

# South African police evidence in tatters as Marikana Commission enters phase two

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The 18-month-old commission of inquiry under retired judge Ian Farlam has ended its first phase, which focused on events at Marikana in the week leading up to August 16, 2012, when police killed 34 miners and injured 78, with many more arrested.

March 31, 2014 saw the start of phase two of the investigation, which will supposedly look into the socioeconomic conditions that led to striking miners being shot to death.

Phase one ended with senior policemen “knocking heads” with each other in “their ... attempts to spin their way out of trouble,” in the words of the *Daily Maverick*’s Greg Marinovich.

North West Deputy Provincial Police Commissioner Major General Ganasen Naidoo was the highest-ranking officer to fire his weapon during the Marikana massacre. The supposed task assigned to Naidoo was to escort paramedics to any scene where they were needed on the day.

After hearing about the shooting at “scene one,” the kraal below the koppie (knoll), Naidoo’s driver took a convoy of police vehicles with paramedics *away* from the wounded. Paramedics only got to scene one an hour after the shooting, by which time at least one victim had bled to death.

Naidoo’s explanation for this was that shooting in the vicinity prevented him from escorting the medics to the wounded. He added that his driver was “lost,” despite the fact the driver was a colonel from the local Marikana police station.

Evidence leader Matthew Chaskalson SC asked Naidoo why he did not call for an armoured vehicle to take the medics in. Naidoo replied that he tried but failed, as there was a partial failure of the radios. He spoke of poor communication, and of not being able to get through to other officers on his cell phone.

Chaskalson showed that this was unlikely, since the advocate was in possession of a list of the exact calls and text messages between all the main players around that time.

Instead of getting paramedics to the wounded, Naidoo stopped the convoy, took a few vehicles with K9 unit policemen and their dogs, and headed for what was to become known as scene two, the “killing koppie,” where the murders of 18 more miners occurred. He switched at this point from his responsibility to facilitate urgent medical care to hunting down fleeing miners across the veld and among the boulders. Naidoo bluntly asserted that a policeman’s duty is to help out colleagues who are in peril.

This “peril” in part consisted of a man fleeing the police with what seemed to be a long-barrelled weapon. Naidoo said he took this to be, possibly, the R5 assault rifle allegedly stolen from police in the clash on August 13. Marinovich writes that “despite the police shooting, arresting or searching every person leaving the koppie, no sign of a rifle was ever found. Even days of searching the crevices and boulders afterwards failed to reveal it.”

Advocate Dumisa Ntsebeza read out statements that Marikana survivors gave to the Independent Police Investigative Directorate. Representing the widows and families of the deceased miners, Ntsebeza put it to Naidoo that witnesses had seen their fellow strikers shot at after the latter had raised their hands in surrender.

Naidoo asserted that he came across two miners already dead as he approached the koppie. According to what the National Intervention Unit (NIU) members whom he joined on the koppie told him, the two were shot down while charging police with sticks and spears.

Ntsebeza pointed out that least one of the dead miners

whom Naidoo came across, Anele Mzideni, was shot from 42 metres away. This is a distance too great for the officer responsible for his death to have felt threatened by him. Ntsebeza maintained it was therefore not possible for the police to argue they were shooting in self-defence at scene two.

Naidoo insisted that as the K9 unit and some NIU members moved up and were about to crest the five metre-high boulder, he saw a miner shooting at him from bushes to his left. The bullet hit the rock near his feet. Naidoo said he returned fire, but could not say if he hit anyone.

The notion of miners attacking police at scene two has been contradicted several times, including by members of the South African Police Service (SAPS). Public Order Policing member, Warrant Officer Mamabolo, said that when he arrived on the scene, police on the rocks above—including Naidoo—were shooting. They ignored his repeated calls to cease fire.

“I observed some of the protesters coming out of the bushes behind the boulders with their raised hands,” Mamabolo said. “Suddenly I saw one of the protesters falling to the ground.”

Towards the end of phase one of the inquiry, Col. Salmon Vermaak stated that the SAPS tried to make a scapegoat of him. Vermaak was in charge of the police’s air-wing unit at Marikana on the day of the massacre.

The commission screened a video in October last year that was recorded just after the bloodbath. The footage showed Brig Adriaan Calitz, one of the senior policemen on the ground, crowing: “At this stage, we did nothing wrong. From the planning to the execution, it was 110 percent. I have to congratulate you. It was done exactly how we planned it and we briefed commanders. Exactly we executed that line.”

Vermaak names Calitz in particular as having explicitly required him to take the blame for the killings at scene two, in line with Calitz’s imputation to the commission that he had delegated more and more authority to Vermaak. He asserts that Calitz called him on January 9 this year to tell him that their testimonies to the commission should avoid contradiction.

Calitz was among the SAPS commanders who had testified at the commission before Vermaak, as had North West deputy provincial commissioners Naidoo and William Mpmembe and Provincial Commissioner

Zukiswa Mbombo (see: “North West police commissioner appears before inquiry into Marikana massacre”). They all denied giving orders, or having knowledge of the orders, that led to the deaths at scene two.



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