: We now take the lunch</p> <p>25 adjournment.</p>

<p style="text-align: right;">Page 34754</p> <p>1 [COMMISSION ADJOURNS COMMISSION RESUMES]</p> <p>2 [13:53] CHAIRPERSON: The Commission resumes. We</p> <p>3 weren't able to get back exactly at quarter to, but we at</p> <p>4 least didn't have to wait until two o'clock. Mr Ramaphosa,</p> <p>5 you're still under oath. Mr Mpfu, do you have any more</p> <p>6 questions for the witness?</p> <p>7 MR MPOFU: [Microphone off, inaudible]</p> <p>8 CHAIRPERSON: - two or 200?</p> <p>9 MATAMELA CYRIL RAMAPHOSA: (s.u.o.)</p> <p>10 CROSS-EXAMINATION BY MS MPOFU (CONTD.):</p> <p>11 Thank you, Chairperson. Yes, Mr Ramaphosa, we were still</p> <p>12 busy with BBB, rather BBBB4.2 and just to recap what I was</p> <p>13 saying to you is that in these arrangements, and there</p> <p>14 should be no need for me to say this to you as chairman of</p> <p>15 the Transformation Committee and former chairperson of the</p> <p>16 Black Empowerment Commission, but insofar as it is</p> <p>17 necessary, one of the things that the BEE partners should</p> <p>18 bring to bear in that relationship is that, a different</p> <p>19 perspective, would you agree with that?</p> <p>20 MR RAMAPHOSA: Sometimes, yes.</p> <p>21 MR MPOFU: Yes. It's not just about</p> <p>22 money, it's not just about getting into your deal and</p> <p>23 making money but it's also about transforming, in the</p> <p>24 literal sense of the word, the organisation as well.</p> <p>25 Correct?</p>	<p style="text-align: right;">Page 34756</p> <p>1 National Union of Mineworkers, the general secretary of the</p> <p>2 National Union of Mineworkers had said as much, that in as</p> <p>3 far as the violence and the killings that were happening,</p> <p>4 we were facing a criminal action type of situation. So</p> <p>5 Jameson did not need to be convincing me and I did not need</p> <p>6 to be his conveyor belt in as far as this is concerned.</p> <p>7 MR MPOFU: Ja. Let me explain something</p> <p>8 to you and this is something that the Chairperson and I, I</p> <p>9 think, developed on this point to assist another witness.</p> <p>10 There are three situations which can be used to</p> <p>11 characterise what was happening there, okay? A would be to</p> <p>12 say it's only industrial action, okay. B would be to say</p> <p>13 it's only criminal acts and C would be to say it's a</p> <p>14 hybrid, it's obviously an industrial action which has</p> <p>15 developed criminal elements. Do you appreciate the</p> <p>16 distinction between those three?</p> <p>17 MR RAMAPHOSA: Yes.</p> <p>18 MR MPOFU: Ja. It was – if you look at</p> <p>19 it that way, inasmuch as let's assume then that, or rather</p> <p>20 let me put it to you that our argument is going to be that</p> <p>21 the situation that was obtaining there was the hybrid</p> <p>22 situation.</p> <p>23 MR RAMAPHOSA: Mm-mm.</p> <p>24 MR MPOFU: And therefore to say that it</p> <p>25 is not an industrial relations issue would be as false as</p>
<p style="text-align: right;">Page 34755</p> <p>1 MR RAMAPHOSA: Yes.</p> <p>2 MR MPOFU: Yes. So that a duty of a</p> <p>3 person in your position is not just to be a conveyor belt</p> <p>4 of the views of the Albert Jamiesons of this world and</p> <p>5 simply take them to a Minister, you know, and say well,</p> <p>6 this is what Mr Albert Jameson's view is, therefore you</p> <p>7 must change your view. Surely that is against every</p> <p>8 principle that is what is to be expected of somebody in</p> <p>9 your position, I mean now just in your capacity as a</p> <p>10 partner, as a business partner. Could you, would that be a</p> <p>11 fair statement to make?</p> <p>12 MR RAMAPHOSA: Could be.</p> <p>13 MR MPOFU: Yes. Now therefore, what we</p> <p>14 are really saying here is that Mr Jameson may or may not</p> <p>15 hold a view legitimately that the situation can only be</p> <p>16 resolved or cannot be resolved without political</p> <p>17 intervention and needs this to be stabilised by the police</p> <p>18 or the army. Yours was to disabuse him of that notion</p> <p>19 rather than simply going to parrot that view with Minister</p> <p>20 Shabangu. Would that be a fair criticism?</p> <p>21 MR RAMAPHOSA: Well, let me say that in</p> <p>22 as far as the acts of violence and the deaths that were</p> <p>23 occurring, I agreed that these were acts of criminality.</p> <p>24 So it was not even a hard pushy for him to convince me and</p> <p>25 this had also been articulated by other people, the</p>	<p style="text-align: right;">Page 34757</p> <p>1 to say it is not a matter that involves criminality because</p> <p>2 it's a combination of both. Do you understand that?</p> <p>3 MR RAMAPHOSA: Mm-mm.</p> <p>4 MR MPOFU: Pardon?</p> <p>5 MR RAMAPHOSA: Yes, I understand.</p> <p>6 MR MPOFU: Yes. So that is the nub of</p> <p>7 the issue. If you look at the e-mail properly, that's</p> <p>8 exactly the fallacy that it portends. It says that the</p> <p>9 Minister says it's a labour issue which, it can be resolved</p> <p>10 and so on and so on, but it says in each case it should or</p> <p>11 rather "the DG in each case has characterised this as not</p> <p>12 an industrial relations issue but a civil/criminal" – in</p> <p>13 other words, it's one or the other, not the hybrid that you</p> <p>14 and I have agreed on. Do you understand?</p> <p>15 MR RAMAPHOSA: Well, I don't know whether</p> <p>16 I've agreed with you on the hybrid.</p> <p>17 MR MPOFU: Okay, fine. Well, of those A,</p> <p>18 B, C, do you think it was a hybrid or do you think it was</p> <p>19 only –</p> <p>20 MR RAMAPHOSA: The way I understand it,</p> <p>21 Mr Mpfu, is that this issue started off as an industrial –</p> <p>22 MR MPOFU: Relations issue.</p> <p>23 MR RAMAPHOSA: Yes, if one can put it</p> <p>24 that way.</p> <p>25 MR MPOFU: Sure.</p>

Page 34758

1 MR RAMAPHOSA: And it started mutating or
 2 started becoming a very criminal issue where people were
 3 now getting killed and the point is the killing of the
 4 people was so bad and in a way so savage that the issue of
 5 it being a labour relations issue at that time as people
 6 are getting killed, becomes diluted because we are now
 7 facing a criminal issue where people are getting killed.
 8 MR MPOFU: Yes, that's fine, but just as
 9 you have agreed that in the 1987 strike there were, people
 10 were killed and non-strikers were killed, that was
 11 criminal. You and I agree on that.
 12 MR RAMAPHOSA: Mm-mm.
 13 MR MPOFU: Okay? But that did not mutate
 14 or transform or change the 1987 strike from stopping
 15 becoming an industrial dispute, do you understand? So I'm
 16 not denying, I'm the last person who is going to say, oh
 17 no, there was no criminality.
 18 MR RAMAPHOSA: Okay.
 19 MR MPOFU: But I'm saying this was at the
 20 root, the root cause of this was a labour dispute.
 21 MR RAMAPHOSA: Yes, that's where it
 22 started.
 23 MR MPOFU: Yes.
 24 MR RAMAPHOSA: Indeed.
 25 MR MPOFU: No, that's where it started

Page 34759

1 and that's where it finished. It was resolved in September
 2 by negotiation as a labour dispute.
 3 MR RAMAPHOSA: Precisely.
 4 MR MPOFU: Yes.
 5 MR RAMAPHOSA: Yes.
 6 MR MPOFU: It never stopped being a
 7 labour dispute. The point here is that what Jameson and
 8 you were doing incorrectly was to put pressure, or whatever
 9 means you used, to say to Minister Susan Shabangu this is
 10 not, capital letter N-O-T an industrial relations issue but
 11 a criminal act, which is false.
 12 MR RAMAPHOSA: Yes.
 13 MR MPOFU: Okay. So okay, I'm glad at
 14 least we agree on that. Yes?
 15 MR RAMAPHOSA: What do we agree on, Mr
 16 Mpofo?
 17 MR MPOFU: Well, you just said yes, what
 18 were you saying yes to?
 19 MR RAMAPHOSA: I was saying yes to the
 20 way you were articulating, I didn't know you were leading
 21 to a question. What is the question?
 22 MR MPOFU: Okay, I'm saying – I'll repeat
 23 it gladly.
 24 MR RAMAPHOSA: The problem is you make
 25 statements, with respect –

Page 34760

1 MR MPOFU: Yes.
 2 MR RAMAPHOSA: - Mr Chairman, he makes
 3 statements and you then lead me to say –
 4 MR MPOFU: Yes, yes –
 5 MR RAMAPHOSA: It's not really a
 6 question.
 7 MR MPOFU: Ja, ja, no –
 8 MR RAMAPHOSA: And if it is a question, I
 9 am then able to evaluate it and respond to it.
 10 MR MPOFU: Okay. When I make the
 11 statement, the minute I say at the end, "do you agree" you
 12 must assume there's a question mark at the end of that.
 13 That's the question, okay?
 14 MR RAMAPHOSA: Okay.
 15 MR MPOFU: Ja. I'm saying to you it was
 16 false to characterise the situation as only a criminal act,
 17 yes?
 18 MR RAMAPHOSA: I think where – the
 19 intervention that I was making, the intervention I was
 20 making, Mr Mpofo, is directed at stopping the killings.
 21 That is where I come in.
 22 MR MPOFU: No. We've gone through that,
 23 I don't want to go through that –
 24 MR RAMAPHOSA: And that is how the
 25 characterisation then comes that we are dealing here with

Page 34761

1 what Jameson has painted as civil unrest, destabilisation
 2 and that's where I enter.
 3 MR MPOFU: Yes, but my criticism is that
 4 you swallowed that theory –
 5 MR RAMAPHOSA: I may well have swallowed
 6 the theory but that is the situation that I was confronted
 7 with.
 8 MR MPOFU: No –
 9 MR RAMAPHOSA: The killings of people.
 10 MR MPOFU: No – no, it's not that easy.
 11 If you go to BBB4.5, you now yourself, let's put Jameson
 12 out, you are saying when you are writing to him, "I thank
 13 you for the consistent manner in which you are
 14 characterising the current difficulties we are going
 15 through."
 16 MR RAMAPHOSA: Yes.
 17 MR MPOFU: That's you now.
 18 MR RAMAPHOSA: Indeed.
 19 MR MPOFU: And then you say, "The
 20 terrible events that have unfolded" –
 21 CHAIRPERSON: Sorry –
 22 MR MPOFU: I'm sorry, Chairperson.
 23 CHAIRPERSON: Yes, thank you. What
 24 happened was that all we had on the screen was the letter
 25 from Mr Jameson. What you wanted was the letter to Mr

Page 34762

1 Jameson, which is now on the screen.
 2 MR MPOFU: Thank you, Chairperson,
 3 thanks. You then, I won't reread the first part.
 4 MR RAMAPHOSA: Sure.
 5 MR MPOFU: You then say, "The terrible
 6 events that have unfolded cannot be described as a labour
 7 dispute."
 8 MR RAMAPHOSA: Yes.
 9 MR MPOFU: "They are plainly dastardly
 10 criminal acts and must be characterised as such." In other
 11 words what you are doing here again is to extend the false
 12 notion that it cannot be an industrial, sorry, a labour
 13 dispute which – I'm sorry, I'm going to come, no, we'll – I
 14 just want to, just to save time, to cross-refer you to what
 15 you said to Ms Ncube.
 16 MR RAMAPHOSA: Yes.
 17 MR MPOFU: At JJJ1 which runs counter to
 18 this new Ramaphosa/Jameson theory of saying it's not, but –
 19 you know what I mean about A, B, C. You said there, "This
 20 is a grave situation," which is probably true and then you
 21 say, "The problem with this situation is that we know the
 22 cause of it."
 23 MR RAMAPHOSA: Yes.
 24 MR MPOFU: "The real cause is the huge
 25 differential between the wages paid to the RDOs in other

Page 34763

1 companies and what we pay them."
 2 MR RAMAPHOSA: Yes.
 3 MR MPOFU: That's the real cause, you
 4 knew that all along.
 5 MR RAMAPHOSA: Mm-mm.
 6 MR MPOFU: Okay, I call it the root
 7 cause. The real cause, root cause, it doesn't matter.
 8 MR RAMAPHOSA: It doesn't matter.
 9 MR MPOFU: Ja. Now if this is the real
 10 cause or the root cause of the situation, then surely it
 11 must be false to say it is not a labour relations issue.
 12 That must follow, please Mr Ramaphosa.
 13 MR RAMAPHOSA: Soon after that people
 14 start getting killed and that is what, as I said earlier,
 15 Mr Mpofo, what I am dealing with. I am trying to make an
 16 intervention for the prevention of further loss of life to
 17 other people. That is where I enter.
 18 MR MPOFU: Yes. That's –
 19 MR RAMAPHOSA: I don't know whether that
 20 is clear or not.
 21 MR MPOFU: No, it is very – it's been
 22 clear all along.
 23 MR RAMAPHOSA: Oh, okay.
 24 MR MPOFU: That's what you claim, which I
 25 am contesting.

Page 34764

1 MR RAMAPHOSA: Okay.
 2 MR MPOFU: I'm saying you wouldn't, if
 3 you knew what the root cause is you, of all people, would
 4 not resolve a problem – you've been negotiating conflicts
 5 for a long time, you know that you can't resolve the
 6 problem just at the branches, the root cause, and ignore
 7 the root cause, what you have identified yourself as the
 8 root cause. It's like to resolve the conflict in South
 9 Africa by saying, well, these people must live here and
 10 these others must live here and not understanding that the
 11 root cause was apartheid and the root cause was the
 12 unfairness of the situation or, in your case, of the NUM as
 13 you always said in your speeches, the root cause was the
 14 migratory system and so on. You surely, surely, you don't
 15 expect anyone to believe that you, of all people, would
 16 ignore the root cause and say it is NOT, in capital
 17 letters, part of the problem.
 18 MR RAMAPHOSA: Mr Mpofo, I was dealing
 19 here with a situation where people were getting killed -
 20 MR MPOFU: Yes but –
 21 MR RAMAPHOSA: - and my intervention –
 22 MR MPOFU: I'm sorry, I'm sorry.
 23 MR RAMAPHOSA: My interventions were
 24 aimed at reducing further loss of life.
 25 MR MPOFU: Yes, and the only way you

Page 34765

1 could have done that sensibly and logically was to address
 2 the root cause. Surely you must agree with that?
 3 MR RAMAPHOSA: We wanted to stabilise the
 4 situation and it's very clear what the objective was.
 5 Stabilise the situation, prevent further deaths, get the
 6 situation normalised and get those who are responsible for
 7 these acts of violence to be identified and to be arrested
 8 and thereafter, when the situation is normalised then you'd
 9 then be able to embark on various other initiatives that
 10 can more fully consolidate the situation.
 11 MR MPOFU: Ja, but I'm saying, Mr
 12 Ramaphosa, I understand that.
 13 MR RAMAPHOSA: Thank you, thank you.
 14 MR MPOFU: All I'm saying is that that is
 15 a cockeyed way of looking at the problem. If you really
 16 wanted to prevent further deaths you would have dealt with
 17 the underlying issue which you've identified here and say,
 18 let's resolve the – as you say in your nice article in the
 19 Sunday Times, "We must learn to resolve," - you use that
 20 word advisedly – "to resolve conflict." You can never
 21 resolve conflict by ignoring or turning a deliberate blind
 22 eye to the root cause. That you must –
 23 MR RAMAPHOSA: Mr Mpofo, it's possible
 24 that we differ on this one.
 25 MR MPOFU: Okay.

Page 34766

1 MR RAMAPHOSA: Thank you.

2 MR MPOFU: Anyway, that's what we're

3 going to argue. And the issue, and in fairness I must put

4 to you, is that if you do that then it means that

5 effectively you were simply assimilated into the way of

6 thinking of the Lonmin management and you did not play your

7 duty or your role of using the skills that you've

8 accumulated in order to change their thinking and to that

9 extent you sold out.

10 MR RAMAPHOSA: I do not agree with you.

11 Thank you.

12 MR MPOFU: And what is worse, and I'm

13 sure you don't agree with me as well but I have to put it

14 to you, what is worse is that you did this, what I have

15 described, for financial gain and at the expense of the

16 lives of the very people whose lives you were meant to

17 transform and therefore it's like selling out for 30 pieces

18 of silver.

19 MR RAMAPHOSA: Mr Mpofo, I must tell you

20 that financial gain was not really even an issue. Shanduka

21 invested R300 million into this transaction or into this

22 company and that R300 million was lost, was lost as early

23 as 2011. So we were not even talking about financial gain.

24 In fact it was a catastrophic financial loss for Shanduka.

25 So financial gain was not even part of it. We did not even

Page 34767

1 expect to recoup any of the investment, nor do we even

2 begin to think that we will recoup the investment.

3 MR MPOFU: Yes.

4 MR RAMAPHOSA: So to that effect it's

5 written off.

6 MR MPOFU: Well, I don't think it can be

7 that easy. Surely by you staying in the investment you,

8 (a) did not want to suffer any further financial loss or

9 (b) were hoping that the situation would turn around.

10 MR RAMAPHOSA: Well –

11 MR MPOFU: Why would anyone, it would be

12 thankful to stay –

13 MR RAMAPHOSA: We have thought many times

14 over whether we need to just abandon it and walk away or to

15 stay in, so that's a debate that is still on the table.

16 MR MPOFU: But for now you are in.

17 MR RAMAPHOSA: Well, Shanduka is still

18 in.

19 MR MPOFU: Yes.

20 MR RAMAPHOSA: Ja.

21 MR MPOFU: And remember also that you

22 paid R300 million for this investment.

23 MR RAMAPHOSA: Yes.

24 MR MPOFU: And 2.5 billion was actually

25 provided by Lonmin.

Page 34768

1 MR RAMAPHOSA: Yes.

2 MR MPOFU: Yes.

3 MR RAMAPHOSA: As a debt on fairly fair

4 debt financing conditions and everything else.

5 MR MPOFU: Vendor financing it is called.

6 [14:13] MR RAMAPHOSA: And it is still owed.

7 MR MPOFU: Yes.

8 MR RAMAPHOSA: It's still money that's

9 owed.

10 MR MPOFU: Ja. Another reason for you to

11 stay in. Ja, now I'm saying that you have said – and I'll

12 paraphrase just to save time – when you were being

13 interviewed by Mr Xolani Gwala after the Marikana issue –

14 MR RAMAPHOSA: Yes.

15 MR MPOFU: - he said to you, "What's

16 wrong with Lonmin as an asset?" and your answer was, "It's

17 a good asset. It has good fundamentals, but the cost

18 structure has just been rising and the settlement that has

19 now been reached is going to put pressure on the cost of

20 the company." You remember saying that?

21 MR RAMAPHOSA: Yes, as happens with any

22 company –

23 MR MPOFU: Yes.

24 MR RAMAPHOSA: - whenever you increase

25 your costs –

Page 34769

1 MR MPOFU: In other words –

2 MR RAMAPHOSA: - it's a fundamental law

3 of economics and finance that when you increase your cost

4 it puts pressure on –

5 MR MPOFU: Ja, even I am aware of that.

6 MR RAMAPHOSA: Thank you.

7 MR MPOFU: But I'm saying that the point

8 here is that what you were articulating to Mr Gwala was

9 that the increase that was given to the workers was

10 inimical to your financial interest in that it was

11 increasing the cost structure.

12 MR RAMAPHOSA: No, it was not inimical.

13 It was not inimical. It was an increase that was given,

14 which was absorbed by the company. The company agreed that

15 they would absorb it and if you do that you've got to

16 realise that your costs go up. There's nothing wrong in

17 talking about your cost structure going up.

18 MR MPOFU: Okay.

19 MR RAMAPHOSA: If you don't talk about it

20 then you're not running a good business.

21 MR MPOFU: Exactly, and that's exactly

22 the point I'm making. The running of a good business is

23 otherwise known as maximising profit, which is what you

24 were after.

25 MR RAMAPHOSA: Being in business means

Page 34770

1 you want to make profit.
 2 MR MPOFU: Yes.
 3 MR RAMAPHOSA: And it's like being - for
 4 instance in the public sector you want to make sure that
 5 there is a good return for the citizens of the country so
 6 that there can be social service delivery.
 7 MR MPOFU: Yes.
 8 MR RAMAPHOSA: It's as simple as all
 9 that.
 10 MR MPOFU: Yes, it is very simple.
 11 MR RAMAPHOSA: Yes.
 12 MR MPOFU: It's profit maximisation. You
 13 don't get into business for any other reason except to
 14 maximise your profit.
 15 MR RAMAPHOSA: Fair enough.
 16 MR MPOFU: Ja. Now the - and I don't
 17 want to belabour this point. All I'm saying is that let's
 18 just say you were not in favour of the wage settlement that
 19 was reached with the workers.
 20 MR RAMAPHOSA: There's no statement, no
 21 position, no evidence to suggest that we were not in
 22 favour. I have been in favour of getting workers to get a
 23 really good wage.
 24 MR MPOFU: No, but you spoke against that
 25 settlement.

Page 34771

1 MR RAMAPHOSA: I did not speak against
 2 the settlement.
 3 MR MPOFU: Okay, well this is what you
 4 said.
 5 CHAIRPERSON: Mr Mpofo, is this an
 6 exhibit?
 7 MR MPOFU: Yes, Chairperson -
 8 CHAIRPERSON: What exhibit?
 9 MR MPOFU: It's the - no, it's a new -
 10 CHAIRPERSON: Oh, it's a new exhibit.
 11 That's -
 12 MR MPOFU: Audio video, yes. Audio
 13 visual that we submitted. Maybe it can be played -
 14 CHAIRPERSON: Well, it's not an exhibit,
 15 it hasn't been given an exhibit number. That's not an
 16 objection to it, but just -
 17 MR MPOFU: No, fair enough, Chairperson.
 18 CHAIRPERSON: - for me to enter it on the
 19 record -
 20 MR MPOFU: Yes, no.
 21 CHAIRPERSON: So this will be JJJJ11, and
 22 what is it? A video?
 23 MR MPOFU: It's a video, it's kind of a
 24 collage that -
 25 CHAIRPERSON: How do I describe it in

Page 34772

1 the -
 2 MR MPOFU: You can say it's a video that
 3 has audio and video material of interviews with Mr
 4 Ramaphosa.
 5 CHAIRPERSON: Have you seen it?
 6 MR UNTERHALTER SC: Could I ask my
 7 learned friend to just identify it in the index we've
 8 received?
 9 MR MPOFU: Okay, yes. It's -
 10 CHAIRPERSON: I've been given -
 11 MR MPOFU: It's item number 24.
 12 CHAIRPERSON: You see, I was given a
 13 provisional list. I haven't got the latest one, but you
 14 say it's item - so how is it described in the index?
 15 MR MPOFU: Chairperson, we have -
 16 actually if you look at the index -
 17 CHAIRPERSON: Well I haven't got the
 18 index up to 24. Just tell me what -
 19 MR MPOFU: Alright, let me then start
 20 with my learned friend. It's a combination of 23 and 24 on
 21 the index. Chairperson, 23 is video interview with Mr
 22 Rehad Desai, and 24 is audio interview with Xolani Gwala.
 23 It's a combo of the two -
 24 CHAIRPERSON: So combination of, is it TV
 25 interviews, is it? Or radio, or TV and radio or what?

Page 34773

1 Combination of interviews -
 2 MR MPOFU: Yes.
 3 CHAIRPERSON: - by Mr Ramaphosa with Mr
 4 Desai, Mr R Desai I think is his initial, and Mr - I think
 5 he's X, isn't he? - he is Xolani, and Mr X Gwala.
 6 MR MPOFU: Yes, and the -
 7 CHAIRPERSON: Now if they're going to be
 8 exhibits we've got to see them quickly. How long are they
 9 going to take?
 10 MR MPOFU: It's very short, Chairperson.
 11 I'm going to do -
 12 CHAIRPERSON: Well, let's have them
 13 quickly then.
 14 MR MPOFU: Yes. The exhibit itself is
 15 long, but what I'm going to deal with -
 16 CHAIRPERSON: [Microphone off, inaudible]
 17 MR MPOFU: Ja, if you can go to 15:45 -
 18 or no, no, I'm sorry - yes, it is, it is, 15:45.
 19 CHAIRPERSON: It seems to be stuck - oh,
 20 here we go. 15:45, you say.
 21 MR MPOFU: Yes.
 22 CHAIRPERSON: So we go back a little bit,
 23 it's 15:56 at the moment. There we are. Alright, it's now
 24 at 15:44. Let's watch the video.
 25 MR MPOFU: Ja, let's maybe start at

Page 34774

1 15:40, just –

2 CHAIRPERSON: Go back a bit to 15:40,

3 please. 15:43, is that good enough?

4 MR MPOFU: Yes, that's good enough.

5 CHAIRPERSON: So let's watch it from now

6 on.

7 [VIDEO IS SHOWN]

8 [Microphone off, inaudible]

9 MR MPOFU: No –

10 CHAIRPERSON: I think that someone please

11 take a hand at preparing a transcript of that for us, so

12 that will also be part of the exhibit, it will be easier

13 for us to handle.

14 MR MPOFU: Yes, Chairperson –

15 CHAIRPERSON: That's just the little

16 piece that you wanted to refer to?

17 MR MPOFU: Yes, for now, yes thank you,

18 Chairperson, we'll ensure that that happens. You would

19 agree that that clip is not exactly indicating what you are

20 saying. It does indicate that you were not in favour – to

21 put it nicely – of the settlement.

22 MR RAMAPHOSA: No, that's not putting it

23 nicely at all. That is being taken out of context. What

24 we were talking about is the bargaining system in the

25 mining industry, that what you have is a situation where

Page 34775

1 one company offers an increase and the others offer

2 completely different types of increases and that is what

3 leads to raising expectations amongst workers –

4 MR MPOFU: Yes.

5 MR RAMAPHOSA: - who work in the same

6 industry for different companies, and I still hold the view

7 that that is dangerous.

8 MR MPOFU: It's a bad thing.

9 MR RAMAPHOSA: It is not a good thing.

10 MR MPOFU: Yes.

11 MR RAMAPHOSA: It is actually very

12 dangerous. What you need to do is – and this is what we

13 were talking about, we were not talking specifically about

14 this. We were talking about its impact as well on the

15 whole collective bargaining system in the industry.

16 MR MPOFU: No, that's not true.

17 MR RAMAPHOSA: Okay.

18 MR MPOFU: You said that the Marikana

19 wage settlement –

20 MR RAMAPHOSA: Yes.

21 MR MPOFU: - sets a dangerous precedent.

22 There's only one Marikana – there was only one Marikana

23 wage settlement at that time. It was this one. It was not

24 – so all I'm saying is that you thought it was a bad thing,

25 for all the good reasons you've put –

Page 34776

1 MR RAMAPHOSA: No, I would not agree that

2 that is what you mean for this one because we were talking

3 also about happened at Impala, what happened here as well,

4 and we were actually talking about a more centralised

5 collective bargaining system.

6 MR MPOFU: Anyway –

7 CHAIRPERSON: Mr Ramaphosa, may I ask you

8 this; you did talk about it being bad for the collective

9 bargaining system. Now you've already told us that you

10 believe there should be centralised –

11 MR RAMAPHOSA: Yes.

12 CHAIRPERSON: - wage bargaining in the

13 platinum industry, as there is in coal and gold.

14 MR RAMAPHOSA: Indeed.

15 CHAIRPERSON: But that isn't the case and

16 hasn't been the case for a long time.

17 MR RAMAPHOSA: Ja.

18 CHAIRPERSON: So there's still collective

19 bargaining in the platinum industry, even though it's not

20 centralised.

21 MR RAMAPHOSA: Yes.

22 CHAIRPERSON: But you said this

23 particular one was bad for the collective bargaining

24 system. Now what I want to know from you is this; were you

25 concerned about the contents of the agreement, or were you

Page 34777

1 more concerned about the method and the consequences of

2 that particular method being adopted in future for the

3 collective bargaining system?

4 MR RAMAPHOSA: It is more the latter that

5 I was more concerned about.

6 MR MPOFU: Yes, well the latter, the

7 former, the whatever, but it was not a good thing, correct?

8 MR RAMAPHOSA: As –

9 CHAIRPERSON: The latter was the method,

10 you see.

11 MR MPOFU: Ja, but alright –

12 CHAIRPERSON: So that is, in other words

13 were you –

14 MR MPOFU: Whether it –

15 CHAIRPERSON: Sorry, let me just, just to

16 get clarity. Were you opposed to the RDOs getting the

17 extra money which the agreement involved, or were you

18 opposed to the fact that it was got in a particular manner

19 outside the pre-existing collective bargaining system with

20 possible knock-on effects for the future?

21 MR RAMAPHOSA: I was not opposed to the

22 RDO getting extra increases. I was more concerned about

23 the system itself that had given rise to this because it

24 needs to be wholesome and it needs to apply right across

25 the industry to avoid precisely this problem that we had,

<p style="text-align: right;">Page 34778</p> <p>1 and it had started at Impala and Impala had gone off on 2 their own and granted this increase. It would have been a 3 lot better if all companies had agreed that this should be 4 the going rate for all the RDOs and all of them had agreed 5 to pay that and we would not have had this problem. 6 MR MPOFU: No, with respect, that's 7 wrong. I think that is untruthful because you've now 8 forgotten the first clip that we played where you say that 9 the settlement has now been reached, it's going to put 10 pressure on the cost of the company. 11 MR RAMAPHOSA: Yeah, but it is true. Any 12 settlement does put pressure and the companies, it behaves 13 on the company thereafter to realign all their cost centres 14 and cost structures, sure. 15 MR MPOFU: But for the workers who will 16 get the money it's a good thing, obviously. 17 MR RAMAPHOSA: It is a good thing – 18 MR MPOFU: Ja, and for the – 19 MR RAMAPHOSA: It is a good thing, and 20 for the company – 21 MR MPOFU: - company that it's saying it 22 impacts on the cost structure. 23 MR RAMAPHOSA: It does impact on the cost 24 structure and I think, you know, if, one needs to 25 understand how companies work.</p>	<p style="text-align: right;">Page 34780</p> <p>1 or see it, depending on what it is – 2 MR MPOFU: Yes, thank you. 3 CHAIRPERSON: And then we'll best be able 4 to judge – 5 MR MPOFU: Yes. 6 CHAIRPERSON: - how accurate your summary 7 is. I'm not suggesting it's inaccurate, but we'll best be 8 able to judge. 9 MR MPOFU: Yes, no fair enough. If you 10 go to 11:40 till 12:00. 11 [VIDEO IS SHOWN] 12 CHAIRPERSON: Can you please stop this 13 one? This is – it's interesting to hear about the glass is 14 half full and the glass is half empty, but it's not 15 relevant to the question you're being asked. 16 MR MPOFU: No. 17 CHAIRPERSON: So let's get the relevant 18 section – 19 MR MPOFU: Yes, Chairperson, I'll – 20 CHAIRPERSON: - which doesn't deal with 21 half empty or half full glasses, but deals with something 22 else. 23 MR MPOFU: No, it deals with how the 24 settlement puts pressure on the cost of the company. We 25 will find it. We'll come back to it, Chairperson, with</p>
<p style="text-align: right;">Page 34779</p> <p>1 MR MPOFU: Oh. 2 MR RAMAPHOSA: I mean companies need to 3 watch their cost structure all the time. 4 MR MPOFU: Yes, and it's a bad thing to 5 increase your cost structure if you are a company. Even I 6 understand that. 7 MR RAMAPHOSA: No, it's not necessarily a 8 bad thing, but there are things – 9 MR MPOFU: How do you maximise profits? 10 MR RAMAPHOSA: You need to look at all 11 these – 12 CHAIRPERSON: Please don't interrupt him. 13 MR MPOFU: Yes, Chairperson. 14 CHAIRPERSON: Carry on, Mr Ramaphosa. 15 MR RAMAPHOSA: - cost structures. 16 MR MPOFU: Ja, listen – 17 CHAIRPERSON: Mr Mpofo, sorry, before you 18 carry on, you talked about the other clip. Now in fact 19 we've only heard this one. You did give us a quotation 20 from the other – 21 MR MPOFU: That's true, Chairperson. 22 CHAIRPERSON: But we didn't actually hear 23 it. 24 MR MPOFU: Fair enough. 25 CHAIRPERSON: I think we should hear it</p>	<p style="text-align: right;">Page 34781</p> <p>1 your permission. Now this was a remarkable achievement, if 2 I may say so. 3 MR RAMAPHOSA: Which one, Mr Mpofo? 4 MR MPOFU: The one I'm just about to tell 5 you – 6 MR RAMAPHOSA: The half full glass or the 7 full glass? 8 MR MPOFU: No, the half full glass is 9 irrelevant. 10 MR RAMAPHOSA: Okay. 11 CHAIRPERSON: He's going to tell us now. 12 He's going to let us into the secret now of what the 13 achievement is that he's talking about. What's this 14 achievement, Mr Mpofo? 15 MR MPOFU: Well, if I'm allowed to 16 speak – 17 CHAIRPERSON: Is it an underachievement 18 or an overachievement? What are you dealing with? 19 MR MPOFU: It's an overachievement in 20 this case. 21 MR RAMAPHOSA: On whose part? 22 MR MPOFU: On yours, Mr Ramaphosa. 23 MR RAMAPHOSA: Enlighten me. 24 MR MPOFU: Yes. To manage to change a 25 Minister of Minerals in the space of about four to five</p>

Page 34782

1 hours from her characterisation of the situation is an
 2 overachievement. Wouldn't you agree? Not everyone can
 3 manage that, to get a Minister of State to change, make a
 4 360 degree turn –
 5 CHAIRPERSON: No, a 360 degree is back
 6 where she started.
 7 MR MPOFU: Okay, yes. 180.
 8 CHAIRPERSON: [Microphone off, inaudible]
 9 MR MPOFU: Yes.
 10 CHAIRPERSON: You're referring to BBB4.2.
 11 MR MPOFU: Yes.
 12 CHAIRPERSON: Quote, "The Minister was on
 13 radio today saying she'd been briefed that this was a wage
 14 dispute and management and unions should sit down and sort
 15 it out."
 16 MR MPOFU: Right.
 17 CHAIRPERSON: Then that was the –
 18 MR MPOFU: That's the one.
 19 CHAIRPERSON: - caused the witness to
 20 speak to her.
 21 MR MPOFU: Yes, that's correct. Yes,
 22 that was what I call the conveyor belt, the message where
 23 the witness was a messenger, but be that as it may, it was
 24 a remarkable feat. Would you agree?
 25 MR RAMAPHOSA: I wouldn't call it a

Page 34783

1 remarkable feat. No, I wouldn't call it remarkable feat.
 2 MR MPOFU: Ja, I suppose it's where it
 3 comes from. Well, some of us don't have that amount of
 4 influence. So for a normal person it would be remarkable,
 5 who didn't wield as much power as you do, would it?
 6 MR RAMAPHOSA: For a normal person? I
 7 don't know what that means, Mr Mpofo.
 8 MR MPOFU: Well, for someone other than a
 9 person who wields an enormous amount of political power to
 10 change a minister's view in the space of four to five hours
 11 would be a remarkable achievement. Would you agree?
 12 MR RAMAPHOSA: No, I wouldn't agree.
 13 MR MPOFU: So you think any citizen of
 14 South Africa can just "sommer" hear a minister saying
 15 something on the radio at 9 and within a matter of hours
 16 that same minister somehow changes the view completely? Is
 17 it –
 18 MR RAMAPHOSA: Yes, it is possible.
 19 MR MPOFU: It's possible?
 20 MR RAMAPHOSA: Yes.
 21 MR MPOFU: I want to live in that
 22 country.
 23 CHAIRPERSON: Wouldn't it depend on how
 24 erroneous the view the minister had originally expressed
 25 was and what degree of extra facts had to be put to the

Page 34784

1 minister to persuade the minister that her original view
 2 was erroneous, and where –
 3 MR MPOFU: Well, Chairperson –
 4 CHAIRPERSON: - where what she said what
 5 she'd been briefed it mightn't be so difficult to rebrief
 6 her and give her extra facts that hadn't been brought to
 7 her attention earlier. I'm –
 8 MR MPOFU: No, that's –
 9 CHAIRPERSON: So it's not necessarily a
 10 remarkable feat –
 11 MR MPOFU: It's a fair question,
 12 Chairperson –
 13 CHAIRPERSON: - it depends on the facts,
 14 doesn't it?
 15 MR MPOFU: Ja, it's a fair question. The
 16 answer to that is that that issue doesn't even arise. An
 17 average citizen would not even be able to speak to the
 18 minister in that short space of time. But the –
 19 CHAIRPERSON: Then the feat is getting
 20 the access to the minister –
 21 MR MPOFU: It's either the –
 22 CHAIRPERSON: - rather than persuading
 23 the minister –
 24 MR MPOFU: No, it's both –
 25 CHAIRPERSON: - to come to other

Page 34785

1 insights.
 2 MR MPOFU: Well, it's both. It's both,
 3 because you can't do the one without the other. So if you
 4 can't even reach her then you can't influence her. He, the
 5 witness managed both feats; to speak to her, to have a
 6 meeting with her and to change her view. Actually there
 7 are three remarkable feats in the space of a few hours, and
 8 you say that an average citizen can achieve this?
 9 MR RAMAPHOSA: Yes.
 10 MR MPOFU: Alright, as I said I'd like to
 11 live in that country. No, the reality, Mr Ramaphosa, and
 12 you know it, is that you achieved that purely because of
 13 the political power and the political influence that you
 14 wield, which your partners at Lonmin were sending you to
 15 wield and which you did so dutifully. Isn't that correct?
 16 MR RAMAPHOSA: No.
 17 MR MPOFU: And you said yesterday that
 18 they asked you to go to speak to the Minister because you
 19 can. Is that correct? Something like that.
 20 MR RAMAPHOSA: Ja, they know –
 21 MR MPOFU: Ja.
 22 MR RAMAPHOSA: - I have the ability to
 23 talk to the Minister.
 24 MR MPOFU: Yes.
 25 MR RAMAPHOSA: I have the ability to talk

Page 34786

1 to people.

2 MR MPOFU: Ja, which they don't have as

3 average citizens.

4 MR RAMAPHOSA: No, they also have.

5 MR MPOFU: Oh, then why on earth if Mr

6 Phillimore wanted Ms Shabangu to change her

7 characterisation, like a normal citizen like me, why did he

8 need you to be his messenger?

9 MR RAMAPHOSA: Maybe you should ask Mr

10 Phillimore.

11 MR MPOFU: Well, you should have asked Mr

12 Phillimore. That's what I'm saying; why did you say, if

13 you are truthful - which I suggest you are not - in saying

14 that anybody can do this, then you should have said Mr

15 Phillimore, what are you talking about?

16 MR RAMAPHOSA: Yes, I -

17 MR MPOFU: Just pick up the phone, fly to

18 Cape Town and the Minister will change her characterisation

19 in four hours, don't bother me. You didn't do that because

20 you knew that the difference between you and him is that

21 you wield a considerable amount of political power which he

22 wanted to use.

23 [14:32] And transform it into political pressure with

24 outcome, the fast, instant outcome that it indeed achieved.

25 MR RAMAPHOSA: No. I just had access to

Page 34787

1 her.

2 MR MPOFU: Yes. So the access was such

3 that she would say to you not only have I changed my

4 characterisation, but I'm actually going to take this to

5 cabinet and brief the President. Anybody in South Africa

6 can do that. That's your evidence, are you being serious?

7 MR RAMAPHOSA: No, I'm being very

8 serious.

9 MR MPOFU: Yes.

10 MR RAMAPHOSA: But what is your question,

11 Mr Mpofu?

12 MR MPOFU: The question is, is that your

13 evidence that any citizen of South Africa can hear

14 something on the radio, fly to Cape Town, meet with the

15 Minister and the Minister then undertakes to take it to the

16 President of the cabinet within the space of four to five

17 hours. Is that your evidence, is that your serious

18 evidence?

19 MR RAMAPHOSA: It is not for me to judge

20 whether any citizen in South Africa would have that ability

21 and when somebody does have access then that they can use

22 it, they can. I suppose you too could have access to other

23 people which many other people would not have. We

24 demonstrated it with my conversation with you yesterday.

25 There are many other counsels who do not have access to me

Page 34788

1 and you had access to me and we agreed that we are going to

2 do certain things.

3 MR MPOFU: Don't start with me, Mr

4 Ramaphosa.

5 MR RAMAPHOSA: It's not -

6 MR MPOFU: Don't you start with me. You

7 know that, I told you yesterday you called me to come to

8 you. Please don't start with me.

9 MR RAMAPHOSA: Let's leave it there.

10 MR MPOFU: Ja. Let's speak the truth.

11 If you want to tell -

12 MR RAMAPHOSA: Let's just leave it there,

13 Mr Mpofu.

14 CHAIRPERSON: Mr Mpofu, let's just leave

15 that -

16 MR RAMAPHOSA: Carry on with your

17 questions.

18 MR MPOFU: Ja answer my questions now.

19 CHAIRPERSON: Let's bury those two battle

20 axes and carry on with the case.

21 MR MPOFU: Thank you, Chairperson. No

22 you must understand what's happening here. Okay, I ask you

23 questions you answer them. You don't make snide remarks

24 and I don't make snide remarks. As the Chairperson calls

25 you don't raise the temperature and the temperature will

Page 34789

1 remain calm otherwise you'll get ten times of what you

2 give. Okay. All right, now -

3 CHAIRPERSON: Mr Mpofu, that's a threat.

4 I don't like witnesses being threatened in my court or

5 before my Commission.

6 MR MPOFU: Well no -

7 CHAIRPERSON: Just carry on.

8 MR MPOFU: It's a promise, Chairperson,

9 it's not a threat.

10 CHAIRPERSON: It sounds like a threat to

11 me, but anyway carry on with the case.

12 MR MPOFU: Okay. This Mr Phil Jamieson

13 said to you, the two big things in his email were the

14 characterisation and the police numbers, remember that?

15 MR RAMAPHOSA: Yes.

16 MR MPOFU: Yes, and then he says, the

17 parting shot he says to you "If you can talk to the

18 Minister please can you influence this thing with her and

19 encourage her to make time to talk to Roger." Now I think

20 he was just being polite. Really he was saying that use

21 your political influence to ensure that these things

22 happen. Would you like to comment? That's what I'm saying

23 that's the interpretation which I will place onto that

24 particular -

25 MR RAMAPHOSA: Well he asked me, he did

Page 34790

1 ask me as is clearly set out there which I've admitted that
 2 he said you know we're facing a terrible situation and it
 3 will be good if the Minister could also talk to Roger.
 4 MR MPOFU: Yes, ja and you were not as
 5 diplomatic as he is. You said that you are absolutely
 6 correct in insisting, those are the words you used, that
 7 the Minister needs to understand blah, blah, blah and then
 8 you say I will stress that Minister Shabangu should have a
 9 discussion with Roger.
 10 MR RAMAPHOSA: Yes.
 11 MR MPOFU: That's something this was
 12 stress, insisting, those are not things you do, you know,
 13 in a relationship of equals as it were. You were insisting
 14 on certain things, you were stressing certain things. Mr
 15 Jamieson would not have been in a position because of his
 16 lack of your political power to stress or insist on what
 17 the Minister should or should not do. Do you accept that?
 18 MR RAMAPHOSA: I don't know what the
 19 question is.
 20 MR MPOFU: Do you accept that?
 21 MR RAMAPHOSA: What do I accept?
 22 MR MPOFU: What I just put to you.
 23 MR UNTERHALTER: Chair, again. My
 24 learned has now repeatedly been making long statements and
 25 again they are always followed up, do you accept that. One

Page 34791

1 has to frame a question around a particular passage or what
 2 did a word mean. Phrase a pointed question, these long
 3 soliloquies followed by do you accept that, it's really not
 4 a helpful way of engaging in questioning.
 5 CHAIRPERSON: Now you've heard what Mr
 6 Unterhalter is suggesting, why not follow his advice for a
 7 moment or two and see how far we get?
 8 MR MPOFU: Do you accept that Mr Jamieson
 9 was not in a position, unlike you, to insist and stress
 10 what a Minister must or must not say?
 11 MR RAMAPHOSA: He was not in a position
 12 like me to insist.
 13 MR MPOFU: Thank you. Thank you and it
 14 gets better. You then say at BBB4.6 after you've now said
 15 that she has now miraculously corrected her
 16 characterisation –
 17 CHAIRPERSON: He didn't say miraculously
 18 –
 19 MR MPOFU: Yes that's in my insert
 20 miraculously which I put or in that seat that you and I
 21 were talking about. You then say "She's going to cabinet
 22 and will brief the President and get the Minister of
 23 Police, Nathi Mthethwa to act in a more pointed way.
 24 MR RAMAPHOSA: Yes.
 25 MR MPOFU: That's what she told you. Or

Page 34792

1 that's what you asked her to do.
 2 MR RAMAPHOSA: That's what I said.
 3 MR MPOFU: Yes.
 4 MR RAMAPHOSA: Yes.
 5 MR MPOFU: And when you're saying he must
 6 act in a more pointed way surely you meant that he must act
 7 fast and act decisively, correct?
 8 MR RAMAPHOSA: As I said yesterday on
 9 describing what pointed way meant I did say that I expected
 10 the police should do what they do which is their job,
 11 investigating crime, identifying the perpetrators of crime
 12 and arresting them.
 13 MR MPOFU: No but, Mr Ramaphosa that's
 14 laughable. You can't be flying to Cape Town just to say to
 15 the police you must be police. They know that they must
 16 arrest people, they know that they must identify criminals,
 17 why do you have to waste your money, your airtime and your
 18 breath to state the obvious? That can't be the reason.
 19 CHAIRPERSON: Mr Mpofo, he's already said
 20 he was flying to Cape Town anyway to launch the national
 21 development plan. So he wasn't wasting his airtime. He
 22 was going to Cape Town, but he was using time while he was
 23 there for this particular purpose.
 24 MR MPOFU: No, Chairperson –
 25 CHAIRPERSON: Your question is over –

Page 34793

1 MR MPOFU: Chairperson, understandably
 2 maybe you – the concept of airtime has something to do with
 3 cell phones, Chairperson.
 4 CHAIRPERSON: Oh yes thank you – yes I
 5 had overlooked that. Thank you for drawing it to my
 6 attention.
 7 MR MPOFU: No that's fine. Can you
 8 answer the question please?
 9 MR RAMAPHOSA: Mr Mpofo, it may be
 10 laughable to you with regards to what I did, but I did
 11 precisely what I described yesterday and I did precisely
 12 what I had just said to you and you dismiss it as being
 13 laughable.
 14 MR MPOFU: Okay maybe laughable is
 15 putting it too high. All I'm saying is that it would be
 16 redundant to say the least.
 17 MR RAMAPHOSA: That's what you say, but
 18 that's exactly what happened.
 19 MR MPOFU: No, okay let's listen to you.
 20 If you go – you fly from one place to another just to tell
 21 a teacher that they must teach children would you think
 22 that's a useful utilisation of time and travelling
 23 resources?
 24 MR RAMAPHOSA: Mr Mpofo, I think we're
 25 splitting hairs here. I did answer the question yesterday.

Page 34794

1 I've just answered it, I'll answer it again. What I said
 2 to you was that I went there and communicated to the
 3 Minister and we said we would like the Minister of Police
 4 communicate that they should act in a pointed way. What
 5 does pointed way mean? It means that we've got a
 6 situation, a very dangerous situation out there and we
 7 would like the police to intervene, to stabilise the
 8 situation, to investigate, arrest the perpetrators of crime
 9 and those who are killing people and stabilise the
 10 situation. That's what pointed way means.

11 MR MPOFU: No I put it to you that
 12 pointed way in this context meant the concomitant action
 13 which you wanted to be taken against these people that you
 14 had re characterised as criminals which is that they should
 15 be brutally murdered as they were.

16 MR RAMAPHOSA: Mr Mpofo –
 17 MR SEMENYA SC: Chair, Chair, Chair -
 18 CHAIRPERSON: That's again putting
 19 something as a proven fact, it isn't. I understand your –
 20 MR MPOFU: Okay brutally killed. Well
 21 I'm using the witness's own expression.
 22 CHAIRPERSON: Mr Semenya's got his light
 23 on perhaps we should both listen to him.
 24 MR MPOFU: Brutal murder comes from the
 25 witness.

Page 34795

1 CHAIRPERSON: Mr Semenya's got his light
 2 on, Mr Semenya.
 3 MR SEMENYA SC: Chair, even a witness may
 4 have their own description of the event, but it surely is
 5 incumbent on us as a Commission sitting here, Chair, with
 6 respect that the proper language and description of things
 7 be done and I may even add we owe to all ourselves to
 8 address witnesses properly. The language that is used in
 9 this hearing is really unbecoming and I beseech you, Chair,
 10 I implore you, we depend on your guidance for the proper
 11 conduct of this hearing.
 12 MR MPOFU: Well, Chairperson, with the
 13 greatest respect I beseech you as well to allow me use the
 14 language employed by the witness, to a particular witness.
 15 If another witness had said the people had been hugged and
 16 kissed then I would used that expression. This witness has
 17 said brutal murder in his statement which I showed you
 18 earlier.
 19 CHAIRPERSON: The witness is talking
 20 about the events of the 13th, I'm not sure of - events of
 21 the 13th, I'm not sure if he's still adheres to that because
 22 I understood him to say that it was based on his
 23 understanding of the facts and it was suggested that the
 24 evidence before us may be slightly different. But in any
 25 event it's a disputed fact at the moment before us whether

Page 34796

1 what happened on the 13th that the police killed three of
 2 the strikers –
 3 MR MPOFU: That's what we think.
 4 CHAIRPERSON: - was a murder or not.
 5 That's still a matter that's under debate. So anyway I'm
 6 sure you could ask the question in a way which avoids –
 7 MR MPOFU: Okay, I thought I had already
 8 changed the question. I was just responding to the
 9 objection. I'm say, Mr Ramaphosa, I'm putting it to you
 10 that the pointed way which was going to be communicated to
 11 Minister Mthethwa was the concomitant action which you had
 12 described needed to be taken against so-called dastardly
 13 criminal acts. –
 14 MR UNTERHALTER: Is my learned friend
 15 what the witness did convey to the Minister? As a matter
 16 of fact it could be a question that could be posed or is he
 17 suggesting that there was some meaning that the witness had
 18 in mind that he never conveyed? The question is
 19 extraordinarily unclear.
 20 MR MPOFU: Perhaps –
 21 MR UNTERHALTER: If I may finish and then
 22 of course you can answer. And until these points are
 23 clarified as to where the facts are being elicited or
 24 whether there is simply a general claim being made that is
 25 somehow attributed on same basis, it's really not again

Page 34797

1 helpful.
 2 MR MPOFU: Again, Chairperson, I think
 3 that I don't even understand that. I mean if someone says
 4 he acted in a more pointed way obviously that's a figure of
 5 speech unless if you meant it literally that they must
 6 point guns at these people and shoot them. What I'm saying
 7 is that I'm busy exploring what the witness meant, I'm
 8 assuming in his favour that he was using the word not
 9 literally but figuratively.
 10 CHAIRPERSON: Mr Mpofo, Mr Mpofo, let's
 11 just be short and sweet. Tell us again, just repeat again
 12 what did you mean by the phrase get the Minister to act in
 13 a pointed way?
 14 MR RAMAPHOSA: Mr Chairman, thank you. I
 15 meant that the Minister should get the police to do what
 16 they do. Do their work and their work is to identify
 17 people who are committing acts of crime, arrest them and
 18 make sure that the acts of criminality are brought to an
 19 end. That is what I meant and learned counsel has also
 20 brought in this other statement where I referred to
 21 concomitant action needs to be taken. I did explain it
 22 yesterday in my evidence in chief that when I used the term
 23 concomitant action I meant the police must take appropriate
 24 steps, appropriate steps, to make sure that the deaths that
 25 were occurring and the violence that was underway must be

Page 34798

1 brought to an end and we must stabilise the situation.
 2 There is no other meaning to those words and indeed my
 3 intention other than what I have described to the
 4 Commission.
 5 MR MPOFU: Yes, no what I'm putting to
 6 you, Mr Ramaphosa, is that if you wanted to say the best
 7 action and appropriate way that's what you would have said
 8 you know. You wouldn't have used these terms of
 9 concomitant action, act in a pointed way. In any event you
 10 made it clear at the next sentence. "Let us keep the
 11 pressure on them to act correctly." You said that.
 12 MR RAMAPHOSA: Mr Chairman, I repeat what
 13 I said yesterday. I did say let's put the pressure on
 14 them, the pressure on them was meant to say let us make
 15 sure that they act in a way that police normally act so
 16 that people are arrested who are perpetrating all these
 17 crimes. That's all I meant.
 18 MR MPOFU: Ja again we'll argue that if
 19 you simply wanted the police to act naturally as they
 20 always do there's no need to put pressure. But you were
 21 putting pressure for them to do something more which is
 22 what they did in acting in a pointed way, concomitant
 23 action and as a result of the pressure killing the
 24 strikers.
 25 CHAIRPERSON: How do you respond to that?

Page 34799

1 It's suggested that you wanted them to do more than the
 2 normal, you used the word pressure. Now what were they not
 3 doing at that stage, to your knowledge, which you thought
 4 they should be, to use a gentle word, should be encouraged
 5 to do?
 6 MR RAMAPHOSA: Mr Chairman, some people
 7 have become killed and as they got killed we realised that
 8 a very dangerous situation was unfolding and underway and
 9 we wanted the police to have a presence that would prevent
 10 further deaths from happening. Further deaths from
 11 happening would easily be prevented by the police having a
 12 presence, being seen, but more importantly being able to
 13 arrest those who were perpetrating those acts. And the
 14 arrest part is important to underscore because it would
 15 have meant that those acts would not be repeated and those
 16 who may well have wanted to perpetrate these acts would not
 17 do so because police would be in place and they would be
 18 able to make sure that they arrest those who were
 19 perpetrating these acts.
 20 CHAIRPERSON: Mr Ramaphosa you got an
 21 email which is BBB4, it's page 12 of your bundle and that
 22 was from Mr Phillimore and that was on the 14th of August,
 23 that's the Tuesday.
 24 MR RAMAPHOSA: Yes.
 25 CHAIRPERSON: 4:28pm. Attached to it was

Page 34800

1 an update on the situation –
 2 MR RAMAPHOSA: Yes.
 3 CHAIRPERSON: - which had been prepared
 4 by Tanya, whoever Tanya is. That's at page 13 of your
 5 bundle, it's part of this exhibit BBB4.
 6 MR RAMAPHOSA: Yes.
 7 CHAIRPERSON: Now what it says in the
 8 first paragraph, I won't read the whole first paragraph but
 9 perhaps it could be put up on the screen. The fourth
 10 paragraph says following this, that's following the death
 11 of two policemen and so forth in the last 24 hours, that's
 12 on the 13th. "Two policeman fatally wounded during clashes.
 13 Following this the National Commissioner visited our
 14 operations to assess the situation and lend support.
 15 Police numbers have increased further and the intention is
 16 to increase them to between 800 and 1000." Overnight the
 17 police had been developing a strategy and so forth.
 18 MR RAMAPHOSA: Yes.
 19 CHAIRPERSON: Which aimed at peacefully
 20 corralling the mobs of people who had been gathering daily
 21 on the property arresting those suspected to have been
 22 involved in criminal activity.
 23 MR RAMAPHOSA: Yes.
 24 CHAIRPERSON: So you were already told on
 25 the Tuesday that the police were intending to bring 800 to

Page 34801

1 1000 people, in fact the evidence, I think, indicates that
 2 they had approximately that number of police men and women
 3 on the scene at the time. They had the strategy aimed at
 4 corralling the people and then arresting those suspected to
 5 have been involved.
 6 MR RAMAPHOSA: Yes.
 7 CHAIRPERSON: Now what extra, if
 8 anything, did you want? You were told on the Tuesday that
 9 that was what the police were going to do.
 10 MR RAMAPHOSA: Yes.
 11 CHAIRPERSON: So what extra did you want
 12 them to do? What did you that would be "more pointed" than
 13 that?
 14 MR RAMAPHOSA: More pointed is the people
 15 who had perpetrated these acts had not been arrested.
 16 Nobody who had done so had been apprehended and that's what
 17 a person like myself would have wanted to see. So that
 18 would have been part of the more pointed action that needed
 19 to be taken so that what was prominent in my mind and
 20 thinking, Mr Chairman, was that those who were perpetrating
 21 these acts should be apprehended so that there is no repeat
 22 of these acts.
 23 [14:52] And indeed those others who may well want to do
 24 other similar things should know that they will be arrested
 25 on the spot by the police. That is what was prominent in

Page 34802

1 my own mind and nothing else.

2 MR MPOFU: Well, were you aware, if you

3 read on from what the Chairperson has just pointed out to

4 you, were you aware that the employees reported to be

5 involved in the murder of Lonmin security guards had been

6 identified and the information was with SAPS?

7 MR RAMAPHOSA: No, I was not aware, Mr

8 Mpofo.

9 MR MPOFU: Well, you should have been

10 because there was an email to that effect sent to you on

11 the 14th of August at 4:28PM.

12 MR RAMAPHOSA: Yes –

13 MR MPOFU: By Roger.

14 MR RAMAPHOSA: Yes, I was not aware of

15 those details.

16 MR MPOFU: So that's the whole point.

17 The point is that if the people had been identified, the

18 information is with SAPS and as you say the police must do

19 what they normally do, then there's no need for you to be

20 moving around asking, putting pressure, to do what?

21 Because what was being done has already been done. That's

22 why I'm saying you were asking to act in a more pointed way

23 than simply identifying the people who allegedly were

24 involved in the murders, and that's exactly what they did.

25 They acted in a more pointed way because the following day

Page 34803

1 they killed 34 people at your instigation.

2 CHAIRPERSON: I don't know whether the

3 phrase "at your instigation" is entirely justified –

4 MR MPOFU: Well, I'll get to that now.

5 CHAIRPERSON: But the first point you've

6 got is, take out the "at your instigation," the police did

7 on the following day kill 34 people. That part is correct.

8 MR MPOFU: Yes.

9 CHAIRPERSON: Now what's the question you

10 want to ask the witness based on that assertion?

11 MR RAMAPHOSA: Yes, what's the question?

12 MR MPOFU: Ja, would you agree with that?

13 MR RAMAPHOSA: No, I wouldn't agree with

14 that, that it was at my instigation.

15 MR MPOFU: Okay.

16 MR RAMAPHOSA: I vehemently deny that.

17 MR MPOFU: Yes, let's go there. Can we

18 go to JJJ192, and keep at the back of your mind that you

19 said you're going to apply pressure, okay. JJJ192, page 9,

20 part of this was read to you, I think it ended, so I won't

21 read the part that was already read to you.

22 MR RAMAPHOSA: Sure.

23 MR MPOFU: It ended somewhere –

24 CHAIRPERSON: The particular passage in

25 that transcript that I think you want to refer the witness

Page 34804

1 to –

2 MR MPOFU: Yes, which is –

3 CHAIRPERSON: - is not on the screen at

4 the moment.

5 MR MPOFU: Oh, yes. No, no, no, go back

6 a little bit. Yes, it's that one. This is, Mr Ramaphosa,

7 this conversation –

8 CHAIRPERSON: I think you need a couple

9 of lines above what's on the screen at the moment.

10 MR MPOFU: Okay. Yes –

11 CHAIRPERSON: This is a passage that was

12 read by Mr Budlender in his cross-examination of the

13 witness.

14 MR RAMAPHOSA: That's right.

15 MR MPOFU: Yes, yes, I was trying to

16 avoid reading – that's why I said to the witness what has

17 been read I will leave out. Can I paraphrase; the first

18 part that was read by Mr Budlender relates to the National

19 Commissioner taking into account the perceptions about the

20 collusion –

21 CHAIRPERSON: [Microphone off, inaudible]

22 MR MPOFU: Provincial Commissioner, yes,

23 and the National Commissioner, yes.

24 CHAIRPERSON: [Microphone off, inaudible]

25 MR MPOFU: Yes, yes. That's exactly what

Page 34805

1 Mr Budlender put to you that the Provincial Commissioner

2 and the National Commissioner had spoken about "killing" or

3 discouraging a perception of collusion with AMCU. You

4 remember that?

5 MR RAMAPHOSA: Yes.

6 MR MPOFU: Yes, so I'm not going to read

7 that part, but the Chairperson is right, that's the

8 background.

9 CHAIRPERSON: What you're interested in I

10 would think is a bit, round about line 15 –

11 MR MPOFU: That's correct, Chairperson.

12 CHAIRPERSON: - about arresting people.

13 MR MPOFU: Yes, it says there, "But when

14 I was speaking to Minister Mthethwa," it's a misprint, "he

15 mentioned a name to me" – or rather let me start just

16 before. It says, "Because I think even when we were trying

17 to talk about it last night she [being the National

18 Commissioner] asked me a question that says you know, well

19 this one I'm not sure because the Lonmin shareholders, I do

20 not know much about them." Mr Mokwena says, "Yes." Then

21 she, the Provincial Commissioner says, "But when I was

22 speaking to Minister Mthethwa he mentioned a name to me

23 that is also calling him, that is pressurising him.

24 Unfortunately it is a politically high [individual, we can

25 assume]." You see that part?

Page 34806

1 MR RAMAPHOSA: Yes.

2 MR MPOFU: Ja, and so you on your side

3 were applying pressure. According to this Minister

4 Mthethwa, if this part is believed, perceived what you were

5 doing as pressurising him and then, and Mr Mokwena says,

6 "It is Cyril." Remember that's not even a question mark.

7 He makes a statement. He hasn't even heard the name. He

8 just says, "There's someone who is pressuring him," and he

9 says, "It is Cyril." You see that?

10 CHAIRPERSON: Mr Mpofo, Mr Semenya wants

11 to make a point.

12 MR SEMENYA SC: Chair, the witness was

13 not in the auditorium when the evidence was given by

14 General Mbombo. In fairness he must be told that General

15 Mbombo's own evidence is that the word "pressure" was her

16 own, it did not come from the Minister.

17 MR MPOFU: Well, Chairperson, we've gone

18 through this before. I don't –

19 CHAIRPERSON: That is correct. That

20 was –

21 MR MPOFU: I've said, that's why I used

22 the words "if this evidence is believed," because the point

23 of the matter – I don't want to take the witness through

24 legalese about that, that we are going to argue that the

25 explanation she gave was wishy-washy and so on. I'm saying

Page 34807

1 if this evidence is taken at face value – let me put it

2 that way, ja – despite whatever explanations, good, bad or

3 indifferent, that were given, if this evidence is taken at

4 its face value it would at least suggest that the Minister

5 said to the Commissioner that you were pressurising him.

6 Agreed?

7 MR RAMAPHOSA: Well, I don't know what

8 the question is because you yourself said if it is to be

9 taken –

10 MR MPOFU: Yes, that's –

11 MR RAMAPHOSA: - at its face value and if

12 it is to be believed.

13 MR MPOFU: Yes.

14 MR RAMAPHOSA: So Mr Chairman, I don't

15 quite understand what the question is.

16 MR MPOFU: What is it you don't

17 understand? I'm saying to you – you understand perfectly

18 well. Don't be evasive. I'm saying –

19 MR RAMAPHOSA: No, no, no –

20 CHAIRPERSON: No, no, Mr Mpofo –

21 MR MPOFU: No, he's being evasive. What

22 is it –

23 CHAIRPERSON: No, I don't think he's

24 being evasive.

25 MR MPOFU: It's not the first time I'm

Page 34808

1 asking a postulated question –

2 CHAIRPERSON: I don't think he's being

3 evasive. I think there is scope for misunderstanding

4 because the question is a little –

5 SPEAKER: [Inaudible]

6 CHAIRPERSON: No, please, if anyone wants

7 to say something I suggest they go outside and say it. The

8 question is a rather complicated hypothetical one and I'm

9 not quite sure that it's clear, it's full ambit, to me.

10 MR MPOFU: I'm sorry –

11 CHAIRPERSON: But can I have an endeavour

12 to summarise it as I understand it?

13 MR MPOFU: Yes, thank you, Chairperson.

14 CHAIRPERSON: What the Provincial

15 Commissioner was saying was that the National Commissioner

16 had in turn reported – is that right? No, can we just have

17 the bit at the foot of page 9?

18 MR MPOFU: Yes.

19 CHAIRPERSON: No, what the Provincial

20 Commissioner is saying is she spoke to Mr Mthethwa, the

21 Minister Mthethwa, and he said to her that he's had a

22 conversation with Mr Ramaphosa and that he said that Mr

23 Ramaphosa had pressurised him. The witness then said when

24 she gave evidence here, that's the Provincial Commissioner,

25 that that word "pressurised" was not a word used by the

Page 34809

1 Minister to her but was her attempt to summarise or repeat

2 what had been said to her by the Minister. Now what you

3 are asking the witness, Mr Mpofo, as I understand it, is to

4 say if it is correct that the word "pressurised" was used

5 in its ordinary sense and if it is correct that what the

6 Minister had conveyed to the Provincial Commissioner was

7 that Mr Ramaphosa had pressurised him, or attempted to

8 pressurise him, what is his comment on that. Is that a

9 fair summary of your question?

10 MR MPOFU: That's correct, Chairperson.

11 CHAIRPERSON: Alright, okay. Do you get

12 it, Mr Ramaphosa?

13 MR RAMAPHOSA: I did not –

14 CHAIRPERSON: Do you understand the

15 question?

16 MR RAMAPHOSA: I think I do now.

17 CHAIRPERSON: Alright, can you answer it

18 now?

19 MR RAMAPHOSA: Yes, I did not pressurise

20 the Minister.

21 MR MPOFU: Yes, and do you – okay, one of

22 the other things we're going to argue, which is curious

23 about this conversation is that as I say after she uses the

24 word pressurising him and unfortunately – mark that word,

25 unfortunately –

Page 34810

1 CHAIRPERSON: This is on the next page.
 2 It's not on the screen.
 3 MR MPOFU: Yes – unfortunately, which
 4 means the pressure is quite uncomfortable –
 5 CHAIRPERSON: No, no, I don't think that
 6 – what's unfortunate is it was a politically high
 7 individual, as you put it.
 8 MR MPOFU: Yes, it was – unfortunately
 9 it's a politically high individual. Well, if it was a
 10 lightweight I'm sure it would be fortunate.
 11 CHAIRPERSON: Alright.
 12 MR MPOFU: What I'm saying is that
 13 unfortunately it is a politically high individual and Mr
 14 Mokwena says immediately, "It is Cyril," not "Is it Cyril?"
 15 He already knows who would have put that pressure.
 16 CHAIRPERSON: Alright, now what's
 17 question? I'd like to take the tea adjournment when this
 18 point is finished.
 19 MR MPOFU: Yes.
 20 CHAIRPERSON: But I think I must give you
 21 an opportunity to finish, round it off first.
 22 MR MPOFU: Ja, do you see that Mr Mokwena
 23 immediately identified the source of the alleged pressure?
 24 MR RAMAPHOSA: He identified my name.
 25 MR MPOFU: Ja.

Page 34811

1 MR RAMAPHOSA: That's what I see.
 2 MR MPOFU: Yes, and then she goes on to
 3 say, "Cyril Ramaphosa, yes. Now remember now when I was
 4 talking to the National Commissioner last night she said to
 5 me 'Look, General, who are the shareholders here?' So I
 6 said I do not know the shareholders, but I know that when I
 7 spoke to the Minister he mentioned Cyril." So here she
 8 acknowledged that the Minister mentioned you by name, and
 9 then she says, "Now I got it. You know why she said she
 10 got it? Remember Cyril was in the Appeal Committee of
 11 Malema, remember." You had that discussion with Mr
 12 Budlender and you agreed that this is an inappropriate
 13 consideration for the police.
 14 MR RAMAPHOSA: Yes.
 15 MR MPOFU: Remember, yes. And again what
 16 is being said here is that connected to the pressure that
 17 you have exerted steps – just listen to this – steps must
 18 be taken so that Mr Malema does not come and resolve the
 19 problem. Remember you are all about stopping the deaths
 20 and solving the problems, but here it is being said that
 21 steps must be taken so that the situation is not defused.
 22 In other words because of your pressure more deaths may
 23 have resulted because these people understood your pressure
 24 to be related to a desire not to resolve the problem if
 25 that solution was going to come from Mr Malema. Surely

Page 34812

1 that must be despicable. Would you agree?
 2 MR RAMAPHOSA: I mean I would agree that
 3 that's not –
 4 MR MPOFU: Yes, thank you.
 5 MR RAMAPHOSA: - desirable.
 6 CHAIRPERSON: I'm sorry, what was that?
 7 MR RAMAPHOSA: I said that not to solve
 8 the problem is not –
 9 MR MPOFU: Proper.
 10 MR RAMAPHOSA: - proper.
 11 CHAIRPERSON: Alright, can we now take
 12 the tea adjournment, Mr Mpofo?
 13 MR MPOFU: Yes, Chairperson.
 14 CHAIRPERSON: Alright, with your
 15 permission we'll adjourn for 15 minutes.
 16 [COMMISSION ADJOURNS COMMISSION RESUMES]
 17 [15:20] CHAIRPERSON: The Commission resumes. Mr
 18 Ramaphosa, you're still under oath. Mr Mpofo?
 19 MATAMELA CYRIL RAMAPHOSA: (s.u.o.)
 20 CROSS-EXAMINATION BY MS MPOFU (CONTD.):
 21 Thank you very much, Chairperson. So yes, Mr Ramaphosa,
 22 just to round off that point. Again reading from that
 23 passage it would, it's clear that here what was effectively
 24 being said is that the political considerations were not
 25 even just being taken into account, as Mr Budlender said,

Page 34813

1 but that the political considerations would override the
 2 security considerations. Would you agree with that?
 3 MR RAMAPHOSA: Well, I don't know whether
 4 you would call them political considerations.
 5 MR MPOFU: Well, okay, well it must be
 6 political considerations if you say don't let Malema come
 7 here and defuse the situation so that the police can manage
 8 the situation. We've never had a police who don't want to
 9 manage a situation, surely?
 10 MR RAMAPHOSA: Mr Chairman, it's
 11 obviously difficult to deal with other people's statements
 12 without know what their true intention was.
 13 MR MPOFU: Oh.
 14 MR RAMAPHOSA: To the extent that it
 15 would satisfy the honourable counsel here, I would say yes.
 16 MR MPOFU: Yes, thank you, as you did
 17 yesterday. Okay –
 18 CHAIRPERSON: What it amounts to is it
 19 appears that the desire that was one of the considerations,
 20 if not the main consideration, was to prevent Mr Malema
 21 getting any credit for defusing the situation.
 22 MR MPOFU: Yes.
 23 CHAIRPERSON: And inasmuch as Mr Malema
 24 at that stage was, I think, on his way to setting up his
 25 own political party and was a political figure in any event

Page 34814

1 in a previous office that he held, there was a political
2 aspect to the whole matter, it would appear.

3 MR RAMAPHOSA: I would agree, yes.

4 MR MPOFU: Yes. Thank you, Chairperson.

5 And now we come to – and then there's the thing about once
6 again remember Malema's views that the mines should be
7 nationalised and so on and you dealt with that with Mr
8 Budlender.

9 MR RAMAPHOSA: Yes, I did.

10 MR MPOFU: The issue here is, you know a
11 Commission of this size and magnitude can actually, or
12 certain issues can be resolved just by looking at one word
13 or two words, given the millions of words that have been
14 given out here. She then says, "So it has got a serious
15 connotation that we need to take into account" –

16 CHAIRPERSON: No, no, you've gone past –

17 MR MPOFU: Sorry, Chairperson –

18 CHAIRPERSON: No, it's not your fault,
19 not your fault, it's the operator. We've now got it. It's
20 928 on page 10 of this document.

21 MR MPOFU: Yes, after "nationalised."
22 "So it has got a serious" – first she says "I once again
23 remember Malema's views that mines should be nationalised"
24 and all that, "so it has got a serious political
25 connotation that we need to take into account but which we

Page 34815

1 need to find a way of defusing" and this is the important
2 word, "hence" – hence - "hence I just told these guys that
3 we need to act such that we kill this thing immediately."
4 "Yes," says Mr Mokwena. Then she says, "When tomorrow we
5 have to move in, if today we do not find co-operation in
6 these people, we need to move in such that we kill it
7 because" – another important word – "we need to protect a
8 situation where any Jik and Jill from a political area" and
9 then she gets interrupted.

10 CHAIRPERSON: I think that probably means
11 Jack and Jill but –

12 MR MPOFU: Yes, I should think so, Jack
13 and Jill, Jik and Jill but –

14 CHAIRPERSON: - and Jeff, is that what
15 you're saying?

16 MR MPOFU: Yes, thank you, thank you,
17 Chairperson. I'm sorry. Again I'll paraphrase because we
18 don't have time. What I'm really saying here, Mr
19 Ramaphosa, is that the use of those words, "hence" which
20 means, you know, because of or connected to the above and
21 so on and so on, you know what "hence" means and "because,"
22 those words allude to what I call the causal connection
23 between your action, which has been described there, about
24 "remember he was in the appeal committee of Malema" and so
25 on and so on and so on, and the timing at the very least of

Page 34816

1 the operation, that it must happen immediately. I know
2 that the operation, you can say well, maybe it would have
3 happened on another day and so on, I'm not there but I'm
4 saying the mere fact that what she's saying is that "hence
5 we must kill this thing," using those unfortunate words,
6 immediately and because we want to protect a situation
7 where any Jack and Jill from a political area can claim
8 responsibility, what the Chair –

9 CHAIRPERSON: To get credit, I –

10 MR MPOFU: Can get that credit, ja. Now
11 that places you right at the centre of the decision to rush
12 with headlong haste and with the tragic consequences that
13 we know followed.

14 MR UNTERHALTER SC: Chair -

15 CHAIRPERSON: Do you agree with that?

16 MR MPOFU: Would you agree with that?

17 MR UNTERHALTER SC: I'm sorry, I would
18 ask my learned friend on this point to please indicate
19 either textually or by any other means what the reference
20 to the witness in the passages earlier and then the issues
21 around Mr Malema which is then introduced subsequently and
22 then the "hence" word –

23 MR MPOFU: Okay.

24 MR UNTERHALTER SC: - how he makes these
25 connections?

Page 34817

1 MR MPOFU: Sure.

2 MR UNTERHALTER SC: I mean you can't just
3 sort of say somewhere in the text –

4 CHAIRPERSON: Mr Unterhalter, he said
5 "sure" so it sounds as if he's going to accede to your
6 request. Yes, Mr MPOFU?

7 MR MPOFU: Ja. No, that's very easy,
8 Chairperson. The passage I've been taking the witness
9 along, I'll paraphrase. It says, "Minister Mthethwa said
10 Mr Ramaphosa is pressurising him." We've gone through
11 this. Then you see she says, "When I mentioned Cyril's
12 name the National Commissioner said, 'ah, now I've got it'.
13 And she says, do you know why she says she's got it? She
14 says yes, because he was in the appeal committee of Malema
15 and remember Malema solved the situation at Impala. We
16 don't want him to come and solve it here and he also wants
17 mines to be nationalised, hence I just told you this, guys,
18 that we need to act such that we kill this thing
19 immediately and then we need to move in such that we kill
20 it because we need to protect a situation where any Jik and
21 Jill from a political area" – that's obviously still a
22 reference to Mr Malema – "will take credit." I'm sorry, Mr
23 Ramaphosa, I was just answering to your counsel but the
24 short question to you is that this passage shows beyond any
25 doubt that, at the very least, the timing of the operation,

Page 34818

1 we know what happened on the evening of the 15th, I won't
 2 take you there, that's got nothing to do with you as such
 3 but the headlong haste with which this botched operation,
 4 if I may call it that, was then executed was linked
 5 directly by the Provincial Commissioner, who issued the
 6 order by the way, to your pressure. That's all I'm saying.
 7 Whether that's correct, you put the pressure, you didn't
 8 put the pressure, you've already said that. I'm just
 9 saying that that's what she was saying, do you accept that?
 10 MR RAMAPHOSA: No, I don't accept the
 11 connection and I don't accept the pressure and we differ on
 12 that.
 13 MR MPOFU: Yes. You don't think the
 14 words "hence" and "because" show that that is linked to
 15 what goes below, "hence we must kill this thing
 16 immediately," to you is not linked?
 17 MR RAMAPHOSA: No, it isn't.
 18 MR MPOFU: It's not, okay. Alright,
 19 well, just to crown it, if you go to – just to show that,
 20 well, we're going to argue that the deaths that followed
 21 from this kind of conversation were foreseeable, both to
 22 the Provincial Commissioner and to yourself and –
 23 MR UNTERHALTER SC: What –
 24 MR MPOFU: - to her, I've put whatever
 25 I've put to her to show that.

Page 34819

1 CHAIRPERSON: He's going to put them now
 2 apparently.
 3 MR MPOFU: Yes.
 4 CHAIRPERSON: Why do you say, never mind
 5 the Provincial Commissioner, why do you say that the deaths
 6 that eventuated on the 16th were on a nature that they could
 7 have been or should have been or were foreseen, whichever
 8 of the three you choose, by the witness.
 9 MR MPOFU: That's exactly what I'm going
 10 into. Let's just for reference go to paragraph or rather
 11 page 6.
 12 CHAIRPERSON: Is this exhibit JJJ192?
 13 MR MPOFU: Of the same exhibit, yes.
 14 CHAIRPERSON: Exhibit triple 192, JJJ192.
 15 Yes, what line on page 6?
 16 MR MPOFU: About 18, Chairperson, or
 17 let's start at about 15. They talk, "But I said let us beg
 18 now, please remember we are tied up by these new" – that's
 19 about 11, Chairperson – "these new amendments in our law
 20 that says you should not shoot, you should not do this.
 21 You know these things, you know from the Tatane incident,"
 22 that's just a misprint, "and all that. So I said to them
 23 if, and once again the other thing why I delayed them,
 24 remember what was happening yesterday. It was annoying to
 25 the cops and we could have sent them there, emotions are

Page 34820

1 high, emotions are very high, whatever instructions you
 2 will have given but because emotions, they will have
 3 forgotten about the instructions, yes. They will have
 4 forgotten about the instructions and I do not want a
 5 situation where 20 people will be dead." And so it goes.
 6 That passage would show that at least because of the
 7 emotions that were running high, one of the things that was
 8 foreseeable was that if the police move in, 20 – well, she
 9 was wrong by 14 people, 20 or more people could be dead –
 10 CHAIRPERSON: No, Mr Mpofo, I'm sorry. I
 11 don't think the passage you're putting there will bear the
 12 weight you seek to put on it. What she said is, my people
 13 – she's talking on Tuesday afternoon, remember, Tuesday the
 14 14th – she said she delayed her people, as she calls them,
 15 from going in on the Tuesday morning.
 16 MR MPOFU: I know.
 17 CHAIRPERSON: Why? Because of what had
 18 happened on the Monday where police were killed and so on
 19 and emotions were running very high. So, and she goes on
 20 to say because, and Mokwena actually also says it.
 21 MR MPOFU: Ja.
 22 CHAIRPERSON: If they'd gone in on the
 23 Tuesday, emotions were still running high, whatever
 24 instructions I'd given them to make sure they didn't shoot
 25 and didn't injure people would have been ignored because,

Page 34821

1 as Mokwena puts it, they would have forgotten about the
 2 instructions. She says they will have forgotten about the
 3 instructions.
 4 MR MPOFU: And kill people.
 5 CHAIRPERSON: So what I'm saying to you
 6 is that the passage that you're now putting appears to be
 7 primarily based upon her fear that if they'd been allowed
 8 to go in on the Tuesday morning, their emotions would have
 9 been high and they would have forgotten her instructions to
 10 act carefully and so on –
 11 MR MPOFU: Sorry, Chairperson –
 12 CHAIRPERSON: - but then she says that's
 13 why they must go in tomorrow, i.e. Wednesday. They in
 14 fact didn't go in Wednesday for reasons that you and I
 15 know, we won't worry the witness with.
 16 MR MPOFU: Yes.
 17 CHAIRPERSON: And in fact she sent them
 18 in on the Thursday with the consequences which the whole
 19 world unfortunately knows of.
 20 MR MPOFU: Yes. I know, Chairperson, but
 21 with the greatest respect, we've gone through this before.
 22 Tuesday, Wednesday, Thursday, I don't know what's magical.
 23 If the emotions were high within a particular period, such
 24 that you could predict the death of 20 people, I don't know
 25 that we can say, oh, now the clock has just ticked, it's 20

Page 34822

1 past, it's gone past midnight therefore you can go in. It
 2 doesn't work like that, emotions don't work like that but
 3 the point I'm making –
 4 MR UNTERHALTER SC: Chair, I'm sorry and
 5 I'm sorry to interrupt my learned friend, just so that we
 6 can move on because time is short, I'm not certain how any
 7 of this concerning what state of mind the Commissioner was
 8 in at the time she spoke of these matters has got, is
 9 linked to the witness.
 10 MR MPOFU: No, fair enough.
 11 MR UNTERHALTER SC: Perhaps if my learned
 12 friend could explain some linkage by which he is trying to
 13 explore foreseeability.
 14 MR MPOFU: Yes. No, if you listened I
 15 had said I am giving this as background about the
 16 Commissioner. I'm now coming to the witness, that's
 17 exactly what I'm doing. You know, you know as everybody
 18 does that the – or at least you knew that a policeman had
 19 been killed on the Monday, on the 13th, correct?
 20 MR RAMAPHOSA: Yes.
 21 MR MPOFU: And you know that when, it is
 22 alluded here that when police, even one policeman, let
 23 alone two have been killed then the – anywhere in the world
 24 for that matter – the police will come down like a ton of
 25 bricks, as it were, and that emotions run high generally.

Page 34823

1 MR UNTERHALTER SC: What's the question
 2 to this witness –
 3 MR MPOFU: Do you know? That is the
 4 question, do you know that when that happens, emotions run
 5 high and the police come down on the situation?
 6 MR RAMAPHOSA: I wouldn't know –
 7 MR MPOFU: Never heard of this?
 8 MR RAMAPHOSA: No, I wouldn't know, Mr
 9 Mpofo –
 10 MR MPOFU: Okay, that's fine.
 11 MR RAMAPHOSA: Ja, I wouldn't know.
 12 MR MPOFU: If you've never heard of it,
 13 you have never heard of it.
 14 MR RAMAPHOSA: Ja.
 15 MR MPOFU: You are in the minority. What
 16 I want to put to you is that that answer is not, is not
 17 truthful and that –
 18 MR UNTERHALTER SC: What basis is my
 19 learned friend have to call the witness a liar.
 20 CHAIRPERSON: [Microphone off, inaudible]
 21 question, Mr Unterhalter, I take it he's going to give us
 22 the basis now.
 23 MR UNTERHALTER SC: Well, so far we've
 24 had –
 25 CHAIRPERSON: No, no –

Page 34824

1 MR MPOFU: There's no "so far," I'm still
 2 talking.
 3 CHAIRPERSON: He hasn't finished the
 4 question.
 5 MR UNTERHALTER SC: I'm sorry.
 6 CHAIRPERSON: Let him finish.
 7 MR UNTERHALTER SC: I'm sorry, let my
 8 learned friend lay his factual foundation for calling the
 9 witness a liar. Let's hear the facts.
 10 MR MPOFU: Yes.
 11 MR UNTERHALTER SC: For one.
 12 CHAIRPERSON: No, he doesn't call the
 13 witness a liar – [microphone off, inaudible.]
 14 MR MPOFU: No, I didn't.
 15 CHAIRPERSON: [Microphone off, inaudible]
 16 MR MPOFU: We don't say liar in this
 17 Commission, we say untruthful which is more –
 18 MR UNTERHALTER SC: It's a distinction
 19 without a –
 20 MR MPOFU: Ja.
 21 MR UNTERHALTER SC: - if you don't have a
 22 factual foundation.
 23 MR MPOFU: Well, say that to the
 24 Chairperson, he is the one who made that ruling. I agree
 25 with you, but I'm putting to you that it is a well-known

Page 34825

1 fact that once police killings happen, in fact it's also
 2 related to some of the passages that I read to you about
 3 what the government ministers have been saying about
 4 killing of policemen or when they're in danger, all that
 5 gung ho stuff, that the police react and I must say in
 6 favour of our police force, it's not a uniquely South
 7 African thing. Anywhere, when a policeman has been killed
 8 or there's a so-called cop killer on the loose, the police
 9 come out in full force to avenge or to act against the cop
 10 killer, so-called. That's the basis upon which I'm saying
 11 you are denying the obvious, everybody knows it.
 12 MR RAMAPHOSA: Well, I know that when a
 13 police is killed the police usually get extremely concerned
 14 about that killing.
 15 MR MPOFU: Yes, thank you. And therefore
 16 armed with that knowledge, it should have been foreseeable
 17 to you that, in that atmosphere, to instigate and put
 18 pressure and all the things that we've said, on the police
 19 with the result that they brought, quite literally, guns
 20 blazing, the special task force the NIU, what have you, 50
 21 people with machine guns who finally mowed down those 34
 22 people, that that kind of reaction one doesn't have to be a
 23 genius to predict that to – it's like putting, trying to
 24 put a fire by pouring petrol on it. That's what you were
 25 doing, or oil. I think the Chairperson corrected me

Page 34826

1 before. You understand the gist of what I'm saying and
 2 that's what, it's on the basis of that theory which I will
 3 advance that I say you could foresee that there could be a
 4 disaster. Would you agree?
 5 MR RAMAPHOSA: I did not foresee all
 6 this.
 7 MR MPOFU: Yes.
 8 MR RAMAPHOSA: In fact I did not foresee
 9 all the events that unfolded on that fateful day.
 10 MR MPOFU: Sure.
 11 MR RAMAPHOSA: Yes.
 12 MR MPOFU: You should have foreseen,
 13 that's what we will argue. If you did not foresee, you
 14 should have foreseen but that's something we'll argue at
 15 the end –
 16 MR UNTERHALTER SC: Chair, again it's not
 17 a matter for argument. If the proposition is that there
 18 was some duty to have foreseen in the sense that it ought
 19 to have been foreseen, again in fairness to a witness one
 20 has to place the facts from which you can derive a duty.
 21 CHAIRPERSON: I don't think a duty is
 22 required. All that would be required would be that
 23 something is foreseeable by a reasonable man in the
 24 circumstances. That, as you correctly say, is a question
 25 of argument.

Page 34827

1 MR MPOFU: Yes.
 2 CHAIRPERSON: He is just putting it to
 3 the witness so that he can't be accused later, not that I
 4 would accuse him later, of not having put it to the witness
 5 to give him a chance to –
 6 MR UNTERHALTER SC: Chair, it's not a
 7 matter of a conclusory argument, it's a question of, if you
 8 mean to place certain facts from which you derive a
 9 conclusion on reasonable foreseeability or subjective
 10 foreseeability, you have to put those facts clearly and
 11 squarely. All that we've heard is a long account as to
 12 what will be argued. Well, what are the facts that are
 13 being advanced? That's all I – it's just in simple
 14 fairness because ultimately, Chair, you won't be in a
 15 position to make conclusions if the facts that are relied
 16 upon haven't been fairly and squarely put to the witness.
 17 So what are the facts?
 18 MR MPOFU: Chairperson, I put the facts.
 19 Whether my learned friend likes it or not or you eventually
 20 like it or not –
 21 CHAIRPERSON: Mr Unterhalter –
 22 MR MPOFU: - is another matter.
 23 CHAIRPERSON: The witness conceded that
 24 he's aware of the fact that the police react in
 25 particularly, in a particular way when one of their

Page 34828

1 colleagues has been killed and I think the argument, the
 2 way I see it, the argument is going to be based on more
 3 than that.
 4 MR MPOFU: Thank you, Chair –
 5 MR UNTERHALTER SC: [Microphone off,
 6 inaudible] - quite content.
 7 CHAIRPERSON: It's been put to the
 8 witness, the witness doesn't agree with it as far as I can
 9 make out, is that right? You don't agree with the
 10 proposition being put to you by Mr Mpofo?
 11 MR RAMAPHOSA: I don't.
 12 CHAIRPERSON: Okay, Mr Mpofo, next one?
 13 MR MPOFU: Yes. The other, we are also
 14 going to argue that your excuse or your defence, if one can
 15 even call it that, which really runs something like this, I
 16 wanted to save lives, I wanted criminals to be arrested, I
 17 was only a non-executive director, that things were not
 18 linked, that those don't hold water particularly because
 19 you wanted, you agreed with Jameison that they must bring
 20 the police and the army.
 21 [15:40] How was the army going to achieve what you wanted
 22 to be achieved?
 23 MR RAMAPHOSA: Is that the question?
 24 MR MPOFU: That is the question, yes.
 25 MR RAMAPHOSA: The army was never brought

Page 34829

1 in –
 2 MR MPOFU: We're waiting for an answer.
 3 MR RAMAPHOSA: - was it?
 4 MR MPOFU: Pardon?
 5 MR RAMAPHOSA: The army was not brought
 6 in.
 7 MR MPOFU: No, you were –
 8 MR RAMAPHOSA: As far as the police being
 9 brought in is concerned I have answered that question
 10 before and I have said we wanted that the police should be
 11 brought in so that they can stabilise the situation.
 12 CHAIRPERSON: Mr Jamieson did speak about
 13 police –
 14 MR MPOFU: Or the army.
 15 CHAIRPERSON: - slash army, which meant
 16 or army.
 17 MR MPOFU: Yes.
 18 CHAIRPERSON: You didn't speak to the
 19 Minister of Defence, as I understand it.
 20 MR RAMAPHOSA: No, I didn't.
 21 CHAIRPERSON: Which you would have had to
 22 do, or the President, to get the army there.
 23 MR RAMAPHOSA: Indeed.
 24 CHAIRPERSON: You spoke to the Minister
 25 of Police –

Page 34830

1 MR RAMAPHOSA: Yes.

2 CHAIRPERSON: Who was the person who
3 would be able to speak to the National Commissioner in
4 relation to deployment of the police. Is that so?

5 MR RAMAPHOSA: That's correct.

6 MR MPOFU: No, that's not the point, with
7 the greatest respect. The point is that I've said you've
8 agreed with Mr Jamieson's characterisation which said the
9 situation could only be resolved by political intervention
10 and the bringing in of the police or the army. You agreed
11 with that.

12 MR RAMAPHOSA: Yes.

13 MR MPOFU: Yes, and as it happens the
14 National Union of Mineworkers either by coincidence or by
15 some conspiracy also issued a statement dated the 13th of
16 August –

17 MR TIP SC: Sorry, I object to that –

18 MR MPOFU: - after you –

19 MR TIP SC: Chair, one can't put a
20 proposition either by coincidence or by conspiracy.

21 MR MPOFU: Okay, if –

22 MR TIP SC: If there is going to be a
23 conspiracy alleged then it must be explained on what
24 precise factual and evidential basis a conspiracy has
25 been –

Page 34831

1 MR MPOFU: Okay –

2 CHAIRPERSON: I understand –

3 MR TIP SC: - contended for because that
4 is a long way away from coincidence.

5 CHAIRPERSON: Yes, Mr Tip, what is
6 happening as I understand it - Mr Mpofo is right near the
7 end of his cross-examination, because his time is running
8 out so we must give him a chance – he's going to put a
9 statement that was issued. He's then presumably, once he's
10 put a question to the witness about it he's going to
11 indicate that he's going to argue I presume on some kind of
12 Govern & Skidmore basis, sort of civil circumstantial
13 evidence basis, that it indicates something sinister.

14 MR MPOFU: Yes.

15 CHAIRPERSON: But anyway, whether the
16 argument will be a good one or a bad one is something –

17 MR MPOFU: For another day.

18 CHAIRPERSON: - we'll deal with when we
19 hear it, but let's hear what he wants to put to the
20 witness. It's a new exhibit, is it?

21 MR MPOFU: No, Chairperson, it's BBB7.
22 It's an old one.

23 CHAIRPERSON: Alright. Let's put BBB7 up
24 on the screen then.

25 MR MPOFU: Next, it's the following page.

Page 34832

1 CHAIRPERSON: It's a statement issued on
2 the Monday, statement issued on the Monday the 13th.

3 MR MPOFU: Yes.

4 CHAIRPERSON: In relation to what had
5 happened on, it must have been the Monday evening because
6 it's on the Monday –

7 MR MPOFU: Correct, Chairperson.

8 CHAIRPERSON: It relates to what happened
9 on the Monday, including the events on the Monday
10 afternoon.

11 MR MPOFU: Yes. So and then it says from
12 "We call," "We call for the deployment of a Special Task
13 Force [that is of the police] or the SANDF to deal
14 decisively with the criminal elements" –

15 CHAIRPERSON: Sorry, that part is not on
16 the screen.

17 MR MPOFU: It is.

18 CHAIRPERSON: Oh, it's just the foot of
19 the page, yes.

20 MR MPOFU: And there's where [inaudible]
21 said Frans Baleni and so on and so on. The point I'm
22 making here is, so that I can –

23 CHAIRPERSON: I interrupted you, Mr
24 Mpofo. Let's get it straight, in fairness to you. What is
25 in quotation marks is, I think it's the second paragraph,

Page 34833

1 "We call for the deployment of a Special Task Force [which
2 presumably would be the police]" –

3 MR MPOFU: Yes.

4 CHAIRPERSON: - "or the SANDF to deal
5 decisively with the criminal elements in Rustenburg and its
6 surrounding mines" says Frans Baleni, the NUM general
7 secretary.

8 MR MPOFU: Yes.

9 CHAIRPERSON: So they've got the general
10 secretary part right, and your point presumably is linked
11 to the fact that Mr Jamieson, I think it was, also spoke
12 about the police or army.

13 MR MPOFU: Yes.

14 CHAIRPERSON: That's your point.

15 MR MPOFU: Yes.

16 CHAIRPERSON: Put your question to the
17 witness so he can understand it properly.

18 MR MPOFU: The question is - and in
19 fairness, the witness I think alluded to this yesterday.
20 The point I'm making here, Mr Ramaphosa, is that this call
21 coincided exactly with the call of Mr Jamieson, or at least
22 to the extent that it called for the army and the police.

23 CHAIRPERSON: Or.

24 MR MPOFU: Or the police, yes, on both
25 counts. You accept that?

Page 34834

1 MR RAMAPHOSA: Yes.

2 MR MPOFU: Yes, and whether it's a

3 coincidence or not and so on will be debated on another

4 day. Now what I want to put to you to round this off is

5 that because all the actions that you took, which we've

6 explored extensively, and because the issue of political

7 pressure would obviously be unlawful, or at least against

8 the spirit of the Constitution, you would agree with that?

9 MR RAMAPHOSA: Putting –

10 MR MPOFU: Placing political pressure

11 would be unlawful.

12 MR RAMAPHOSA: Political pressure on who?

13 On the Minister –

14 MR MPOFU: On for example the Minister so

15 that they can lean on the operational people and then they

16 lean on the other operational people and then they kill

17 people. That would be unlawful.

18 MR RAMAPHOSA: Yes.

19 MR MPOFU: Yes, and the fact that, as I

20 said because of who you are, because of your experiences

21 and so on, you know about the history of collusion between

22 the police and mines more than anyone else probably in the

23 country, correct?

24 MR RAMAPHOSA: Yes, in the past, yes.

25 MR MPOFU: Yes, in the past.

Page 34835

1 MR RAMAPHOSA: I'm aware of that, yes.

2 MR MPOFU: Ja, well and we've all

3 established that nothing much has changed in the industry

4 to date, correct?

5 MR RAMAPHOSA: I have no evidence of

6 that.

7 MR MPOFU: Ja, well that's fine. We'll

8 argue that because of that you, as I said earlier, and all

9 the other factors, foresaw, or should have foreseen that

10 your pressure, such as you called it in your emails, would

11 result, as we will argue it did, in the killing of the 34

12 people, at least. Then – and sorry I'm putting all these

13 things together - in relation to the 10 deaths we're going

14 to argue that you are responsible for those deaths - I'm

15 now talking criminal responsibility of the 34 and the 10 -

16 because had you performed your duty to ensure that the mine

17 negotiate instead of saying let's see what happens in the

18 next day, or something, as you said, then those 10 deaths

19 could possibly have been avoided, at the very least. You

20 understand the theory?

21 MR RAMAPHOSA: I hear you –

22 MR MPOFU: You don't agree with it, I

23 know.

24 MR RAMAPHOSA: Of course I don't agree

25 with you.

Page 34836

1 MR MPOFU: Yes.

2 MR RAMAPHOSA: Completely.

3 MR MPOFU: Yes. And on the basis of

4 those actions and your part in that chain of causality, as

5 it were, where you brought the pressure, it was transmitted

6 to Minister Mthethwa, transmitted down to General Mbombo

7 who gave the instruction at, or rather made the decision on

8 the 15th and which was executed on D-day, which was the

9 following day, on the basis of that we are going to ask the

10 Commission to recommend that you be charged with murder

11 alongside the people who pulled the trigger, and other

12 role-players, in the domestic court –

13 CHAIRPERSON: Please, I don't want any

14 interruptions or heckling.

15 MR MPOFU: Thank you, Chairperson.

16 CHAIRPERSON: We're trying to listen to

17 what Mr Mpofo said. I've spoken about that previously. I

18 don't want to have to clear the chamber at this stage. Mr

19 Mpofo, repeat the question. I couldn't hear it properly

20 because some ill-mannered rude person interrupted and

21 made –

22 MR MPOFU: Thank you very much,

23 Chairperson. I'll summarise it. We're going to argue, Mr

24 Ramaphosa, that you be charged with murder alongside other

25 of the people that I've mentioned, Minister Mthethwa,

Page 34837

1 National Commissioner, some of the generals, right up to

2 the people who pulled the trigger, because that whole chain

3 is what was responsible. At the top of the chain is your

4 putting pressure which resulted in the immediacy, or timing

5 of the situation. You know what I mean? I'm trying to

6 round it off, but based on what you and I have discussed

7 that's the recommendation we will make. Do you have any

8 comment?

9 MR RAMAPHOSA: Well, clearly you've taken

10 a considerable amount of time building this proposition.

11 MR MPOFU: Yes.

12 MR RAMAPHOSA: And reaching to the

13 conclusion that you have now come to that all manner of

14 people should be charged criminally –

15 MR MPOFU: Yes.

16 MR RAMAPHOSA: - for the deaths of all

17 the people at Marikana. I deeply regret, deeply regret the

18 deaths of all the people who died at Marikana –

19 SPEAKER: Absolutely, you killed them.

20 MR RAMAPHOSA: Deeply –

21 SPEAKER: He killed them.

22 CHAIRPERSON: Please would you leave the

23 chamber?

24 SPEAKER: This man killed the people at

25 Marikana.

<p style="text-align: right;">Page 34838</p> <p>1 CHAIRPERSON: Would you leave the 2 chamber? 3 SPEAKER: Yes, he killed them. 4 [Disruption by audience] He is a killer. 5 CHAIRPERSON: Would you please leave – 6 SPEAKER: He must be charged for murder, 7 ja. 8 CHAIRPERSON: Leave the chamber, please. 9 SPEAKER: He's a sell-out this man, for 10 profit. 11 MR MPOFU: Can you go? 12 SPEAKER: I will leave. 13 MR MPOFU: Okay. 14 CHAIRPERSON: [Microphone off, inaudible] 15 SPEAKER: But he's a sell-out, this man. 16 CHAIRPERSON: Will you please leave – 17 SPEAKER: Ja. 18 SPEAKER: He's a killer. 19 SPEAKER: He's a sell-out, this man. He 20 should be [inaudible], a capitalist. Capitalists are using 21 him. 22 CHAIRPERSON: Will you leave the chamber, 23 please? 24 MR MPOFU: Chairperson – alright, let – 25 CHAIRPERSON: [Microphone off, inaudible]</p>	<p style="text-align: right;">Page 34840</p> <p>1 MR MPOFU: Yes, literally two short ones, 2 Chairperson. 3 CHAIRPERSON: No, your time is up, Mr 4 Mpofu, I'm sorry. 5 MR MPOFU: I know, Chairperson – 6 CHAIRPERSON: I'm sorry, Mr Mpofu. 7 MR MPOFU: Okay. 8 CHAIRPERSON: Your time is up. 9 MR MPOFU: Chairperson, can I just round 10 off one issue? It's very important. 11 CHAIRPERSON: What's the issue? 12 MR MPOFU: It's, I wanted to refer to Mr 13 Phatsha who has asked me to put one proposition to Mr 14 Ramaphosa. 15 CHAIRPERSON: Alright, one proposition – 16 MR MPOFU: Yes, one. 17 CHAIRPERSON: But one. 18 MR MPOFU: Ja. Mr Ramaphosa, Mr Phatsha 19 here sitting next to me is a gentleman who lost his big toe 20 in the shootout on the 16th. He's also a gentleman who has 21 been working in the mines for more than 30 years. He 22 joined the NUM in 1982 when it was formed and he 23 specifically asked me to say to you that as someone who was 24 used to be his hero and as somebody who is now in high 25 office he does not believe that even if I put the</p>
<p style="text-align: right;">Page 34839</p> <p>1 SPEAKER: For profit. Murderer. 2 Protecting yourself. 3 MR MPOFU: Alright, Chairperson, I'm 4 sorry – [disruption by audience] 5 And lastly – 6 CHAIRPERSON: Mr Mpofu, wait for these 7 people to leave. Alright, please leave the room now. 8 Leave the room and close the door. 9 MR MPOFU: Thank you, Chairperson. Okay, 10 for the sake of time and – 11 CHAIRPERSON: Yes, no your time is up but 12 you've got – 13 MR MPOFU: And the temperature. It's 14 just – 15 CHAIRPERSON: He just I think was busy 16 answering the question. Had you finished your reply, Mr 17 Ramaphosa? 18 MR RAMAPHOSA: I had finished and I was 19 saying that I deeply regret, and as I was interrupted, the 20 deaths of all those people who died at Marikana. I do not 21 agree with the proposition that the learned advocate has 22 put forward. Thank you. 23 MR MPOFU: Yes. 24 CHAIRPERSON: Thank you. Yes, Mr Mpofu, 25 that's it, is it?</p>	<p style="text-align: right;">Page 34841</p> <p>1 proposition that I put to you, which is that you should be 2 charged criminally, but he also believes that because of 3 your current position and the other positions of the 4 politicians that I've mentioned, that we should also make a 5 recommendation, successfully or not, to the Chairperson 6 that you and those people should be charged criminally in 7 the International Criminal Court. Do you have any comment? 8 CHAIRPERSON: Your comment on that? 9 MR RAMAPHOSA: No, I don't believe – I 10 don't agree with that proposition. 11 CHAIRPERSON: Alright, thank you. 12 MR MPOFU: Thank you very much, 13 Chairperson. 14 CHAIRPERSON: Thank you, Mr Mpofu. Mr 15 Unterhalter. 16 RE-EXAMINATION BY MR UNTERHALTER SC: 17 Thank you, Chair. If I might summarise a central part of 18 what has been a long cross-examination, it seems to come 19 down to three propositions and I want to ask you a couple 20 of short questions about each. The first proposition is to 21 suggest that you placed pressure on ministers to cause the 22 police to take extreme measures to suppress the strike, 23 including a shoot-to-kill policy or something akin to it. 24 Secondly that that pressure was understood as 25 such by the ministers concerned and they took action in</p>

Page 34842

1 consequence, and that in the light of that you should have
2 foreseen when the events of the 16th occurred, you should
3 have foreseen what happened there because it followed from
4 the very kind of pressure that you were seeking to place on
5 the ministers. That appears to be in a nutshell the three
6 propositions that are pursued.

7 So if I could take each one of them in turn.
8 When it is said of you that you sought to pressure or in
9 some way instigate the ministers to cause the police to
10 take extreme measures against the strike to suppress it,
11 including shooting to kill, could you just convey to us
12 again what precisely you said to each of the ministers and
13 so we can be clear what so-called pressure you sought to
14 apply?

15 MR RAMAPHOSA: Mr Chairman, what I sought
16 to do as I was getting all these reports about people dying
17 and being killed as I said in the most brutal way, I felt
18 that I was duty-bound as a non-executive director and as a
19 concerned South African and as a person who did have access
20 to those who could do something about the situation that
21 was spiralling out of stability in the Marikana area, I
22 then took it upon myself to, yes, call the Minister of
23 Police who I know, who I know quite well and talk to often,
24 and I called him and said this is the situation that is
25 unfolding on the Platinum Belt and people are getting

Page 34844

1 objective. There was no other agenda. The, I did not even
2 foresee that further deaths would ensue when police sought
3 to intervene and took action.

4 MR UNTERHALTER SC: Did you say or imply
5 to either minister that the kind of action that you
6 envisaged or recommended to them was the strongest most
7 coercive intervention by the police or the army?

8 MR RAMAPHOSA: I never sought to
9 prescribe to the two ministers what type of action should
10 be taken other than just saying the police should do their
11 normal work. Their normal work as I described it was that
12 people should be arrested. It is when people are arrested
13 for perpetrating crimes that those who might either get
14 tempted to do the same realise that this is not the best
15 thing to do. So that is the sum total of my communicating
16 to them the details of what needed to be done. Further
17 than that I did not communicate anything.

18 MR UNTERHALTER SC: Did either of the
19 ministers say anything to you which would give you the
20 impression that what they were then going to do or what
21 they understood you to want was extreme coercive measures
22 by the police or the army? Did they say anything to you
23 that conveyed that impression?

24 MR RAMAPHOSA: No, none of the ministers
25 conveyed any of that to me.

Page 34843

1 killed and it behoves on the police to intervene in a way
2 that will prevent a further loss of life and prevent
3 further deaths happening, and I did say what would be
4 helpful is that in order to prevent further loss of life
5 those who are perpetrating those acts should be arrested so
6 that they do not participate in those actions on an ongoing
7 basis and kill more people.

8 I also took it upon myself to talk to the
9 Minister of Minerals Resource Development, Ms Susan
10 Shabangu, and I implored on her to make sure that she
11 communicates with the Minister of Police so that we prevent
12 all further loss of deaths – loss of life rather, and that
13 further injuries do not take place, and it was in that vein
14 that I also discussed with her the way that she had
15 characterised the situation because with the information
16 that was being put to me by the management people, Mr
17 Jamieson, Mr Mokwena and others, the picture that was being
18 drawn for me on the canvass was that there was a serious
19 situation of unrest, of instability, and the mine security
20 people had lost complete control and people were just being
21 killed and there was mayhem, and so therefore I implored on
22 her to make sure that whomsoever could bring about any type
23 of influence to bring stability to the place should do so,
24 and my main objective, as I have said, Sir, was to make
25 sure that we don't lose further lives. That was the sole

Page 34845

1 [15:59] MR UNTERHALTER SC: And then lastly on
2 this line of questioning –

3 CHAIRPERSON: Before you move on to that,
4 what exactly did they say? Can you remember? You say they
5 didn't say anything about extreme coercive action, but what
6 did they say?

7 MR RAMAPHOSA: Well, all - much of what
8 they said was that they will look into the situation and
9 they will talk to their people on the ground. That's the
10 sum total of what Minister Mthethwa said. So to me he
11 never responded by giving me details of what would be done.
12 From my side it was more, Minister, let the police do their
13 work, let them arrest those who are perpetrating these
14 acts. So the detail was never really covered and there was
15 no coercion.

16 CHAIRPERSON: And Minister Shabangu?

17 MR RAMAPHOSA: Minister Shabangu, less so
18 about what specifically needed to be done, save to say we
19 need police on the ground, could she also communicate that
20 to the Minister of Police so that we can forestall or stop
21 whatever other further acts of violence can take place.

22 CHAIRPERSON: What did she say about the
23 President?

24 MR RAMAPHOSA: What she said about the
25 President, it was my request really. I thought that she

1 had gone to Cape Town because there was going to be a
2 cabinet meeting. As it turns out, there was no cabinet
3 meeting but a cabinet committee meeting and I said could
4 she also communicate this to the President. She said she
5 will also inform the President about what is happening.

6 CHAIRPERSON: Mr Unterhalter?

7 MR UNTERHALTER SC: Was there, from what
8 you've now conveyed to us of what you said to the Ministers
9 and what the Ministers said to you, did you have any reason
10 to think, on the basis of that exchange, that the events
11 that did unfold on the 16th were likely, foreseeable,
12 possible in any way?

13 MR RAMAPHOSA: No, I never even began to
14 think or even foresaw that the events of the 16th would
15 unfold, not at all.

16 MR UNTERHALTER SC: It was also put to
17 you in a separate theory of foresight that because the
18 police are disposed, so it was contended, to revenge the
19 killings of their members, that when you recommended that
20 the police presence be increased and that actions be taken,
21 it was foreseeable that the kind of events that unfolded on
22 the 16th would occur. Did you so foresee it?

23 MR RAMAPHOSA: No, I did not foresee all
24 that. Much as I had received reports that two of the
25 people who had lost their lives were police, I did not

1 going on an unprotected strike.

2 MR UNTERHALTER SC: So if I could then
3 finally take you to BBB4.5 which is page 16 of the bundle,
4 your bundle, in the much debated passage in your e-mail of
5 the 15th of August to Mr Jameson –

6 CHAIRPERSON: We need the lower part of
7 this slide. Yes, okay.

8 MR UNTERHALTER SC: It is the lower part,
9 it's the bit that begins, "The terrible events."

10 CHAIRPERSON: It's now on the screen.

11 MR UNTERHALTER SC: So if I could just
12 pick up the language in that third paragraph, it says, "The
13 terrible events that have unfolded cannot be described as a
14 labour dispute. They are plainly dastardly criminal and
15 must be characterised as such." What were you referring to
16 when you referred to the terrible events?

17 MR RAMAPHOSA: I was referring, as I
18 said, when I said dastardly criminal acts, I was referring
19 to the killing of the people who had already died, the
20 injuries that had been inflicted on some of the people and
21 the terrible way in which some of the people had been
22 killed, where they were burned in their vehicles and their
23 body parts were cut out and they – it was just a gory
24 picture that was painted to me. That is what I was
25 referring to as acts of criminality.

1 foresee that sending more police would mean or could mean
2 that some of them could want to take revenge. I did not
3 foresee that.

4 MR UNTERHALTER SC: What indeed was your
5 expectation of what more police might do to the situation?

6 MR RAMAPHOSA: My expectation about more
7 police presence in that situation was that, one, they would
8 stabilise the situation and that with their mere presence
9 they would be able to bring a measure of stability in the
10 area and that they would also go about their normal task of
11 finding out precisely what acts of crime had been committed
12 and how the people who had already been killed, had been
13 killed, and who had perpetrated those acts and that that
14 would be followed up by arresting those who had been
15 involved in perpetrating those acts. That is what I did
16 foresee.

17 MR UNTERHALTER SC: Can I then finally
18 come to question of characterisation which was much debated
19 with you? If I could ask you this to begin with, if all
20 that had happened during August was that workers had gone
21 out on an unprotected strike, would you ever have
22 considered that conduct alone to constitute criminal
23 conduct?

24 MR RAMAPHOSA: No, I would not have
25 characterised that as criminal conduct, that is workers

1 MR UNTERHALTER SC: And did the terrible
2 events in any way refer to the fact that workers had gone
3 out on an unprotected strike? Was that any part of what
4 you were referring to when you referred to the terrible
5 events?

6 MR RAMAPHOSA: No, no.

7 MR UNTERHALTER SC: Thank you, Chair,
8 those are our questions.

9 CHAIRPERSON: Thank you, Mr Unterhalter.
10 Have you got any questions? Yes, thank you, Mr Ramaphosa.
11 You'll be excused on the usual basis that if it's necessary
12 for you to come back, you'll come back without our having
13 to serve a subpoena upon you. I don't know that that'll be
14 necessary but it's what I say to every witness when I
15 excuse them.

16 MR RAMAPHOSA: Could I say thank you to
17 you and thank you for –

18 SPEAKER: Ramaphosa.

19 MR RAMAPHOSA: - that you are doing. I'd
20 like to -

21 SPEAKER: Mr Ramaphosa. [Speaking in the
22 vernacular.]

23 MR RAMAPHOSA: - to thank you –

24 SPEAKER: [Speaking in the vernacular.]

25 CHAIRPERSON: No, please stop that.

1 SPEAKER: [Speaking in the vernacular.]
2 CHAIRPERSON: We don't want –
3 SPEAKER: [Speaking in the vernacular.]
4 CHAIRPERSON: No, please. Take the
5 microphone away from him and remove him from the chamber.
6 Sorry, Mr Ramaphosa, it sounds as if you've finished your
7 evidence and I've excused you.
8 MR RAMAPHOSA: Thank you.
9 CHAIRPERSON: And I think we can ignore
10 this unfortunate incident that's taking place
11 simultaneously with my excusing you. Sorry, do you want to
12 say something in response to what was said by, I think it
13 was Mr –
14 MR RAMAPHOSA: No, no, I don't want to
15 say, I don't want to say all that.
16 CHAIRPERSON: Alright.
17 MR RAMAPHOSA: Thank you.
18 CHAIRPERSON: Thank you. We will adjourn
19 until 9 o'clock tomorrow morning.
20 [COMMISSION ADJOURNED]
21 .
22 .
23 .
24 .
25 .



<p style="text-align: center;">A</p> <p>abandon 34767:14</p> <p>abiding 34743:19</p> <p>ability 34645:17 34646:10 34785:22 34785:25 34787:20</p> <p>able 34635:16 34645:6 34646:14 34650:24 34657:9 34684:4 34698:15,16,17 34708:6 34709:8,9 34715:11 34720:16 34732:24 34742:15 34743:19 34754:3 34760:9 34765:9 34780:3,8 34784:17 34799:12,18 34830:3 34847:9</p> <p>abridged 34630:8</p> <p>Absent 34668:25</p> <p>absolute 34699:18</p> <p>absolutely 34790:5 34837:19</p> <p>absorb 34769:15</p> <p>absorbed 34769:14</p> <p>abstract 34649:18</p> <p>accede 34817:5</p> <p>accept 34610:5,10,15 34610:19 34647:20 34648:2,12 34649:13 34650:6,7,16 34653:5 34653:6 34663:9,9,16 34663:16 34668:11 34692:19 34694:9 34702:6,15,24 34726:25 34727:11 34730:5 34733:21 34737:11 34749:15 34749:19,20 34752:22 34790:17 34790:20,21,25 34791:3,8 34818:9,10 34818:11 34833:25</p> <p>acceptable 34647:7 34648:21 34691:4</p> <p>accepted 34692:19 34751:19</p> <p>access 34702:8,11,24 34702:25 34784:20 34786:25 34787:2,21 34787:22,25 34788:1 34842:19</p> <p>accommodation 34651:16</p> <p>accord 34646:3</p> <p>account 34747:20 34804:19 34812:25 34814:15,25 34827:11</p> <p>accounts 34712:19</p> <p>accumulated 34766:8</p> <p>accurate 34620:25 34780:6</p> <p>accuse 34827:4</p> <p>accused 34827:3</p>	<p>achieve 34609:20 34785:8 34828:21</p> <p>achieved 34701:12 34785:12 34786:24 34828:22</p> <p>achievement 34781:1 34781:13,14 34783:11</p> <p>achievements 34697:3</p> <p>acknowledged 34811:8</p> <p>act 34638:23 34645:21 34660:18 34665:9 34685:6,11 34711:15 34711:16 34725:9 34729:25 34730:10 34739:23,25 34740:24,25 34744:13,14 34748:17 34750:6 34759:11 34760:16 34791:23 34792:6,6,7 34794:4 34797:12 34798:9,11,15,15,19 34802:22 34815:3 34817:18 34821:10 34825:9</p> <p>acted 34750:6 34751:14,16 34797:4 34802:25</p> <p>acting 34686:1 34687:12 34714:23 34750:9 34798:22</p> <p>action 34622:8 34626:10 34647:11 34685:14 34708:13 34756:4,12,14 34794:12 34796:11 34797:21,23 34798:7 34798:9,23 34801:18 34815:23 34841:25 34844:3,5,9 34845:5</p> <p>actions 34635:3 34657:22,22 34665:22,22 34691:15,22 34739:12 34749:23 34750:8,10 34834:5 34836:4 34843:6 34846:20</p> <p>actively 34706:24</p> <p>activities 34714:8</p> <p>activity 34800:22</p> <p>actor 34678:16</p> <p>acts 34664:23 34685:3 34685:4,12,12 34731:6 34732:4,7 34755:22,23 34756:13 34762:10 34765:7 34796:13 34797:17,18 34799:13,15,16,19 34801:15,21,22 34843:5 34845:14,21 34847:11,13,15 34848:18,25</p> <p>actual 34651:9</p>	<p>34735:18</p> <p>add 34647:7 34795:7</p> <p>added 34694:4</p> <p>addition 34694:9 34707:6</p> <p>additional 34707:7</p> <p>address 34614:19 34618:18 34636:14 34637:10,18,25 34645:21 34700:12 34710:3 34723:1 34725:6 34749:9 34765:1 34795:8</p> <p>addressed 34726:14</p> <p>addressing 34695:7</p> <p>adequately 34715:11</p> <p>adhere 34710:17</p> <p>adhered 34700:3</p> <p>adheres 34795:21</p> <p>adjective 34669:25</p> <p>adjectives 34668:17 34670:10,13</p> <p>adjourn 34638:16 34753:14,20 34812:15 34850:18</p> <p>ADJOURNED 34850:20</p> <p>adjournment 34638:12 34722:17 34753:7,25 34810:17 34812:12</p> <p>ADJOURNS 34638:19 34671:10 34722:23 34754:1 34812:16</p> <p>admit 34615:13 34729:2</p> <p>admitted 34790:1</p> <p>adopt 34693:17 34711:7</p> <p>adopted 34618:16,24 34626:25 34709:18 34740:7 34777:2</p> <p>advance 34716:1 34720:13 34826:3</p> <p>advanced 34720:8 34827:13</p> <p>advice 34791:6</p> <p>advised 34641:4</p> <p>advisedly 34765:20</p> <p>advocate 34642:5 34750:5 34839:21</p> <p>affect 34663:1</p> <p>affirm 34701:10</p> <p>affront 34697:15,19 34698:1</p> <p>afraid 34625:14 34705:19 34712:13 34712:21 34713:19 34739:8</p> <p>Africa 34644:16 34725:9 34736:13 34764:9 34783:14 34787:5,13,20</p> <p>African 34647:5 34669:9 34674:7 34736:11 34737:21 34825:7 34842:19</p>	<p>afternoon 34637:11,12 34637:19 34820:13 34832:10</p> <p>age 34644:16</p> <p>agencies 34656:24</p> <p>agenda 34844:1</p> <p>ago 34642:16,16,23 34720:24</p> <p>agree 34608:4,8 34613:10,11 34614:5 34614:6 34617:14 34621:6 34622:22 34627:8,9,21 34628:20 34629:7,8 34631:23 34644:18 34645:8 34649:9,13 34652:6 34672:15 34680:18 34682:3 34691:19,21 34697:9 34703:19 34718:22 34727:21 34737:5 34740:15 34744:10 34744:15 34745:7,14 34754:19 34758:11 34759:14,15 34760:11 34765:2 34766:10,13 34774:19 34776:1 34782:2,24 34783:11 34783:12 34803:12 34803:13 34812:1,2 34813:2 34814:3 34816:15,16 34824:24 34826:4 34828:8,9 34834:8 34835:22,24 34839:21 34841:10</p> <p>agreed 34634:6 34658:20 34663:23 34665:15 34683:17 34687:18 34696:12 34696:12 34707:10 34713:23 34745:7 34747:14 34755:23 34757:14,16 34758:9 34769:14 34778:3,4 34788:1 34807:6 34811:12 34828:19 34830:8,10</p> <p>agreement 34625:25 34626:10,20 34627:2 34627:14,20 34707:2 34776:25 34777:17</p> <p>agreements 34627:12 34710:1 34711:5</p> <p>agrees 34661:11</p> <p>ah 34718:23 34817:12</p> <p>Aha 34734:17</p> <p>ahead 34625:21 34707:5</p> <p>aim 34753:21</p> <p>aimed 34764:24 34800:19 34801:3</p> <p>airtime 34701:8 34792:17,21 34793:2</p> <p>akin 34841:23</p>	<p>alarm 34747:1</p> <p>Albert 34745:17 34755:4,6</p> <p>alienation 34645:15</p> <p>align 34707:8</p> <p>alike 34688:18</p> <p>alleged 34655:20 34810:23 34830:23</p> <p>allegedly 34802:23</p> <p>allotted 34664:16</p> <p>allow 34647:6 34718:16,18 34721:14 34724:7 34741:17 34795:13</p> <p>allowance 34615:16,18 34651:14</p> <p>allowed 34721:11 34781:15 34821:7</p> <p>allude 34815:22</p> <p>alluded 34822:22 34833:19</p> <p>alluding 34655:1 34693:11</p> <p>alongside 34836:11,24</p> <p>alright 34670:19 34675:6 34677:8 34687:16 34692:18 34694:6 34706:14 34711:17 34772:19 34773:23 34777:11 34785:10 34809:11 34809:17 34810:11 34810:16 34812:11 34812:14 34818:18 34831:23 34838:24 34839:3,7 34840:15 34841:11 34850:16</p> <p>ambiguous 34619:22</p> <p>ambit 34808:9</p> <p>AMCU 34606:8 34631:2 34647:5 34652:5 34706:23 34707:1,3,4 34805:3</p> <p>amendments 34819:19</p> <p>ammunition 34685:23 34686:10,11,21 34687:10</p> <p>amount 34783:3,9 34786:21 34837:10</p> <p>amounted 34674:25,25 34675:2</p> <p>amounts 34813:18</p> <p>Amplats 34613:3 34627:6 34707:9</p> <p>ANC 34653:11 34659:15 34667:15 34667:18,22 34669:14 34673:25 34674:2,5,11,15,22 34675:8,12,20,22 34676:5,6,17 34677:3 34679:1 34680:7,15 34714:14</p> <p>anniversary 34723:20 34724:10,19 34725:1</p> <p>announced 34612:14</p>
--	---	---	---	---

<p>annoying 34819:24 answer 34617:11 34637:5,14 34650:11 34670:4 34672:21,23 34672:24 34685:19 34698:13,23 34699:13 34701:18 34701:20 34703:20 34703:22,25 34705:3 34710:6,16 34717:4,9 34719:11 34729:7 34740:16 34741:20 34742:4,10 34744:22 34744:23 34768:16 34784:16 34788:18 34788:23 34793:8,25 34794:1 34796:22 34809:17 34823:16 34829:2 answered 34640:9 34678:15 34794:1 34829:9 answering 34672:22 34817:23 34839:16 answers 34695:15 34710:15 Anthony 34688:14 34689:13 anxiously 34653:8 anybody 34649:25 34655:13 34686:8 34713:19 34723:15 34723:15 34786:14 34787:5 anymore 34640:10 anyway 34640:7 34664:10 34688:9 34694:4,8 34706:10 34722:13 34733:22 34743:10 34752:10 34766:2 34776:6 34789:11 34792:20 34796:5 34831:15 apart 34708:17 apartheid 34684:21 34764:11 apologist 34629:18 appalling 34651:23 apparent 34708:1 apparently 34610:8 34723:4 34819:2 appeal 34723:1 34811:10 34815:24 34817:14 appear 34635:19 34814:2 appears 34635:18 34723:19 34813:19 34821:6 34842:5 application 34622:9 apply 34741:11,13,15 34777:24 34803:19 34842:14 applying 34806:3 appreciate 34756:15 appreciation 34743:23</p>	<p>apprehended 34801:16 34801:21 approach 34614:18 34617:14 34690:16 34693:19 34698:18 34709:23 approached 34614:13 34648:7 appropriate 34610:24 34612:1 34620:25 34622:15 34626:13 34655:15 34723:23 34751:14 34797:23 34797:24 34798:7 approximately 34708:9 34801:2 April 34607:14,21,25 34610:1,18,19 34611:1 34618:7 apropos 34687:21 area 34655:14 34815:8 34816:7 34817:21 34842:21 34847:10 arena 34736:19 aren't 34723:2 argue 34635:19 34691:14 34713:10 34715:11 34738:13 34766:3 34798:18 34806:24 34809:22 34818:20 34826:13 34826:14 34828:14 34831:11 34835:8,11 34835:14 34836:23 argued 34733:18 34827:12 arguing 34686:2 argument 34705:10 34729:21 34733:21 34756:20 34826:17 34826:25 34827:7 34828:1,2 34831:16 arises 34612:23 Arising 34733:4 armed 34688:22 34743:15 34825:16 army 34746:19 34747:4 34749:3 34755:18 34828:20 34828:21,25 34829:5 34829:14,15,16,22 34830:10 34833:12 34833:22 34844:7,22 arose 34628:7 arrange 34659:10 arrangements 34638:4 34754:13 arrest 34792:16 34794:8 34797:17 34799:13,14,18 34845:13 arrested 34765:7 34798:16 34801:15 34801:24 34828:16 34843:5 34844:12,12 arresting 34792:12</p>	<p>34800:21 34801:4 34805:12 34847:14 article 34643:21 34644:7 34648:5 34725:8 34765:18 articles 34665:14,17 articulate 34668:21 articulated 34645:13 34648:4 34692:5 34705:17 34726:16 34755:25 articulates 34739:9 articulating 34711:3 34759:20 34769:8 aside 34665:2 34731:9 34750:14 asked 34632:16 34701:19 34703:16 34710:22 34717:14 34722:25 34741:3 34780:15 34785:18 34786:11 34789:25 34792:1 34805:18 34840:13,23 asking 34624:3 34630:11 34672:22 34677:17 34683:5 34689:9 34694:21,22 34695:21 34748:17 34802:20,22 34808:1 34809:3 asks 34748:24 aspect 34682:9 34814:2 aspects 34656:23 aspirant 34642:14 assaulted 34688:21 assert 34697:8 assertion 34738:18 34803:10 assess 34800:14 asset 34768:16,17 assimilated 34766:5 assist 34673:23 34702:1 34756:9 associated 34651:23 34652:4,5,8,9,10 34665:25 34728:12 association 34647:4 34653:14 34665:15 34665:17 assume 34756:19 34760:12 34805:25 assumed 34727:3 assuming 34797:8 assure 34726:11 assured 34708:7 atmosphere 34825:17 attach 34714:9 attached 34690:11 34799:25 attack 34634:20 attacked 34712:15 34731:2 attacking 34634:16 attacks 34690:17 attempt 34632:24</p>	<p>34637:9,16 34712:10 34809:1 attempted 34809:7 attempting 34636:14 attempts 34700:2 34713:1 attend 34628:22 34645:6,21 attention 34651:25 34661:13 34784:7 34793:6 attributable 34739:10 attributed 34738:25 34796:25 attribution 34654:13 audience 34838:4 34839:4 audio 34771:12,12 34772:3,22 auditorium 34806:13 August 34606:1,22 34608:10 34610:18 34616:2,8,21 34623:2 34630:20 34631:3 34636:15,20 34659:1 34659:4,7 34660:11 34662:9 34693:19 34697:24 34709:18 34711:22 34712:20 34752:21 34799:22 34802:11 34830:16 34847:20 34848:5 author 34690:2,14 authorities 34656:24 authority 34632:6 34654:18 34655:19 34728:14 34740:19 automatically 34708:12 available 34611:15 34624:18 avenge 34825:9 average 34784:17 34785:8 34786:3 avert 34627:24 avoid 34701:13 34777:25 34804:16 avoided 34693:21 34694:15 34698:4,20 34699:24 34701:2 34703:12,12 34835:19 avoiding 34730:4 avoids 34796:6 awaiting 34726:8 awaits 34718:10 aware 34606:20 34607:6,9,11 34608:9 34608:12,14,16,17,18 34609:23,24 34618:4 34618:8 34621:12 34660:3 34665:8 34685:19 34686:8 34731:13,16 34740:13 34744:9,11 34769:5 34802:2,4,7</p>	<p>34802:14 34827:24 34835:1 awareness 34608:10 axes 34788:20</p> <hr/> <p style="text-align: center;">B</p> <p>b 34729:14 34756:12 34757:18 34762:19 34767:9 back 34616:14,15,17 34618:15 34641:10 34642:10,12 34719:17 34723:14 34735:5 34753:15,18 34754:3 34773:22 34774:2 34780:25 34782:5 34803:18 34804:5 34849:12,12 background 34640:13 34805:8 34822:15 bad 34618:22 34619:6 34623:8 34627:25 34636:15 34758:4 34775:8,24 34776:8 34776:23 34779:4,8 34807:2 34831:16 badly 34693:23 baker's 34664:19 balance 34741:6 balanced 34687:3,4 Baleni 34675:15 34676:18 34832:21 34833:6 banner 34681:11,14 34682:1 34683:17 Bantu 34742:17 bargain 34618:21 34619:5 bargaining 34611:6,8 34611:20,21 34612:1 34707:9,10 34709:5 34774:24 34775:15 34776:5,9,12,19,23 34777:3,19 Barnard 34617:3 34624:20 based 34609:5 34660:20 34795:22 34803:10 34821:7 34828:2 34837:6 baseless 34694:14 basic 34639:10 34640:17,25 34641:5 basically 34678:19 34727:22 34736:4 basis 34623:20 34626:3 34632:7,21 34633:1 34635:14 34641:7 34657:17 34678:24 34682:18 34686:2 34687:6 34699:2,2,8 34699:11 34702:21 34702:22 34738:5,24 34740:1 34746:13 34796:25 34823:18 34823:22 34825:10</p>
---	--	--	--	--

34826:2 34830:24 34831:12,13 34836:3 34836:9 34843:7 34846:10 34849:11 basket 34665:22 bastards 34736:25 34738:23 battle 34788:19 BBB 34754:12 BBBB4.2 34754:12 BBB4 34660:11 34799:21 34800:5 BBB4.1 34676:4 BBB4.2 34744:24 34782:10 BBB4.5 34761:11 34848:3 BBB4.6 34791:14 BBB7 34831:21,23 bear 34646:25 34647:11 34648:9 34676:23 34754:18 34820:11 bearing 34739:11 becoming 34758:2,15 BEE 34754:17 beg 34608:24 34639:25 34819:17 began 34846:13 beginning 34634:1 begins 34634:22 34848:9 behalf 34638:24 behaviour 34708:14 behoves 34778:12 34843:1 beings 34682:9 34752:21 belabour 34770:17 belated 34700:21 belief 34739:11 believe 34671:15 34707:19 34743:15 34764:15 34776:10 34840:25 34841:9 believed 34702:4 34705:5 34806:4,22 34807:12 believes 34715:18 34841:2 belong 34723:8 belt 34646:19 34755:3 34756:6 34782:22 34842:25 bemoan 34645:20 benefit 34744:5 benevolence 34736:10 beseech 34751:9 34795:9,13 best 34611:12 34726:7 34780:3,7 34798:6 34844:14 betraying 34688:24 better 34620:18 34700:16 34702:25 34726:18 34778:3	34791:14 beyond 34817:24 Bham 34638:5 big 34613:4 34729:21 34789:13 34840:19 biggest 34706:24 billion 34767:24 biography 34688:14 34689:5,13,25 Bishop 34629:23 34725:2 bit 34620:13 34635:13 34636:2 34637:6 34639:15,16 34670:25 34696:23 34714:18 34773:22 34774:2 34804:6 34805:10 34808:17 34848:9 black 34722:5 34749:1 34749:15,24 34750:4 34750:4 34754:16 blah 34790:7,7,7 blazing 34825:20 blind 34765:21 board 34614:9,11 34615:5,21 34647:3 34649:2 34651:7,8,25 34652:9 34680:7,9 34705:21 34706:5,22 34711:6,9 body 34688:3 34848:23 bomb 34609:22 bonus 34615:17 book 34686:6 34689:21 bore 34713:11 borne 34664:9 34732:25 botched 34818:3 bother 34786:19 bothered 34736:2 bottom 34617:1 34639:3 34691:13 bound 34695:19 bounds 34686:3 branch 34626:8 branches 34764:6 breach 34665:14,19 breaches 34665:13 break 34670:23 34671:5,9 34710:4 34722:18,18 34749:10 breakers 34688:21 breath 34792:18 bricks 34822:25 brief 34660:16 34664:4 34787:5 34791:22 briefed 34745:2,4 34782:13 34784:5 bring 34634:2 34661:13 34676:23 34705:6 34723:14 34732:14 34734:12 34741:6 34749:16 34754:18 34800:25	34828:19 34843:22 34843:23 34847:9 bringing 34635:9 34830:10 brings 34675:20 broad 34657:17 34658:1 broader 34645:23 34747:17 broken 34744:2 brought 34652:24 34675:24 34676:22 34784:6 34797:18,20 34798:1 34825:19 34828:25 34829:5,9 34829:11 34836:5 brutal 34700:13,17,23 34700:25 34733:5 34794:24 34795:17 34842:17 brutality 34736:13 34737:21 34738:6 brutally 34733:19 34794:15,20 Budlender 34693:10 34698:18 34727:8 34753:19,21 34804:12,18 34805:1 34811:12 34812:25 34814:8 building 34837:10 bullet 34745:1 bullets 34686:6 bundle 34633:4 34643:22,24 34660:11 34661:5,7 34689:17,21 34799:21 34800:5 34848:3,4 burned 34848:22 burnt 34731:2 bury 34788:19 business 34618:19 34619:4 34680:12 34706:25 34725:21 34755:10 34769:20 34769:22,25 34770:13 busy 34688:7 34754:12 34797:7 34839:15 Butler 34688:15 Butler's 34689:13	34664:19,23 34673:25 34677:2 34695:8 34714:6 34752:20,22 34763:6 34782:22,25 34783:1 34813:4 34815:22 34818:4 34823:19 34824:12 34828:15 34832:12,12 34833:1 34833:20,21 34842:22 called 34609:21 34630:21 34655:14 34678:4 34693:18,18 34701:25 34712:14 34768:5 34788:7 34833:22 34835:10 34842:24 calling 34679:22 34680:6 34681:16 34805:23 34824:8 calls 34652:16 34720:12 34788:24 34820:14 calm 34635:15 34789:1 camp 34678:18 canvass 34657:18 34843:18 canvassing 34642:15 can't 34672:5,20 34674:22 34701:2 34711:10,13 34714:24,25 34716:12,16 34718:16,18 34730:4 34731:24 34751:18 34785:3,4,4 34792:14 34792:18 34830:19 capability 34742:15 capacities 34681:18 capacity 34646:8 34666:7 34680:6 34714:23 34755:9 Cape 34659:11,20 34703:8 34737:24 34749:6 34750:10,15 34750:18,22 34786:18 34787:14 34792:14,20,22 34846:1 capital 34640:14 34746:14 34759:10 34764:16 capitalist 34838:20 Capitalists 34838:20 care 34709:3 career 34720:8 carefully 34821:10 carry 34630:8 34640:10 34673:2 34722:25 34779:14 34779:18 34788:16 34788:20 34789:7,11 case 34620:22 34622:21 34635:10 34658:8 34664:1	34671:20,24 34672:6 34673:4,6 34675:19 34675:23 34677:23 34681:20 34727:14 34738:14 34746:13 34749:22 34757:10 34757:11 34764:12 34776:15,16 34781:20 34788:20 34789:11 cases 34626:13 cash 34741:10 catastrophic 34766:24 categories 34609:11 34665:4 category 34609:12,12 34611:18 34658:1 caucus 34682:13 34683:9,15 caught 34668:12 causal 34815:22 causality 34658:6 34836:4 causally 34709:19 causation 34698:7 cause 34628:13 34663:20 34732:23 34758:20 34762:22 34762:24 34763:3,7,7 34763:7,10,10 34764:3,6,7,8,11,11 34764:13,16 34765:2 34765:22 34841:21 34842:9 caused 34782:19 causes 34714:23 cell 34793:3 central 34715:15 34841:17 centralised 34611:6,8 34611:20,21 34612:1 34776:4,10,20 centre 34728:19 34816:11 centres 34729:24 34778:13 CEO 34711:2 CEOs 34706:22 certain 34626:21 34648:25 34656:23 34698:6 34714:9 34788:2 34790:14,14 34814:12 34822:6 34827:8 certainly 34609:3 34612:6 34614:21 34624:1 34662:21,24 34663:10 34664:8 34724:25 certainty 34611:2 certify 34717:20 34720:4,5,16 certification 34718:6 certified 34716:4 chain 34836:4 34837:2 34837:3
--	--	---	---	---

Chair 34606:6 34608:24 34619:21 34625:21 34638:1 34649:17 34654:11 34668:14,16 34677:5 34685:8 34686:18 34688:8 34694:19,23 34694:25 34695:10 34695:11 34696:5,8 34698:5 34710:2 34737:23 34740:4 34741:5 34750:25 34751:7,9 34753:21 34790:23 34794:17 34794:17,17 34795:3 34795:5,9 34806:12 34816:8,14 34822:4 34826:16 34827:6,14 34828:4 34830:19 34841:17 34849:7	34762:10 34794:14 34843:15 34847:25 34848:15 characterising 34761:14 charged 34836:10,24 34837:14 34838:6 34841:2,6 charter 34743:17 check 34708:12 checks 34708:8 chief 34609:5,19 34615:20 34797:22 children 34646:24 34793:21 choose 34819:8 circuit 34653:10 circular 34692:5 circulars 34691:25 circumscribe 34657:9 circumstance 34627:6 circumstances 34626:14 34627:23 34644:25 34647:12 34826:24 circumstantial 34831:12 citizen 34783:13 34784:17 34785:8 34786:7 34787:13,20 citizens 34737:12 34739:5 34743:19 34744:1 34770:5 34786:3 civil 34746:16 34747:2 34748:14 34761:1 34831:12 civil/criminal 34757:12 claim 34647:2 34701:13 34734:11 34763:24 34796:24 34816:7 claimed 34686:1 clarified 34796:23 clarify 34637:6 clarity 34777:16 clarity's 34654:3 clash 34714:19,22 clashes 34800:12 class 34739:24 clause 34622:4 34626:9 clear 34620:15 34634:15 34709:22 34739:20 34763:20 34763:22 34765:4 34798:10 34808:9 34812:23 34836:18 34842:13 cleared 34676:14 clearer 34661:2 clearly 34625:5 34641:8 34670:5 34690:13 34701:22 34709:1 34711:14 34732:19 34790:1 34827:10 34837:9	clip 34774:19 34778:8 34779:18 clock 34821:25 close 34726:19 34839:8 closely 34651:9,13,20 34725:1 closer 34651:25 34728:23 clothed 34717:20 cluster 34664:23 coal 34611:22 34776:13 cockeyed 34765:15 coercion 34845:15 coercive 34844:7,21 34845:5 coin 34634:11,13 coincide 34680:20 coincided 34833:21 coincidence 34830:14 34830:20 34831:4 34834:3 collage 34771:24 colleague 34732:21 colleagues 34610:24 34669:15 34728:24 34828:1 collection 34744:4 collective 34648:7,11 34650:6 34707:10 34775:15 34776:5,8 34776:18,23 34777:3 34777:19 collusion 34804:20 34805:3 34834:21 column 34639:20,23,24 combination 34757:2 34772:20,24 34773:1 combo 34772:23 come 34616:17 34627:23 34661:12 34662:12 34700:9 34701:3 34716:12 34722:7 34748:5 34760:21 34762:13 34780:25 34784:25 34788:7 34806:16 34811:18,25 34813:6 34814:5 34817:16 34822:24 34823:5 34825:9 34837:13 34841:18 34847:18 34849:12,12 comes 34608:6 34702:17 34720:9 34760:25 34783:3 34794:24 comfort 34670:23 34671:5 coming 34616:14,15 34629:25 34640:6 34643:9 34663:14 34822:16 commencement 34614:25 comment 34635:24 34789:22 34809:8	34837:8 34841:7,8 commentary 34645:3 Commission 34606:2,9 34607:15 34609:4,19 34620:1 34638:19,19 34638:20 34645:1 34650:2 34654:4,5,7 34654:8 34655:13 34656:22 34657:2,5 34671:10,10,11 34695:17 34710:22 34722:23,23,24 34723:19 34725:21 34729:17 34730:3 34738:10 34751:20 34752:11 34754:1,1,2 34754:16 34789:5 34795:5 34798:4 34812:16,16,17 34814:11 34824:17 34836:10 34850:20 Commissioner 34625:24 34741:15 34742:9 34800:13 34804:19,22,23 34805:1,2,18,21 34807:5 34808:15,15 34808:20,24 34809:6 34811:4 34817:12 34818:5,22 34819:5 34822:7,16 34830:3 34837:1 Commissioners 34740:21 commit 34619:19 34620:8 committed 34847:11 committee 34622:11,12 34622:19,20 34643:5 34662:16 34667:15 34754:15 34811:10 34815:24 34817:14 34846:3 committing 34797:17 common 34663:20 34677:3,7,18,21,24 34678:1,1,11 34682:11 34714:13 34716:1 34720:14 34732:23 communicate 34624:14 34674:12 34726:13 34794:4 34844:17 34845:19 34846:4 communicated 34613:13,14 34618:23 34623:1,4 34627:12 34634:24 34794:2 34796:10 communicates 34843:11 communicating 34624:12 34666:9 34745:23 34844:15 communication 34646:9 34735:5	communities 34645:25 34646:12,20 companies 34610:23 34611:7,16 34641:13 34646:11 34729:6 34763:1 34775:6 34778:3,12,25 34779:2 company 34611:12,12 34621:7 34651:18 34682:6 34706:15 34728:1,8,21,25 34729:5 34766:22 34768:20,22 34769:14,14 34775:1 34778:10,13,20,21 34779:5 34780:24 competitive 34611:7 competitors 34610:24 complaint 34738:15 complete 34686:19 34687:3,4 34843:20 completely 34680:20 34684:5 34690:23 34692:17 34714:24 34775:2 34783:16 34836:2 complicated 34808:8 compliment 34643:20 compound 34695:13 34696:2 compounds 34688:22 comprehensible 34677:6,19 comrades 34688:24 concede 34631:16 34650:3 34651:11,12 34699:8 conceded 34627:4 34636:7 34693:6 34696:23,24 34740:12 34827:23 conceived 34624:22 concentrate 34640:9 34688:9 34725:21 concentrated 34751:11 concept 34793:2 concerned 34609:20 34617:15 34625:16 34628:3 34629:1 34631:9 34635:25 34636:3,8 34725:4 34756:6 34776:25 34777:1,5,22 34825:13 34829:9 34841:25 34842:19 concerning 34686:21 34822:7 concerns 34646:14 34654:12 conclude 34735:14 conclusion 34827:9 34837:13 conclusions 34732:25 34827:15 conclusory 34827:7
---	--	--	--	---

<p>concomitant 34794:12 34796:11 34797:21 34797:23 34798:9,22 concurring 34696:21 conditions 34646:19 34651:21 34750:12 34768:4 condolences 34724:4 conduct 34740:23 34795:11 34847:22 34847:23,25 conducted 34615:10 confess 34734:15 confine 34663:18 confined 34653:19 34736:25 34737:13 confirm 34639:5,6 confirmed 34622:18 conflict 34645:18,22 34646:7 34665:6 34668:21,23 34669:23 34670:5 34683:6 34714:17 34715:7,14,17,17 34716:2 34719:25 34720:2,3,9,18 34721:5 34722:9 34726:4,12 34727:9 34764:8 34765:20,21 conflicted 34665:9 34726:2 conflicting 34707:14 34726:5 conflicts 34665:13 34670:5,7,10 34678:25 34714:6,10 34714:12 34764:4 confluence 34644:25 confronted 34634:2 34761:6 Congress 34669:9 34674:7 conjures 34747:5 connected 34811:16 34815:20 connection 34658:6 34715:19 34815:22 34818:11 connections 34816:25 connotation 34814:15 34814:25 consequence 34842:1 consequences 34620:4 34651:13 34658:7,8,8 34693:1 34727:14,15 34777:1 34816:12 34821:18 consider 34653:8 34654:15 34655:14 considerable 34786:21 34837:10 consideration 34627:15 34654:20 34655:17 34655:18 34705:13 34811:13 34813:20 considerations</p>	<p>34812:24 34813:1,2,4 34813:6,19 considered 34608:13 34610:9 34623:15 34635:22 34655:3 34847:22 consistent 34761:13 consolidate 34765:10 conspiracy 34830:15 34830:20,23,24 constitute 34847:22 constitution 34665:15 34834:8 Construction 34647:5 consult 34638:13 contacts 34652:22 CONTD 34671:16 34754:10 34812:20 contended 34831:3 34846:18 content 34828:6 contention 34740:6 contents 34776:25 contesting 34763:25 context 34644:13 34656:7 34671:19 34673:23 34685:17 34741:10,10,10,11 34746:25 34747:17 34747:20 34774:23 34794:12 contingency 34614:22 continue 34646:18 34671:18 34706:23 34719:11 contractor 34723:8,10 contracts 34617:5 contravention 34712:7 contributed 34730:3 control 34702:2 34843:20 controversial 34738:17 34738:19 controversies 34736:19 convenient 34671:2,4 convening 34681:10 conversation 34625:9 34664:5 34787:24 34804:7 34808:22 34809:23 34818:21 converse 34643:16 convey 34723:3 34724:3 34796:15 34842:11 conveyed 34613:18 34796:18 34809:6 34844:23,25 34846:8 conveyor 34755:3 34756:6 34782:22 convince 34755:24 convincing 34756:5 convoluted 34629:19 eop 34825:8,9 cops 34819:25 copy 34639:14,19 34688:15 34689:12</p>	<p>core 34644:17 corralling 34800:20 34801:4 corrected 34729:16 34791:15 34825:25 correctly 34647:25 34655:10 34656:9,11 34665:25 34685:17 34798:11 34826:24 COSATU 34691:3,10 cost 34768:17,19 34769:3,11,17 34778:10,13,14,22,23 34779:3,5,15 34780:24 Costa 34698:19 Costa's 34615:4 costs 34768:25 34769:16 couched 34650:13 couldn't 34836:19 counsel 34638:13 34710:7 34716:3,4,19 34717:15,18 34720:17 34753:16 34797:19 34813:15 34817:23 counsels 34718:4 34787:25 counter 34762:17 counterparts 34707:8 countless 34643:3 country 34674:8 34752:11 34770:5 34783:22 34785:11 34834:23 counts 34833:25 couple 34804:8 34841:19 courage 34645:6 course 34606:25 34612:2 34613:4 34619:18 34620:19 34621:3,7 34625:9 34627:2,14 34638:6 34655:23 34657:14 34658:12 34663:15 34665:21 34681:22 34686:22 34687:13 34714:17 34721:16 34724:13 34733:18 34736:8 34739:20 34741:14 34751:17 34796:22 34835:24 court 34622:10 34789:4 34836:12 34841:7 courts 34688:23 34690:12 covered 34647:18 34652:25 34687:13 34692:24 34721:7 34845:14 co-operation 34815:5 create 34711:5 created 34608:2</p>	<p>34614:2 creating 34709:6 credit 34813:21 34816:9,10 34817:22 crime 34619:19 34620:8,20 34792:11 34792:11 34794:8 34797:17 34847:11 crimes 34798:17 34844:13 criminal 34633:17 34653:20 34654:13 34657:1 34715:20 34720:10 34730:10 34731:6 34740:23 34747:3 34748:13 34756:4,13,15 34758:7,11 34759:11 34760:16 34762:10 34796:13 34800:22 34832:14 34833:5 34835:15 34841:7 34847:22,25 34848:14,18 criminality 34619:23 34694:13 34721:2 34749:23 34755:23 34757:1 34758:17 34797:18 34848:25 criminally 34654:6 34837:14 34841:2,6 criminals 34737:1,13 34737:20 34738:25 34739:5,22 34741:9 34741:12 34742:5 34743:15,18,25 34792:16 34794:14 34828:16 critical 34610:1 criticism 34729:24 34755:20 34761:3 criticisms 34643:17 cross 34638:5 34715:15 crosses 34725:4 cross-examination 34606:5 34638:7,22 34640:24 34642:3 34643:18,19 34647:17,19 34648:24 34650:10 34653:1 34657:18 34671:16 34754:10 34804:12 34812:20 34831:7 34841:18 cross-examine 34638:7 34664:13 cross-examining 34671:15 cross-refer 34762:14 crown 34818:19 crucial 34737:19 crusade 34700:1 cr8iminal 34758:2 culminated 34607:4 34615:15 curbing 34684:4</p>	<p>curious 34809:22 curiousness 34726:25 current 34639:21,21 34640:17 34646:6 34681:20 34706:25 34761:14 34841:3 curtail 34734:11 cut 34642:22 34647:18 34848:23 Cyril 34606:4 34671:13 34745:1 34754:9 34806:6,9 34810:14 34810:14 34811:3,7 34811:10 34812:19 Cyril's 34817:11</p> <hr/> <p style="text-align: center;">D</p> <p>Da 34615:4 34698:18 daily 34635:14 34800:20 Dali 34718:13 damaging 34745:6,13 34745:13 34746:2,4 danger 34825:4 dangerous 34708:23 34711:21 34775:7,12 34775:21 34794:6 34799:8 dastardly 34670:13 34730:10 34732:4,7 34739:22 34740:23 34742:4 34762:9 34796:12 34848:14 34848:18 date 34607:15,19 34658:25 34835:4 dated 34706:16 34830:15 day 34611:3 34636:20 34636:22,24 34637:5 34637:17 34662:12 34662:20 34671:21 34687:24 34702:21 34702:21 34714:1 34722:21 34751:13 34802:25 34803:7 34816:3 34826:9 34831:17 34834:4 34835:18 34836:9 days 34612:17 34634:17 34675:2 34682:13 dead 34820:5,9 deal 34614:15 34621:18 34628:17 34631:21 34632:7 34633:15 34635:21 34638:5 34648:19,22 34649:20 34651:4 34657:22 34658:2,6 34665:2,3 34682:23 34683:9,22 34687:3 34687:23 34710:20 34714:5,6 34717:4,9 34725:20,22 34734:1 34754:22 34773:15</p>
---	--	--	---	---

34780:20 34813:11 34831:18 34832:13 34833:4 dealing 34621:16 34631:14 34632:4,20 34634:10 34702:19 34704:6,9 34705:7 34728:23 34739:4,5 34742:6 34743:25 34749:23 34760:25 34763:15 34764:18 34781:18 dealings 34652:11 34680:10 deals 34622:6,15 34707:12 34780:21 34780:23 dealt 34635:12 34649:21 34653:18 34704:5 34714:5 34715:11 34744:24 34749:13 34765:16 34814:7 death 34674:9 34688:23 34697:20 34697:24 34800:10 34821:24 deaths 34634:3 34645:1 34658:8 34693:11,12,21 34698:3,19 34699:23 34700:11,23,25 34701:1,13 34703:12 34704:12,21,24 34709:19,20 34730:2 34730:4,10,14 34755:22 34765:5,16 34797:24 34799:10 34799:10 34811:19 34811:22 34818:20 34819:5 34835:13,14 34835:18 34837:16 34837:18 34839:20 34843:3,12 34844:2 debate 34656:17 34670:17 34678:15 34680:14 34741:22 34751:20 34767:15 34796:5 debated 34834:3 34847:18 34848:4 debates 34736:23 debt 34768:3,4 decide 34652:21 34751:13 decision 34816:11 34836:7 decisively 34792:7 34832:14 34833:5 declarations 34642:8 deduct 34664:4 deeply 34613:24 34837:17,17,20 34839:19 defeated 34709:17 34711:13	defence 34686:2,12 34751:16 34828:14 34829:19 define 34650:25 definite 34699:7 definition 34751:15 defuse 34813:7 defused 34811:21 defusing 34813:21 34815:1 degree 34611:1 34782:4,5 34783:25 delayed 34819:23 34820:14 delegate 34632:5 deliberate 34765:21 delivery 34770:6 demand 34609:10,14 34626:11 34632:1 34707:4 demanding 34609:9 demanding 34617:25 34639:9 demands 34634:24 34705:12 34707:13 democratic 34644:15 34645:17 34646:10 demonstrated 34787:24 denial 34744:17 denominator 34677:3,7 34677:18,21 34678:1 34714:13 deny 34733:20 34803:16 denying 34758:16 34825:11 department 34640:14 34723:9 34740:20 depend 34783:23 34795:10 depending 34652:25 34665:14 34780:1 depends 34784:13 deployment 34830:4 34832:12 34833:1 depth 34645:14 34688:1 Deputy 34649:19 34687:2 34739:16 34740:1 34741:16 34742:8 derive 34826:20 34827:8 Desai 34772:22 34773:4,4 describe 34730:25 34771:25 described 34674:11 34697:10 34731:4 34733:10 34734:20 34751:15 34762:6 34766:15 34772:14 34793:11 34796:12 34798:3 34815:23 34844:11 34848:13	describes 34622:10,11 describing 34792:9 description 34690:11 34735:6,8 34795:4,6 desirable 34651:16 34812:5 desire 34811:24 34813:19 desist 34753:8 despicable 34812:1 despite 34627:1 34629:13,22 34711:20 34725:25 34807:2 destabilisation 34747:3 34761:1 detail 34615:12 34624:18 34647:16 34730:20 34731:3,19 34735:18,21 34845:14 details 34730:19 34735:1 34802:15 34844:16 34845:11 determine 34649:8 determined 34654:7 devastating 34645:19 develop 34653:14 developed 34756:9,15 developing 34800:17 development 34645:20 34646:18 34750:19 34750:20 34792:21 34843:9 devices 34708:11 DG 34746:13 34757:11 dictionary 34752:2,5,7 didn't 34623:18,19,21 34626:12 34629:14 34631:1,25 34632:15 34642:17,19 34660:3 34711:16 34715:2 34723:5,11 34751:16 34779:22 34783:5 34786:19 34791:17 34829:18,20 died 34646:25 34648:14 34658:14 34690:11,12 34691:10 34723:20 34724:12,12,13 34728:2,15,16 34730:19,23 34735:3 34837:18 34839:20 34848:19 differ 34765:24 34818:11 difference 34676:10 34734:5 34786:20 differences 34751:22 different 34612:8 34614:18 34682:10 34682:10 34684:5 34698:22 34707:5 34714:22 34754:18 34775:2,6 34795:24	differential 34606:15 34606:21,22 34608:3 34609:9,21 34610:3 34613:23 34641:12 34762:25 difficult 34612:18 34635:13 34640:8 34729:2 34784:5 34813:11 difficulties 34761:14 difficulty 34709:4 34711:3 dignity 34697:4,8,16,19 34698:2 34701:10 diluted 34758:6 diminishing 34692:11 dip 34648:11 diplomatic 34790:5 direct 34627:18 34666:1 directed 34727:4 34741:9 34760:20 directly 34615:10 34630:4 34660:3 34678:9 34703:16 34818:5 director 34632:5,14 34654:21 34668:2 34681:3,4,5 34828:17 34842:18 directors 34613:14 dirty 34662:6 disabuse 34755:18 disagree 34671:23,25 34672:5,8,9 34692:16 34736:5,7 34748:9 disagreement 34645:14 disallowed 34695:17,18 disaster 34826:4 disciplinary 34617:2 34642:23 34708:13 disclose 34682:24 discontent 34645:13 discouraging 34805:3 discuss 34722:20 discussed 34662:25 34682:25 34837:6 34843:14 discussing 34711:2 discussion 34653:24 34657:9 34659:16,23 34660:4,13 34674:19 34714:14 34717:14 34790:9 34811:11 discussions 34624:7,10 34624:13 34625:10 34634:1 34635:1,17 34660:4 34663:25 34666:5 34667:11 34693:15 34746:13 dismiss 34617:3 34793:12 dismissal 34620:3 34624:21 dismissals 34624:9,11 dismissed 34620:10	dispensation 34621:18 34645:17 34646:11 displayed 34742:15 disposed 34846:18 dispute 34607:16 34628:14,17,23 34629:12 34631:9,22 34632:11,23 34633:20 34634:10 34635:21 34636:8 34745:3 34758:15,20 34759:2,7 34762:7,13 34782:14 34848:14 disputed 34795:25 disruption 34838:4 34839:4 dissatisfied 34613:24 distinction 34620:11,18 34654:24 34656:17 34689:23,24 34743:23 34756:16 34824:18 distressing 34636:24 disturbance 34753:12 disturbing 34640:8 diverse 34646:2 divide 34682:22 34720:7 document 34621:25 34629:6 34638:13 34639:3,14 34814:20 documents 34705:24 34706:4 doesn't 34640:10 34672:15 34752:7 34780:20 34784:14 34784:16 34824:12 doing 34614:15 34655:24 34666:7 34704:10,14 34759:8 34762:11 34799:3 34806:5 34822:17 34825:25 34849:19 domestic 34836:12 don't 34623:20 34625:8 34630:7 34638:14 34640:4 34648:8 34649:10 34670:10 34671:3 34672:5,10 34674:17 34678:12 34682:8 34705:24 34710:9 34711:8,13 34713:2 34713:11 34714:19 34716:11,24 34717:3 34718:22,22,25 34719:3,7,11 34721:9 34731:3 34751:15 34753:10 34769:19 34770:13,16 34779:12 34783:3,7 34786:2,19 34788:3,6 34788:8,23,24,25 34789:4 34790:18 34797:3 34803:2 34806:18,23 34807:7
--	--	--	---	---

34807:14,16,18,23 34808:2 34810:5 34835:22,24 34836:13,18 34841:9 34841:10 34843:25 door 34707:12 34839:8 double 34695:18 doubt 34817:25 dozen 34662:6,24 34663:2,4 34664:4,18 34664:19 do-gooder 34728:6 drama 34675:3,17 dramatic 34626:14,22 draw 34620:11 drawing 34654:25 34793:5 drawn 34843:18 drill 34612:6 34617:24 34641:5 34707:7 driving 34654:2 due 34655:23 34663:14 duly 34726:14 duties 34649:2 34653:25 34668:22 34694:16,17 dutifully 34785:15 duty 34617:6 34649:3 34700:3 34701:9 34755:2 34766:7 34826:18,20,21 34835:16 duty-bound 34842:18 dying 34633:22 34676:21,21 34703:2 34842:16 D-day 34836:8	34802:10 effective 34646:9 34702:5 effectively 34612:3 34671:20 34675:20 34707:12 34766:5 34812:23 effects 34613:6 34777:20 effort 34646:6 efforts 34645:4 eight 34659:22 34701:1 either 34608:17 34640:5 34648:18 34686:8,8 34710:4 34711:11 34712:4 34714:23 34715:19 34715:25 34716:1 34719:4,8 34740:7 34784:21 34816:19 34830:14,20 34844:5 34844:13,18 electric 34708:18 electronic 34708:10 element 34714:7 elements 34732:22 34756:15 34832:14 34833:5 elicited 34796:23 elucidating 34668:18 email 34633:3,4,8 34639:4 34641:10 34728:24 34789:13 34799:21 34802:10 emails 34673:24 34704:18 34712:20 34728:18,20,21,22 34835:10 embark 34635:16 34765:9 embarked 34610:14 34616:7 34617:25 embarking 34624:10 emerged 34625:10 emergency 34633:24 34634:25 34635:3 34704:4 emotions 34819:25 34820:1,2,7,19,23 34821:8,23 34822:2 34822:25 34823:4 emphasis 34746:15 emphasised 34620:1,7 employed 34632:7 34795:14 employee 34625:13 employees 34617:5 34696:24 34705:12 34705:16 34733:5,11 34733:19 34802:4 employer 34683:15 34703:7 employers 34682:18 34684:3 employer's 34686:9 employment 34617:5	empowered 34654:5 empowerment 34749:2 34749:16,25 34750:5 34754:16 empty 34780:14,21 encounter 34642:22 encourage 34621:15 34744:12 34789:19 encouraged 34799:4 endeavour 34808:11 ended 34803:20,23 energy 34633:16 34701:7,11 enforce 34626:11 engage 34617:7 34622:21 34623:8,21 34629:21 34630:3,12 34670:17 34692:23 34697:14 34700:11 34700:25 34703:2,3 34705:9 34712:23,23 34714:21 engaged 34619:8 34646:12 34692:20 34698:3 34704:25 engagement 34618:21 34619:5 engaging 34618:17,17 34623:15 34700:3 34701:10,22,23 34703:3 34791:4 engineer 34642:14,14 English 34744:2 34751:23 Enlighten 34781:23 enormous 34783:9 enquiries 34614:14 ensue 34635:1 34844:2 ensued 34624:7 34631:17 34635:4 ensuing 34698:3 ensure 34629:1 34646:14 34694:16 34704:24 34720:15 34726:7 34737:20,25 34750:10 34774:18 34789:21 34835:16 ensuring 34701:9 enter 34761:2 34763:17 34771:18 entered 34702:3,4 entirely 34635:20 34649:22 34690:6 34803:3 entities 34677:24 34678:11 entitled 34695:8 34707:10 entries 34686:20 entry 34686:7 envisaged 34622:18 34844:6 equal 34702:24,25 equally 34634:11 34649:23 34687:4 34702:12,13	equals 34790:13 era 34679:18 erect 34708:18 erroneous 34783:24 34784:2 erroneously 34733:24 escalated 34631:18 34663:25 escalating 34646:2 escape 34647:10 especially 34729:9 essence 34725:17 essential 34645:4 essentially 34609:10 34615:17 34618:23 establish 34631:11,11 34649:14,15 34653:15 34655:23 34658:14 established 34622:13 34645:2 34649:15 34662:17 34667:12 34667:18 34740:10 34835:3 evaluate 34760:9 evasive 34650:13 34807:18,21,24 34808:3 evening 34686:22 34818:1 34832:5 event 34615:25 34621:9 34622:7 34713:12 34795:4,25 34798:9 34813:25 events 34633:16 34644:14 34645:3,11 34690:1 34713:13 34721:2 34761:20 34762:6 34795:20,20 34826:9 34832:9 34842:2 34846:10,14 34846:21 34848:9,13 34848:16 34849:2,5 eventually 34666:21 34827:19 eventuated 34819:6 everybody 34678:12 34753:10 34822:17 34825:11 evidence 34607:14 34609:4,6,6,18 34615:4 34624:2 34626:7 34627:4 34630:4,13 34662:8 34662:19 34663:12 34685:24 34686:1,5 34686:21 34688:1,5 34703:6 34711:24 34713:7 34721:6 34722:25 34733:1 34738:6 34739:14 34741:7 34753:11 34770:21 34787:6,13 34787:17,18 34795:24 34797:22 34801:1 34806:13,15	34806:22 34807:1,3 34808:24 34831:13 34835:5 34850:7 evident 34727:17 evidential 34830:24 exact 34731:3 exactly 34656:4,5 34677:11 34689:8,9 34715:1 34734:25 34747:18 34754:3 34757:8 34769:21,21 34774:19 34793:18 34802:24 34804:25 34819:9 34822:17 34833:21 34845:4 examination 34638:6 34715:16 example 34683:21 34700:21 34743:14 34834:14 exceed 34622:14 exceeded 34686:4 exception 34669:7,13 34669:16 exchange 34655:25 34661:19,23 34846:10 exchanges 34662:1 exchanging 34652:16 excision 34741:17 excuse 34710:1 34712:18 34737:14 34828:14 34849:15 excused 34849:11 34850:7 excusing 34850:11 executed 34818:4 34836:8 executive 34615:20 34632:4 34640:15 34651:8 34667:15,22 34679:24 34680:24 34680:25 34681:5 34712:11 34747:2 executives 34702:18 exercise 34648:25 exerted 34671:21 34673:9 34811:17 exhibit 34621:23 34639:2,14 34643:24 34643:24 34689:19 34705:20 34771:6,8 34771:10,14,15 34773:14 34774:12 34800:5 34819:12,13 34819:14 34831:20 exhibits 34773:8 exhortations 34740:19 34742:7 exhorted 34739:25 34740:24 34744:13 exigency 34704:4 existence 34610:2 exists 34611:5 expect 34764:15 34767:1
E				
e 34617:20 34660:12,23 earlier 34618:2,6 34631:21 34634:6 34684:15 34723:7 34743:5 34763:14 34784:7 34795:18 34816:20 34835:8 early 34631:17 34646:1 34766:22 earth 34786:5 easier 34702:8 34774:12 easiest 34704:24 easily 34611:20 34629:5 34799:11 East 34642:13,21 easy 34635:11 34658:13 34761:10 34767:7 34817:7 economic 34646:17 34749:1,16,25 34750:5 economics 34769:3 editorialising 34649:22 education 34742:18 effect 34615:8 34630:5 34735:8 34767:4				

<p>expectation 34847:5,6 expectations 34775:3 expected 34755:8 34792:9 expecting 34670:4 expended 34633:15 34701:7,7,11 expense 34766:15 experience 34646:5 34670:20 34703:2 experienced 34683:23 experiences 34834:20 expert 34670:13 explain 34633:20 34709:4,8 34730:25 34739:10 34744:1 34756:7 34797:21 34822:12 explained 34736:23 34738:24 34830:23 explanation 34737:11 34806:25 explanations 34807:2 explore 34727:25 34822:13 explored 34834:6 exploring 34736:8,10 34797:7 exposed 34645:7 34651:21 34684:6 expressed 34783:24 expression 34740:23 34742:4 34794:21 34795:16 extend 34653:20 34762:11 extensively 34834:6 extent 34606:21 34634:18 34645:12 34645:15 34649:8,11 34649:15 34650:8,21 34650:25 34651:1 34653:19 34684:4 34766:9 34813:14 34833:22 extra 34777:17,22 34783:25 34784:6 34801:7,11 extract 34689:13,16,19 34705:21 34706:15 extracts 34744:4 extraordinarily 34796:19 extreme 34841:22 34842:10 34844:21 34845:5 extremely 34625:16 34628:3 34825:13 extremes 34646:17 eye 34765:22 e-mail 34606:23 34615:16 34616:1,10 34616:20,24 34617:22 34618:12 34618:14 34660:11 34661:19,22 34662:1</p>	<p>34744:12,24 34745:1 34745:20 34746:25 34757:7 34848:4 e-mailing 34703:9 e-mails 34666:5 34701:8 34702:1</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fabrication 34722:3 face 34651:17 34807:1 34807:4,11 faced 34743:15 facie 34612:24 facing 34756:4 34758:7 34790:2 fact 34610:2,7 34611:24 34613:24 34613:25 34617:16 34618:4 34621:4 34622:15 34623:25 34625:23 34627:1 34635:8 34651:23 34652:1 34661:1 34662:8 34688:14 34692:10 34699:16 34704:22 34707:17 34721:5 34727:1,15 34733:22 34736:5 34738:16,16,22 34741:7 34751:19 34766:24 34777:18 34779:18 34794:19 34795:25 34796:16 34801:1 34816:4 34821:14,17 34825:1 34825:1 34826:8 34827:24 34833:11 34834:19 34849:2 factor 34664:9 factors 34835:9 facts 34610:1,17 34613:23 34614:1,8 34614:12 34619:8 34662:5 34678:23 34687:2 34783:25 34784:6,13 34795:23 34796:23 34824:9 34826:20 34827:8,10 34827:12,15,17,18 factual 34740:5 34824:8,22 34830:24 factually 34649:21 fail 34648:12,14 failed 34654:1 failure 34609:20 34648:7,25 34700:10 34729:25 failures 34648:25 fair 34641:3,11,21,23 34652:15 34653:2 34663:13 34664:11 34664:11 34667:10 34669:6 34671:18 34673:8 34676:9,11 34679:24 34702:9 34703:23 34712:16</p>	<p>34713:4 34721:15,16 34737:8 34749:14 34755:11,20 34768:3 34770:15 34771:17 34779:24 34780:9 34784:11,15 34809:9 34822:10 fairly 34629:5 34717:14 34768:3 34827:16 fairness 34653:15 34687:17 34727:9 34741:21 34766:3 34806:14 34826:19 34827:14 34832:24 34833:19 fall 34665:3 34724:18 fallacy 34757:8 false 34748:3 34756:25 34759:11 34760:16 34762:11 34763:11 falsification 34721:1 falsifications 34721:13 familiar 34665:5 34690:25 34691:3 families 34648:13 family 34724:2 famous 34662:1 far 34611:6 34617:15 34622:18 34626:7,18 34631:9 34636:7 34643:15 34684:19 34685:24 34701:23 34713:7 34755:22 34756:3,6 34791:7 34823:23 34824:1 34828:8 34829:8 Farmer 34707:25 34708:6 fast 34786:24 34792:7 fatally 34800:12 fateful 34826:9 fault 34611:5 34814:18 34814:19 favour 34770:18,22,22 34774:20 34797:8 34825:6 favours 34722:8 fear 34821:7 feat 34782:24 34783:1 34783:1 34784:10,19 feats 34785:5,7 feature 34678:11 feet 34682:5 fell 34650:20 34651:2 fellow 34679:23 34680:7 34684:24 34743:25 felt 34611:7 34842:17 fences 34708:18 fertile 34750:12 FFF14 34744:4,7 FFF32 34661:3 fiduciary 34649:2 34653:17 field 34743:17,18,20</p>	<p>fight 34736:18,24 34737:5 34738:23 34743:20 figuratively 34797:9 figure 34797:4 34813:25 figures 34607:10,12 34612:19 file 34706:14 fill 34664:18 finally 34651:14 34825:21 34847:17 34848:3 finance 34769:3 financial 34691:16,23 34692:10 34705:13 34727:10,20,22 34728:1,8 34729:1 34736:6 34766:15,20 34766:23,24,25 34767:8 34769:10 financially 34692:3 financing 34768:4,5 find 34612:15,19 34631:25 34633:19 34636:5,9 34645:6 34647:1,10 34651:9 34655:13 34657:4 34684:4 34725:19 34751:1 34780:25 34815:1,5 finding 34636:1 34847:11 fine 34648:16 34655:25 34670:16 34702:23 34722:11 34744:18 34744:18 34752:10 34752:18 34757:17 34758:8 34793:7 34823:10 34835:7 finger 34729:10 finish 34717:9 34796:21 34810:21 34824:6 finished 34670:24 34695:9 34716:14 34717:2,4 34759:1 34810:18 34824:3 34839:16,18 34850:6 fire 34687:10 34736:18 34736:18,24,24 34737:5,5 34738:23 34738:23 34741:8,9 34743:20,21 34744:3 34744:3 34825:24 firearms 34708:12 fired 34685:23 34686:6 34686:10,11,22 34687:9 first 34607:2 34616:21 34617:22,23 34626:21 34631:2 34641:24 34644:13 34657:21 34669:21 34670:23 34671:4 34685:6,11,23</p>	<p>34686:10 34687:9 34693:20 34697:20 34697:23 34700:22 34706:21 34708:22 34712:19 34723:17 34735:14 34745:1 34746:20 34762:3 34778:8 34800:8,8 34803:5 34804:17 34807:25 34810:21 34814:22 34841:20 firstly 34619:3 34736:11 34740:6 34745:6 five 34638:11,16 34687:22 34688:4 34781:25 34783:10 34787:16 fixated 34662:7 flaws 34645:6 floodgates 34705:10,11 34708:23 34729:12 flow 34620:4,5 flowed 34651:13 fly 34786:17 34787:14 34793:20 flying 34703:8 34749:5 34792:14,20 follow 34609:16,17 34617:2 34621:10 34689:7 34763:12 34791:6 followed 34698:19 34712:9 34790:25 34791:3 34816:13 34818:20 34842:3 34847:14 following 34620:3 34688:16 34689:17 34711:21 34800:10 34800:10,13 34802:25 34803:7 34831:25 34836:9 follows 34618:14 34648:24 foolishly 34620:9 foot 34678:18 34808:17 34832:18 forbid 34725:22 force 34736:25 34738:22 34743:24 34743:25 34825:6,9 34825:20 34832:13 34833:1 foresaw 34835:9 34846:14 foresee 34826:3,5,8,13 34844:2 34846:22,23 34847:1,3,16 foreseeability 34822:13 34827:9,10 foreseeable 34818:21 34820:8 34825:16 34826:23 34846:11 34846:21 foreseen 34819:7</p>
--	--	---	---	--

34826:12,14,18,19 34835:9 34842:2,3 foresight 34846:17 forestall 34845:20 forget 34643:1 34681:6 forgetfulness 34723:12 forgive 34640:3 forgotten 34725:12 34742:13 34778:8 34820:3,4 34821:1,2 34821:9 form 34648:10 34689:12 34701:24 formation 34622:11,12 formed 34840:22 former 34666:1 34679:3,13,14 34680:18 34681:19 34703:2 34754:15 34777:7 forms 34645:16 forth 34616:13 34624:11 34800:11 34800:17 fortunate 34810:10 fortunately 34648:16 forum 34654:7,9 34721:13 forward 34699:16 34705:16 34709:11 34709:16,17 34712:1 34735:17 34839:22 found 34613:9 34683:8 34688:4 foundation 34650:8,10 34824:8,22 four 34610:8 34622:14 34629:24 34657:17 34665:4 34781:25 34783:10 34786:19 34787:16 fourth 34646:16 34661:8 34800:9 Fourthly 34659:6 fractions 34677:23 frame 34740:8 34791:1 Frans 34675:15 34832:21 34833:6 fraudulent 34682:19 34715:20 34720:10 frequently 34695:17 34696:15 fresh 34749:17,17,18 Friday 34630:19 34681:17 34686:6,10 34724:11,15 friend 34619:22 34649:19 34655:3,22 34664:4 34668:19 34677:15 34678:8 34687:2 34694:20 34695:14 34710:3 34739:9 34741:6 34749:9 34772:7,20 34796:14 34816:18 34822:5,12 34823:19	34824:8 34827:19 friendly 34717:14 front 34653:15 fruitful 34635:17 fulfilled 34650:15,16 full 34624:18 34682:16 34737:21 34738:6 34780:14,21 34781:6 34781:7,8 34808:9 34825:9 fuller 34731:3 fulltime 34632:7 fully 34765:10 fundamental 34769:2 fundamentals 34768:17 further 34612:22 34638:8 34693:11 34698:19 34701:1,13 34707:22 34714:18 34734:11 34750:6 34763:16 34764:24 34765:5,16 34767:8 34799:10,10 34800:15 34843:2,3,4 34843:12,13,25 34844:2,16 34845:21 future 34777:2,20	34697:14 34701:21 34702:4 34703:4,5 34709:5,5,10 34718:22 34744:11 34779:19 34784:6 34789:2 34810:20 34823:21 34827:5 34831:8 34844:19 given 34613:4 34619:15 34622:9 34627:23 34633:22 34639:14,19 34649:6 34652:22 34653:3 34656:21 34689:12 34689:19 34697:1 34701:2 34703:6 34706:1 34707:9 34733:21 34735:22 34738:22 34741:7 34769:9,13 34771:15 34772:10,12 34777:23 34806:13 34807:3 34814:13,14 34820:2,24 gives 34668:20 giving 34607:19 34612:15 34625:12 34710:3 34822:15 34845:11 glad 34759:13 gladly 34748:20 34759:23 glass 34780:13,14 34781:6,7,8 glasses 34780:21 go 34612:4 34616:10 34617:16,19 34618:13 34625:21 34640:24 34641:9,10 34642:9,10,12 34643:15 34685:14 34689:18,18 34692:18 34700:13 34700:16 34712:13 34712:14 34713:21 34714:4 34717:3,12 34719:17 34735:5 34737:24 34742:24 34744:24 34748:17 34748:24 34749:18 34750:10,15,18 34760:23 34761:11 34769:16 34773:17 34773:20,22 34774:2 34780:10 34785:18 34793:20 34803:17 34803:18 34804:5 34808:7 34818:19 34819:10 34821:8,13 34821:14 34822:1 34838:11 34847:10 goes 34622:13 34646:15 34688:14 34714:18 34747:3 34811:2 34818:15 34820:5,19	gold 34611:22 34642:13 34776:13 good 34606:6,7 34638:23,25 34642:4 34642:5 34725:25 34726:15 34743:23 34768:17,17 34769:20,22 34770:5 34770:23 34774:3,4 34775:9,25 34777:7 34778:16,17,19 34790:3 34807:2 34831:16 gory 34848:23 Govern 34831:12 governing 34653:11 34667:18 government 34647:7 34652:12,13,16,17,23 34702:9 34825:3 granted 34607:8,14,16 34607:18,24 34707:3 34778:2 granting 34607:5 grateful 34723:3,13,16 gratuitously 34722:7 grave 34762:20 great 34611:5 34633:15 34704:4 34720:7 greater 34635:8 greatest 34646:24 34695:25 34738:12 34795:13 34821:21 34830:7 grievance 34645:14 grossly 34608:13 34610:9 ground 34621:20 34647:18 34701:21 34702:18 34703:17 34704:8 34748:14 34845:9,19 group 34697:8 groupings 34707:14 groups 34705:11 guards 34723:21 34730:25 34731:10 34735:8,13 34802:5 guess 34621:17 34680:4 guidance 34795:10 guided 34645:24 guilty 34654:6 34655:13 34657:3,4 gung 34825:5 guns 34797:6 34825:19 34825:21 guys 34815:2 34817:17 Gwala 34768:13 34769:8 34772:22 34773:5 Gwede 34659:15 34673:25 34676:5,8 34676:18	hadn't 34627:14 34784:6 hairs 34793:25 half 34706:2 34722:19 34731:14 34780:14 34780:14,21,21 34781:6,8 hand 34717:6 34723:5 34723:15 34774:11 handgun 34708:3 handle 34774:13 hands 34610:13 34614:1 34732:23 hands-on 34702:22 hanging 34624:5 happen 34609:8 34624:11 34631:1 34634:1 34640:10 34681:17 34789:22 34816:1 34825:1 happened 34612:3 34616:4 34619:7 34623:9 34631:16 34635:8 34636:20 34645:5 34647:1 34650:9 34652:14 34664:2 34675:24 34688:2 34689:3,8 34700:10,22 34709:21 34713:23 34713:24 34716:22 34720:23,25 34740:14 34761:24 34776:3,3 34793:18 34796:1 34816:3 34818:1 34820:18 34832:5,8 34842:3 34847:20 happening 34629:2 34631:8,15 34632:19 34633:1 34691:6 34748:15 34756:3,11 34788:22 34799:10 34799:11 34819:24 34831:6 34843:3 34846:5 happens 34683:17 34724:17 34725:25 34729:4 34768:21 34774:18 34823:4 34830:13 34835:17 happy 34687:5 hard 34639:19 34753:19 34755:24 harder 34647:1 hasn't 34771:15 34776:16 34806:7 34824:3 haste 34816:12 34818:3 hats 34714:19 haven't 34706:7 34716:14 34772:13 34772:17 head 34620:10 34624:5 34747:5 headlong 34816:12
	G			
			H	

34818:3 headphones 34640:5,6 34723:5,6,7,8,10,13 heads 34648:11 hear 34607:22 34611:25 34636:16 34636:17,19,24 34640:6 34653:22 34672:1,3,7 34673:12 34685:5 34686:3 34691:20 34753:11 34753:12 34779:22 34779:25 34780:13 34783:14 34787:13 34824:9 34831:19,19 34835:21 34836:19 heard 34618:6 34636:13 34672:14 34673:5 34685:9 34687:22 34737:17 34740:12 34744:6 34779:19 34791:5 34806:7 34823:7,12 34823:13 34827:11 hearing 34642:24 34751:11 34795:9,11 heat 34683:6 Heaven 34725:22 heckling 34836:14 held 34608:16 34622:16 34682:20 34705:21 34712:10 34814:1 Hello 34745:1 help 34649:25 34650:2 34650:4,24 34656:20 34676:22 34698:6,10 34702:5 34703:16 34704:6 34715:24 34722:13 34746:1 helped 34642:20 helpful 34608:7 34649:18 34669:2 34673:22 34678:7 34745:6 34791:4 34797:1 34843:4 helps 34710:11,13 hero 34840:24 he'll 34620:15 he's 34655:24 34677:17 34678:19 34690:14 34695:9 34717:2,3 34718:21 34719:6 34720:5,6 34732:23 34739:15,18 34741:23 34748:1 34773:5 34781:11,12 34781:13 34792:19 34795:21 34807:21 34807:23 34808:2,21 34817:5 34819:1 34823:21 34827:24 34831:8,9,9,10,11 34838:9,15,18,19 34840:20 high 34611:1 34740:19	34793:15 34805:24 34810:6,9,13 34820:1 34820:1,7,19,23 34821:9,23 34822:25 34823:5 34840:24 higher 34641:18 highlighted 34639:19 34639:20 34692:2 highlighter 34639:20 hindsight 34651:1,2 history 34644:15 34834:21 ho 34825:5 hold 34744:23 34755:15 34775:6 34828:18 holds 34666:25 honest 34710:19 honestly 34682:23 34710:18,20 honourable 34813:15 hope 34725:24 34726:6 34753:15 hoped 34721:20 hopefully 34722:17 hoping 34767:9 horrific 34725:8 34731:4 34734:21 host 34631:5 hostels 34708:8,9 hour 34671:9 34722:19 34722:19,21 hours 34720:24 34782:1 34783:10,15 34785:7 34786:19 34787:17 34800:11 house 34708:9 housekeeping 34689:12 huge 34606:21 34608:2 34610:2,14 34613:23 34641:12 34762:24 hugged 34795:15 human 34640:14 34682:9 34723:19 34743:17 34752:21 hurt 34708:6 34727:16 hybrid 34756:14,21 34757:13,16,18 hypothetical 34808:8	ignoring 34765:21 illegal 34617:3,25 34619:15 34621:1 34623:12 illegality 34619:23 illegally 34618:19 ill-mannered 34836:20 imagine 34613:16 34636:4 34654:13 immediacy 34837:4 immediate 34612:17 immediately 34611:17 34624:18 34630:20 34634:4 34810:14,23 34815:3 34816:1,6 34817:19 34818:16 impact 34692:2 34775:14 34778:23 impacts 34778:22 Impala 34607:5,24 34610:25 34612:14 34613:4 34618:1,6 34627:5 34639:9 34640:25 34641:5 34707:8 34728:2,14 34728:22 34776:3 34778:1,1 34817:15 Implats 34607:2 34608:4 34610:13 34613:25 implement 34753:9 implementation 34707:5 implicitly 34670:5 implies 34637:15 implore 34724:7 34795:10 implored 34843:10,21 imply 34844:4 importance 34737:19 important 34640:23 34643:19 34646:21 34696:22 34707:6 34730:2,5 34739:2 34799:14 34815:1,7 34840:10 importantly 34799:12 imprecise 34620:13 impression 34733:13 34844:20,23 improper 34715:19 imprudent 34732:19 inaccurate 34780:7 inaction 34647:11 inactions 34657:23 inappropriate 34627:13 34732:20 34811:12 inasmuch 34756:19 34813:23 inaudible 34625:18,20 34637:2 34656:8 34669:18 34678:2 34693:22 34705:23 34719:20 34722:1 34754:7 34773:16	34774:8 34782:8 34804:21,24 34808:5 34823:20 34824:13 34824:15 34828:6 34832:20 34838:14 34838:20,25 incestuous 34668:12 34669:10,14,21 34715:23 34720:12 incident 34687:23 34708:2 34752:15 34819:21 34850:10 incidents 34728:11 include 34647:2 included 34733:4 includes 34656:24 34733:11 including 34692:1 34707:14 34718:5 34832:9 34841:23 34842:11 inconvenient 34671:3 incorrect 34626:9 34641:4 34746:23 34748:8 34750:23 incorrectly 34759:8 increase 34607:8 34609:10,21 34611:1 34613:5 34626:20,23 34627:5 34633:17 34639:10 34707:7 34709:5 34711:4 34732:11 34768:24 34769:3,9,13 34775:1 34778:2 34779:5 34800:16 increased 34800:15 34846:20 increases 34607:5,13 34607:16,24 34610:15 34612:15 34612:15 34613:9 34616:13 34775:2 34777:22 increasing 34769:11 increasingly 34691:3 incumbent 34795:5 independent 34646:4 34681:4 index 34772:7,14,16,18 34772:21 indicate 34738:17 34774:20 34816:18 34831:11 indicated 34631:14 34632:2 34633:23 34661:12 indicates 34662:8 34801:1 34831:13 indicating 34774:19 indifferent 34807:3 indirectly 34666:23,24 Indiscriminately 34730:16 individual 34675:12 34805:24 34810:7,9	34810:13 individuals 34708:13 34738:7 induce 34742:5 industrial 34622:8 34746:15 34748:2 34749:4 34756:12,14 34756:25 34757:12 34757:21 34758:15 34759:10 34762:12 industries 34611:21 industry 34611:5,22,22 34612:2 34728:12 34729:5 34774:25 34775:6,15 34776:13 34776:19 34777:25 34835:3 ineffective 34645:16 inequality 34646:17 inevitably 34613:5 inflaming 34732:24 inflation 34626:22 inflexible 34693:18 34697:13 inflicted 34688:20 34848:20 influence 34748:18 34783:4 34785:4,13 34789:18,21 34843:23 inform 34633:11 34846:5 information 34611:14 34611:14 34613:18 34616:1 34632:22,24 34632:25 34633:22 34634:3 34802:6,18 34843:15 informed 34608:11 34618:10 34630:19 34630:22,24 34633:8 34633:9 34733:25 informing 34616:21 inherent 34715:7 inhuman 34651:24 inimical 34769:10,12 34769:13 initial 34773:4 initiated 34728:22 initiatives 34613:17 34765:9 injure 34634:21 34820:25 injured 34658:15 34687:11 injuries 34658:9 34843:13 34848:20 injury 34634:3 innocents 34646:23 inquiry 34606:9 34645:2,4 insert 34791:19 insights 34785:1 insist 34790:16 34791:9 34791:12 insisting 34790:6,12,13
--	--	--	---	--

<p>insofar 34754:16 instability 34843:19 installed 34708:11 instance 34770:4 instant 34786:24 instantaneous 34612:16 instigate 34825:17 34842:9 instigation 34803:1,3,6 34803:14 institution 34648:1 institutions 34650:20 instruction 34836:7 instructions 34820:1,3 34820:4,24 34821:2,3 34821:9 insult 34742:1 34743:3 integrity 34721:2 intelligence 34742:2 34743:3 intending 34723:11 34800:25 intention 34658:2 34727:16 34798:3 34800:15 34813:12 interact 34645:24 interacting 34704:9,15 34704:16 34705:5 interaction 34705:16 interdict 34622:10 interest 34665:6 34668:21 34674:11 34674:15 34691:16 34714:17 34715:8,14 34715:17,17 34716:2 34719:25 34720:2,3,7 34720:9,18 34726:5 34726:12 34727:10 34727:20,22 34728:1 34728:8 34729:1 34736:6 34769:10 interested 34611:25 34631:25 34674:8 34727:21 34728:6 34805:9 interesting 34780:13 interests 34645:25 34668:23 34680:19 34691:23 34692:10 34714:22 34722:10 34726:5 34729:4 interfere 34634:23 interjections 34753:8 International 34841:7 interpose 34610:21 interpretation 34641:22 34789:23 interpreted 34672:23 interrupt 34716:25 34717:5,5,6 34718:19 34718:25 34719:3,7 34779:12 34822:5 interrupted 34815:9 34832:23 34836:20 34839:19</p>	<p>interrupting 34695:3 34719:18,23 interruptions 34836:14 intervene 34673:25 34674:3,15,22 34676:6 34708:6 34722:6 34732:19 34794:7 34843:1 34844:3 intervened 34674:18 34720:11 intervenes 34720:15 intervening 34694:12 intervention 34674:5 34676:18 34692:5,8 34696:9 34700:21,24 34726:23 34743:3 34746:18,22 34755:17 34760:19 34760:19 34763:16 34764:21 34830:9 34844:7 interventions 34764:23 interview 34772:21,22 interviewed 34768:13 interviews 34772:3,25 34773:1 intimidation 34685:12 34708:14 intractable 34645:18 introduced 34816:21 introspect 34647:13 invalid 34737:14 invested 34766:21 investigate 34721:10 34794:8 investigating 34792:11 investment 34767:1,2,7 34767:22 invite 34683:10,18 involve 34684:18 involved 34620:16 34634:13,23 34675:3 34675:3,17 34676:2 34678:14 34684:24 34708:14 34777:17 34800:22 34801:5 34802:5,24 34847:15 involves 34757:1 irrelevant 34781:9 isn't 34623:5,23 34636:9 34639:17 34675:22 34686:13 34727:17 34730:9 34773:5 34776:15 34785:15 34794:19 issue 34612:4 34616:7 34617:4 34643:15 34656:15 34665:2,3 34675:5 34698:6 34701:6 34704:9,12 34711:1 34715:14,16 34719:25 34720:17 34721:7 34729:20,22 34746:15,17 34747:3 34748:2,12 34749:4</p>	<p>34756:25 34757:7,9 34757:12,21,22 34758:2,4,5,7 34759:10 34763:11 34765:17 34766:3,20 34768:13 34784:16 34814:10 34834:6 34840:10,11 issued 34631:4 34818:5 34830:15 34831:9 34832:1,2 issues 34652:21,25 34680:10 34688:11 34722:13 34814:12 34816:20 item 34706:4 34772:11 34772:14 I'd 34637:6 34638:12 34639:1,7,13 34670:23 34695:14 34723:2,13,16 34753:9 34785:10 34810:17 I'll 34646:8 34656:20 34685:18 34688:15 34693:17 34706:21 34718:22 34741:17 34743:13 34752:8 34753:9 34759:22 34768:11 34780:19 34794:1 34803:4 34815:17 34817:9 34836:23 I've 34634:13 34635:25 34636:3 34639:14,18 34639:19,19 34648:4 34670:1 34671:20 34682:20,22 34685:10 34696:12 34709:19 34714:5 34716:3 34722:25 34728:12 34772:10 34790:1 34794:1 34806:21 34817:12 34818:24,25 34830:7 34836:17,25 34841:4 i.e 34821:13</p>	<p>34833:21 34843:17 Jamiesons 34755:4 Jamieson's 34830:8 Jeff 34815:14 jest 34742:23 Jik 34815:8,13 34817:20 Jill 34815:8,11,13,13 34816:7 34817:21 JJJJ1 34616:20 34633:3 34639:2 34641:10 34762:17 JJJJ10 34706:14,19 JJJJ11 34771:21 JJJJ8 34643:25 34644:3 JJJJ9 34689:17 JJJ192 34803:18,19 34819:12,14 job 34792:10 join 34642:17 joined 34696:16 34840:22 joke 34742:24 34743:1 34743:2 judge 34726:16 34742:15 34780:4,8 34787:19 judge's 34718:7 34721:25 judgments 34696:21 Judicial 34645:1 July 34639:22 34640:16,17 34641:6 34705:22 34706:16 34729:10 34743:22 jump 34644:20 Justice 34723:9 justification 34610:8 justified 34627:7 34803:3 justify 34678:24 34700:12,14,17</p>	<p>34731:17 34732:22 34733:11,17 34734:16,16,19 34735:1,10,10 34749:24 34750:3,3,7 34751:25 34752:21 34753:1 34758:3,6,7 34758:10,10 34763:14 34764:19 34794:20 34796:1 34799:7,7 34803:1 34820:18 34822:19 34822:23 34825:7,13 34828:1 34837:19,21 34837:24 34838:3 34842:17 34843:1,21 34847:12,13 34848:22 killer 34825:8,10 34838:4,18 killing 34634:17 34637:11 34676:24 34700:17 34731:20 34734:5 34743:18,18 34751:24 34752:3 34758:3 34794:9 34798:23 34805:2 34825:4,14 34835:11 34848:19 killings 34720:12 34752:16 34756:3 34760:20 34761:9 34825:1 34846:19 kind 34613:17 34627:6 34647:25 34670:18 34686:21 34708:14 34725:3 34736:18 34740:13 34742:6,24 34771:23 34818:21 34825:22 34831:11 34842:4 34844:5 34846:21 kinds 34684:9 34735:14 34736:18 kissed 34795:16 ki8ll 34700:13 knew 34606:14,25 34607:7 34610:23 34612:9 34614:25 34615:9,14 34637:15 34682:19 34696:24 34696:25 34705:8,14 34705:15 34707:15 34735:2,4 34736:11 34736:12,15 34737:3 34737:10,16 34740:18,18,22 34763:4 34764:3 34786:20 34822:18 knock-on 34777:20 knowing 34711:23 knowledge 34623:9 34682:16 34799:3 34825:16 known 34611:2,10 34632:10 34679:22</p>
K				
			<p>kangaroo 34688:23 34690:12 Karee 34617:24 34723:22 keep 34611:18 34633:4 34633:7 34717:8 34719:10 34723:11 34798:10 34803:18 key 34736:22 kill 34634:21 34700:13 34736:18,25 34738:23 34749:3 34803:7 34815:3,6 34816:5 34817:18,19 34818:15 34821:4 34834:16 34842:11 34843:7 killed 34633:23 34635:14 34690:19 34690:22 34700:14 34702:3 34712:15</p>	
			J	
		<p>Jack 34815:11,12 34816:7 Jacob 34645:2 Jameison 34828:19 James 34675:25 34679:11,12 34681:16 Jameson 34660:12 34745:17,25 34755:14 34756:5 34759:7 34761:1,11 34761:25 34762:1 34848:5 Jameson's 34755:6 Jamieson 34789:12 34790:15 34791:8 34829:12 34833:11</p>		

34680:1,5,9,17 34769:23 knows 34620:17 34675:1,14,15,15,16 34676:18 34723:15 34810:15 34821:19 34825:11 koppie 34712:14,14	learnt 34646:5 leave 34617:20 34683:19 34729:20 34788:9,12,14 34804:17 34837:22 34838:1,5,8,12,16,22 34839:7,7,8 leaving 34668:1 led 34607:1 34633:25 34644:25 34646:17 left 34644:17 34671:19 34674:4 34685:5 34723:6 34728:18 legal 34620:21 legalese 34806:24 legitimately 34755:15 lend 34800:14 length 34695:4 34701:15 lengthy 34621:24 lesson 34743:20 lest 34729:12 letter 34759:10 34761:24,25 letters 34726:7 34746:15 34764:17 let's 34616:10 34619:2 34630:7,10 34644:20 34658:17 34661:19 34663:2 34665:2 34670:15 34673:1,1,3 34675:7 34677:2,25 34678:14,15 34680:20 34682:6 34683:22 34685:22 34692:18,18 34700:21,25 34702:15,23 34714:4 34717:8 34721:4 34722:21 34725:20 34738:21 34743:10 34752:18,20 34753:21 34756:19 34761:11 34765:18 34770:17 34773:12 34773:24,25 34774:5 34780:17 34788:9,10 34788:12,14,19 34793:19 34797:10 34798:13 34803:17 34819:10,17 34824:9 34831:19,23 34832:24 34835:17 level 34608:23,23,23 34609:1,2 34631:15 34643:17 34651:7 34653:24,25 34702:4 34712:11 34729:24 levels 34611:11 liability 34653:20 34654:13 34657:1 liar 34823:19 34824:9 34824:13,16 lie 34717:1 34718:17 life 34727:21 34728:7 34728:13 34763:16	34764:24 34843:2,4 34843:12 light 34643:16 34645:2 34723:25 34794:22 34795:1 34842:1 lightweight 34810:10 likes 34727:5 34827:19 limited 34707:3 line 34611:5 34614:20 34650:14 34674:15 34691:13 34712:5 34713:2 34733:12 34805:10 34819:15 34845:2 lines 34804:9 linkage 34822:12 linked 34709:19 34818:4,14,16 34822:9 34828:18 34833:10 list 34658:20 34706:3,9 34722:6 34772:13 listed 34652:2,3 listen 34646:10 34779:16 34793:19 34794:23 34811:17 34836:16 listened 34822:14 literal 34754:24 literally 34797:5,9 34825:19 34840:1 little 34636:2 34773:22 34774:15 34804:6 34808:4 live 34646:11 34651:16 34651:20,20 34685:23 34686:10 34686:11,21 34687:10 34764:9,10 34783:21 34785:11 lives 34674:9 34692:6,9 34700:2 34715:25 34720:14 34736:3 34750:6 34766:16,16 34828:16 34843:25 34846:25 living 34651:14,21 lobbying 34633:16 local 34608:23 34609:2 34626:8 location 34622:16 logged 34685:13 logically 34765:1 logs 34686:20 London 34642:21 long 34629:19 34642:9 34642:10,12,22 34644:17 34694:20 34700:16 34701:14 34764:5 34773:8,15 34776:16 34790:24 34791:2 34827:11 34831:4 34841:18 longer 34620:22 34710:23 Lonmin's 34616:25	34623:1,4 34640:14 34640:17 34661:11 34693:15 Lonplats 34667:4,5 look 34616:20 34619:2 34622:25 34640:16 34655:8 34668:4 34702:1 34712:9 34742:17 34747:17 34756:18 34757:7 34772:16 34779:10 34811:5 34845:8 looked 34651:12,19 34752:2,8 looking 34765:15 34814:12 looks 34647:19 34670:24 34678:4 lose 34825:8 lose 34843:25 losing 34692:6,9 loss 34646:24 34727:21 34728:7 34763:16 34764:24 34766:24 34767:8 34843:2,4,12 34843:12 lost 34741:23 34766:22 34766:22 34840:19 34843:20 34846:25 lot 34647:18 34648:24 34650:18 34651:18 34684:1 34710:15 34713:12 34726:18 34739:14 34778:3 loudly 34753:8 loved 34724:2 lower 34639:15,16 34848:6,8 lowest 34644:15 34677:2,7,18,21,25 34714:13 loyalty 34714:25 LPC 34706:15 LPD 34693:20,24 34709:24 LRC 34643:22 lunch 34753:6,24 lunchtime 34753:4	34743:6 34754:23 34760:19,20 34769:22 34790:24 34822:3 34832:22 34833:20 Malema 34811:11,18 34811:25 34813:6,20 34813:23 34815:24 34816:21 34817:14 34817:15,22 Malema's 34814:6,23 man 34826:23 34837:24 34838:9,15 34838:19 manage 34781:24 34782:3 34813:7,9 managed 34785:5 management 34607:5 34607:25 34613:13 34614:14,15 34618:1 34618:5 34622:11,13 34622:19 34623:19 34623:19 34627:17 34630:21 34632:6 34647:2 34652:9 34666:9 34680:19 34682:6 34703:1 34705:9 34709:7,25 34711:15,20 34712:2 34712:11,12 34713:9 34715:5 34730:1,21 34735:25 34736:1 34745:3,8 34766:6 34782:14 34843:16 managers 34615:11 manner 34674:8 34761:13 34777:18 34837:13 Mantashe 34659:15 34667:12,24 34673:25 34674:21 34674:22 34675:24 34676:5,8,18 34679:1 march 34712:21 34713:9 marched 34693:20,23 marching 34735:10 Marikana 34625:17 34628:4 34633:16,18 34644:7,14 34645:11 34648:6,12 34768:13 34775:18,22,22 34837:17,18,25 34839:20 34842:21 mark 34624:4,7 34640:14 34673:17 34723:23 34760:12 34806:6 34809:24 marks 34832:25 massacre 34644:8 34647:21 34671:22 34730:11 34751:8,12 34751:15,23 34752:12 massacred 34750:13 massive 34607:1,5
L				
labour 34619:24 34620:3 34635:21 34636:8 34682:7 34757:9 34758:5,20 34759:2,7 34762:6,12 34763:11 34848:14 lack 34790:16 laid 34648:1 34740:6 lame 34710:1 lamer 34712:19 language 34614:3 34645:13 34731:11 34795:6,8,14 34848:12 lastly 34618:19 34661:25 34839:5 34845:1 late 34637:10 34683:19 34753:23 latest 34772:13 laugh 34753:8 laughable 34792:14 34793:10,13,14 launch 34750:19 34792:20 law 34743:18 34769:2 34819:19 laws 34619:24 lawyers 34658:6 lay 34657:16 34824:8 LCD 34678:3 Le 34723:18 lead 34674:9 34708:24 34711:23 34760:3 leader 34642:21 34666:1 34736:12 leaders 34643:7 leadership 34649:4 34662:1 leading 34759:20 leads 34775:3 lean 34834:15,16 learn 34765:19 learned 34619:22 34649:19 34655:3,22 34664:4 34668:19 34677:14 34678:8 34687:1 34694:20 34695:14 34710:3 34732:21 34739:9 34741:6 34749:8 34772:7,20 34790:24 34796:14 34797:19 34816:18 34822:5,11 34823:19 34824:8 34827:19 34839:21				
				M
				machine 34825:21 magical 34821:22 magnitude 34814:11 mail 34617:21 34660:13,24 main 34620:14 34813:20 34843:24 majority 34722:5 making 34620:12 34640:7,8 34654:15 34655:23,24 34683:21 34689:24 34694:23 34698:4 34700:20 34702:7 34705:12,13 34734:8 34734:8 34738:13,14

34610:14 MATAMELA 34606:4 34671:13 34754:9 34812:19 material 34612:5 34664:13 34772:3 mathematics 34677:21 34678:4 Mathunjwa 34629:23 34630:3,7 34637:24 34675:1,15 Mathunjwa's 34630:18 matter 34612:19 34623:25 34627:15 34627:16 34628:22 34631:14 34632:21 34661:13 34664:2 34675:4 34702:19 34721:6 34726:20 34727:11,12,19 34739:20 34748:17 34751:13 34757:1 34763:7,8 34783:15 34796:5,15 34806:23 34814:2 34822:24 34826:17 34827:7,22 matters 34610:13 34614:1 34625:1 34632:4,6,8 34638:6 34638:8 34649:20 34653:7 34680:12 34725:5 34739:13 34822:8 maximisation 34770:12 maximise 34770:14 34779:9 maximising 34769:23 maximum 34736:25 34738:22 34743:24 mayhem 34843:21 Mbombo 34642:24 34806:14 34836:6 Mbombo's 34806:15 mean 34608:25 34619:22 34636:11 34639:23 34673:9 34677:6 34681:13,25 34703:4 34706:15 34712:2 34727:19 34732:2 34755:9 34762:19 34776:2 34779:2 34791:2 34794:5 34797:3,12 34812:2 34817:2 34827:8 34837:5 34847:1,1 meaning 34796:17 34798:2 meaningless 34626:23 34645:5 means 34611:14 34649:11,12 34677:22 34711:20 34726:4 34751:23 34759:9 34766:4 34769:25 34783:7	34794:5,10 34810:4 34815:10,20,21 34816:19 meant 34677:9,11 34741:11 34766:16 34792:6,9 34794:12 34797:5,7,15,19,23 34798:14,17 34799:15 34829:15 measure 34847:9 measures 34841:22 34842:10 34844:21 mechanism 34628:17 34628:22 34629:4,6 34631:9 34634:9 34635:21 mechanisms 34645:22 34646:4 mediated 34645:14 mediation 34646:4 meet 34682:15 34683:5 34684:2 34712:11,12 34787:14 meeting 34630:16,21 34631:5,16 34659:10 34659:20 34662:9,15 34662:19 34663:3,11 34681:10,17 34682:11 34683:14 34683:16 34705:21 34707:18 34708:7,17 34729:16 34785:6 34846:2,3,3 meetings 34680:11 34682:20,21,23 34683:3 34684:3,9 34712:10 member 34649:2 34651:8 34653:10 34667:14 34679:23 34680:7,7,9 34711:9 members 34634:15 34682:16,16 34684:11,24 34685:6 34688:20 34690:8 34706:25 34724:2 34846:19 membership 34707:1 memorandum 34640:13 memorial 34725:3 men 34801:2 mentioned 34658:13 34684:10 34724:3 34805:15,22 34811:7 34811:8 34817:11 34836:25 34841:4 mere 34816:4 34847:8 message 34625:12,13 34723:17 34782:22 messenger 34748:17 34782:23 34786:8 met 34632:19 34642:9 metallurgist 34642:15 metaphor 34678:7,18 method 34777:1,2,9	Michele 34723:18 microphone 34625:18 34625:20 34637:2 34656:8 34669:18 34678:2 34693:22 34705:23 34754:7 34773:16 34774:8 34782:8 34804:21,24 34823:20 34824:13 34824:15 34828:5 34838:14,25 34850:5 midnight 34822:1 mightn't 34612:16 34784:5 migratory 34764:14 Mike 34659:24,25 million 34673:9 34766:21,22 34767:22 millions 34814:13 mind 34610:18 34633:24 34658:2 34664:10 34796:18 34801:19 34802:1 34803:18 34819:4 34822:7 mine 34617:25 34835:16 34843:19 Minerals 34781:25 34843:9 miners 34647:6 34652:6 34693:12 mines 34606:18 34610:4 34612:8,10 34659:23 34684:1,3 34688:18 34814:6,23 34817:17 34833:6 34834:22 34840:21 mineworkers 34634:18 34647:4,4 34652:11 34675:14 34676:1 34679:5,7,16,18 34682:17 34684:16 34697:4 34756:1,2 34830:14 minimalist 34690:16 minimum 34743:25 mining 34610:23 34640:15 34642:13 34642:14 34680:12 34728:11 34729:5 34774:25 ministers 34652:23 34702:9 34736:16,17 34825:3 34841:21,25 34842:5,9,12 34844:9 34844:19,24 34846:8 34846:9 minister's 34783:10 ministry 34736:17 minority 34823:15 minute 34615:7 34638:12 34660:9 34760:11 minutes 34638:17 34705:21 34706:5,15	34709:1 34711:12 34729:14,15,19 34753:22 34812:15 minute's 34723:24 miraculously 34791:15 34791:17,20 mischaracterisation 34748:24 mischaracterises 34748:23 34750:11 misprint 34805:14 34819:22 misrepresent 34720:23 misrepresentation 34721:1 missing 34723:10 mission 34704:12,21 34734:11 34736:3 34737:24 misunderstand 34656:14 misunderstanding 34808:3 misunderstands 34654:3 misunderstood 34656:3 mm-mm 34608:5,6 34617:9 34657:20 34660:1 34691:17 34697:22 34737:15 34739:1 34746:5,7 34756:23 34757:3 34758:12 34763:5 mobs 34800:20 Mokwena 34625:4,7 34661:23 34805:20 34806:5 34810:14,22 34815:4 34820:20 34821:1 34843:17 moment 34625:19 34648:20 34664:13 34685:25 34723:6 34773:23 34791:7 34795:25 34804:4,9 moments 34644:15 Monday 34820:18 34822:19 34832:2,2,5 34832:6,9,9 money 34617:25 34651:15,18 34729:13 34754:22 34754:23 34768:8 34777:17 34778:16 34792:17 monitoring 34646:4 month 34639:10 34641:6 months 34728:2 moral 34649:3 34653:25 morning 34606:6,7 34638:23,25 34642:4 34642:5 34685:25 34686:12 34687:11 34694:18 34820:15	34821:8 34850:19 motivate 34657:15 motivated 34691:15 34736:6 Motlatsi 34666:6 34675:25 34679:10 34679:11,12 34681:16 mourn 34647:13 move 34672:21 34734:2 34743:10 34744:19,21 34815:5 34815:6 34817:19 34820:8 34822:6 34845:3 moved 34616:12 moving 34802:20 mowed 34825:21 Mpofu's 34650:8 34715:15 Mthethwa 34659:1,7 34660:18 34664:6 34667:21 34679:20 34679:21 34728:6,15 34736:23 34743:14 34751:2 34791:23 34796:11 34805:14 34805:22 34806:4 34808:20,21 34817:9 34836:6,25 34845:10 multiple 34696:10 34701:8 34710:23 multi8ple 34695:13 Munroe 34640:14 murder 34719:20 34732:14,21 34733:5 34734:5 34794:24 34795:17 34796:4 34802:5 34836:10,24 34838:6 murdered 34731:7,11 34731:15,22,25,25 34732:3,10,13 34733:12,20,23,24 34734:13 34735:15 34794:15 Murderer 34839:1 murderers 34732:12 murdering 34732:20 murders 34690:17 34733:16 34752:3 34802:24 mustn't 34716:9 34737:12 mutate 34758:13 mutating 34758:1
N				
name 34629:24 34805:15,22 34806:7 34810:24 34811:8 34817:12 narrow 34673:10,22 nastety 34643:12 nastities 34643:12 Nathi 34660:17				

<p>34791:23 nation 34644:17 34645:16 34648:11 national 34608:22 34609:1 34625:24 34634:18 34643:4 34646:3 34647:3 34652:10 34667:15 34667:22 34669:9 34674:7 34675:13 34676:1 34679:4,7,15 34679:17,23 34682:17 34684:15 34740:20 34741:15 34742:9 34750:19 34756:1,2 34792:20 34800:13 34804:18 34804:23 34805:2,17 34808:15 34811:4 34817:12 34830:3,14 34837:1 nationalisation 34680:14 nationalised 34814:7 34814:21,23 34817:17 naturally 34798:19 nature 34634:25 34669:23 34725:7 34750:9 34819:6 Ncube 34624:12,19 34625:6 34632:20 34633:3 34639:5 34641:4,18 34661:20 34705:18 34728:24 34762:15 Ncube's 34617:22 near 34733:12 34831:6 NEC 34680:7 necessarily 34687:8 34779:7 34784:9 necessary 34618:14,16 34754:17 34849:11 34849:14 need 34622:9 34627:20 34627:24 34630:8 34645:20,21 34646:6 34646:7,12,13 34649:7 34692:6 34709:2 34712:9 34713:1 34743:24 34754:14 34756:5,5 34767:14 34775:12 34779:2,10 34786:8 34798:20 34802:19 34804:8 34814:15,25 34815:1,3,6,7 34817:18,19,20 34845:19 34848:6 needed 34614:18 34628:16,21 34633:24 34634:25 34692:22 34694:7 34704:5,10 34711:15 34796:12 34801:18 34844:16 34845:18</p>	<p>needs 34618:18 34645:24 34646:13 34685:17 34726:14 34746:18 34749:3 34755:17 34777:24 34777:24 34778:24 34790:7 34797:21 negotiate 34636:4 34646:3,8 34692:23 34701:25 34709:3 34835:17 negotiating 34626:3 34651:9 34764:4 negotiation 34626:12 34627:1,7 34631:17 34635:22 34636:2 34759:2 negotiations 34609:7 34616:13 34617:15 34624:16,23 34625:1 34626:14 34627:13 34634:1 34635:1,5 34714:21 negotiator 34609:5,19 34697:10 neither 34614:8 34746:6 never 34610:18 34621:17 34675:11 34695:5 34700:16 34709:1 34712:22 34716:2 34722:2 34725:11,12 34727:19 34759:6 34765:20 34796:18 34813:8 34819:4 34823:7,12,13 34828:25 34844:8 34845:11,14 34846:13 nevertheless 34711:22 new 34621:18 34627:23 34705:20 34706:4 34725:9 34762:18 34771:9,10 34819:18 34819:19 34831:20 nice 34765:18 nicely 34774:21,23 niceties 34643:8,10 nicety 34643:8,12 night 34678:4 34686:6 34686:10 34705:25 34805:17 34811:4 nine 34728:12 NIU 34825:20 Nkosi 34664:3 34739:7 34740:4 34741:4,5 noise 34640:7 non 34651:7 34681:4 non-executive 34613:14 34632:5,14 34668:2 34681:1,2,4 34828:17 34842:18 non-strikers 34688:21 34690:17,19 34758:10</p>	<p>noose 34620:10 normal 34635:4 34737:12 34783:4,6 34786:7 34799:2 34844:11,11 34847:10 normalised 34765:6,8 normally 34798:15 34802:19 North-West 34646:20 notably 34643:4 note 34643:20 noted 34707:25 notice 34616:22 34624:6 notion 34665:6 34690:24 34694:12 34749:15 34755:18 34762:12 nub 34701:6 34757:6 NUM 34608:17,20,21 34609:2,4,5,9,14,15 34609:19 34610:9 34615:11 34621:19 34626:8,25 34631:2 34636:13 34642:15 34665:25 34666:1,11 34677:3 34681:11,14 34681:18,19 34682:1 34682:13 34683:9,18 34684:11,24 34685:6 34685:25 34686:11 34687:10 34690:8 34693:18 34706:23 34707:1,2 34708:2 34714:14 34715:4 34732:7 34764:12 34833:6 34840:22 number 34610:2,7 34622:2 34634:4 34639:20 34640:16 34658:21 34659:9 34661:18,25 34662:8 34675:16 34677:22 34677:25 34682:15 34690:11,21 34707:13 34713:1 34718:4 34732:11 34771:15 34772:11 34801:2 numbers 34612:9 34789:14 34800:15 numerous 34682:21 NUM's 34688:20 nutrition 34651:17 nutshell 34842:5 N-O-T 34746:14 34759:10</p>	<p>objected 34729:10 34738:4 objection 34685:8,10 34695:2,5,7,11,20 34710:25 34738:19 34751:4 34771:16 34796:9 objectionable 34669:25 34670:10 34742:21 objective 34765:4 34843:24 34844:1 obligation 34693:15 obliged 34621:9 observe 34724:25 obtaining 34611:13 34756:21 obvious 34703:1 34792:18 34825:11 obviously 34644:18 34645:8 34647:24 34683:5 34691:5 34692:3 34709:13 34740:13 34744:15 34756:14 34778:16 34797:4 34813:11 34817:21 34834:7 occasion 34684:2 34723:23 34739:4 occasioned 34722:18 occasions 34609:15 34643:3 34682:16 34751:7 occur 34728:11 34846:22 occurred 34648:6 34690:1 34692:21 34693:2,4,11 34697:20,24 34700:23 34734:19 34842:2 occurrence 34683:9 34686:5 occurring 34755:23 34797:25 October 34626:4 34627:15 offences 34655:20 offer 34616:2 34619:9 34775:1 offered 34722:7 offering 34615:15 34749:9 offers 34775:1 office 34675:19 34740:22 34814:1 34840:25 officer 34615:20 officials 34685:25 34686:11 34687:10 oh 34607:20 34675:6 34690:7 34706:8 34720:1 34721:18 34741:24 34742:17 34751:5 34758:16 34763:23 34771:10 34773:19 34779:1</p>	<p>34786:5 34793:4 34804:5 34813:13 34821:25 34832:18 oil 34825:25 old 34831:22 once 34609:8 34612:13 34613:2,4 34627:19 34724:4 34743:14 34814:5,22 34819:23 34825:1 34831:9 ones 34616:17 34724:2 34840:1 one's 34727:20 34747:5 one-to 34682:17 ongoing 34632:21 34633:1 34706:23 34843:6 open 34705:11 34707:12 34708:23 34729:12 openly 34682:23 operate 34646:13 operation 34816:1,2 34817:25 34818:3 operational 34834:15 34834:16 operations 34800:14 operator 34814:19 operators 34612:6 34617:24 34641:5 34707:7 Oppenheimer 34682:14 34683:11 34683:18,20 opportunity 34695:2 34718:22 34810:21 opposed 34624:9 34720:6 34777:16,18 34777:21 opposite 34612:9 34643:11 34682:21 34736:9 oppression 34726:24 option 34624:10,12,21 34624:24 34625:1 order 34614:15 34622:13 34628:17 34628:18,18 34634:7 34634:9 34650:24 34654:2 34657:8 34658:21 34659:10 34696:3 34739:18 34742:5 34744:12 34766:8 34818:6 34843:4 ordinary 34739:4 34809:5 organisation 34669:9 34675:21 34754:24 organisations 34682:11 organised 34630:17 34631:5 original 34784:1 originally 34783:24 ought 34622:22,24 34826:18</p>
--	---	---	---	---

<p>outcome 34658:13 34786:24,24</p> <p>outcomes 34656:23</p> <p>outside 34618:21 34619:5,8 34623:8 34777:19 34808:7</p> <p>overachievement 34781:18,19 34782:2</p> <p>overlapping 34707:14</p> <p>overlooked 34793:5</p> <p>Overnight 34800:16</p> <p>override 34813:1</p> <p>owe 34795:7</p> <p>owed 34768:6,9</p> <p>owes 34645:17</p> <p>Oxford 34752:9</p> <p>o'clock 34753:20</p> <p>o'clock 34754:4 34850:19</p> <hr/> <p style="text-align: center;">P</p> <p>PA 34659:12</p> <p>package 34640:21</p> <p>page 34617:1,19 34618:13 34622:2,4 34633:3 34641:18 34643:21 34644:3 34646:16 34660:10 34661:4,6,8 34688:16 34689:17,20 34706:2 34706:14 34799:21 34800:4 34803:19 34808:17 34810:1 34814:20 34819:11 34819:15 34831:25 34832:19 34848:3</p> <p>Paginated 34622:4</p> <p>paid 34606:15,18 34608:3,4 34610:3,4 34610:23 34611:17 34641:12,13 34651:24,25 34762:25 34767:22</p> <p>painted 34761:1 34848:24</p> <p>paints 34748:13</p> <p>papers 34615:8</p> <p>paragraph 34618:13 34629:6 34639:8 34644:13 34645:10 34645:19 34646:16 34646:21 34660:12 34706:21 34708:22 34800:8,8,10 34819:10 34832:25 34848:12</p> <p>paragraphs 34644:13 34644:21,21</p> <p>paraphrase 34646:9 34650:17 34768:12 34804:17 34815:17 34817:9</p> <p>pardon 34608:24 34639:25 34757:4 34829:4</p> <p>parrot 34755:19</p>	<p>part 34621:14 34636:2 34638:14 34654:12 34673:10 34707:6 34746:20,20,25 34747:21 34762:3 34764:17 34766:25 34774:12 34781:21 34799:14 34800:5 34801:18 34803:7,20 34803:21 34804:18 34805:7,25 34806:4 34832:15 34833:10 34836:4 34841:17 34848:6,8 34849:3</p> <p>partially 34634:5</p> <p>participate 34620:20 34660:3 34843:6</p> <p>participating 34620:5 34620:6,8</p> <p>particular 34622:3 34625:12 34655:19 34655:19 34658:20 34690:13 34729:25 34739:25 34741:9 34776:23 34777:2,18 34789:24 34791:1 34792:23 34795:14 34803:24 34821:23 34827:25</p> <p>particularly 34624:8 34631:25 34648:13 34678:7 34827:25 34828:18</p> <p>parties 34629:24 34646:2 34648:17 34652:2,2 34678:17 34707:14 34715:19</p> <p>parting 34789:17</p> <p>partly 34753:18</p> <p>partner 34755:10,10</p> <p>partners 34646:24 34749:2 34754:17 34785:14</p> <p>parts 34749:10 34848:23</p> <p>party 34653:11 34667:18 34674:7 34677:2 34813:25</p> <p>pass 34723:16</p> <p>passage 34660:23 34791:1 34803:24 34804:11 34812:23 34817:8,24 34820:6 34820:11 34821:6 34848:4</p> <p>passages 34816:20 34825:2</p> <p>patently 34748:3</p> <p>path 34711:21</p> <p>patrol 34731:1</p> <p>patronise 34722:8</p> <p>patterned 34726:7</p> <p>pay 34611:11 34651:18 34729:12 34763:1 34778:5</p> <p>paying 34610:25</p>	<p>34651:14</p> <p>peace 34635:15 34646:3 34723:25 34753:12</p> <p>peaceful 34645:16 34646:7 34712:21 34713:9</p> <p>peacefully 34800:19</p> <p>peculiar 34629:9</p> <p>people's 34813:11</p> <p>perceived 34806:4</p> <p>percentage 34626:21</p> <p>perception 34805:3</p> <p>perceptions 34804:19</p> <p>perfect 34614:3,13</p> <p>perfectly 34807:17</p> <p>performed 34657:23 34694:15 34703:10 34703:11 34835:16</p> <p>performing 34703:15 34703:15,17</p> <p>period 34626:12 34628:4 34821:23</p> <p>peripheral 34675:9</p> <p>permanent 34725:7</p> <p>permanently 34723:12</p> <p>permission 34781:1 34812:15</p> <p>perpetrate 34799:16</p> <p>perpetrated 34684:11 34697:19 34698:2 34801:15 34847:13 34828:18</p> <p>perpetrating 34685:2 34691:5 34798:16 34799:13,19 34801:20 34843:5 34844:13 34845:13 34847:15</p> <p>perpetrators 34792:11 34794:8</p> <p>perpetually 34724:1</p> <p>person 34648:1 34649:3 34665:25 34697:8 34700:17 34713:20 34728:6 34748:23 34755:3 34758:16 34783:4,6,9 34801:17 34830:2 34836:20 34842:19</p> <p>personal 34736:6</p> <p>personally 34632:24 34650:9</p> <p>persons 34654:22 34655:19 34685:14 34697:8 34724:3</p> <p>perspective 34754:19</p> <p>perspectives 34749:17</p> <p>persuade 34740:24 34784:1</p> <p>persuading 34784:22</p> <p>pertinent 34686:23</p> <p>petrol 34825:24</p> <p>Phatsha 34840:13,18</p> <p>Phil 34789:12</p> <p>Phillimore 34786:6,10 34786:12,15</p>	<p>34799:22</p> <p>phone 34728:5,13 34786:17</p> <p>phones 34793:3</p> <p>phoning 34679:21 34701:8 34703:9</p> <p>phrase 34669:24 34791:2 34797:12 34803:3</p> <p>physical 34657:22</p> <p>pick 34728:13 34786:17 34848:12</p> <p>picture 34735:17,22 34748:13 34843:17 34848:24</p> <p>piece 34774:16</p> <p>pieces 34766:17</p> <p>Pillay 34717:24 34718:1 34721:25</p> <p>place 34614:22 34625:25 34628:7,17 34628:22 34629:5,10 34631:10 34634:9 34635:4,21 34637:11 34657:6 34660:5 34663:21 34693:16 34707:2 34736:19 34789:23 34793:20 34799:17 34826:20 34827:8 34842:4 34843:13,23 34845:21 34850:10</p> <p>placed 34841:21</p> <p>places 34816:11</p> <p>Placing 34834:10</p> <p>plain 34655:5,22 34677:15</p> <p>plainly 34750:2 34762:9 34848:14</p> <p>plan 34750:19,20 34792:21</p> <p>plans 34614:22</p> <p>platinum 34606:18 34610:4,22 34611:5 34612:2 34646:19 34776:13,19 34842:25</p> <p>play 34648:9 34650:14 34676:1 34682:10 34766:6</p> <p>played 34637:22 34771:13 34778:8</p> <p>player 34675:8,9</p> <p>players 34648:8 34668:15 34675:14 34677:1</p> <p>PLC 34667:8 34705:21 34706:16,16</p> <p>plead 34753:7</p> <p>please 34617:11 34621:23 34625:21 34629:20 34639:2,3 34640:10 34641:10 34660:8 34674:20 34677:15 34695:6,6 34698:13 34710:17</p>	<p>34716:10,15,21,24 34718:14 34719:23 34723:14,24 34729:6 34729:8 34752:19 34763:12 34774:3,10 34779:12 34780:12 34788:8 34789:18 34793:8 34808:6 34816:18 34819:18 34836:13 34837:22 34838:5,8,16,23 34839:7 34849:25 34850:4</p> <p>plus 34613:25</p> <p>pocket 34704:23</p> <p>point 34610:22 34612:22 34620:7,12 34620:13 34625:22 34630:18 34651:15 34654:2,12 34656:12 34663:8,10 34664:22 34669:22 34670:24 34678:19 34685:22 34696:13 34700:19 34705:13 34715:7,11 34719:24 34733:8,22 34734:4,8,8 34739:16 34740:25 34741:14 34744:9,14 34748:16 34748:22,23 34751:2 34752:1 34756:9 34758:3 34759:7 34769:7,22 34770:17 34797:6 34802:16,17 34803:5 34806:11,22 34810:18 34812:22 34816:18 34822:3 34830:6,7 34832:21 34833:10,14,20</p> <p>pointed 34660:18 34726:6 34727:1 34791:2,23 34792:6,9 34794:4,5,10,12 34796:10 34797:4,13 34798:9,22 34801:12 34801:14,18 34802:3 34802:22,25</p> <p>pointing 34678:19</p> <p>points 34662:24 34663:18 34669:20 34669:21 34796:22</p> <p>point's 34734:2</p> <p>policeman 34800:12 34822:18,22 34825:7</p> <p>policemen 34731:2,10 34800:11 34825:4</p> <p>police/the 34747:4</p> <p>policy 34621:8,10,13 34621:22 34622:19 34622:24 34841:23</p> <p>polite 34789:20</p> <p>political 34643:7 34646:2 34671:21 34673:9 34720:7 34726:23 34736:19 34746:18,21</p>
--	---	--	---	--

34755:16 34783:9 34785:13,13 34786:21,23 34789:21 34790:16 34812:24 34813:1,4,6 34813:25,25 34814:1 34814:24 34815:8 34816:7 34817:21 34830:9 34834:6,10 34834:12 politically 34805:24 34810:6,9,13 politicians 34841:4 pooh-pooed 34709:22 pool 34668:12 popular 34645:15 port 34621:19 portends 34757:8 pose 34706:23 posed 34796:16 position 34626:6 34722:1 34755:3,9 34770:21 34790:15 34791:9,11 34827:15 34841:3 positions 34645:23 34841:3 positive 34643:20 possibilities 34712:4 possibility 34699:3,5,6 34699:8,13,20,21,25 34707:4 possible 34612:13 34626:11 34627:1 34630:22 34632:13 34645:12 34647:12 34654:22 34693:1,5,8 34765:23 34777:20 34783:18,19 34846:12 possibly 34654:15 34700:4,5 34701:1,4 34701:5 34703:13 34713:24 34730:1 34734:15 34835:19 postulated 34808:1 potential 34707:25 potentially 34707:13 pouring 34825:24 poverty 34646:18 power 34783:5,9 34785:13 34786:21 34790:16 powers 34632:6 34657:4,15 practice 34620:4 34720:16 pray 34723:25 preceded 34730:11 precedent 34618:22 34619:6 34623:8 34626:18 34775:21 precise 34607:10,12 34621:14 34830:24 precisely 34621:22 34696:9 34738:9	34759:3 34777:25 34793:11,11 34842:12 34847:11 predicate 34740:5 predict 34821:24 34825:23 preferably 34622:14 premise 34700:5 prepared 34682:24 34720:15 34729:21 34800:3 preparing 34617:3 34774:11 prescribe 34844:9 prescribing 34734:10 34734:12 prescription 34732:9 34734:10 prescripts 34620:22 presence 34633:18 34708:7 34728:16 34799:9,12 34846:20 34847:7,8 present 34644:14 34723:1 34724:3 presentations 34753:17 presented 34610:18 34712:6 34714:17 34753:17 presenting 34671:21 president 34636:13 34640:15 34645:2 34656:21 34660:6,17 34661:14 34663:2,4,6 34663:12 34664:1 34675:25 34679:13 34679:14 34687:2 34717:20 34727:4,5 34787:5,16 34791:22 34829:22 34845:23 34845:25 34846:4,5 President's 34649:20 34718:10 34726:8 pressure 34671:22 34673:9 34759:8 34768:19 34769:4 34778:10,12 34780:24 34786:23 34798:11,13,14,20,21 34798:23 34799:2 34802:20 34803:19 34806:3,15 34810:4 34810:15,23 34811:16,22,23 34818:6,7,8,11 34825:18 34834:7,10 34834:12 34835:10 34836:5 34837:4 34841:21,24 34842:4 34842:8,13 pressuring 34806:8 pressurise 34809:8,19 pressurised 34808:23 34808:25 34809:4,7 pressurising 34805:23 34806:5 34807:5	34809:24 34817:10 presumably 34607:17 34608:15 34614:7 34615:14 34617:7 34632:9 34706:22 34831:9 34833:2,10 presume 34831:11 prevent 34626:12 34704:12,21 34765:5 34765:16 34799:9 34813:20 34843:2,2,4 34843:11 prevented 34799:11 preventing 34704:24 prevention 34763:16 previous 34685:19 34740:1 34741:15 34742:9,9 34814:1 previously 34685:11 34836:17 pre-existing 34777:19 prima 34612:24 primarily 34607:23 34654:22 34821:7 principle 34755:8 prior 34614:25 34615:22,24 34680:11 34734:19 probability 34611:1 34628:10 probably 34614:18 34637:3 34644:14 34647:24 34702:8 34723:12 34762:20 34815:10 34834:22 probed 34651:12 problem 34614:19 34620:15 34674:7 34696:10 34701:15 34701:18 34709:9 34711:2,5 34715:17 34723:7 34732:10 34740:25 34750:9 34751:18 34759:24 34762:21 34764:4,6 34764:17 34765:15 34777:25 34778:5 34811:19,24 34812:8 problems 34636:1,5 34700:12 34709:6 34811:20 procedures 34617:2 proceed 34686:16 34699:9 proceeding 34746:12 PROCEEDINGS 34606:1 process 34634:23 34651:9 production 34706:24 Professor 34689:13 profit 34769:23 34770:1,12,14 34838:10 34839:1 profits 34779:9 programme 34722:20	progress 34670:11 34688:12 prominent 34736:12 34801:19,25 promise 34789:8 promote 34646:7 prompted 34735:7 proper 34635:17 34668:17 34689:12 34717:21 34720:5 34795:6,10 34812:9 34812:10 properly 34669:1 34720:4 34757:7 34795:8 34833:17 34836:19 property 34708:11 34800:21 proposal 34674:16 34710:25 propose 34721:9 34722:17 proposed 34674:23 proposing 34670:22 proposition 34693:9,17 34698:4,22 34699:7 34702:7 34704:20 34826:17 34828:10 34830:20 34837:10 34839:21 34840:13 34840:15 34841:1,10 34841:20 propositions 34696:2 34696:10 34710:4 34732:24 34841:19 34842:6 proprietary 34611:11 prosecuting 34656:24 prosecution 34654:17 34655:18,19 prosecutions 34654:21 34654:22 prospect 34635:9 protect 34727:20 34815:7 34816:6 34817:20 protected 34619:24 34620:6 Protecting 34839:2 protection 34674:14 protesters 34685:7 protests 34645:16 proudly 34651:22 proven 34794:19 provided 34714:19 34767:25 Provincial 34654:21 34804:22 34805:1,21 34808:14,19,24 34809:6 34818:5,22 34819:5 provision 34626:20 provisional 34706:9 34772:13 public 34645:3 34654:21 34721:13	34770:4 publicly 34611:15 34612:14 published 34689:21 pulled 34836:11 34837:2 purely 34785:12 purpose 34654:6 34657:4 34682:11 34701:13 34716:1 34720:14 34792:23 purposes 34640:24 34655:4,23 34672:16 34672:19 pursue 34649:19 pursued 34624:13 34842:6 pushy 34755:24 puts 34769:4 34780:24 34821:1 putting 34612:24 34620:14 34649:25 34670:6 34687:10 34692:14 34693:14 34696:10 34699:10 34704:19 34712:1 34731:9 34738:16,18 34739:17,18,21 34740:16,17 34774:22 34793:15 34794:18 34796:9 34798:5,21 34802:20 34820:11 34821:6 34824:25 34825:23 34827:2 34834:9 34835:12 34837:4
Q				
qualifications 34686:16				
qualified 34695:25				
qualify 34751:17				
quarrel 34690:2,3 34701:2				
quarter 34607:2 34671:8 34701:7 34722:19,21 34753:15,16,18,22 34754:3				
questioning 34650:8 34701:3 34791:4 34845:2				
questions 34616:16,18 34638:2 34640:9 34642:1 34649:18 34650:6 34654:12,14 34678:15 34694:20 34695:13,18,18,19,22 34696:16,17,17 34703:21,23,24 34704:1 34710:4,14 34710:15,22 34736:13,16 34742:1 34749:10 34754:6 34788:17,18,23 34841:20 34849:8,10				
quickly 34612:9				

<p>34635:9 34773:8,13 quite 34609:9 34611:19 34611:23 34612:9 34621:24 34640:1 34642:9,10,12 34643:17,20 34665:3 34675:16 34713:3 34715:15 34718:4 34731:4 34734:21 34742:2 34747:1,21 34751:10 34807:15 34808:9 34810:4 34825:19 34828:6 34842:23 quotation 34779:19 34832:25 quote 34727:8 34782:12 quotes 34743:22 quoting 34689:20</p> <hr/> <p style="text-align: center;">R</p> <p>R 34773:4 radio 34631:4 34640:7 34745:2 34772:25,25 34782:13 34783:15 34787:14 railway 34733:12 raise 34695:2 34710:25 34711:11 34788:25 raised 34627:16 34711:1,2,12 34712:7 34720:1 34729:10,10 34752:1 raises 34747:1 raising 34675:4 34775:3 Ramaphosa's 34638:13 34641:17 Ramaphosa/Jameson 34762:18 Rand 34642:13 range 34728:23 rate 34626:22 34778:4 RDO 34617:24 34777:22 RDOs 34606:15,17 34607:1,5 34608:3,4 34608:12,16 34609:10,21 34610:3 34610:4,7,12 34613:5 34613:24,25 34615:2 34615:11,15 34616:2 34616:7 34618:17,20 34619:4,8 34627:5 34639:8 34641:12,13 34641:13 34762:25 34777:16 34778:4 reach 34785:4 reached 34768:19 34770:19 34778:9 reaching 34837:12 react 34735:7 34825:5 34827:24 reacted 34634:4 34747:24</p>	<p>reaction 34630:19 34825:22 read 34607:3 34615:4 34644:12 34647:16 34649:7 34688:15 34691:7 34706:21 34707:21 34710:14 34747:1 34800:8 34802:3 34803:20,21 34803:21 34804:12 34804:17,18 34805:6 34825:2 reading 34705:24 34744:5 34804:16 34812:22 reads 34617:1 34618:14 reaffirm 34696:18 real 34712:10 34734:4 34762:24 34763:3,7,9 realign 34778:13 realisation 34645:19 realise 34769:16 34844:14 realised 34613:3,4 34799:7 reality 34699:18 34785:11 really 34619:6 34620:24 34621:17 34633:12 34643:16 34649:7 34664:23 34682:12 34688:1 34691:14 34695:24 34699:1,4 34701:6 34715:18 34730:18 34732:12 34755:14 34760:5 34765:15 34766:20 34770:23 34789:20 34791:3 34795:9 34796:25 34815:18 34828:15 34845:14,25 reason 34611:15 34619:11,14 34621:5 34635:7 34712:22,23 34727:1 34732:18 34768:10 34770:13 34792:18 34846:9 reasonable 34826:23 34827:9 reasonably 34637:10 reasons 34611:7 34618:23 34619:3 34623:1,4,6,7,15,20 34775:25 34821:14 rebrief 34784:5 recall 34625:8 34637:21 34684:15 recap 34754:12 received 34606:23 34615:17 34616:1,11 34616:20 34633:8 34636:16 34638:14 34639:5 34688:23 34728:24 34735:6</p>	<p>34740:19 34742:8 34772:8 34846:24 receiving 34641:5 reception 34636:15 34643:5 recipe 34614:2,13 reclaim 34646:8 recognised 34614:12 34621:17 34666:12 recognition 34707:3 recollection 34625:12 34686:20 recommend 34655:15 34655:18,18 34836:10 recommendation 34654:9 34655:24 34656:6 34657:10,13 34657:16 34837:7 34841:5 recommendations 34654:15 34656:22 recommended 34844:6 34846:19 recompense 34723:9 record 34608:7 34615:24 34689:18 34689:19 34709:1 34710:14 34771:19 recorded 34709:14,16 recoup 34767:1,2 recruiting 34706:25 recuse 34714:24 redress 34620:11 reducing 34764:24 redundant 34793:16 refer 34619:22 34620:25 34639:2 34657:5 34662:5 34685:18 34741:7 34745:25 34774:16 34803:25 34840:12 34849:2 reference 34618:15 34622:8,9 34649:1 34656:21 34660:10 34689:5 34721:7 34732:20 34740:8 34816:19 34817:22 34819:10 referred 34615:16 34626:17 34629:6 34642:24 34648:6 34656:23 34658:23 34663:3,6 34666:5 34669:15 34678:17 34684:23 34687:14 34717:25 34718:7 34725:8 34797:20 34848:16 34849:4 referring 34714:11 34720:17 34730:10 34730:13 34733:3 34782:10 34848:15 34848:17,18,25 34849:4</p>	<p>reflected 34729:14,15 34729:19 reflection 34689:3 reformulate 34687:8 34738:17 34739:17 refused 34629:12,21 34630:13 34693:20 34693:24,25,25 34711:22 34712:1,5,6 34713:9 refusing 34619:12 34697:14 34709:25 refute 34721:14 regard 34726:23 regarded 34665:24,25 regarding 34691:4 regards 34793:10 region 34607:6 regret 34837:17,17 34839:19 regular 34708:8 Rehad 34772:22 rejected 34616:3 related 34730:20 34811:24 34825:2 relates 34804:18 34832:8 relation 34623:2 34624:8 34629:11 34630:3 34632:10,23 34633:19 34638:8 34668:15 34688:6 34689:25 34729:25 34735:13 34830:4 34832:4 34835:13 relations 34667:21 34746:15 34748:2 34749:4 34756:25 34757:12,22 34758:5 34759:10 34763:11 relationship 34666:1 34669:8,13 34720:12 34754:18 34790:13 relationships 34668:6,7 34668:13,20 34671:7 34715:23 relevant 34612:19 34626:9 34655:4 34658:18 34668:22 34687:8,9 34706:5 34739:10,11 34780:15,17 relied 34827:15 reluctant 34705:9 remain 34789:1 remains 34649:14 34717:19 remark 34750:22 remarkable 34781:1 34782:24 34783:1,1,4 34783:11 34784:10 34785:7 remarks 34741:13,15 34743:6 34788:23,24 remember 34611:7 34624:11,17,19,20</p>	<p>34626:19 34634:6 34642:13,25 34644:6 34649:4 34688:24 34689:4,24 34693:12 34705:24 34708:15 34714:8 34724:11,13 34727:9 34729:23 34731:3 34736:5 34751:12 34767:21 34768:20 34789:14 34805:4 34806:6 34811:3,10,11,15,19 34814:6,23 34815:24 34817:15 34819:18 34819:24 34820:13 34845:4 reminded 34723:19 reminiscent 34644:16 remit 34654:12 remove 34850:5 removed 34725:5 remuneration 34639:21 34641:1 34707:8 renegotiate 34627:21 34627:24 repeat 34742:12 34759:22 34797:11 34798:12 34801:21 34809:1 34836:19 repeated 34616:1 34725:12 34742:12 34751:6 34799:15 repeatedly 34629:13 34745:7 34790:24 repeating 34703:17 34742:16 rephrase 34629:16 34660:7 34677:10 34696:6 replied 34722:14 reply 34641:17 34695:8 34733:3 34839:16 report 34705:17 34706:22 reported 34615:20 34802:4 34808:16 reports 34632:18 34725:6 34842:16 34846:24 represent 34606:8 34682:18 representative 34624:20 34632:20 34708:2 representatives 34684:2 34728:22 represented 34633:23 request 34629:24 34695:21,23 34817:6 34845:25 requested 34629:13,22 34704:5 requesting 34630:3 required 34617:2 34622:7 34675:4</p>
---	---	--	--	---

34826:22,22 requires 34621:8 34646:11 34747:4 reread 34762:3 resemble 34646:20 resist 34708:22 resisting 34707:11,11 resolution 34646:7 resolve 34628:18 34645:6,22 34722:13 34764:4,5,8 34765:18 34765:19,20,21 34811:18,24 resolved 34628:10 34634:8,25 34746:18 34746:21 34755:16 34755:16 34757:9 34759:1 34814:12 34830:9 resolving 34636:1 resort 34634:16 resorted 34626:15 Resource 34843:9 resources 34793:23 respect 34637:21 34685:13 34686:23 34695:25 34724:8 34738:12 34739:24 34753:17 34759:25 34778:6 34795:6,13 34821:21 34830:7 respectively 34707:1 respond 34646:14 34715:14 34760:9 34798:25 responded 34845:11 responding 34796:8 response 34616:25 34617:1 34618:15,24 34630:20 34646:2 34850:12 responsibilities 34649:1 responsibility 34645:24 34646:25 34647:11 34647:21 34648:2,10 34648:10,17,19 34649:8,13,16,20 34650:7,9 34651:7 34652:4,24 34653:17 34653:19 34816:8 34835:15 responsible 34765:6 34835:14 34837:3 rest 34643:14 34647:1 34713:24 34723:25 34724:10 restore 34697:4 restrain 34670:14 result 34611:10 34612:2 34631:4 34692:11 34798:23 34825:19 34835:11 resulted 34671:22 34694:14 34730:2 34811:23 34837:4	resumes 34606:2 34638:19,20 34671:10,11 34722:23,24 34754:1 34754:2 34812:16,17 reticent 34705:9 retrospect 34650:25 return 34744:3 34770:5 revealed 34645:11 revenge 34846:18 34847:2 re-canvass 34693:16 34696:1 re-canvassed 34696:2 RE-EXAMINATION 34841:16 rid 34643:9 right 34612:20 34613:20,21 34629:2 34630:6 34640:1 34641:20 34648:15 34666:8 34671:8 34691:13 34713:2 34728:19 34738:21 34746:3 34751:10 34777:24 34782:16 34789:2 34804:14 34805:7 34808:16 34816:11 34828:9 34831:6 34833:10 34837:1 rights 34707:3,11 34723:19 34743:17 right-hand 34640:4 ripple 34613:5 rise 34626:22 34668:20 34709:5,10 34777:23 rising 34768:18 risk 34706:24 robe 34717:21 rock 34612:6 34617:24 34641:5 34707:6 Roger 34745:5 34789:19 34790:3,9 34802:13 role 34648:7,9 34650:14 34676:1 34749:1 34766:7 roles 34650:15 34682:10 role-players 34836:12 rolled 34609:11,12 room 34839:7,8 root 34758:20,20 34763:6,7,10 34764:3 34764:6,7,8,11,11,13 34764:16 34765:2,22 round 34626:18 34709:7 34805:10 34810:21 34812:22 34834:4 34837:6 34840:9 route 34704:24 Roux 34723:18 row 34639:24 34640:1	34640:2,16,24 rubber 34686:6 rude 34836:20 ruled 34696:16 rules 34634:19 34684:16,18,23 34687:14 ruling 34674:7 34696:18 34710:17 34710:19 34751:7 34824:24 run 34627:2,14,20 34822:25 34823:4 running 34749:5 34769:20,22 34820:7 34820:19,23 34831:7 runs 34762:17 34828:15 rush 34816:11 Rustenburg 34833:5 R12 34639:10 34641:6 R300 34766:21,22 34767:22 R750 34615:18 <hr/> S Saffy 34708:5 saga 34685:24 34691:15 sake 34654:3 34839:10 salaries 34639:21 salary 34639:10 34640:17,25 34641:5 SANDF 34832:13 34833:4 SAPS 34652:11 34802:6,18 sat 34631:2 34745:8 SATAWU 34691:11 satisfied 34623:3 34715:10 satisfy 34813:15 Saturday 34685:25 34686:12 34687:11 34724:18 sauce 34668:12 savage 34758:4 save 34696:3 34700:2 34715:25 34720:14 34750:6 34762:14 34768:12 34828:16 34845:18 saved 34714:2 saving 34736:3 saw 34727:19 says 34615:24 34617:23 34621:22 34633:4 34639:8 34644:24 34672:14 34688:16 34689:25 34690:2 34691:3 34702:7 34704:20 34706:4,18,21 34707:25 34717:17 34733:4 34744:9 34745:1 34746:12	34752:6 34757:8,9,10 34789:16,17 34797:3 34800:7,10 34805:13 34805:16,18,20,21 34806:5,8,9 34810:14 34811:9 34814:14,22 34815:4,4 34817:9,11 34817:13,13,14 34819:20 34820:20 34821:2,12 34832:11 34833:6 34848:12 scene 34625:23 34627:24 34644:16 34725:3 34801:3 scheduled 34750:15 scheme 34619:24 school 34678:5 scope 34808:3 screen 34621:23 34641:17 34706:11 34761:24 34762:1 34800:9 34804:3,9 34810:2 34831:24 34832:16 34848:10 scroll 34639:3 scrutiny 34623:20 seasoned 34680:18 seat 34791:20 second 34619:14 34658:1 34669:22 34689:10 34694:5 34723:18,20 34746:20,22 34747:21 34832:25 Secondly 34618:18 34658:25 34841:24 secret 34781:12 secretary 34659:15 34669:14 34674:5,13 34674:18 34675:12 34675:13,20,22 34676:5,21 34679:1,3 34679:6,8 34756:1 34833:7,10 secrets 34611:9,9 section 34622:3 34639:16 34780:18 sector 34770:4 sectors 34646:16 secured 34610:14 security 34708:10 34713:20 34723:21 34730:25 34731:10 34735:8,13 34802:5 34813:2 34843:19 see 34619:16 34621:22 34622:6 34629:9 34633:2,14 34639:10 34639:12,22 34640:10,17 34641:2 34644:22 34676:10 34681:11 34682:8 34689:23 34693:9 34706:13 34712:18 34723:2 34726:12 34731:5 34753:15,16	34772:12 34773:8 34777:10 34780:1 34791:7 34801:17 34805:25 34806:9 34810:22 34811:1 34817:11 34828:2 34835:17 seek 34635:14 34638:7 34653:14 34707:4 34820:12 seeking 34655:22 34676:20 34707:7 34720:13 34743:2 34842:4 seeks 34700:12 seemingly 34645:18 seen 34637:4,23,24 34716:2 34748:15 34772:5 34799:12 self 34686:1 34727:17 34751:16 self-defence 34686:3 34687:12 34751:14 34751:25 selling 34766:17 sell-out 34838:9,15,19 Semenya 34732:17,18 34737:23 34738:2,4,5 34738:9,12 34750:25 34751:3,6 34752:14 34794:17 34795:2,3 34806:10,12 Semenya's 34794:22 34795:1 send 34728:18,20 sending 34739:3 34785:14 34847:1 senior 34653:10 34716:4,19 34717:15 34717:18 34720:16 34747:1 sense 34612:17 34619:23 34620:2 34681:6 34682:4 34754:24 34809:5 34826:18 sensible 34612:23 34613:2,3,9 34646:13 34663:18 sensibly 34765:1 sensitised 34735:11 sent 34640:14 34692:1 34802:10 34819:25 34821:17 sentence 34617:22 34633:4 34639:8 34694:3,5 34798:10 sentences 34617:23 34688:24 Senzeni 34675:15 34681:16 Seoka 34629:24 34725:2 separate 34707:12 34846:17 September 34759:1
---	---	---	--	--

<p>sequence 34720:24 sequences 34712:9 sequentially 34695:15 serious 34708:12 34743:2 34747:5,21 34787:6,8,17 34814:14,22,24 34843:18 serve 34849:13 service 34647:5 34738:7 34770:6 Services 34737:22 set 34618:21 34619:6 34622:20,20 34623:8 34640:13,20,25 34678:23 34688:23 34694:20 34723:7 34790:1 sets 34609:7 34616:25 34640:16 34723:5,6 34775:21 setting 34813:24 settled 34612:14 34639:9 settlement 34707:5 34768:18 34770:18 34770:25 34771:2 34774:21 34775:19 34775:23 34778:9,12 34780:24 seventh 34659:19 Shabangu 34659:4,12 34659:20 34660:5,14 34661:11 34662:11 34680:5,8 34749:6 34750:11 34755:20 34759:9 34786:6 34790:8 34843:10 34845:16,17 Shaft 34708:5 shaken 34644:17 shame 34749:7 Shanduka 34624:19 34639:5 34666:16,17 34666:18 34766:20 34766:24 34767:17 share 34647:20 34648:17,17 34649:13 34652:3,24 34726:6 shared 34608:17,20,21 34609:1,3 shareholder 34652:10 34666:15,19,22 34679:23 34680:6,24 34681:5 34714:15 34727:11 shareholders 34647:3 34692:3 34727:16 34805:19 34811:5,6 shares 34692:11 shed 34645:2 she'd 34745:2 34782:13 34784:5 she's 34624:3 34791:21 34816:4 34817:13</p>	<p>34820:13 shining 34724:1 shoot 34736:18 34797:6 34819:20 34820:24 shooting 34637:19 34664:9 34684:18,24 34685:2,7 34732:6 34842:11 shootout 34840:20 shoot-to-kill 34841:23 shorn 34669:24 short 34638:11 34642:22 34644:15 34650:21 34651:2 34653:9 34688:16 34723:7 34773:10 34784:18 34797:11 34817:24 34822:6 34840:1 34841:20 shortened 34752:9 shorthand 34658:24 shot 34684:20,21 34735:1,13 34789:17 shots 34686:21 34687:22 34688:4 should've 34613:13 show 34617:5 34631:5 34736:3 34744:22 34818:14,19,25 34820:6 showed 34717:24 34795:17 shown 34641:17 34694:17 34774:7 34780:11 shows 34817:24 shudders 34720:25 side 34634:11,13 34640:4 34680:24 34681:9 34682:6,7,21 34686:8,9,9,10 34720:6 34735:1,2,22 34806:2 34845:12 sides 34713:2 34714:15 34714:25 34736:9 sidetracked 34687:21 34721:24 sight 34713:2 sign 34717:20 signature 34718:10 34726:8 signed 34726:8 significant 34609:9 silence 34723:24 silk 34717:18,21 34720:4 silver 34766:18 similar 34661:22 34740:21 34801:24 similarly 34637:24 34669:12 34720:11 simple 34611:23 34700:3 34701:9 34702:7 34703:10,11 34710:12 34751:23</p>	<p>34770:8,10 34827:13 simplicity 34701:17 simply 34619:23 34687:1 34695:12,14 34704:19,21 34710:3 34713:6 34755:5,19 34766:5 34796:24 34798:19 34802:23 simultaneously 34635:8,12 34714:20 34850:11 Sinclair 34713:20 single 34633:18 34696:17 34710:14 34710:15 singly 34695:22 34696:17 sinister 34831:13 sir 34614:23 34623:3 34843:24 sit 34636:4 34701:24 34745:4,14 34782:14 sitting 34714:2,14 34721:25 34746:22 34747:15 34795:5 34840:19 situate 34648:24 situations 34634:13 34635:2 34665:10 34756:10 six 34652:4 34659:14 34731:10,14,22 34733:5,11,19 size 34814:11 Skidmore 34831:12 skilled 34697:10 skills 34766:7 slash 34829:15 slide 34848:7 slightly 34795:24 slow 34743:13 slowly 34685:22 34743:14 snide 34788:23,24 snowballed 34713:12 social 34770:6 society 34645:7 34646:6,19 sold 34766:9 sole 34843:25 solicit 34695:15 soliloquies 34791:3 solution 34617:16 34634:2 34635:23 34734:10 34811:25 solutions 34636:5 solve 34645:18 34715:24 34812:7 34817:16 solved 34611:19 34817:15 solving 34704:6 34811:20 somebody 34713:8 34718:16 34740:7 34755:8 34787:21</p>	<p>34840:24 sommer 34783:14 son 34718:7 34721:25 34721:25 soon 34630:22 34636:22 34637:6 34726:8 34763:13 sophisticated 34743:16 sorry 34630:2 34640:3 34650:1 34656:11 34670:21,21 34698:23,25 34700:6 34704:11 34705:2 34706:16,16 34710:13 34724:11 34740:11 34743:20 34744:3 34751:5 34761:21,22 34762:12,13 34764:22,22 34773:18 34777:15 34779:17 34808:10 34812:6 34814:17 34815:17 34816:17 34817:22 34820:10 34821:11 34822:4,5 34824:5,7 34830:17 34832:15 34835:12 34839:4 34840:4,6 34850:6,11 sort 34621:15 34634:9 34675:8 34720:6 34745:4,9,14 34782:14 34817:3 34831:12 sorted 34747:15 sought 34651:8 34682:22 34712:12 34842:8,13,15 34844:2,8 souls 34723:25 sounded 34731:4 34734:21 sounds 34695:22 34789:10 34817:5 34850:6 source 34810:23 South 34644:15 34647:5 34725:9 34736:11,13 34737:21 34764:8 34783:14 34787:5,13 34787:20 34825:6 34842:19 so-called 34687:22 34796:12 34825:8,10 34842:13 space 34646:23 34781:25 34783:10 34784:18 34785:7 34787:16 spare 34664:22 speak 34619:12 34621:5,8 34622:13 34629:12 34638:12 34662:20 34674:21</p>	<p>34711:22 34712:1,5,6 34713:10,22 34722:3 34722:4 34728:14 34771:1 34781:16 34782:20 34784:17 34785:5,18 34788:10 34829:12,18 34830:3 SPEAKER 34808:5 34837:19,21,24 34838:3,6,9,12,15,17 34838:18,19 34839:1 34849:18,21,24 34850:1,3 speaking 34676:4 34805:14,22 34849:21,24 34850:1 34850:3 special 34615:17 34825:20 34832:12 34833:1 specially 34750:15,23 specific 34625:11 34673:10 specifically 34775:13 34840:23 34845:18 specification 34669:1 specified 34685:2 34706:5 specify 34679:24 34715:2 speech 34797:5 speeches 34764:13 spell 34669:23 34670:9 spew 34748:25 spiralling 34842:21 spirit 34834:8 splitting 34793:25 spoke 34663:11 34665:4 34703:4 34715:3 34770:24 34808:20 34811:7 34822:8 34829:24 34833:11 spoken 34665:23 34729:12 34805:2 34836:17 spot 34801:25 squarely 34827:11,16 stabilisation 34633:25 34635:16 stabilise 34635:15 34765:3,5 34794:7,9 34798:1 34829:11 34847:8 stabilised 34633:24 34746:19 34755:17 stability 34705:6 34842:21 34843:23 34847:9 stage 34627:16 34631:17,21 34636:13 34652:22 34653:4 34739:21 34799:3 34813:24 34836:18 stakeholders 34648:8</p>
---	--	---	---	--

<p>stance 34618:24 34623:2,4 34625:1 34627:1,12 34697:13 34709:18,20</p> <p>stand 34623:20 34647:13 34723:24 34736:9</p> <p>standard 34638:4</p> <p>stands 34662:24</p> <p>starkest 34645:12</p> <p>start 34643:19,20 34644:21 34658:17 34696:23 34700:11 34763:14 34772:19 34773:25 34788:3,6,8 34805:15 34819:17</p> <p>started 34633:13 34757:21 34758:1,2 34758:22,25 34778:1 34782:6</p> <p>starts 34709:6,6</p> <p>state 34658:2 34748:25 34782:3 34792:18 34822:7</p> <p>stated 34712:24</p> <p>statement 34624:5 34641:24 34661:2,2,9 34678:24 34702:10 34733:3,19,25 34746:23 34755:11 34760:11 34770:20 34795:17 34797:20 34806:7 34830:15 34831:9 34832:1,2</p> <p>statements 34649:21 34739:15 34740:13 34740:14,18 34741:8 34744:10 34759:25 34760:3 34790:24 34813:11</p> <p>statute 34665:15,19</p> <p>stay 34767:12,15 34768:11</p> <p>staying 34767:7</p> <p>step 34633:19</p> <p>steps 34614:21 34622:6 34631:20 34632:12 34632:16 34634:21 34636:8,11 34797:24 34797:24 34811:17 34811:17,21</p> <p>stick 34630:10 34722:21</p> <p>stop 34694:12,13 34701:14 34715:12 34720:12 34780:12 34845:20 34849:25</p> <p>stopped 34759:6</p> <p>stopping 34758:14 34760:20 34811:19</p> <p>stories 34653:16 34716:13,16</p> <p>storm 34614:3,13,16</p> <p>story 34642:21,22 34716:22 34745:25</p> <p>straight 34832:24</p>	<p>strategy 34800:17 34801:3</p> <p>stress 34790:8,12,16 34791:9</p> <p>stressing 34790:14</p> <p>strike 34607:1,4 34608:11 34610:14 34612:3,14 34615:1,6 34615:22 34616:7,22 34616:25 34617:25 34618:2,6,16,18,25 34619:15,20 34620:2 34620:5,6,9,21 34621:1,1,4,9 34623:2,12 34626:10 34628:7,10,13,18 34630:19 34634:7,15 34634:19,19 34635:9 34642:21 34681:12 34683:6,10,25 34684:10,16,17 34687:14 34688:17 34688:17,18,21 34690:1,10,16,24 34691:4,5 34692:3,12 34704:22 34727:13 34758:9,14 34841:22 34842:10 34847:21 34848:1 34849:3</p> <p>strikers 34617:3,8 34619:12 34620:8 34621:5,8 34622:12 34622:20 34623:16 34623:21 34624:16 34629:12,14,22,23 34630:4,11,12,12 34636:14 34637:10 34637:18 34652:6 34685:13 34686:9 34687:11 34688:20 34688:23 34692:20 34692:23 34693:19 34693:23 34694:16 34704:25 34727:16 34737:20 34744:14 34796:2 34798:24</p> <p>strikes 34620:17 34621:18 34634:14 34691:9</p> <p>striking 34647:6 34652:6</p> <p>strong 34628:9</p> <p>strongest 34844:6</p> <p>structural 34681:6</p> <p>structure 34768:18 34769:11,17 34778:22,24 34779:3 34779:5</p> <p>structures 34618:21 34619:5,9 34623:8 34707:9 34778:14 34779:15</p> <p>stuck 34773:19</p> <p>student 34642:14</p> <p>study 34691:3</p> <p>stuff 34825:5</p>	<p>subject 34686:15 34741:16 34742:7 34751:19</p> <p>subjective 34827:9</p> <p>submission 34614:2 34657:12 34680:14 34738:13 34744:15</p> <p>submitted 34680:14 34771:13</p> <p>subpoena 34849:13</p> <p>subsequent 34660:4 34729:16</p> <p>subsequently 34816:21</p> <p>substance 34695:21</p> <p>substantial 34643:17</p> <p>subtle 34734:9</p> <p>succeeded 34627:3 34675:7</p> <p>succeeding 34637:24</p> <p>successful 34618:20 34619:5</p> <p>successfully 34841:5</p> <p>suffer 34767:8</p> <p>suffered 34646:23</p> <p>sufficient 34645:20</p> <p>suggest 34630:20 34653:18 34655:5 34668:19 34669:8 34676:5 34679:21 34711:12 34715:23 34770:21 34786:13 34807:4 34808:7 34841:21</p> <p>suggested 34673:24 34708:10 34725:2 34795:23 34799:1</p> <p>suggesting 34609:1 34703:8 34708:18 34740:6 34780:7 34791:6 34796:17</p> <p>suggestion 34612:5 34624:8 34669:13 34711:7 34729:11</p> <p>suggests 34646:6</p> <p>sum 34844:15 34845:10</p> <p>summarise 34671:22 34677:1 34808:12 34809:1 34836:23 34841:17</p> <p>summarised 34656:9 34656:12 34660:13</p> <p>summarising 34713:15</p> <p>summary 34780:6 34809:9</p> <p>Sunday 34644:7 34723:21 34765:19</p> <p>supplied 34688:15</p> <p>support 34800:14</p> <p>supported 34626:8</p> <p>suppose 34608:23 34649:3 34783:2 34787:22</p> <p>supposed 34717:18,19 34722:19</p> <p>suppress 34841:22</p>	<p>34842:10</p> <p>sure 34620:15,18 34634:8 34648:20 34652:20,21 34658:3 34662:23 34663:9 34678:11 34682:23 34695:19 34696:3,19 34703:18 34708:20 34710:20,21,21 34712:12 34713:8 34722:5 34723:10 34725:19 34737:11 34742:2 34745:4 34757:25 34762:4 34766:13 34770:4 34778:14 34795:20 34795:21 34796:6 34797:18,24 34798:15 34799:18 34803:22 34805:19 34808:9 34810:10 34817:1,5 34820:24 34826:10 34843:10 34843:22,25</p> <p>surely 34612:20 34623:3,14 34628:25 34634:8,10 34635:6 34747:13 34755:7 34763:10 34764:14 34764:14 34765:2 34767:7 34792:6 34795:4 34811:25 34813:9</p> <p>surface 34615:19</p> <p>surprised 34713:21</p> <p>surrounding 34833:6</p> <p>Susan 34659:4 34750:11 34759:9 34843:9</p> <p>suspect 34740:17</p> <p>suspected 34734:25 34800:21 34801:4</p> <p>suspects 34710:7</p> <p>suspicious 34682:20 34683:3 34684:7</p> <p>swallow 34748:24</p> <p>swallowed 34761:4,5</p> <p>sweet 34797:11</p> <p>symbolic 34724:8</p> <p>sympathy 34724:4</p> <p>system 34764:14 34774:24 34775:15 34776:5,9,24 34777:3 34777:19,23</p> <p>s.u.o 34606:4 34671:13 34754:9 34812:19</p>	<p>34630:7 34633:18 34634:21 34636:8,11 34637:14 34639:7,13 34652:22 34654:21 34660:5 34669:7,12 34669:16,22 34670:22,22,24 34671:4 34685:22 34700:20 34703:5 34709:3 34713:7 34723:11 34743:8,11 34743:16 34746:24 34747:19 34753:6,24 34755:5 34773:9 34774:11 34787:4,15 34797:23 34803:6 34806:23 34810:17 34812:11 34814:15 34814:25 34817:22 34818:2 34823:21 34841:22 34842:7,10 34843:13 34845:21 34847:2 34848:3 34850:4</p> <p>taken 34610:13 34613:17 34614:1,19 34614:22 34622:7 34631:21 34632:12 34632:16 34693:16 34698:18 34704:23 34708:13 34709:20 34709:21,23 34739:12 34774:23 34794:13 34796:12 34797:21 34801:19 34807:1,3,9 34811:18 34811:21 34812:25 34837:9 34844:10 34846:20</p> <p>talk 34631:4 34646:9 34656:25 34677:3 34693:20,24,25,25 34697:9,15 34709:3 34710:1 34728:13 34737:13 34740:12 34745:5,17 34749:5 34769:19 34776:8 34785:23,25 34789:17,19 34790:3 34805:17 34819:17 34842:23 34843:8 34845:9</p> <p>talked 34650:6 34676:23 34696:25 34779:18</p> <p>talking 34608:10 34624:19,20 34658:25 34665:10 34673:21 34675:1,2,5 34676:1 34677:23 34683:7 34684:9 34694:3 34708:22 34730:9 34733:6 34744:25 34766:23 34769:17 34774:24 34775:13,13,14</p>
T				
<p>table 34618:1,5 34631:3 34639:21 34640:6 34749:17 34767:15</p> <p>take 34609:22 34611:25 34615:9 34620:13 34621:21 34623:18 34627:7</p>				

<p>34776:2,4 34781:13 34786:15 34791:21 34795:19 34811:4 34820:13 34824:2 34835:15 talks 34615:1,10,15 34622:16,21 34634:1 34694:16 34752:2 Tanya 34800:4,4 task 34703:10,11,15 34743:16 34825:20 34832:12 34833:1 34847:10 tasks 34703:15 Tatane 34819:21 tea 34722:17,18 34810:17 34812:12 teach 34743:20 34793:21 teacher 34793:21 team 34632:6 34742:18 34743:7 Teke 34659:24,25 telephone 34652:16 34659:16 34664:5 telephonic 34666:5 television 34637:4,22 34637:23 tell 34609:6 34662:12 34713:22 34716:22 34720:24 34723:16 34766:19 34772:18 34781:4,11 34788:11 34793:20 34797:11 temperature 34717:8 34719:10 34788:25 34788:25 34839:13 tempted 34844:14 ten 34730:10,14,22 34734:19 34735:2 34789:1 tend 34627:21 tended 34611:11,18 tends 34729:19 tension 34706:23 term 34726:25 34797:22 terminate 34617:4 terminology 34620:13 34739:22 34744:12 terms 34622:23 34638:4 34645:12 34655:25 34656:21 34705:5 34721:7 34735:17 34798:8 terrain 34725:20 terrible 34761:20 34762:5 34790:2 34848:9,13,16,21 34849:1,4 tested 34690:14 testified 34606:11 34614:25 34617:13 34622:17 34628:3 34639:4 testifying 34648:20</p>	<p>text 34817:3 textually 34816:19 Thandika 34728:24 thane 34799:1 thankless 34767:12 thanks 34647:9 34648:23 34653:13 34674:10 34688:8 34699:19 34724:21 34753:13 34762:3 that'll 34849:13 theory 34736:5,10,24 34738:22,23 34739:9 34761:4,6 34762:18 34826:2 34835:20 34846:17 there'd 34607:1 34721:21 there'll 34733:20 there's 34611:1 34612:5 34617:21 34622:3,8,9 34624:1 34630:4 34643:8 34663:12 34672:11 34673:17 34686:7 34688:1,5 34704:11 34705:20 34706:13 34720:9,10 34721:5 34726:5 34730:2 34740:25 34743:21 34760:12 34769:16 34770:20 34775:22 34776:18 34798:20 34802:19 34806:8 34814:5 34824:1 34825:8 34832:20 they'd 34609:11 34613:12 34723:16 34740:24 34820:22 34821:7 they're 34723:14 34739:4,5 34751:25 34773:7 34825:4 they've 34833:9 thing 34629:9 34637:7 34647:25 34649:14 34709:7 34711:11 34723:17,18 34726:22 34727:22 34731:5 34736:3 34741:25 34742:1 34744:25 34775:8,9 34775:24 34777:7 34778:16,17,19 34779:4,8 34789:18 34814:5 34815:3 34816:5 34817:18 34818:15 34819:23 34825:7 34844:15 things 34635:7 34657:17,17,22 34658:18 34667:21 34673:10,21 34674:8 34674:25 34675:18 34681:6 34683:23</p>	<p>34688:6 34692:2 34696:1 34697:16 34714:9,21 34717:6 34718:21 34735:14 34736:22 34740:21 34749:18 34754:17 34779:8 34788:2 34789:13,21 34790:12,14,14 34795:6 34801:24 34809:22 34819:21 34820:7 34825:18 34828:17 34835:13 thinking 34610:22 34743:13 34766:6,8 34801:20 thinks 34727:23 third 34639:8 34848:12 thirdly 34658:5 34659:3 Thomas 34664:3 34739:7 34740:4 34741:4,5 thoroughly 34742:21 thought 34612:12,24 34613:2 34644:16 34650:2 34664:8 34670:23 34712:15 34715:16 34721:19 34727:2 34728:4 34732:19 34767:13 34775:24 34796:7 34799:3 34845:25 thoughts 34724:23 threat 34789:3,9,10 threatened 34789:4 three 34609:11 34610:1 34610:12 34613:23 34614:1 34678:11,17 34714:19 34723:6 34724:2 34731:14,25 34732:11 34733:11 34734:13 34756:10 34756:16 34785:7 34796:1 34819:8 34841:19 34842:5 throwing 34750:22 thrust 34611:24 34620:14 Thursday 34637:12,19 34753:18 34821:18 34821:22 ticked 34821:25 ticking 34609:22 tied 34819:18 till 34753:20 34780:10 time 34609:22 34613:25 34614:8,12 34618:10 34631:2 34636:14 34642:8 34653:11 34664:15 34666:8,14 34667:11 34667:20 34670:22 34670:25 34672:14 34673:1 34678:12 34681:12 34695:15</p>	<p>34696:3 34712:13 34715:4 34722:21 34725:16 34735:6 34737:3 34738:13 34739:11 34751:22 34758:5 34762:14 34764:5 34768:12 34775:23 34776:16 34779:3 34784:18 34789:19 34792:22 34793:22 34801:3 34807:25 34815:18 34822:6,8 34831:7 34837:10 34839:10 34839:11 34840:3,8 times 34611:12 34644:7 34691:9 34703:18 34744:6 34765:19 34767:13 34789:1 timing 34815:25 34817:25 34837:4 Tip 34685:8,10,16 34686:4,18 34687:1 34830:17,19,22 34831:3,5 today 34646:11,19 34723:20 34724:3 34745:2 34782:13 34815:5 toe 34840:19 told 34619:3 34632:17 34701:15 34709:25 34713:21 34776:9 34788:7 34791:25 34800:24 34801:8 34806:14 34815:2 34817:17 tomorrow 34617:4,6 34722:20 34724:9,10 34753:17 34815:4 34821:13 34850:19 ton 34822:24 top 34641:10 34694:2 34837:3 topic 34638:5 total 34640:20 34641:1 34844:15 34845:10 totality 34741:12 touch 34654:1 town 34659:11,20 34703:9 34737:25 34749:6 34750:10,15 34750:18,23 34786:18 34787:14 34792:14,20,22 34846:1 trade 34611:9 34703:3 tragedy 34644:10 34646:17 34647:12 34647:21 34648:6 34734:19 tragic 34646:23 34713:12 34816:12 transaction 34766:21 transcript 34774:11</p>	<p>34803:25 transform 34758:14 34766:17 34786:23 Transformation 34754:15 transforming 34754:23 transit 34741:10 transmitted 34836:5,6 transpired 34735:13 transport 34651:18 travelling 34793:22 traversing 34621:20 treble 34695:18 tried 34715:23 trigger 34836:11 34837:2 trip 34750:16 triple 34819:14 trouble 34687:25 true 34637:13 34641:23 34667:16 34676:3 34679:2 34680:13 34704:20 34716:6 34717:16 34719:1 34729:9,14 34745:13 34762:20 34775:16 34778:11 34779:21 34813:12 truth 34690:6 34788:10 truthful 34713:3 34786:13 34823:17 try 34670:13 34738:21 34740:23 34743:13 34750:6 34753:19 trying 34618:18 34656:19 34673:21 34715:24 34716:3 34719:24 34726:13 34729:3 34730:24 34736:2 34744:1 34763:15 34804:15 34805:16 34822:12 34825:23 34836:16 34837:5 Tuesday 34799:23 34800:25 34801:8 34820:13,13,15,23 34821:8,22 turn 34767:9 34782:4 34808:16 34842:7 turned 34687:22 turning 34765:21 turns 34711:16 34846:2 TV 34772:24,25 Twala 34724:13 two 34609:7,8 34611:3 34611:21 34617:23 34626:3 34635:2 34644:20 34650:6 34652:5 34669:20 34675:18 34687:11 34688:18 34700:22 34700:22,24 34708:1 34709:24 34712:4,4 34714:25 34723:4,21</p>
---	---	--	---	--

<p>34729:17 34730:25 34731:2,9,10 34735:8 34735:9 34746:13 34754:4,8 34772:23 34788:19 34789:13 34791:7 34800:11,12 34814:13 34822:23 34840:1 34844:9 34846:24 two-year 34625:25 34626:10,11,19,20 34627:2,12,14,20 34707:2 type 34627:19 34709:7 34756:4 34843:22 34844:9 types 34635:2 34775:2</p> <hr/> <p style="text-align: center;">U</p> <p>ubuntu 34749:18 ultimately 34639:9 34827:14 ultimatum 34617:4 ultimatums 34622:8 unable 34710:6 unabridged 34686:5 unacceptable 34632:12 unbecoming 34795:9 uncharted 34621:20 unclear 34637:6 34796:19 uncomfortable 34810:4 unconcerned 34635:20 34636:3 uncontested 34608:19 underachievement 34781:17 underline 34707:11 34746:16 underlying 34765:17 underpaid 34608:13 34610:10 underpinning 34646:15,16 underscore 34799:14 understandably 34793:1 understanding 34616:3 34655:9 34753:22 34764:10 34795:23 understands 34678:12 34696:3 34742:3 understood 34617:6 34627:4 34655:2 34656:2 34661:16 34703:6 34740:8 34795:22 34811:23 34841:24 34844:21 undertakes 34787:15 underway 34797:25 34799:8 undesirable 34665:9 34691:5 unfair 34620:3 34636:2 34695:12 unfairness 34764:12</p>	<p>unfamiliar 34690:24 unfold 34846:11,15 unfolded 34645:3 34688:18 34761:20 34762:6 34826:9 34846:21 34848:13 unfolding 34633:13 34799:8 34842:25 unfortunate 34740:14 34740:21 34751:8 34810:6 34816:5 34850:10 unfortunately 34642:19 34648:16 34704:2 34729:23 34752:25 34753:2 34805:24 34809:24 34809:25 34810:3,8 34810:13 34821:19 unhappy 34669:21 unhelpful 34649:22,23 34668:18 34669:25 34746:6 unilaterally 34607:24 unintended 34651:13 union 34621:16 34634:15,18 34642:18 34647:3,5 34651:10 34652:11 34666:12 34675:13 34676:1 34679:4,7,15 34679:17 34680:20 34681:10 34682:17 34684:15 34691:10 34715:4 34756:1,2 34830:14 unionist 34680:19 34682:13 34683:8 34703:3 unions 34630:17,22 34706:24 34707:10 34708:1 34709:3 34711:3 34745:3,8 34782:14 uniquely 34825:6 unit 34709:6 unlawful 34665:13 34834:7,11,17 unlawfulness 34714:7 unlimited 34707:13 unnecessary 34700:2 unprecedented 34688:22 unpro 34620:20 unprotected 34607:1 34610:14 34616:7,22 34619:20 34620:2,2,5 34620:9,17,25 34621:4,9 34622:7 34847:21 34848:1 34849:3 unquestioningly 34749:1 unrelated 34687:23 unrest 34747:2 34748:14 34761:1</p>	<p>34843:19 unrest/destabilisatio... 34746:17 unsuccessful 34609:15 34637:15 Unterhalter 34619:21 34649:17 34654:11 34655:2,21 34668:14 34668:16,25 34672:11 34677:5,12 34677:14,17 34678:6 34694:19,23,25 34695:2,7,11 34696:8 34698:5,21,24 34710:2 34739:8 34740:3,5,11 34741:2 34744:5 34749:8,12 34772:6 34790:23 34791:6 34796:14,21 34816:14,17,24 34817:2,4 34818:23 34822:4,11 34823:1 34823:18,21,23 34824:5,7,11,18,21 34826:16 34827:6,21 34828:5 34841:15,16 34844:4,18 34845:1 34846:6,7,16 34847:4 34847:17 34848:2,8 34848:11 34849:1,7,9 untrue 34716:8 34736:4 untruth 34720:24 untruthful 34778:7 34824:17 unusual 34682:4,9 34684:7 update 34800:1 updated 34633:5,7 upheld 34738:20 urgency 34628:22 urgent 34634:8,11 use 34610:25 34614:2 34668:17 34670:10 34673:8 34678:7,18 34724:7 34731:14 34736:24 34739:21 34742:4 34743:24 34744:12 34752:12 34765:19 34786:22 34787:21 34789:20 34795:13 34799:4 34815:19 useful 34793:22 usefully 34701:11 uses 34752:11 34809:23 usual 34683:9 34849:11 usually 34611:15 34680:19 34825:13 usurping 34657:15 utilisation 34793:22 utilised 34702:25 utterances 34736:16 utterly 34649:17</p>	<p style="text-align: center;">V</p> <p>vague 34669:24 valid 34623:15 34695:23 34737:14 value 34807:1,4,11 values 34749:18 van 34630:2 34638:4 34638:10,18,21,22 34639:1,7,13,17,18 34639:25 34640:3,11 34640:12,20,23 34641:3,9,16,21,25 variants 34695:13 variety 34674:25 34680:10,11 34701:22 various 34610:22 34611:16 34654:22 34665:10 34688:18 34703:15 34712:9 34736:17 34765:9 vehemently 34803:16 vehicle 34731:1,1 vehicles 34848:22 vein 34843:13 Vendor 34768:5 vents 34645:7 verbalise 34617:10 vernacular 34849:22 34849:24 34850:1,3 vice 34640:15 vicious 34691:9 viciousness 34688:22 victims 34724:8 video 34771:12,22,23 34772:2,3,21 34773:24 34774:7 34780:11 videos 34725:1 view 34608:16 34611:19,25 34612:24 34627:8,10 34627:19 34633:25 34635:2 34690:13 34709:10,17 34731:6 34748:4,6,7,7 34755:6,7,15,19 34775:6 34783:10,16 34783:24 34784:1 34785:6 views 34705:17 34749:17,17 34755:4 34814:6,23 violence 34625:16 34628:4,6,10,18 34631:18 34633:13 34634:7,16 34635:10 34645:12 34646:2 34684:1,4,11 34685:3 34685:4,6,11,12 34688:19,20 34690:7 34690:10,10,24 34691:4 34692:20 34693:1 34694:13,14 34708:24 34711:23</p>	<p>34733:4 34734:11 34755:22 34756:3 34765:7 34797:25 34845:21 violent 34635:3 34708:14 34743:24 visited 34737:22 34800:13 visual 34771:13 volatility 34707:25</p> <hr/> <p style="text-align: center;">W</p> <p>wag 34685:21,21,21 wage 34609:7 34616:13 34625:25 34626:10 34626:11 34628:14 34628:17,23 34629:11 34631:9,21 34632:11,23 34633:19 34634:10 34707:2,9 34711:4 34745:3 34770:18,23 34775:19,23 34776:12 34782:13 wages 34641:12,13 34762:25 wait 34670:23 34754:4 34839:6 waiting 34673:12 34718:4 34726:1,1 34745:5 34829:2 walk 34653:16 34767:14 want 34609:6 34611:8 34611:9 34616:16 34639:16 34648:23 34665:3 34671:3 34687:21 34693:16 34696:1,21 34700:9 34701:14 34703:4 34713:11 34714:6 34715:13 34718:24 34719:12 34720:3,4 34720:20 34721:23 34723:17,18 34753:10,12,19 34760:23 34762:14 34767:8 34770:1,4,17 34776:24 34783:21 34788:11 34801:8,11 34801:23 34803:10 34803:25 34806:23 34813:8 34816:6 34817:16 34820:4 34823:16 34834:4 34836:13,18 34841:19 34844:21 34847:2 34850:2,11 34850:14,15 wanted 34643:16 34674:6,12,18 34696:25 34714:5 34739:22,23 34742:12,14 34761:25 34765:3,16 34774:16 34786:6,22</p>
--	--	---	---	---

34794:13 34798:6,19 34799:1,9,16 34801:17 34828:16 34828:16,19,21 34829:10 34840:12 wanton 34752:2 wants 34641:17 34649:19 34650:23 34668:19 34678:9 34710:5 34719:5,16 34753:11 34806:10 34808:6 34817:16 34831:19 war 34737:13 warning 34711:7,20 wasn't 34630:16 34680:25 34704:13 34792:21 wasn't 34662:9,14,18 34663:11 34664:8,8 34741:11 waste 34673:1 34751:22 34792:17 wasted 34678:13 wasting 34642:7 34672:14 34719:6 34738:12 34792:21 watch 34773:24 34774:5 34779:3 watching 34618:20 34619:4 water 34744:23 34828:18 way 34617:16 34627:18 34642:9,11,12 34660:18 34663:24 34665:5,23 34675:7 34684:9 34687:3,4,8 34687:20,20 34689:23 34691:4 34693:10 34700:14 34700:16 34703:11 34705:12 34714:16 34727:19 34728:2 34729:25 34732:15 34735:7 34739:25 34740:24 34742:16 34743:21 34744:13 34746:12 34756:19 34757:20,24 34758:4 34759:20 34764:25 34765:15 34766:5 34791:4,23 34792:6,9 34794:4,5,10,12 34796:6,10 34797:4 34797:13 34798:7,9 34798:15,22 34802:22,25 34807:2 34813:24 34815:1 34818:6 34827:25 34828:2 34831:4 34842:9,17 34843:1 34843:14 34846:12 34848:21 34849:2 ways 34636:1 34684:4 34688:18 34697:7	34701:22 weak 34728:17 weaknesses 34701:23 weapons 34708:8 34743:16 wear 34714:19,19,20 web 34668:4 Wednesday 34631:3 34636:14 34637:11 34821:13,14,22 week 34635:20 34644:14 34724:10 weekend 34724:20 weeks 34612:19 34709:24 weight 34675:21 34820:12 welcome 34724:7 well-known 34824:25 went 34634:18 34651:15 34683:23 34723:22 34750:22 34794:2 weren't 34632:17 34754:3 weren't 34607:9 we'll 34638:16 34653:13 34654:1 34661:12 34664:18 34670:19 34686:2 34687:23 34723:25 34727:25 34734:1 34751:13 34753:6,19 34762:13 34774:18 34780:3,7,25 34798:18 34812:15 34826:14 34831:18 34835:7 we're 34635:18 34648:19 34655:21 34688:6 34696:9 34713:22 34723:6 34766:2 34790:2 34793:24 34809:22 34818:20 34829:2 34835:13 34836:16 34836:23 we've 34609:4 34618:6 34619:25 34620:1,6 34634:6 34667:11,17 34676:14 34682:22 34692:24 34701:2 34739:14 34746:11 34760:22 34772:7 34773:8 34779:19 34794:5 34806:17 34813:8 34814:19 34817:10 34821:21 34823:23 34825:18 34827:11 34834:5 34835:2 what's 34618:22 34640:6,23 34650:10 34710:16 34742:3 34768:15 34781:13 34788:22 34803:9,11	34804:9 34810:6,16 34821:22 34823:1 34840:11 what-what 34676:19 wheel 34664:22 whichever 34819:7 whilst 34696:9 34707:3 white 34742:18 34750:4 wholesome 34777:24 whomsoever 34843:22 wide 34646:6 wield 34783:5 34785:14,15 34786:21 wields 34783:9 win 34634:23 wished 34685:14 wishes 34655:5 wishy-washy 34806:25 withdraw 34669:22 34742:22 witnesses 34622:17 34733:3,18 34789:4 34795:8 witness's 34742:2 34794:21 wives 34646:24 women 34801:2 wonder 34678:6 wonderful 34606:10 won't 34643:15 34715:12 34719:14 34727:7 34751:21 34800:8 34803:20 word 34610:24 34619:15 34656:6 34669:21 34725:25 34726:15 34731:14 34751:7,8,11,23 34752:11 34754:24 34765:20 34791:2 34797:8 34799:2,4 34806:15 34808:25 34808:25 34809:4,24 34809:24 34814:12 34815:2,7 34816:22 words 34610:25 34693:11 34733:14 34741:11 34757:13 34762:11 34769:1 34777:12 34790:6 34798:2 34806:22 34811:22 34814:13 34814:13 34815:19 34815:22 34816:5 34818:14 work 34685:14 34775:5 34778:25 34797:16 34797:16 34822:2,2 34844:11,11 34845:13 workable 34617:16 34635:23 worked 34643:3 worker 34723:22	workers 34611:18 34618:19 34619:3,19 34634:16,17,20,20 34637:25 34648:13 34651:14,20,21 34684:18,20,24 34685:3 34688:22 34691:4 34697:15 34698:2 34700:3,11 34700:13,25 34701:10,22 34703:5 34704:10 34705:10 34707:15 34709:8,24 34711:22 34712:2,5 34713:10 34729:11 34731:10,14,22 34732:7,11 34734:13 34735:9 34745:8 34769:9 34770:19,22 34775:3 34778:15 34847:20,25 34849:2 workforce 34708:10 working 34645:25 34840:21 world 34755:4 34821:19 34822:23 worry 34737:12 34821:15 worse 34633:5,10,12 34711:19 34766:12 34766:14 worst 34688:19 wouldn't 34680:2 34782:2,25 34783:1 34783:12,23 34798:8 34803:13 wouldn't 34612:18 34663:1 34690:2 34737:11 34740:10 34764:2 34823:6,8,11 would've 34613:2 wounded 34800:12 wrath 34727:4 writer 34690:13 writing 34634:19 34761:12 written 34644:25 34688:14 34745:20 34767:5 wrong 34746:8,12,20 34746:20 34747:10 34747:13,14 34748:6 34768:16 34769:16 34778:7 34820:9 wrote 34644:7	34626:21 years 34608:12 34609:8 34610:8 34626:3 34642:16,16 34642:23,23 34643:3 34728:12 34729:17 34742:7 34840:21 yellow 34639:20 yesterday 34606:12 34614:3 34617:14,23 34617:24 34624:9 34631:14 34632:3,5 34633:21,23 34639:4 34648:5 34693:6 34698:17 34703:5 34706:2 34716:3 34717:14 34721:6 34723:4,13 34730:25 34753:10 34785:17 34787:24 34788:7 34792:8 34793:11,25 34797:22 34798:13 34813:17 34819:24 34833:19 you'd 34660:13 34765:8 you'll 34715:11 34726:6 34745:16 34751:1,12 34789:1 34849:11,12 you're 34606:3 34616:15,17 34638:5 34638:21 34639:25 34655:23 34657:11 34657:12 34670:6 34671:12,14 34672:13 34679:25 34695:21 34697:9 34711:25 34715:10 34717:4,5 34719:18 34719:22 34738:16 34743:6 34746:3 34748:10 34754:5 34769:20 34780:15 34782:10 34792:5 34803:19 34805:9 34812:18 34815:15 34820:11 34821:6 you've 34625:15 34628:2 34640:25 34650:18 34664:12 34674:11 34675:21 34678:25 34684:10 34684:23 34689:12 34689:19 34696:24 34701:19 34706:3,8 34715:10 34722:13 34733:7,22 34747:14 34747:17 34750:5 34764:4 34765:17 34766:7 34769:15 34775:25 34776:9 34778:7 34791:5,14 34803:5 34814:16 34818:8 34823:12 34830:7 34837:9
--	--	---	---	---

34839:12 34850:6	34830:15 34832:2	34615:1 34616:8	9
Z	13.2 34733:3	34630:20 34636:15	9 34640:21 34641:1
Zokwana 34626:8	13.5 34661:3	34639:22 34640:16	34783:15 34803:19
34627:22 34636:13	13:00 34751:18	34640:17 34641:6	34808:17 34850:19
34637:9 34658:21	13:53 34754:2	34705:22 34707:6	9% 34666:25
34666:6 34675:15	14 34820:9	34744:2	928 34814:20
34681:16,21	14th 34659:4 34724:12	2013 34626:4 34627:15	961 34641:1
Zokwana's 34637:15	34799:22 34802:11	2014 34606:1	
zoom 34744:25	34820:14	21 34706:6,7	
Zuma 34645:2	14:13 34768:6	22 34689:17	
	14:32 34786:23	23 34661:4,6 34772:20	
	14:52 34801:23	34772:21	
0	15 34805:10 34812:15	24 34622:4 34720:24	
000 34639:10 34641:6	34819:17	34772:11,18,20,22	
063 34640:21	15th 34631:3 34636:15	34800:11	
09:00 34606:2	34636:20 34659:7	25 34705:22 34706:16	
09:20 34622:6	34660:11 34662:9	25th 34729:10	
09:39 34637:23	34664:6 34750:20	25% 34607:6	
09:50 34638:20	34818:1 34836:8	27th 34640:15	
	34848:5	29 34689:20 34691:10	
	15:20 34812:17		
1	15:40 34774:1,2	3	
1 34610:2 34623:7	34828:21	30 34642:16,23 34643:3	
34639:8,20,21	15:43 34774:3	34766:17 34840:21	
34640:16 34658:21	15:44 34773:24	31 34642:16	
34671:21 34675:18	15:45 34773:17,18,20	338 34643:21 34644:4,5	
10 34661:18 34694:14	15:56 34773:23	34 34637:11 34693:12	
34697:24 34706:20	15:59 34845:1	34724:13 34752:20	
34814:20 34835:13	16 34677:25 34848:3	34803:1,7 34825:21	
34835:15,18	16th 34724:14,17	34835:11,15	
10th 34616:8 34630:19	34752:21 34819:6	35% 34610:25	
34686:22 34693:19	34840:20 34842:2	360 34782:4,5	
34697:20,21 34698:2	34846:11,14,22		
34709:18 34711:22	18 34660:10 34819:16	4	
34712:19,20 34713:9	18% 34707:1	4 34609:12 34677:25,25	
34713:19	180 34782:7	34678:1 34723:22	
10% 34708:9	19 34642:9	4:28pm 34799:25	
10:10 34651:11	192 34819:14	34802:11	
10:29 34666:25	195 34688:16 34689:21	405 34640:18	
1000 34732:14	1981 34642:20	44 34645:1 34709:20	
34800:16 34801:1	1982 34840:22	34724:22 34730:4	
11 34662:24 34663:18	1983 34642:13		
34819:19	1987 34683:25	5	
11th 34606:22	34684:10 34688:17	5 34640:18 34659:9	
34608:10 34616:2,21	34758:9,14	50 34825:20	
34623:2 34685:5	1990s 34646:1	50% 34731:14	
11:01 34671:11		500 34697:14 34703:7	
11:21 34687:20	2	52% 34707:1	
11:40 34780:10	2 34610:7 34623:11	540 34641:1	
11:41 34704:8	34633:3 34640:24		
12 34606:1 34661:25	34642:23 34660:12	6	
34662:4,8 34677:25	34753:15,16,18,20,22	6 34641:1 34819:11,15	
34697:14 34703:7	2.5 34767:24		
34799:21	2:58PM 34660:12	7	
12th 34659:1 34663:10	20 34706:4 34820:5,8,9	7 34609:12	
34697:21,24	34821:24,25	78 34706:14	
34700:23 34723:21	20th 34607:14,21,25		
12:00 34780:10	20/20 34651:1	8	
12:01 34721:20	200 34754:8	8th 34743:22	
12:21 34722:24	2005 34626:18	8.3 34622:5,6 34629:6	
12:40 34735:21	2009 34609:8,15	8.3.6 34622:10	
13 34664:20 34800:4	2011 34609:9,15	8.3.7 34622:11	
13th 34625:23	34743:22 34766:23	8.3.8 34622:13	
34724:10,11,12	2012 34606:22 34607:2	8.3.9 34622:15	
34733:12 34795:20	34607:14,21,25	80s 34620:17	
34795:21 34796:1	34608:10 34610:1,19	800 34800:16,25	
34800:12 34822:19			