
CONSOLIDATED STATEMENT OF DUNCAN SCOTT

A. INTRODUCTION

1. I am a Colonel in the South African Police Service, with persal number 0441634-1, stationed at the Special Task Force National Office, Alben Building, Rietondale, Pretoria.
2. I have previously deposed of two affidavits in October and November of 2012 in which I described the role I played in the police operation at Marikana events leading up to the tragedy of Thursday 16 August 2012 at the Lonmin mine in Rustenburg where some of strikers lost their lives and scores more were injured. These statements have been submitted into evidence and are marked exhibits FFF 18 and GGG 39.
3. During May 2013 I was requested by the Evidence Leaders to provide greater clarity on the two statements.
4. I propose to do so in the manner set out hereunder:
 - 4.1. I detail my personal background as well as my professional qualification and career experience – [Section 1];

- 4.2. I deal with the chronological factual account of my involvement in Marikana, as best as I can master – [Section 2];
- 4.3. I then describe my involvement after the incident on 16th August 2012 leading up to the Commission, including Roots – [Section 3];
- 4.4. I then explain the reasons for the inputs I made in relation to the police plans, which plans were intended to defuse the unrest situation that was prevailing at Marikana at the time of my call-up – [Section 4];
- 4.5. I address such questions as have been directed to me by the Evidence Leaders – [Section 5];
- 4.6. Lastly, I deal with concerns raised with regard to the police action in so far as those concerns relate to areas that are within my area of competence – [Section 6].

B. SECTION 1 – CAREER EXPERIENCE

5. I address my career path as well as experience as a member of the South African Police Service (SAPS) over the years.
 - 5.1. I matriculated from Randfontein High School in 1986 and was drafted into national service for 1987/88. After a brief spell in the civilian environment I acknowledged my passion and calling for the special forces field and joined the South African Police Service (then still known as the South African Police) in 1991 to pursue a career in the

Special Task Force (STF).

- 5.2. I successfully completed STF Selection Course 14 in 1993, being one of 16 from the 310 candidates that was badged with the STF Wings for successfully completing the STF Selection Course and was thus transferred to the Unit in August that year. I completed the mandatory advanced courses and was deployed operationally over the following two years thereby qualifying for the STF Operators Badge in 1995.
- 5.3. Early in my STF career, the Unit's management earmarked me as a potential training Instructor. By 1996 I was trained as an Instructor for the STF. By 1998 I was appointed as the STF Urban Phase Leader which is the leader of the specific field and its Instructors within the STF . I took ownership of the field, revived a vision for excellence in training methodologies and emphasised the need for constant revision of tactics to keep a competitive edge in the operational arena. This has produced fruit throughout the Police and beyond as I have played a leading role in developing and evaluating advanced tactical techniques.
- 5.4. In 2007 I was tasked by the STF Section Head to represent the Unit in the planning of an Inter-Departmental operation – code named “Air Wolf”. I planned and coordinated the execution of the tactical eight day operation which included a multiple target deployment of the STF and NIU in strategic locations on the RSA border environment,

supported by the SAPS Air Wing and SA Air Force who provided air lift transportation for infiltration and exfiltration of the different mission areas.

- 5.5. On completion of Operation Air Wolf, I was summoned by Deputy National Commissioner (DNC) Pruis who mandated me to start planning the team security and counter terrorism for the 2010 FIFA World Cup™. When the Priority Committees were formalised, DNC Pruis appointed me as the Chairperson of the Committee: Team Security, Counter Terrorism and High Risk Operations. I in turn established and coordinated seven sub-committees during the planning and preparation for the event. For the 2009 Confederations Cup and 2010 FIFA World Cup™, I was designated Operational Commander at the NATJOC for Team Security, Counter Terrorism and High Risk Operations. FIFA praised the operational concept and manner in which the Soccer Teams were secured saying it was a new benchmark.
- 5.6. Since accepting the new responsibilities in 2007 I have fulfilled the job description of the vacant post: Commander Operations: STF (Colonel level) – previously known as the Deputy Head of the STF, reporting to the STF Section Head (Brigadier level). My job description was revised in April 2008 to include the new key performance areas of the previous Deputy Head STF post.

Relevant Experience & Initiatives

5.7. SAPS Career Path

- 5.7.1. 1991 – Attestation into South African Police
- 5.7.2. 1991 – Appointment as a Constable at Maraisburg SAP
- 5.7.3. 1992 - Transfer to Public Order Police Unit 2 Diepkloof
- 5.7.4. 1993 – Transfer to STF Pretoria (Successful completion of STF Course)
- 5.7.5. 1994 – Transfer to STF Durban (Decentralisation of STF – establishing Durban Unit)
- 5.7.6. 2001 – Transfer to STF Pretoria (Acceptance of backdated Promotion Post)
- 5.7.7. 2005 – Transfer to STF Head Office, Rietondale (Acceptance of Promotion Post).

5.8. Promotions

- 5.8.1. 1991-01-22 – Student
- 5.8.2. 1991-09-02 – Constable
- 5.8.3. 1993-07-01 – Lance Sergeant

- 5.8.4. 1996-07-01 – Sergeant
- 5.8.5. 1998-10-01 – Inspector (Warrant Officer)
- 5.8.6. 2000-10-01 – Captain
- 5.8.7. 2005-03-01 – Superintendent (Lt Colonel)
- 5.8.8. 2013-07-01 - Colonel

5.9. Policing Experience

- 5.9.1. 1 year and 8 months policing experience at Maraisburg SAP – Community Service Centre to Shift Commander (student & after return from Police College).
- 5.9.2. 3 months experience in public order policing based at Unit 2 – Diepkloof [2002 – 2003, operating in an armoured vehicle; dealing with protests, marches and public violence incidents]. During this period I attended a week-long public order policing course.
- 5.9.3. 20 years operational experience in the Special Task Force (13 as an Officer)

5.10. Operational Leadership (integrated multi-component / Departmental operations):

- 5.10.1. I played a leading role in planning, organising and coordinating multi-disciplinary operations where high risk units were integrated

under the command of the Police to meet the mission's objectives.

These operations are (excludes the numerous STF reactive and tactical operations):

5.10.2. Operation Air Wolf – Polokwane and Borderline areas (August 2007) – dealing with smuggling syndicates which would use low-flying aircraft and unmanned runways along the South African border as springboards into the neighbouring states.

5.10.3. The following operations – involving preparations for the 2010 FIFA World Cup™ where the lowest to the highest levels of risk that could happen in the various cities (from public order incidents to terrorism) were simulated. The operations involved multi-disciplinary units involving various departments:

- Green Point – Cape Town (March 2008)
- Operation Shield 1 – Port Elizabeth (July 2008)
- Operation Shield 2 – Bloemfontein (August 2008)
- Operation Shield 3 – Gauteng & North West Province (March 2009)

5.10.4. FIFA Confederations Cup – Gauteng, North West & Free State (June 2009) – I was the NATJOC representative/operational

commander overseeing specialised team security and specialised and high risk operations.

5.10.5. 2010 FIFA World Cup™ – across South Africa (May to July 2010)

5.10.6. Operation Squeeze the Criminals – Soshanguve & Pretoria CBD (January 2011) – this was a crime prevention plan (visible policing) run across South Africa.

5.10.7. African Union Summit – Equatorial Guinea (April 2011 – July 2011) – This involved assisting the African Union with security arrangements, from planning to deployment.

5.10.8. COP 17 (17th Conference of the Parties) – Durban (November / December 2011) [Summit on climate change]– the event was a major public order challenge, with “green protestors” coming from various part of the world to launch protests, cause disruptions of the conference and embarrass the host country by exposing gaps in the security of their energy producing key-points by infiltrating them and displaying banners for the media.

5.11. Relevant Training Experience (as Instruction and Course Leader)

5.11.1. STF Urban Instructor for 14 courses – 1996 to 2009

5.11.2. STF Urban Phase Leader for 12 courses – 1998 to 2009

5.11.3. STF Hostage Release Instructor / Overseer for 6 courses – 2004 to 2009

5.11.4. STF Weapon Phase Leader for 1 course – 2004

5.11.5. Recruitment, Preparation and Conditioning Phase Leader for 4 courses – 2004 to 2007

5.11.6. Selection Phase Leader for 10 STF Selections (endurance program known as Vasbyt) – 2003 to 2010 (latter years at 2 per year)

5.11.7. Numerous workshops for tactical trainers within SAPS

5.11.8. Numerous subject matter workshops within STF tactical fields

5.11.9. STF Tactical Training Coordinator – 2000 to 2005

5.11.10. STF Training Commander – 2005 to present

5.11.11. Acting STF Operations Commander – 2008 to 2013

5.12. Initiatives to introduce systems aimed at streamlining problematic areas

5.12.1. I started the initiative for a SAPS Centre of Excellence for Tactical Policing (first known as “Project: High Risk Officer”), aimed at streamlining the Policing Tactical Units (STF; NIU; TRT) to complement each other’s roles by:

- Clarifying mandates to enhance compatibility at different levels
- Standardising training at the mandated levels – same foundation for all
- Standardising of required equipment across the tactical Units
- Establishing a Tactical Police Training Academy to train instructors

5.12.2. I drafted a doctrine document for STF training – leaving a precedent for the next generation to utilise and build on instead of starting over when the next STF Training Commander is appointed in time.

5.12.3. I refocused the STF training to compliment the Units mandate. The training curriculum as a whole was revised but notably the move from Bomb Disposal to Explosive Methods of Entry and from Police Diver to Waterborne Operations.

5.12.4. I initiated the STF Training Package being developed professionally by an external provider in order to meet all SAPS Education, Training and Development standards and SAQA requirements. Identified modules will thereafter be cascaded down to the other tactical Units within the SAPS – thus the standardisation of tactical training. This compliments the idea of a

career path within the Tactical Policing ambit with a recognised qualification.

5.12.5. I drafted a proposed Research, Evaluation and Development doctrine for the STF to introduce a system for acquiring the best equipment without bias.

5.12.6. I drafted a strategy to career path STF Operators, aimed at specialisation, which assists as an exit strategy in the long term to place Operators into critical skilled Units elsewhere in the SAPS – having mastered their professions.

5.12.7. I drafted a proposal for introducing Operational Support Personnel into the STF which is a strategy to address gender equity, retain skills and experience on the Unit by accommodating Operators who are no longer able to meet operational standards and releases pressure on the Operators in these roles.

5.13. Certified Qualifications & Courses

5.13.1. Tertiary

- Matric certificate – Randfontein High School (1986)
- National Diploma: Policing (Cum Laude) – Technikon SA (1997)
- B-Tech Degree: Policing – Technikon Pretoria (2003)

5.13.2. **SAPS Courses**

- Basic Training Course (1991)
- Internal Stability Course (1992) – A six week POP training
- Special Task Force Selection Course 14 (1993)
- VIP Protection Course (1993)
- Police Diver (1993)
- Explosives and Bomb Disposal Course (1994)
- Dive Supervisors Course (1994)
- STF Sniper Course (1995)
- STF Urban Counter Terrorism Instructors Course (1996)
- Operational Commanders Training (OCT) (2002) - Following the recommendation of the Goldstone Commission; the focus of the training was to orientate the police service in proper public order policing. [Best Student]
- Word Perfect 8 & Corel Quattro Pro 8 (2002)
- Hostage Negotiators Course (2006)
- Lieutenant Colonels In-Service Training Program (2010)

- Middle Management Learning Program (2010)

5.13.3. **External - Local Providers**

- SANDF 7 Medical Battalion: Intermediate Life Support Course – Level 5 (1994)
- Developing High Performance Managers Course (2000)
- Damelin: Train the Trainer Higher Certificate (2001)
- Rand Afrikaans University: Performance Assessor Certificate (2002)
- Parachute Association South Africa: Parachute Jump Master Course (2004)
- Edutel: National Certificate – Occupational Directed Education, Training and Development Practitioner (2007)

5.13.4. **External - International Provider**

- Australian Contractor: Kontakt Unarmed Combat Instructor (1995 – Polokwane)
- ASP: Tactical Baton Instructor (2001 – Pretoria)
- USA: Crisis Response Team Training Course (2001 – USA) – involving elements of TRT, NIU and STF training

- USA: Instructional Development Course (2001 – USA)
- French: Hostage Negotiators Training (2005 – Pretoria) – A course in negotiation.
- USA: Protective Intelligence and Investigation (2007 – Pretoria)
- USA: Tactical Commanders Course (2011 – Pretoria) – How to command crisis response teams.

Commendations & Awards

5.13.5. Operational Commendations

- Certificate of Appreciation from the National Commissioner – rendering services in a task team which solved the Shobashobane incident in 1995/96 – this was a multi-disciplinary operation involving public order police and tactical units.
- Certificate of Commendation from the Area Commissioner Midlands, KwaZulu-Natal for apprehension of perpetrators responsible for serious crime and violence in the area during 1997.

- Certificate of Commendation from the National Commissioner for the apprehension of cash in transit robbers in 2007.
- Certificate of Commendation from the Government of Grenada – Royal Grenada Police Force for assistance rendered during their hosting of the ICC Cricket World Cup in 2007

5.13.6. **Academic Commendations** (only those with certificates mentioned)

- Certificate of Merit – Candidate for Best Student at Police College Pretoria – 1991.
- Certificate of Achievement – Top Achiever in South Africa across all represented Departments for Occupational Directed Education, Training and Development Practitioner Learnership – 2007.
- Certificate of Merit – Best Overall Learner for Middle Management Learning Program – 2010

5.13.7. **Awards**

- Special Task Force Wings (1993)
- Special Task Force Operators Badge (1995)

- German Paratrooper Regiment Badge – Gold Status (1999)

5.13.8. **Milestones within the STF**

- Represented the SAPS STF at the Combat Team Conference (Special Forces Games) in Germany in 1999.
- Represented the SAPS STF at the Sniper World Cup in Budapest (Hungary) in 2006.
- Representative on the SAQA Standard Generating Body (SGB): Special Combat Capabilities for 6 years from 2002 to 2008.
- Cross training and/or counter terrorism conventions in the following countries:
 - USA (2001 / 2006)
 - France (2005)
 - UK (2008 and 2009)

C. SECTION 2 – ACCOUNT OF MY INVOLVEMENT AT MARIKANA

6. Monday 13th August 2012

6.1. On Monday 13th August I was phoned by Brigadier Fritz who advised

me that Maj Gen Annandale had requested him to summon me to Marikana to assist with planning and in my understanding coordinating an operation where suspects needed to be apprehended who had earlier in the day killed two police officials, thereafter escaping from the police by running into the mountains nearby. Brigadier Fritz also gave me a brief background

- 6.2. I, at the time, was not aware of the on-going strike action at Lonmin mine at this time and thought this to be an operation where the STF were required to carry out a follow-up operation where tracking skills were required to locate and apprehend the suspects. On route I phoned Maj Gen Annandale to confirm that I had received the instruction to report and was on my way. Maj Gen Annandale assisted me with directions to the location of the JOC in Marikana.
- 6.3. While travelling from Pretoria I already started with the process of problem solving based on the information I had. I was already conceptualising an operational strategy based on the STF standard operating procedures with regard to follow-up operations, to apprehend and arrest the suspects.
- 6.4. I assumed the mountains to which the suspects had escaped to be the Magaliesberg Mountains nearby and that the suspects were a group numbering about 10. The operational deployment I was conceptualising was a follow-up operation where the STF would play

a leading role with the NIU, TRT and POP in support roles. I was conceptualising the STF to work with the Police and SAAF helicopters, using the police helicopter (Squirrel) as an aerial command platform with the STF commander, other relevant commanders, including someone who knew the area well for orientation and forecasting of the movements of the suspects. The SAAF Oryx would carry reserve tracking /arrest team. As with the many reactive operations I have had to respond to, the planning process gets underway from the time I have been tasked and by the time of arrival at the scene a concept is already in place to a large degree.

- 6.5. On arrival at the Lonmin mine, I was initially briefed by Maj Gen Annandale whom I reported to. I was then tasked by Maj Gen Annandale to prepare a briefing to orientate the National Commissioner, General Phiyega, as she would be arriving within an hour of my arrival. Maj Gen Annandale introduced me to Mr Graham Sinclair from the Lonmin Mine security who further briefed me on incidents from the weekend and orientated me on a map as to where the strikers were positioned and where the incidents of violence had been taking place.
- 6.6. I now realised that the situation was different from what I had initially understood which was based on the telephonic briefing I had received

from Brigadier Fritz. This was no fault of Brig Fritz, simply a result of lack of information available at the time of call out.

6.7. I immediately started with the appreciation process while simultaneously building a Google Earth satellite map with icons to orientate and brief the National Commissioner. The appreciation process allowed me to gather as much information available to carry out a logical thought and reasoning process aimed at finding the most appropriate solution to the specific problem. From that time onward, all inputs were being absorbed and influencing the moulding of an operational concept which I later on Tuesday tabled as a layered operational strategy to resolve the situation.

6.8. With the information I had received from Maj Gen Annandale and Mr Graham Sinclair, I started working on Google Earth as a map and I prepared an orientation briefing for the National Commissioner who was expected around 20:15. The National Commissioner arrived at the Joint Operations Centre (JOC) established at the Lonmin Mine with the Provincial Commissioner of Gauteng – Lieutenant General Petros. The Provincial Commissioner of North West – Lieutenant General Mbombo and two Deputy Provincial Commissioners – Major Generals Mpembe and Naidoo received the delegation. Other Police Commanders who had been deployed operationally that day were also present to assist in briefing the delegation on the developing

situation. I presented the orientation and then the commanders who were present gave inputs.

6.9. After the police briefing the National Commissioner and her delegation went to a meeting with the Lonmin Mine Management. I used this time to start building the outline of the Operation Platinum presentation and gain more information on the Marikana environment and what the history of the situation was. When the National Commissioner's delegation returned a second meeting was held that evening at about 23:00 with the operational Officers present to discuss a course of action to resolve the situation. Part of the strategic guidance I later captured in the briefing presentation to the commanders originated during this meeting.

6.10. I suggested during the meeting that the emotions on both sides were high due to the loss of life and that should the Police move in to disperse the group the next morning that the intervention could possibly be interpreted by the media and the public as retaliation instead of enforcement of the law. I said this because I considered there was bound to be conflict again should the Police use force to defuse the situation with the protesters that armed as they were and with their emotions running as high as they did at the time.

6.11. I suggested to the National Commissioner that the police should initiate dialogue to defuse the situation by introducing police

negotiators who could provide the strikers with an alternative means to ending the standoff other than having the police employ a tactical option. I reflected on the success of this approach during STF operations where a hostage taker or barricaded suspect is given the opportunity to defuse the situation without violence, giving them a way out which is desirable to all, without the use of tactics and unnecessary force. I mentioned my reason being that if a tactical police action to resolve the situation on the Tuesday was implemented it could possibly lead to conflict again, considering the strikers heightened emotions from Monday's incident and that dialogue would allow for emotions to lower and logic to increase with regard to the illegality of the situation. This to me was a sensible course of action with alternative strategies to follow thereafter should dialogue fail.

- 6.12. After hearing the briefing given to the National Commissioner by the commanders involved in the conflictive incident earlier in the day which had tragic results, I formed the that view this group of strikers had taken their level of willingness to achieve their goals to levels beyond what the police had previously experienced in labour and service delivery unrest. This had moved from destruction of property and harming of non-striking employees, to standing against the authority of state vested in the police, by attacking and murdering police officials when they tried to enforce the law.

- 6.13. With the killing of police officials, it was my view that the strikers had crossed a barrier where they would, with greater ease, take the decision to confront the police again should the police be required to resolve the situation tactically. I was aware that there could be casualties on both sides. Thus, in the spirit of tolerance to provide a path to deescalate the violence, I suggested the process of negotiating a peaceful resolution with the strikers.
- 6.14. With the National Commissioners' briefing concluded, I continued to obtain more information on the situation, as is required, to provide for the formulation of an operational concept, namely what means were available to deal with the situation, what were the details of the environment and the movements of the strikers.
- 6.15. The second point in an appreciation is to analyse the opponent. Normally my method of planning is to carry out an appreciation by consulting witnesses, police personnel involved, any other source available who can provide input as well as record documentation, open source media etc. This is to gain an understanding of the situation, forecast risks for which I simultaneously consider risk mitigation resolutions with the resources immediately available, or which need to be acquired, and start to cognitively formulate options to resolve the situation.
- 6.16. This consultation/information gathering process initially started on

arrival at Lonmin in my initial briefing by Maj Gen Annandale and Mr Graham Sinclair who assisted me further with regard to the recent history of the strike and the violence experienced thus far as well as with my orientation to the geographical area.

6.17. In my analysis of the strikers, they were contravening the law by gathering to protest with weapons. This was a large scale on-going illegal action which required the police's attention. I concluded that this would need to be approached with a strategy to allow the strikers to be made aware of the unlawfulness of their armed presence and to require of them to disarm and further to inform them that the police would ultimately need to take steps to restore the rule of law if they were unwilling to do so as responsible citizens.

6.18. Thus my earlier suggestion to the National Commissioner that evening to utilise the police negotiators was informed by my background based on STF operations where we use similar tactics but maintaining the principle of restoring adherence to law and restoration of order.

6.19. There was also the issue was the probability that amongst the strikers there were murder suspects who the police needed to apprehend and illegal firearms which needed to be retrieved. This, notwithstanding the attention the police had to direct towards combatting of violent crime which had been sporadically occurring around the Marikana

area, which seemed to be related to the strike according to the briefings, considering the conflict on Saturday, Sunday and Monday.

6.20. That Monday evening, on realising that the mountain was actually a koppie and that the suspects were part of a much larger group of reportedly militant strikers, with the first estimates being given to me at around 3000 persons, I realised that the initial operational strategy I had conceptualised on route to Marikana was no longer an option and that the situation required a different approach, one which would require POPs to play a leading role in restoring order with the other tactical forces in support of POPs.

6.21. My assessment of the situation was that the POP's members would be in danger if they needed to confront the strikers with a tactical option. The POP member's highest level of offensive operation is still carried out with less than lethal force, thus having the POP members primary weapons intended for non-lethal application, namely shotguns with rubber rounds.

6.22. While considering this issue, I reasoned that the POP members would need a protective element. In essence, I reasoned that if tactical units were deployed in support to protect the POP members, they would, with reassurance, focus their attention of their public order policing tactics. If the police needed to utilise the POP members to resolve the situation tactically, they would be able to stand in formation with more

confidence to apply any defensive or offensive POP tactical option required of them, knowing they had the tactical Units in immediate support.

6.23. I reasoned that POP would need to play a leading role and be the first line of contact with the strikers, thus the operational concept would need to embrace the strategies utilised in public order operations but with the added element of the tactical units employed in various roles of support to the POP members.

6.24. The plan would need to be a hybrid, similar to plans used on other major events, but with an emphasis on bringing the on-going violence and destruction of property to an end, and this while ensuring the safety of the police members while carrying out their duty. With this in mind, the basic principles of any police operation was the foundation from which I worked – one of utilising methods to avert physical confrontation, but maintaining a vigilant presence and response capability should the need arise to employ tactical options to avert lawlessness and violence. The principles are:

6.24.1. Use dialogue to ascertain the disrupting person(s) issues and try to restore reason in place of heightened emotions, providing for a peaceful resolution where the person only has to give account for previous illegal action and not force the situation into a worse place for themselves. The police presence is known but not exploited

while there is a chance for a peaceful solution through dialogue. The police however maintain an immediate response capability based on a risk assessment of the situation;

6.24.2. Depending on the situation, when dealing with persons who have contravened the law and have a desire to escape or fight, the police are to provide a show of force to help the transgressors reason logically that they are better off complying with the requests of the police to deescalate the threat rather than confronting the authority represented in the show of force they are physically able to see. This is the show of force dissuasion tactic.

6.24.3. If the above situations fail to deescalate the threat and return the transgressor to a state where order can prevail, then as a last resort compliance with the law must be enforced through a force continuum which needs to be proportionate to the threat posed by the transgressor towards the police officials acting.

6.25. Thus my reasoning was that POP would provide the first line of policing in the initial operational strategy to restore order to the area, due to the size of the crowd and with the ability to apply non-lethal force to restore order. The police would need to follow the force continuum to deescalate the emotional tension, allowing logic and responsible reasoning to prevail to avert further confrontation between the police and the strikers.

- 6.26. I remained aware that a tactical option would need to be planned for, should the situation need to be resolved that way by the police, but that dialogue was necessary as a first option to resolve the situation. I was however mindful that any tactical option by POP could be met with the same response as was experienced earlier that day on Monday 13th, being that the advancement of POP to carry out a tactical option toward the strikers could be met by some of the strikers closing the ground on the POP members to disrupt the police action with violent actions.
- 6.27. My rationale was based on the precepts that the police should only move to an offensive POP tactical option if the strikers escalated the threat of violence and destruction by mobilising as a group to move to a pre-determined target, possibly Lonmin Mine property or toward employees who were refusing to participate in the strike. The other alternative which could dictate police action would be if all other options to resolve the situation without force were exhausted and there was no other means to restore order to the area but to bring the strikers back in line with the legal requirements for lawful protests.
- 6.28. It was obvious to me after the attacks that Monday that the police would need to take extra care to ensure their safety. I considered that a contingency plan for the safety of the POP members needed to be conceptualised, thus a protective element from the tactical Units

present would provide this assurance for the POP members.

- 6.29. During the early hours of Tuesday morning, Brig Calitz introduced me to Lt Col Merafe who is the POP Unit Commander of Rustenburg. Brig Calitz informed us to conceptualise an operational strategy to deal with the situation. I subsequently was made to understand that Maj Gen Annandale and Maj Gen Mpembe had spoken and instructed Brig Calitz to have the POP commanders sit with me and develop a strategy for presentation the following day at the JOCCOM.
- 6.30. I recall it was said that the JOCCOM was to meet at 06:00 that Tuesday morning, although I cannot now recall which senior officer gave the instruction. I thus arranged for Mr Sinclair to print a large copy of the satellite photo of the area where the koppie was located and we gathered around a table in the then JOC building to discuss the options for the police.
- 6.31. Lt Col Merafe and two other police members were present. I facilitated the planning session by starting with a problem-solving process which was to analyse the problem, identify a possible policing solution, review the concept and decide on the coordinating instructions which give a structured timeline to the operational concept.
- 6.32. Mr Sinclair was also present for part of the meeting and provided inputs with regards to the striker's movements. He enlightened us to

the fact that the majority of the strikers moved away from the koppie at night and returned in the morning but that a small group spent the night on the koppie. He mentioned that in the morning many strikers would move through the Nkaneng settlement back to the koppie.

6.33. This gave rise to the suggestion of an opportunistic plan to be proactive and prohibit the gathering at the koppie and arrest those on the koppie – possibly key role players in the strike or perpetrators of the violence in the preceding days. The estimate that evening was that the group that had spent the night on the koppie was less than 100 strikers.

6.34. Based on the information that the strikers who had killed the police members came from the Karee hostel area to the west, I reasoned that it was possibly not convenient for them to return to their hostel after Monday's incident as they may perceive the police to have information of the perpetrator's identity and that they could be sought at their places of residence. I also considered that only really dedicated strikers were going to stay out in the cold as it was around zero degrees Celsius that night.

6.35. If the police could encircle this group, they may have the ability to arrest and process the leadership component of the strike or at least some core militant role players. The arrested strikers could provide information for the STF and NIU members to follow up on with regards

to the whereabouts of any outstanding perpetrators of the acts of violence and destruction, including the whereabouts of the police and mine security firearms which had been stolen.

6.36. Considering we needed to have a briefing in place for the JOCCOM at 06:00 and based on the information provided by Mr Sinclair's information as well as the deductions above, I discussed the following strategy with the police members present during the planning meeting:

6.36.1. The police would encircle the koppie with razor wire just after first light. The encirclement group would consist of POP members. The deployment of the razor wire was to avoid direct confrontation with the strikers on the koppie. The razor wire would be deployed with one POP group starting from the north to the south moving to the west and the other POP group from the south to the north moving to the east. This was to speed up the deployment of the razor wire to minimise the chance of the persons on the koppie escaping the action. Teams of TRT members would initially accompany the POP as a protective element before moving to join the filtering line.

6.36.2. Other POP and TRT police members will set up a filtering line between the koppie and the Nkaneng settlement towards a northerly direction for the persons coming to the koppie through the Nkaneng settlement. This line would not permit armed strikers to

proceed towards the koppie and the police members would explain to the strikers the illegality of their actions.

6.36.3. I suggested the placement of a small team of the STF members in an observation post, at what is now known as koppie 3, with the remainder of the STF and NIU members forming an immediate reaction group behind koppie 3 to the west, out of sight according to my appreciation of the satellite photo. The STF and NIU would present themselves if the threat towards the police members escalated, and would respond to any life threatening attack on the POP encirclement team or the filtering line.

6.36.4. The police trucks to transport the arrested persons would position on the south western edge of the koppie where the razor wire would close in on the power station with the forensic services and detectives stationed at this point. Here a police stop and search action would be set up to disarm and process the persons on the koppie after they were instructed to exit through the set point.

6.36.5. The sequence of movement would be the STF and NIU first in the line with the filtering line to follow and the encirclement group behind them, moving directly into place deploying their razor wire immediately.

6.36.6. Mr Sinclair had also warned us at the meeting that he had

information that there would be up to 2000 persons coming from the Mooinooi area to the south of Marikana, to sympathise with the strikers at the koppie. This information led to the creation of early warning groups and road block teams on the roads leading to the koppie to prevent any armed persons from entering the area.

6.36.7. A Forward Holding Area close to the koppie would be identified to stage the personnel who would deal with the processing of the arrested suspects and the handling of any evidence. Also the medical emergency response services offered by Mr Sinclair and some of the other police assets which were as yet not verified as they had not yet arrived, could be staged at the forward holding area to provide a reserve response team to strengthen either the filtering line, the encirclement group or deploy to key-points which come under threat.

6.37. The operation was to be a rapid deployment to catch the persons on the koppie unprepared for a coordinated retaliation against the police members. The element of surprise at first light with the unexpected police presence, (as there had been no police deployments as yet near the koppie), would mean that the strikers could not accurately interpret the police strategy to encircle them and would not have pre-planned to avert such a police response.

6.38. After re-capping the operational concept with Lt Col Merafe and the

other POP members, they agreed on the approach and I said I would capture it into a presentation for the 06:00 JOCCOM to brief the commanders. The meeting adjourned and Mr Sinclair offered to orientate me by driving me around the area and to the vicinity of the koppie.

6.39. Mr Sinclair drove me to a junction at the BMR smelter where he had a security detail posted. He showed me the koppie in the distance and orientated me to the Nkaneng settlement and where the Wonderkop hostels were located. We again discussed the movement of some of the strikers from the Wonderkop hostels area through the Nkaneng settlement to the koppie. He mentioned that we should not go further forward as it could be dangerous.

6.40. During my time with Mr Sinclair while he was orientating me, he offered to have the Protea Coin helicopter do a reconnaissance flight as I was seeking confirmation of the precise number of strikers at the koppie for the police deployment numbers to be applicable to any possible threat. An arrangement was made that the helicopter would be at the rear staging area at the Lonmin Rescue Unit where the JOC was established at 05:30 that Tuesday morning. At about 02:00 I went to sleep in the mine barracks nearby.

7. Tuesday 14th August 2012

7.1. I woke at 04:30 and returned to the briefing room where I started building the presentation for the operational concept of the proposed plan for that morning. I arranged a Google Earth Satellite map with icons to display the operational concept for the briefing at 06:00 and continued to build the Power Point presentation to cover all the major aspects required in a plan, being SMEAC:

- S – situation
- M – mission
- E – execution
- A – admin and logistics
- C – command and signal

7.2. I had started formatting a presentation that Monday evening during the time I had while the senior police officers were in a meeting with the Lonmin Mine management. To save time in building the presentation I used the design from a previous briefing I had built for Operation Rhino which was a multi-disciplined operation I was involved in earlier in 2012. This explains why the planning presentations for Operation Platinum have some of the Operation Rhino slides at the end of the document. I also imported some slides from a previous cash in transit operation which had the tasking tables

I needed to populate for each group or team deployed.

- 7.3. At 05:30 on Tuesday 14th I arranged a helicopter reconnaissance flight to seek confirmation on the number of strikers at the koppie. It was not yet light so a strong torch was used to view the ground from the helicopter. It was reported that about 10 persons could be identified on the koppie with a small fire burning. I requested the flight to be repeated at 06:30 when there would be light. On return of the helicopter this time they confirmed 15 to 20 persons on the koppie. I saw this as favourable to implement the operational concept derived with Lt Col Merafe earlier during the course of the night.
- 7.4. I was under the impression the JOCCOM was supposed to meet at 06:00, thus I had my briefing ready at that time. Due to a lack of availability of some of the role players I was expecting to brief I delayed the presentation. In the meantime, I upgraded the presentation thinking the role players had only left the Lonmin mine premises after midnight and had far to travel. I also heard that some of the police units called to assist were still on route. As time passed, the reconnaissance flights of the helicopter confirmed that between 08:00 and 09:00 the koppie had filled with about 3000 persons on or around it. I concluded then that the envisioned concept to deploy the police members in encircling the koppie and forming a filtering line was no longer an option.

- 7.5. During Tuesday morning I also received feedback from the STF reconnaissance team I had sent out to scout for an observation post at what was to become known as koppie 3. Even though I knew the encirclement operation was no longer feasible that day. I still needed eyes on the ground to provide information on the movements of the strikers as we were not certain they would remain static for the day - Tuesday.
- 7.6. The STF team informed me about the difficulty of the terrain and that the chance of compromise was too great as there were mainly small trees, bushes and large rocks, not the high ground I had anticipated from the appreciation off the satellite photo. They also they reported that some of the strikers were moving through koppie 3 to get to koppie 1 and at times some would move between koppie 1 and 3 for short periods. I informed them to search for another safer observation post where they could find high ground. This they did and positioned themselves with their optical equipment at the BMR smelter on top of one of the higher buildings.
- 7.7. I reverted to addressing the challenges I was identifying by re-evaluating the situation. I reverted to my initial thinking from the previous evening before the opportunistic approach became an option, namely to address the large group of strikers with dialogue and to escalate through the force continuum from there. I started

conceptualising the layered sequential approach at this time but realised I had to suggest deploying the police members on an interim strategy as there was no police presence in the area at that time as they were all congregated outside in the staging area waiting to be briefed on how to deploy.

7.8. I thus developed another interim operational concept based on a strategy I had introduced to the POP members earlier in 2012 during the Ratanda public violence and unrest outside Heidelberg, namely a sector patrol strategy. This was the basis for the interim tactical option of patrols being implemented in Marikana on Tuesday 14th August 2012, but I used the patrols for multiple purposes having the sequenced phase approach in mind and wanting to verify certain essential elements of information.

7.9. The reasons for implementing a sector policing patrol strategy were as follows:

7.9.1. The police group was too large to brief using the computer based satellite photos I had developed of the area. I realised that the newly arrived police members needed to be orientated and integrated into the respective forces in the area already.

7.9.2. There was a need for the police to provide a presence in the area to prevent acts of intimidation, violence and destruction.

- 7.9.3. The police patrols were tasked to gather intelligence on the area's roads, specifically the approach route I had envisioned would be taken to the neutral area which would become the police's staging area. The area was in front of the strikers and I had envisioned it being utilised in the future for monitoring and negotiation deployment purposes.
- 7.9.4. I also requested information on the atmosphere around the area and the attitude of the local population towards the police presence. This was necessary because as at the time the best source of information available was from the Lonmin Mine security official Mr Graham Sinclair.
- 7.10. That Tuesday morning sometime around 08:00 or 09:00, I consulted with Maj Gen Mpembe about implementing the sector policing patrol for the reasons given above and was given the approval to continue. In the mean while I started preparing commander hand-outs of gridded satellite photos to coordinate the police patrols in the sector patrolling concept.
- 7.11. A JOC meeting was around mid-morning with Maj Gen Mpembe and the available commanders at that time, to brief them on the sector patrol approach and divide them into their zones. The POP members would travel in Nyalas with a minimum of three in convoy accompanied by at least three soft skin vehicles carrying tactical

police members from TRT or NIU in support of them as a contingency.

7.12. They deployed shortly thereafter and I continued to work on a more permanent operational strategy with the guiding principles and the mission. The strategy would provide the foundation for the operational concept for deployments and would be approved by the Senior Command in the JOC.

7.13. Simultaneously throughout that morning I was working on a longer term strategy. I improved my appreciation of the environment using Google Earth satellite photos and the orientation with Mr Graham Sinclair and incorporated the background information I had been given during the course of the night.

7.14. The synopsis of the strategic guidelines and expectations I had appreciated the previous evening in the meetings with the Police senior officers is as follows:

7.14.1. SAPS will enter into dialogue with the protesters – giving an opportunity for a non-tactical resolution.

7.14.2. SAPS will protect life and property should the need arise by responding proportionally to such force.

7.14.3. SAPS will exercise caution to protect its members without provoking aggression from the protesters.

7.15. Considering the strategic inputs that I had received that previous evening, I proposed a SAPS Mission which would provide the guidelines for the operational deployments to achieve the desired outcome, namely:

“A combined SAPS force will restore stability to the Lonmin Mine area in Marikana from 14 August 2012 by deploying proactively with a visible show of force, isolating the transgressing group and ensuring an orderly processing of gatherers to extract weapons and identify suspects involved in the unrest.”

7.16. I continued with appreciating the situation with the little time and intelligence available until I reached the point where I could start to formulate a strategy to provide a solution. I then began to draft into the earlier presentation, at the section dealing with ‘Coordinating Instructions’, the operational strategy in its sequence.

7.17. I layered the operational strategy into six sequential phases - one to three being a force continuum to deal with the strikers grouped at the koppie, four being a logical follow-on from three, the tactical option, with five and six follow-up operations intended for purposes of retrieving as many of dangerous sharp edged weapons as well as the plundered firearms that were influencing the violence in the area.

7.18. Maj Gen Annandale, being the Component Head of Specialised

Operations who oversees the tactical Sections in the police, was my immediate superior to whom I reported during this operation. This since I was called in as a multi discipline planning officer and not for my tactical skills as an STF member.

7.19. I understood that Maj Gen Annandale was part of the strategic management represented at Marikana. There were occasions over the days following that Maj Gen Annandale and the senior officers (mostly the other Generals), would have separate meetings. These included meetings with the Lonmin Mine management and senior Union officials. The Generals also had meetings amongst themselves which I understood was where Maj Gen Annandale was bringing them up to speed on the events and strategies discussed in the JOC in their absence.

7.20. When Maj Gen Annandale arrived sometime around 11:00 am when the sector policing groups were deploying. I proceeded to brief him on the steps taken so far and then on the suggested course of action, being the sequential strategy of Phases 1 to 6. These were as follows:

7.20.1. Phase 1: Engage in dialogue and monitor the protesters

7.20.2. Phase 2: Pre-position and show of force

7.20.3. Phase 3: Encirclement

7.20.4. Phase 4: Processing of gatherers

7.20.5. Phase 5: Targeted searches – STF & NIU

7.20.6. Phase 6: Cordon and search of hostels

7.21. Before the proposal which was layered into sequential phases for the operation was presented and explained to the JOCCOM and operational commanders, I first discussed it with Maj Gen Annandale, as my immediate superior, to enhance his understanding of the rationale behind the operational concept and allow opportunity for his comments. My briefing to him covered the following:

7.21.1. Phase 1:

7.21.1.1. SAPS to deploy a monitoring contingent of POP's with a negotiation component to engage in dialogue – seeking a peaceful disarmament and dispersion resolution. This would allow the Police to move closer to the crowd of strikers gathered at the koppie in order to monitor their behaviour and to engage in dialogue to negotiate a peaceful dispersion. The SAPS armoured vehicles would place a presence between the koppie and the informal settlement and Wonderkop hostel towards the east in order to prevent clashes between the strikers and the residents of the area, as had happened on Saturday 11th August 2012.

7.21.1.2. The POP members in the armoured vehicles would have a response group of Tactical Response Team (TRT) members

approximately 100 meters to their rear (east). The TRT members could respond to assist their colleagues should the strikers threaten the POP's members' lives to the point where they could not escape or were forced to exit their armoured vehicles because of the vehicles being set alight. If forced to exit their vehicles, the POP members would have had to contend with an armed crowd using mostly less than lethal crowd control equipment which, considering the number of strikers, could prove to be insufficient and thus ineffective as was the case on Monday 13th August 2012 when the POP's members were overrun and hacked to death by the strikers.

7.21.1.3. A reserve group comprising of additional POP armoured vehicles with barbed wire trailers (whose purpose was to form barriers around infrastructure should the strikers mobilise towards an anticipated target); tactical forces from the National Intervention Unit and Special Task Force; Emergency Medical Services, Fire Brigade, Crime Scene and Investigation experts etc, were placed at a rear position out of sight of the strikers known as the "Forward Holding Area" (referred to as FHA), about one kilometre from the koppie. The reserve group would respond as a backup if necessary. This was the location which Mr Sinclair had taken me to in the early hours of the morning.

7.21.1.4. The SAPS helicopter would be used for conveying information to

the JOC and to the ground forces. This would include providing photograph and video footage of the crowd and environment to the JOC to enhance situational awareness.

7.21.1.5. The South African Air Force helicopter (Oryx) would be utilized as a response platform for the deployment of a STF tactical team – to be based at the rear staging area where the Joint Operations Centre was located at the Lonmin Mine’s Rescue Unit.

7.21.2. Phase 2 (Tuesday version):

7.21.2.1. Phase 2 would be an escalation of force levels by the police by bringing the reserve forward from the Forward Holding Area. This would be to provide a show of force to dissuade illegal activity or planned violence towards the police members in the Phase 1 deployment strategy.

7.21.2.2. Phase 2 was only to be initialised when the threat level against the police increased or it became evident the strikers would want to mobilise as a mass group to move to anticipated key-points behind the police line towards the east.

7.21.2.3. The POP reserves in armoured vehicles from the Forward Holding Area (FHA) would reinforce the Phase 1 police monitoring and negotiation line at the koppie as a show of force to dissuade crowd aggression being focussed towards the police members.

- 7.21.3. The POP armoured vehicles with barbed wire trailers were to be pre-positioned between the police line and the strikers. The pre-positioning between the police and the strikers would allow the police to rapidly deploy the barbed wire in a simultaneous action. The physical deployment of the razor wire would serve as a contingency plan for the Phase 2 deployment by closing off the neutral area to create a police “safe area” should the strikers approach the police at any time in a large group with potentially aggressive motives.
- 7.21.4. This I thought should prevent confrontation, considering that possibly the POP members may need to employ less than lethal force to prevent any strikers breaking through the weak points between the Nyalas and the trailer which carried the razor wire. I planned to have TRT teams move to each Nyala when it deployed the razor wire to support the POP members.
- 7.21.5. I had planned that the razor wire would not be deployed – only pre-positioned unless the Operational Commander gave the order due to an imminent threat against the police members. By not deploying the razor wire on arrival in Phase 2 would allow for the vehicles to be moved easily for extraction or to mobilise rapidly to key-points should the strikers start to move from the koppie in a direction, or if so required. for the encirclement of the koppie as was

suggested in Phase 3 (this had its challenges which we identified on the Wednesday).

7.21.5.1. The air reaction team from STF positioned at the rear Staging Area would be sporadically airborne to provide a show of force deployable from the air. This group would be mobile enough to provide a rapid response to wayward incidents or incidents where strikers isolate police members, media representatives or innocent members of the public in life threatening circumstances.

7.21.5.2. The police elements dealing with crime scenes to remain at the FHA. to keep away from any conflict.

7.21.6. Phase 3:

7.21.6.1. This was to be a predetermined deliberate tactical option by the police to resolve the situation and to be employed where negotiations were deemed unsuccessful and a show of force had failed to deter further lawlessness.

7.21.6.2. The operational strategy for a Phase 3 deployment was based on the "Initial operational concept" (ie the plan to encircle the koppie) derived for the 06:00 briefing and implementation.

7.21.6.3. The Phase 3 concept spoke of encircling the strikers with razor wire and offering them an exit point through which they would need to hand over their weapons, if still in their possession and not left on

the koppie. I had to include Phase 3 as a tactical option, but had envisioned that the ideal time to employ the strategy was in the early morning at first light.

7.21.6.4. I anticipated that the initial encirclement plan from that Tuesday morning to apprehend the few strikers, who remained at the koppie overnight, could be implemented with a greater degree of success on the Wednesday morning. This due to the police assets having arrived and the ability existing through the established JOCCOM to brief and organise for the operational option with sufficient time before the execution thereof.

7.21.6.5. I had not yet considered the success rate of the encirclement in Phase 3 with the issues that would arise if it were to be employed on a larger group such as the reported 3000. I had not fully appreciated the strategy of how to disarm the larger group at the koppie, but only included the Phase 3 to represent a tactical option to resolve the situation as part of the sequencing of the strategy to resolve the situation.

7.21.7. Phase 4:

7.21.7.1. This was to be implemented once the armed strikers, who spent the night at the koppie, or those approaching the koppie in the early morning, had been disarmed and arrested.

7.21.7.2. The police detectives and the forensic services were to process the arrestees and evidence. Weapons which were suspected of having blood traces on them were to be swabbed for forensic analysis for possible evidence to support the murder investigations.

7.21.7.3. No plan was necessary for this phase as the activities are governed by the relevant police procedures outlining the prescripts for processing arrestees and evidence.

7.21.8. Phase 5:

7.21.8.1. Detectives and/or Crime Intelligence members were to then follow up on information gained from interviews with the arrestees who could possibly provide intelligence in relation to the earlier murders and the whereabouts of fire-arms that were stolen from the murdered police members and Mine security staff.

7.21.8.2. The STF and NIU would be utilised to carry out high risk arrests and the search of residences. This again is according to the SOP's of the tactical Units and does not get planned for at the Operational level in detail, but becomes a tactical plan within the relevant Unit carrying out the task.

7.21.9. Phase 6:

7.21.9.1. In order to complete the disarming operation, the Wonderkop and Karee hostels would be cordoned and searched for dangerous

weapons which would be removed. This would be a large scale operation which would require detailed planning but was initially envisioned to have the POP members providing the cordon around the identified hostel buildings with the TRT doing the search and seizure in case of attacks. The TRT are trained to do building clearing. POP in essence are not at the same level of expertise to defend themselves should a violent confrontation take place in close quarters.

7.21.9.2. If the STF and NIU had completed Phase 5 and were available, they would form reaction teams to deal with barricaded suspects by gaining entry and ensuring any threats were reduced.

7.21.9.3. The Nkaneng settlement was also considered for this action but would require a separate operation at a much larger scale.

7.22. Due to the lack of time available to place a product before the commanders to empower them to deploy as a coordinated force, the need for simplicity to ensure clarity was a major consideration. This was one of the reasons I chose to utilise a Power Point presentation with Google Earth satellite photos depicting icons to represent the deployment as a visual aid in order to rapidly carry over the operational concept of the expected deployment to the commanders.

7.23. Furthermore, due to the on-going situation, it was much more effective

to brief in this way by means of verbal explanation with visual aids than it would be to have a lengthy word based presentation trying to explain the plan and the role of the commanders.

- 7.24. This meant that the operational strategy briefing was focused on deploying the police assets with the strategic level of the deployment being understood and the remainder of the detail at the tactical level left in the hands of the operational commanders to respond to any threatening actions according to their SOP's, naturally within the confines of the law.
- 7.25. The first briefing I gave to a structured JOCCOM, which included the different police commanders, was on Tuesday at about 14:00. The commanders were called back from the sector patrols to hear the operational strategy based on Phases 1 to 6. Because of the lack of time and clarity of information, I could not formulate an official plan in the Operational Plan format as set out in the Operational Commanders Training (OCT) course.
- 7.26. Due to my arrival in an on-going situation and the uncertainty of the striker's movements and actions at that time, I had chosen to build a Power Point presentation covering the principles expected in a plan. The presentation would still cover the critical information required for briefing and would be elaborated on in more depth. This became the accepted norm due to the uncertain dynamics of the strikers – whether

they would mobilise from their position at the koppie or even choose to assemble elsewhere on a following day and no longer at the koppie.

7.27. Maj Gen Annandale chaired the meeting with regard to the attendance and introductions, and I was asked to deliver the presentation I had established as a working document. Here the full presentation was given with regard to the situation, mission and execution – presenting the operational concept of Phase 1 in detail with reference to the other five Phases in lessor detail in the coordinating instructions. The admin and logistical requirements and the command line with radio channel was covered in minor detail as my focus had been on the operational strategy.

7.28. The operational plan needed to be highly flexible at this time. This was achieved by providing a mission statement with certain strategic guidelines to be adhered to with an operational concept suited to the current on-going situation. The execution would take place according to standard operating procedures as per the training of the different Units involved. The operation at this time was not “over planned” as there was still too much uncertainty. The principle is that in impromptu operations the more you plan the actions of the members without having the full picture and without having done the full risk forecasting and mitigation, the more the role players who need to execute the plan are restricted to do as they have been briefed. The JOCCOM in this

case plays a pivotal role in providing guidance to any tabled strategies to ensure a wide range of aspects are covered or included.

7.29. At about 14:30 when the briefing meeting with the commanders at the JOCCOM concluded, the members deployed in the field were called back from their sector patrols to be briefed by their respective commanders. The re-organising of the full deployment took place at the rear staging area under the control of Brig Calitz.

7.30. At about 16:00 the Phase 1 deployment departed from the rear staging area at the JOC and took up their positions at the Forward Holding Area with the monitoring and negotiation group moving forward to occupy the ground to the east of the koppie between the closest targets being the NUM offices, police satellite station, Wonderkop hostels and the Andrew Saffey Hospital. This area from then became the neutral area which the police dominated.

7.31. The NIU had been posted to protect three key points to the east of the strikers, behind the police line in the direction of the negative attraction direction. These were identified as possible targets due to the incidents from the 11th and 12th with the knowledge that the strikers wanted to get to the NUM offices making the police satellite station and the Andrew Saffey Hospital, which were located in the close vicinity, vulnerable to attack.

- 7.32. With the knowledge of the destruction of property and through gaining more history of where the attacks which had happened over the weekend, I started to map the facilities which had been targeted around the mine.
- 7.33. While the police deployment was in place that Tuesday afternoon, I heard over the radio that there was a smaller militant group who were tightly packed together and marching up and down in front of the police monitoring line chanting and waving weapons.
- 7.34. I was also aware of the deceased worker whom the police helicopter located to the south of the koppie. I know the police dealt with the crime scene before returning to the JOC that evening. The timing of the killing seemed to be when the police members withdrew from the area to be briefed on the phase 1 deployment. This was also the last violence until Thursday 16th when the strikers attempted to attack the police line. This showed the police presence was working and became a barrier to more violence by an organised group moving with a planned target in mind as had seemingly happened in the days leading up to the 14th August 2012.
- 7.35. After the return of the day shift to the rear staging area, a JOCCOM was held to review the situation and the day's deployment. There was mention made of the strikers going through some form of rituals on the arrival of the police monitoring/negotiation team but they broke and

formed into a militant group which carried out the militant type behaviour which I heard of over the radio.

7.36. The negotiation team reported back positively with regards to their dialogue with the strikers and that they had made arrangements with the representatives of the strikers at the koppie to continue on Wednesday 15th August 2012 with their dialogue. This report gave hope that the situation was going to be resolved through dialogue and thus I decided not to propose further the initial concept I had derived with Lt Col Merafe on the early hours of Tuesday morning which was the encirclement of the koppie while there were only a small amount of strikers occupying it. This strategy would now have been in conflict with the spirit of trust gained in initiating dialogue between the police and the strikers with the commitment to return on Wednesday to continue down the path of finding a peaceful resolution to the situation. It was decided in the JOCCOM to continue with a Phase 1 deployment the next day – Wednesday 15th August 2012.

7.37. After the evening JOCCOM meeting Maj Gen Annandale asked me to have the planning presentation ready to peruse the next morning before the JOCCOM at 06:00.

8. **Wednesday 15th August 2012.**

8.1. Before the JOCCOM I recall considering the tactical options in more

detail after understanding the situation better from the information gained through the police deployment on Tuesday. I was now aware of the smaller militant group of strikers, and that the negotiations were going to continue, meaning the strikers would be present in a larger group as witnessed during the Phase 1 deployment the previous day.

8.2. In analysing the situation, I realised the need for a second Forward Holding Area to the western side of the koppie. This was to pre-place police assets to move ahead if the strikers mobilised in that direction to any of the Mine's key points which could become targets for violence and destruction. While seeking more information on the situation, I had during the day, been made aware of the event at the K4 Shaft on the previous Sunday night and the location of the Shaft to the west of the koppie. By establishing a second Forward Holding Area to the west meant the police could have a presence between the strikers and the key points to the west (K3 shaft and K4 shaft which was the target of violence and destruction on Sunday evening; the mines shaft management offices next to K3 shaft and other more distant targets in the westerly/south westerly direction as shown on the Google Earth map).

8.3. On Wednesday at around 05:45 I met with Maj Gen Annandale at the JOC and proposed that we create a second Forward Holding Area. I gave my explanation as mentioned above. The main Forward Holding

Area would remain as FHA 1 where the support elements such as emergency services, crime scene management personnel etc were located under Maj Gen Naidoo. Maj Gen Annandale agreed in principle and the addition was made to the operational overview for later presentation to the JOCCOM for approval.

8.4. At 06:00 the JOCCOM was reconvened and Maj Gen Annandale started what was to become the rhythm of the meeting thereafter. The representatives I remember being present in the meeting represented the following disciplines:

8.4.1. Maj Gen's Mpembe and Naidoo, Brigadiers Calitz and Pretorius from the North West Province

8.4.2. Visible Policing Cluster Commander

8.4.3. Crime Intelligence

8.4.4. Detectives

8.4.5. Police Negotiators

8.4.6. POP – various senior commanders

8.4.7. TRT commanders

8.4.8. NIU commanders

8.4.9. STF commanders

- 8.4.10. K9 commander
- 8.4.11. LCRC commander
- 8.4.12. Mobile Operations commander
- 8.4.13. Mounted Unit commander – who pre-arranged to arrive late due to fetching horses
- 8.4.14. Air Wing – who pre-arranged to arrive late due to flight restrictions because of darkness
- 8.4.15. Various support commanders for Radio Technical, Finance, Supply Chain Management and ad hoc support personnel
- 8.4.16. SAAF representative
- 8.4.17. Lonmin Mine security representative
- 8.5. As from Wednesday morning I did not show the full presentation which started from the “Situation” as much of the aspects to be found in a plan were in essence now being covered by the respective role players within the JOCCOM.
- 8.6. After the opening, Maj Gen Annandale would conduct a roll call where the commanders would indicate who they were, who they represented, and how many human and other physical resources (armoured vehicles, razor wire trailers) they had with regard to

mechanised or other operationally strategic assets.

- 8.7. Once the number of police resources had been tallied, Maj Gen Annandale reflected on the past day and the night's events to bring all up to speed. The "Situation" was covered by JOCCOM members speaking to their own ambits. The various role players, amongst others, the negotiators representative – Lt Col McIntosh and the Operational Commander Brig Calitz spoke to the meeting to provide background on events of the previous day. Brig Engelbrecht covered the intelligence threat analysis, being that the situation was still tense and that they had no real information regarding the strikers and their planned activities. Feedback from the crime scene of the murdered male, Mr Twala, was given from the LCRC representative and the Detectives.
- 8.8. With the Commanders updated on the situation, Maj Gen Annandale requested me to show the deployment strategy. I started by recapping the mission, the strategic guidelines, the coordinating instructions and the operational overview. I used a Google Earth satellite map to explain the Phase 1 deployment in more detail. The proposed positioning of the Police and supporting assets were displayed as icons in their positions on the satellite map.
- 8.9. I moved away from the PowerPoint presentation from this point while showing the deployments on the Google Earth satellite map,

explaining the role and expected functions of each team/group but did not do the tasking of specific commanders to positions, only linking the function to the Unit or group involved.

- 8.10. The only difference from Tuesday's Phase 1 deployment to Wednesday's Phase 1 deployment was the addition of a second Forward Holding Area to the West of the koppie area (FHA 2). With the senior POP commanders and the ORS Provincial Head for Gauteng present on Wednesday, Brig Woodman was allocated the role as commander of the reserve forces at FHA 2. Brig Woodman was however not present on Thursday 16th August 2012 due to commitments in Gauteng and Lt Col Pitsi took over his role at FHA 2.
- 8.11. I also alluded to the deployment of Phase 2 to provide more clarity and then briefly covered the rest of the Phases in the coordinating instructions in their sequence.
- 8.12. After I explained the operational concept, Maj Gen Annandale assigned the available forces to their roles and functions. I recall when he asked for comments or inputs thereafter that Lt Col Merafe raised a concern that he was not tasked appropriately and did not know what to tell his members their role was. I explained that POP had several tactical options and he was seeking clarity on which one to brief and prepare his personnel on. Maj Gen Annandale then clarified Lt Col Merafe's groups' role again, as being a reserve and needing to wait for

deployment instruction as all POP groups were doing while negotiations were taking place.

- 8.13. Those who were new arrivals were given call signs. The communication element with regard to channels and radios was discussed and as well as some domestic issues regarding SAP 15 for record keeping of who was deployed, meals for the members, accommodation for new arrivals etc.
- 8.14. On the conclusion of the JOCCOM, the commanders returned to their members who had been formed up for parade. The members were addressed on parade by a senior officer and then the commanders were given the opportunity to brief their teams/sections where after Brig Calitz proceeded with forming up of the forces according to the deployment concept to move out to their areas of responsibility.
- 8.15. I recall it being mentioned that morning just after the JOCCOM, before the main force deployment, that there were cattle moving around the vicinity of the koppie. I also recall from an early report that the strikers were sitting more spread out around the koppies and on the immediate surrounding grass area to the north-east of the koppies in small sporadic groups. This information started a discussion on whether there was a possible leak of information to the strikers on the strategy to encircle them as the tactical option – thus their loosely expanded gathering of the strikers and the cattle that could be used to

defeat the razor wire encirclement by forcing the herd to break through the encirclement where after the strikers could follow the opened route.

8.16. After hearing this information I proceeded to consider Phase 3 specifically. I began conceptualising an alternative to the current opportunistic operational concept which was initially aimed at a first light deployment to apprehend the smaller amount of strikers who dominated the koppie overnight. On Tuesday I had still seen this plan as a viable option for Wednesday morning if required – but it would have been carried out capitalising on the element of surprise and skipping a Phase 2 show of force. No further in depth consideration had been given to Phase 3 as all hope was on the dialogue succeeding.

8.17. I started considering how to achieve the mission of disarming the strikers who carried dangerous sharp edged weapons if they gathered into a large group and dialogue failed. There needed to be a filtering process to separate the belligerent strikers from those without violent intent. I say this with the knowledge at that time of the alleged rituals which were observed on Tuesday when the police arrived for their Phase 1 positioning and that there was a clear distinction between a smaller militant group of strikers and others who remained less involved. My consideration was also based on the attacks on the

police officials on Monday carried out by a smaller group who were armed with sharp edged weapons. I was however still wary at the time that all the strikers may consider some form of action against the police presence.

8.18. With this in mind, I started reasoning how to deal with the larger group present. My rationale was that they would need to be dispersed first, allowing those who were not fully committed to a confrontation with the police to leave on verbal warning of the pending dispersal action. I considered that once the strikers who rejected the verbal instruction to disperse were physically dispersed by the POP members, the belligerent strikers would be disorganised and the police would be able to identify smaller manageable groups to disarm and arrest the persons identified with dangerous weapons.

8.19. This prompted Maj Gen Annandale and I to engage in a discussion on Phases 3 and by default Phase 2. There were other JOCCOM role players present although I cannot give account as to who they were as I cannot remember their inputs as Maj Gen Annandale and myself were mostly involved in the discussion. We clarified certain finer points concerning the deployment of Phase 2 with the rationale for the placement of forces in case the strikers started showing aggression towards the police and a confrontation looked likely.

8.20. Due to evaluating the effectiveness of responding to a possible threat

towards the police, I recommended the movement of the STF and NIU to what was named Immediate Reaction Areas (IRAs). This was discussed and approved. The STF and NIU would remain far enough and out of sight so that the strikers could not see detail or the teams at all as the show of force was to be gradual utilising POP and then TRT for this purpose. The show of force at a maximum would then include the STF and NIU who are equipped with a higher level of tactical equipment (ballistic helmets with tactical goggles, camouflage clothing and armoured vehicles). This would hopefully provide some of the psychological shock factor which is a first line of deterrent to dissuading violent action in an intervention where these Units are involved.

- 8.21. The SAAF Oryx helicopter would also take to the air to show the tactical capability to deploy rapidly from that platform – also as a show of force to dissuade violence from the strikers.
- 8.22. When Maj Gen Annandale and I started discussing Phase 3, the angle of encircling the strikers while they were a large group and aware of the police presence was quickly discounted. Points raised were:
 - 8.22.1. The strikers could simply stand up and walk a couple of 100 meters away and nullify the effect of the razor wire being deployed.
 - 8.22.2. There were insufficient trailers with razor wire to encircle koppie 1

and 2. This would require a minimum of 700 metres of razor wire (which would have been deployed too close to the strikers for the police members safety), with a more realistic deployment consisting of about 1000+ metres which would equate to about 10 trailers. There were only 6 available for use at that time.

8.22.3. Should the encircling have been successful, the strikers could refuse to respond to the requests to disarm and exit through a pre-allocated point. This standoff would result in a humanitarian crisis with the police having to consider the cold during the night, providing food and water for the duration the strikers decided to sit out the encirclement.

8.22.4. Then there was the issue of having sufficient manpower to provide enough security to withstand an attempted breakout around the whole perimeter – considering the weak points between the Nyala armoured vehicle and the razor wire trailer, both to which it has driven and the trailer it is towing. Night time would require sufficient lighting around the perimeter to identify movements of the strikers in attempts to breakout.

8.23. For many good reasons the encirclement could only be feasible for an early morning deployment where a small number of less than 50 strikers were on the koppie. The manpower needed by the police would have then been sufficient to deal with such a size group – thus

the Tuesday early morning initial plan and the Wednesday morning should the dialogue with the strikers through the Police Negotiators proven fruitless and violence had continued through the Tuesday night. The element of surprise to execute this plan diminished however daily as the strikers became more aware of the police assets and their proximity, possibly working out their own contingency plans to counter any police tactical options. Thus by Thursday or Friday this option would have had little chance of success with the diminished element of surprise and the vigilance of the strikers to any police action after the negotiations are ended.

8.24. The alternative suggestion was then considered – namely to use a POP action to disperse the strikers into smaller disorganised groups. These smaller groups would be analysed by the Operational Commander and his commanders to ascertain who was departing the environment and who were reorganising to defy the dispersal instruction. Those in defiance would be approached, encircled and disarmed, then arrested for processing. The desired end result was the disarming and arresting of belligerent strikers, not simply to disperse them. With this considered, the dispersal action towards the Nkaneng settlement was not seen as a choice option due to the following factors:

8.24.1. The strikers would hold the advantage over the police follow-up

action as they could regroup in the Nkaneng settlement and violently confront the police officials pursuing them using innocent persons as collateral to slow down, distract or hamper the disarming and arresting action.

8.24.2. Should the police stop the pursuit, it was foreseen that the strikers could turn their emotions against the innocent people in Nkaneng with violence directed at foreign nationals with small businesses or against at non-striking miners and their families.

8.24.3. It was also considered that the strikers could scatter in the settlement to re-strategize and return the next day with heightened emotions, distrust towards the police and planned aggression to drive the situation towards a compromise by the strategic role players to meet their demands.

8.24.4. Not all the strikers who would need to be dispersed physically resided in the Nkaneng settlement, but also came from the open direction to the west from the Karee hostel and surrounding areas. I understood many of these to be from the militant group who had clashed with the police on the Monday and were still possibly part of that group.

8.24.5. The dispersal action needed to be away from the police line which would be protected by the razor wire. The open area to the west

also gave ample space for the strikers to move into without the threat of being channelled where stampeding could result in unwanted injury. It also positioned any belligerent groups in an open area where the police could disarm them more safely.

8.24.6. Should the police move to a tactical option (dispersion only) and not disarm the strikers, they could throughout the night target mine infrastructure and innocent persons in smaller groups over wider areas which would evade the police patrols and make the mission to restore order to the area near impossible. It was beneficial to have the strikers grouped at the koppie for this reason, where they could not damage or kill without police immediate intervention.

8.25. The strategic guidelines spoke to disarming the strikers. This reason and others gave rise to the rationale of the positive attraction point (for the police to further carry out their mission) to be towards the open ground towards the west. If the strategy was to only disperse the group then the positive attraction point for the strikers to move towards and to be left alone would have been towards the north – Nkaneng settlement.

8.26. The detail of Phase 3 as to how the action would take place was not discussed but my understanding of the consensus reached was as follows:

- 8.26.1. To arrest perpetrators who refused to disarm by dispersing them into smaller groups, isolating individuals or groups and disarming them for processing.
- 8.26.2. The dispersion strategy would enable the Police to deal with more manageable disorganized groups. This would prove easier to handle than a group numbering up to 3000 persons. It would also allow the water cannons to be used to break up larger groups of tight formation and structuring.
- 8.27. Phase 3 would be implemented within the force continuum as follows:
 - 8.27.1. Issuing a verbal command to disperse in languages the strikers understand, including Fanagolo, Xhosa, Zulu etc, with a time frame as decided upon by the Operational Commander, considering the size of the crowd.
 - 8.27.2. On failure to disperse after verbal request, advancement of the water cannon to engage the strikers to get them to disperse, flanked by Nyalas with the POP members deployed outside the armoured vehicles. The Nyalas would serve as safe havens for POP's members on foot to retreat to should the strikers advance to attack them with sharp edged weapons as happened on Monday 13th August 2012 or from a distance with firearms.
 - 8.27.3. Administering tear gas to encourage the group to break up.

8.27.4. Follow up with stun grenades to force dispersion.

8.27.5. Rubber rounds to encourage dispersion.

8.28. According to me the encirclement plan was only an option for apprehending a smaller amount of strikers at the koppie and I recognised that over the days it was losing the effect of the element of surprise as I considered that the strikers, knowing of the police presence, would try to anticipate the police tactical options, strength and physical assets and work out counter actions. The encirclement strategy was only good for an early morning operation when the strikers would be few and unsuspecting.

8.29. After our discussion on Phase 2 and 3, as was my role, I started to reason the finer points of the Phases. I considered the risks and the risk mitigating options with their force continuum in as much as should a POP tactical action be necessary, it would need to include the tactical Units in a secondary phase. These tactical units would, besides protecting the POP members, have another responsibility to carry out the task of disarming and arresting of belligerent strikers who I reasoned would do one of two things if they chose to resist the police at the koppies:

8.29.1. Approach and resist the police as they advanced on the strikers position at the foot of the koppies, possibly retreating to the safety

of the rock, bushes or high ground if the tactical Units responded to assist the POP members, or;

8.29.2. Move directly into defensive positions on higher ground or between the rock crevices, bushes and trees found at koppies 1 and 2. From there they could evade the effects of the physical force application of the water cannons and rubber bullets which the POP would be using should a dispersion tactic be employed and the lower level force continuum proves unsuccessful. These strikers would pose a high level of threat to POP members who were not sufficiently trained to clear terrain such as this and who were not sufficiently armed to protect themselves against a potential attack with sharp-edged weapons in close quarter surprise attacks, with the attackers appearing without warning from their hiding places.

8.29.3. The protective element and arrest teams I foresaw would be the tactical forces, namely the TRT, NIU and STF. The STF, and for that matter the NIU and TRT, have worked together with POP's and other integrated role players in numerous security operations at major event over the years where I have been part of the planning and the security operation.

8.30. During the course of the day, with the assistance of Mr Dirk Botes from the Lonmin Mine Security, I expanded the Google Earth map to reflect the Mine infrastructure which could become targets of the unrest in the

Marikana area. This was part of the process to forecast possible targets should the strikers mobilise as a large group, as seen on the Saturday and Sunday in the attempt to get to the NUM offices, or if they utilised smaller groups to carry out guerrilla styled hit and run tactics as was experienced at the K4 shaft on the Sunday evening. The key-points were marked on the Google Earth map with red icons housing a star.

- 8.31. Late on Wednesday afternoon Maj Gen Annandale asked me to arrange a security detail with transport for the NUM and AMCU Presidents who would be going to the koppie to address the strikers. I arranged the STF Vito busses to transport the Union delegations separately to the police neutral area where the TRT were positioned. I arranged for Brig Calitz's Nyala to meet them there and take the Union Presidents and their delegations forward to address the crowd. The details of the movements at the neutral area were left up to the Operational Commander, Brig Calitz.
- 8.32. The feedback later that evening at the JOCCOM was that the strikers had shunned the NUM President when he tried to address them from the police Nyala. The AMCU president was however accepted by the crowd and the feedback given at the JOC was that the strikers requested to be left alone that night on the koppie as they wanted to discuss their way forward, but had committed to laying down their

arms the following day at 09:00. This struck me as strange as why would the strikers return to the koppie with their personal weapons and lay them down for the police. If they were serious about disarming then they would either not arrive at the koppie or would leave their weapons at their places of residence and arrive unarmed rather than handing over their personal weapons to the police.

8.33. Later that evening, the commanders reported back to the JOC for the evening debriefing meeting. It was mentioned at the meeting that the strikers had asked to be left alone for the evening on the koppie as they wanted to deliberate on their course of action after having spoken to the AMCU President. It was said that they had given their commitment to lay down arms at 09:00 on Thursday morning.

8.34. I had difficulty in appreciating the rationale behind this pledge with previous experience in operations where suspects were apprehended with traditional weapons which were initially taken from them to ensure the safety of the situation, the suspects were very reluctant to hand over the weapons and it was evident that the weapons had personal or sentimental value. With this hindsight from previous operations, I did not believe that the strikers would come to the koppie and voluntarily lay down weapons they most probably paid for.

8.35. I felt the police needed to be vigilant on the Thursday deployment thus when giving my opinion for the Thursday deployment strategy at the

evenings debrief meeting, I suggested that the police deploy a Phase 2 strategy which would be done considering the strikers returned to the koppie armed.

9. Thursday 16th August 2012

- 9.1. On Thursday morning at 06:00 the JOCCOM reconvened. The same process as Wednesday was used as an agenda. Maj General Annandale opened and conducted a roll-call to ascertain what resources were available. A situation report was given regarding the events of Wednesday with the mention that the strikers had pledged to lay down their weapons at 09:00 that Thursday morning at the koppie.
- 9.2. The Crime Intelligence representative reported that the situation was tense and that some strikers had already arrived at the koppie with arms. This report confirmed the decision to move to a Phase 2 deployment strategy was the correct choice.
- 9.3. Maj Gen Annandale spoke to the Phase 2 and Phase 3 deployment concepts briefly before requesting me to give the deployment overview. I can briefly recall Phase 2 concept being outlined and it being mentioned that Phase 3 had been revised to be dispersal before disarming and arresting could be effected. To the best of my recollection the reasons for the change to justify the revised Phase 3 were given, but not discussed in detail. This was to check for any

further comments or inputs from the commanders before I briefed. I don't recall any inputs which raised concerns.

9.4. When I was asked to show the deployment, I briefed the commanders by showing the mission and the strategic guidelines and then speaking directly to the Google Earth satellite photo with icons arranged on it. In explaining Phase 2, I mentioned the outline of Phase 3 as Phase 2 was in essence also a prepositioning in case Phase 3 was to be implemented.

9.4.1. Phase 2:

9.4.1.1. I mentioned that the deployment would start with SAPS deploying the Phase 1 positioning at the neutral area as they would continue monitoring the crowd as well as pursuing dialogue to seek a peaceful disarmament and dispersion solution.

9.4.1.2. The Nyalas with the razor wire and as required the additional POP and TRT reserve forces from FHA 1 and 2 would be brought forward to the Phase 1 deployment police front line area as a show of force with the intent to dissuade confrontation with the police.

9.4.1.3. Nyalas with barbed wire trailers would position between the police line and the strikers. The wire would not be deployed – only pre-positioned. I had specifically measured on the Google Earth satellite image when I placed the icons for the razor wire. They

needed to deploy as close to the landmarks on the map as they could as their razor wire was long enough to cover the gaps. They were to deploy simultaneously if commanded to do so by the Operational Commander in the light of the contingency plan to prohibit an advance on the police while in Phase 2.

9.4.1.4. The POP reserves in armoured vehicles from the Forward Holding Areas would assist the razor wire team in repelling an advance by the strikers if aggression is shown while still trying to deploy the wire while in a Phase 2 state or would form part of a police decided tactical option employed if the JOC called for a Phase 3 intervention.

9.4.1.5. I cleared with Maj Gen Annandale on the Wednesday the deployment of the STF and NIU from FHA1 to a newly created area named the Immediate Reaction Areas (IRA) to the south (generally out of sight behind the power station) and the remainder of the NIU to the far north of the 'koppie', sufficiently away as not to be a target for the strikers as they were in soft skinned vehicles. Their roles were to provide assistance to the POP and TRT should they experience imminent threatening circumstances.

9.4.1.6. The air reaction team would be from the NIU and positioned at the rear Staging Area. The NIU was used as the SAAF Oryx helicopter was on 40min standby in Pretoria and if needed would be

despatched to Marikana to be sporadically airborne to provide a show of force deployable from the air. I did not want to risk the small number of STF to be stranded if their skills were required. Also, they had armoured vehicles which the NIU did not have. This is why I suggested the change from the STF to the NIU for the Oryx helicopter team. This group would provide a rapid response to wayward incidents or incidents where strikers isolate police members, media representatives or members of the public in life threatening circumstances, until ground forces could respond – namely the STF who would then resort under the command of Brig Fritz in a side operation to the POP action under the command of Brig Calitz, the Operational Commander dealing with the main action involving POP and those supporting them.

- 9.4.1.7. The police helicopters would be utilised for situational awareness and as an aerial platform for wayward incidents as mentioned above or to coordinate with the Operational Commander on ground.
- 9.4.1.8. The police elements dealing with crime scenes to remain at FHA 1 to keep away from any conflict.
- 9.4.1.9. The Phase 2 deployment was now dual purposed in order to provide a show of force to dissuade action to promote a peaceful resolution and to enable the police to pre-position a Phase 3 force

without causing alarm. In other words not initiating a Phase 3 deployment from the FHA which was more than a kilometre away.

9.4.2. Phase 2 was to essentially provide a higher level of preparedness in view of protecting the police members and other supporting elements co-opted into the operation whose services are required for contingency procedures in event of emergency and the media.

9.4.3. After explaining the operational concept, Maj Gen Annandale assigned the available forces their roles and functions.

9.5. After the JOCCOM I assisted Brig Fritz (STF Section Head) and Brig Tsiloane (NIU Section Head) who had been tasked by Maj Gen Annandale on Wednesday to start a planning process with regard to Phase 6 – the cordon and search of the hostels and the Nkaneng settlement. This was in anticipation that we had to disarm the strikers even after the gathering at the koppie was resolved, be it through dialogue or police action. Brig Fritz and Tsiloane were given the task as they were permanent JOC members, not deploying outside. I compiled a presentation plan which was required by the police Advocate Moolman for the approval of the Section 13 (7) search warrant.

10. Absence of vehicle for AMCU President's transportation:

10.1. On Thursday, close to 12:00, I was requested by Maj Gen Annandale

to look for a vehicle which could transport the AMCU President and his delegation to the koppie. The STF vehicles (Mercedes Vitos) which were utilised the previous day were parked at the JOC but the members had all been deployed to the front area into the observation post and the Immediate Reaction Area in the STF armoured vehicles. They had locked their Mercedes Vitos and taken the keys with them.

- 10.2. On Wednesday 15th August 2012 it was the STF group deployed as the standby team with the SAAF Oryx helicopter that provided security and took the Union Presidents forward to Brig Calitz. On Thursday 16th August 2012 the NIU were to provide a reaction team for the SAAF Oryx if it was to be called from Pretoria where it was on 40 minute standby. By the time I reported back to Maj Gen Annandale on the available vehicles not having drivers or keys the AMCU President had left the JOC area on his own accord.

11. Report by Capt Adriao on the media feeling threatened:

- 11.1. Somewhere around mid-day on Thursday while I was in the JOC, I heard that Capt Dennis Adriao had reported that some of the media representatives had told him there was a change in the attitude of the strikers and that they now feared for their safety and were choosing to retreat to behind the police lines. Captain Adriao had reported earlier on Thursday morning that the media representatives had mentioned to him that they were shown a long firearm which was wrapped in a

blanket.

12. Special JOCCOM meeting called:

- 12.1. At about 13:30 I was called by Maj Gen Annandale to take my seat in the JOCCOM for a special out of routine meeting. I remember the main representatives from each field of policing being present as well as Maj Gen Mpembe, and Lt Gen Mbombo. Maj Gen Annandale chaired the meeting and said the decision had been taken for the police to move to a Phase 3 deployment. The reasons given were that the threat had escalated and the situation was volatile and needed to be resolved with the Phase 3 strategy.
- 12.2. The Phase 3 strategy had already been clarified in the JOC in the course of the day on Wednesday the 15th, eliminating the concept to encircle the koppies with the strikers and adopting the strategy of a hybrid plan to first disperse the greater group of strikers, then approach smaller disorganised groups who were visibly armed with dangerous weapons who refused to leave the vicinity and disarm and arrest the persons.
- 12.3. The question was asked by Maj Gen Annandale to the JOCCOM representatives at the outset how we were going to execute Phase 3. To my understanding clarity was sought on the actual application of the strategy with regard to the implementation which had not been

discussed to that point.

- 12.4. I asked if I may suggest a course of action to which I was given the floor to brief the JOCCOM. I explained on the Google Earth satellite photo which I had printed out for the commanders that morning for the Phase 2 deployment where I felt the dispersion should take place with the different Units in their different roles and areas of responsibility.
- 12.5. On conclusion Maj Gen Annandale requested any further inputs and whether the concept was acceptable. There were no objections to the operational concept and I was then requested by Maj Gen Annandale to brief the commanders in the field in person on the operational concept I had just presented to the JOCCOM.
- 12.6. I immediately began to adjust the Google Earth icons on the map representing the different Units so I could reflect the concept better when briefing the commanders. I recall while doing this that Maj Gen Annandale started a checklist to ensure all the smaller domestic issues were covered.
- 12.7. Due to the short time available the JOCCOM had turned from the official briefing more into a work session with myself concentrating on preparing the briefing I had to give while others brainstormed with Maj Gen Annandale on the checklist.
- 12.8. More could have been said but this is all I can recall as I became

focussed on my task with the briefing I had to deliver on the Google Earth map I was adjusting.

- 12.9. Brig Pretorius was requested to accompany me to FHA 1 so she could verify the call signs before the commencement of Phase 3. The arrangement was made over the police radio to meet all the commanders of the different disciplines at Forward Holding Area 1, Maj Gen Naidoo's location, at 14:30 for a Phase 3 briefing.

13. Briefing to commanders at FHA 1

- 13.1. Due to time constraints, and considering that the formal meeting in the JOCCOM had dissolved into people working in small groups, Brig Pretorius and I departed the JOC for the FHA1, arriving at exactly 14:30 on my watch at FHA 1. I remember checking on arrival. I took my computer and sat inside a Mercedes Benz Vito with the sliding door open to brief the commanders who stood mainly in front of the door. There were about 20 persons at the briefing. I displayed the Google Earth satellite photo which I had adjusted to show the deployment positions. No slide show presentation was given.
- 13.2. To the best of my recollection this is the briefing I gave at FHA 1. I recall starting by explaining that a special JOCCOM meeting was held and that we had been told to move to Phase 3. This decision I explained, as I understood it, was because of the increase of the

threat from the strikers. These had been communicated to the JOC through Capt Dennis Adriaio. He had received reports from the media about the attitude of the crowd and that they now were concerned for their safety. The other threats being those which were relayed to the negotiations Nyala by Mr Noki earlier that morning and then the fact that the undertaking to lay down arms that morning had not been honoured.

13.3. I moved to explaining Stage 3 with its 3 Phases. The summarised version as seen in my original statement will be expanded upon here in more detail as I can recall giving it.

13.4. **Stage 3 – Aim:**

I explained that Stage 3 would be to disperse the strikers from the koppie area into smaller groups towards the west, regroup the police assets, re-organise them and proceed to disarm and arrest armed strikers for processing.

13.5. **Stage 3 – Phase 1:**

13.5.1. I explained that first, the razor wire would need to be deployed simultaneously, meaning that all vehicles to move on the activation command deploying their razor wire simultaneously, this to ensure a speedy process which would prohibit any warning of the polices' intention to cordon themselves and others such as the media inside

a safe area. I explained that the razor wire would, secondly, assist the police to canalise the dispersion towards the west and away from the east where some of the police support assets and media were waiting.

13.6. Stage 3 – Phase 2:

13.7. I explained that once the razor wire was deployed the dispersion action, known as the Phase 2, would take place next. This would be a dispersion action to the west, blocking the movement to the east with the razor wire and to the north into the Nkaneng settlement.

13.8. Before the dispersion action the strikers were to be warned of the dispersion. This sometime after the razor wire had been deployed. As I can recall, I did not elaborate on when but left the decision to the Operational Commander. The physical dispersal action would be aimed at any strikers still remaining. I considered this to be the current group at the koppie, which at the time of the briefing was estimated to number 3000 persons, but understanding that the first step in a dispersion action is the verbal warning to disperse which I anticipated would reduce the group size. I considered the militant group and a number of others would remain until the physical dispersion action was initiated, then more may leave at own will.

13.9. It was mentioned that any strikers who moved away after the verbal

warning could do so without incident. There would be a follow-up action, being Phases 5 and 6, to retrieve as many of those weapons as possible at the places of residence. This was the reason for the application for a Section 13 (7) search warrant earlier that day for the Karee hostel, Wonderkop hostel and Nkaneng settlement. I did however not expect that the smaller militant group would submit to the request to disperse, but considered three options, when planning, that they may choose to follow which I covered in the briefing:

- 13.9.1. Close the ground on the POP line to confront them with their sharp edged weapons, and/or;
 - 13.9.2. Take refuge on the higher ground and between the rock crevices and bushes to ambush any police officials who attempted to approach them there, or;
 - 13.9.3. After confrontation and being disorganised by the water cannon and tear gas, retreat to regroup on the open fields to the west.
- 13.10. The dispersion objective would be to push the strikers who were still present after ignoring the mandatory verbal warnings towards the open fields to the west of the koppies. This would enable the police to approach the scattered strikers on open ground to affect arrests of those carrying dangerous weapons.
- 13.11. The police dispersion line would form up to the north of the koppies

and push from the north to the south, turning the dispersion line towards the west towards the open fields. The dispersion line would need to be split into three parts to take three different paths as was determined by the terrain. The left path going around the bottom of koppie 1, the middle path turning between koppie 1 and 2 and the right path being to the right of koppie 2.

13.12. I showed a geographical feature, a dry river bed running from north/south on the western side of koppies 1 and 2 where the police dispersion line had to stop the dispersion action and re-organise.

13.13. I covered the contingency plans to mitigate possible risks as follows:

13.13.1. One water cannon should stay behind the razor wire to protect the safe area line with the designated POP teams who would deploy the wire. I also indicated that some of the TRT teams would need to be divided to provide a backup to the POP members protecting the gaps between the Nyala and the trailer which I considered a weak point which may be exploited by the militant strikers should the dispersion start from the north. The water cannon could also be utilised from the eastern flank to spray at the militant group of 300 should they remain static and refuse to move.

13.13.2. The briefing included that should the POP members feel endangered by close quarter threats, their Nyalas would serve as

their safe havens to which they were told to retreat. I emphasised team work and to hold the line according to their tactics, not leaving colleagues isolated as they may become targets for militant strikers groups as had happened on Monday.

13.13.3. The TRT would form up behind the POP dispersion line to protect any POP members who found themselves isolated and in life threatening circumstances due to imminent attacks on them from the armed strikers.

13.13.4. The TRT would while following the POP dispersion formation at a distance of not more than 100m, turn and

13.13.5. The STF and NIU would form up just behind the TRT line and when the TRT line turns west towards koppie 2, the STF/NIU line with the armoured vehicles in support would move towards the bigger koppie 1 where I had forecast some of the militant strikers would move up to evade the POP dispersion action. The STF would take the middle flanked by the NIU on their left and right. Their role was, as the TRT, to clear koppie 1 for strikers who may take refuge there and pose a threat to the POP members who had moved past to the re-organisation line. They would be responsible for high risk arrests of belligerent armed strikers in this vicinity.

13.14. **Stage 3 – Phase 3:**

13.14.1. This stage involved the re-organise action I said was to evaluate the movements of the strikers who had moved away because of the thrust of the POP dispersion towards the open fields towards the west. It would allow for all the POP assets to re-group, and then start identifying striker groups or individuals who would be part of Phase 3 – the disarming and arresting action.

13.14.2. Once the members of the tactical Units and POP members who were not held back or kept busy with arrested strikers joined up to the POP dispersion line at the re-organisation point, the Operational Commander could re-allocate tasks with regard to teams going forward to pointed out groups to affect the disarming and arresting. Ideally, the teams would consist of POP members with their armoured vehicles as safe havens as well as protection teams comprised of tactical members from TRT, NIU and STF.

13.15. FHA 2 members:

13.15.1. I briefed the police members from FHA 2 that their role was to secure the small settlement to the south west of the koppies to prevent any violence being taken to the residents there by the dispersed strikers. The strategy was also to keep the dispersed strikers from the settlements to prohibit making new strongholds with guerrilla tactics used against the police between the structures, using innocent persons to their advantage.

13.15.2. After concluding the briefing I mentioned that I could not micro plan for the members and that they would need to assess the situation after the dispersion. I mentioned to the members present from FHA 2 that they may need to form a filtering line as the dispersing strikers come towards them and assist in the Phase 3 to disarm and make arrests in their area of responsibility outside the small informal settlement towards the power station.

13.16. FHA 1 assets:

13.16.1. I explained that the support police assets at FHA 1 should move closer to the Immediate Reaction Area 1 on the southern side of the power station, which is on the south of the koppies and generally out of sight of the strikers. This would enable the emergency medical and fire services to respond quicker where seconds counted. The assets available in this group would be utilised as follows:

13.16.2. The K9 members with dogs to be brought in to search the rock crevices for the illegal firearms and other weapons which may be hidden. They could also be called to assist with a high-risk threat arrests where police members could not approach a striker due to his aggression or bunkered down position under bushes or in crevices. The intimidation of a vicious dog can cause persuade submission. The K9 were never briefed to play a role in the POP

action of dispersion.

13.16.3. The mounted unit would patrol the safe environment behind the POP and tactical forces to maintain a police presence and maintain the domination of that area to ensure that safety and order were not lost.

13.16.4. The medical and fire brigade were to be deployed as instructed, but only when cleared to do so with either an escort for their safety or to an area which was already declared safe by the Operational Commander.

13.17. General items covered:

13.17.1. Force continuum:

I explained that the sequence of movement tied in with the force continuum and would be the POP dispersion line advancing on foot with the water cannons starting the physical action (at right angles as one water cannon would be part of the dispersion line and the other behind the razor wire to the left of the advancing POP line), tear gas to be shot next, stun grenades to be thrown as the gap closes between the police and the strikers and then rubber bullets as a last resort.

13.17.2. Rules of engagement:

In mentioning the rules of engagement I have a standard line which I

use. It reads as follows: *“If your life, the life of a colleague or that of an innocent party is endangered, use the necessary force to neutralise that threat. Remember your force must be proportional to that of the threat, not unnecessarily greater.”* This is the sum of the use of force in any police confrontation that I provide a briefing on.

13.17.3. Stage 4:

I briefly mentioned with regard to Stage 4 that the detectives and crime scene management personnel would need to handle the processing of arrested persons further and the evidence retrieved, specifically those weapons suspected of having blood on them.

14. As with the completion of any briefing I customarily summarise the operational concept with the mention of the different role players with their respective functions to ensure understanding, and did the same here. This assists with confirming the crux of their own objectives as well as understanding each other’s roles and where they may integrate or complement each other.
15. In summary of my briefing at FHA 1, my role was to brief the commanders on the operational strategy to achieve the mission, namely Stage 3’s three Phases with their sequence of application and to provide the rationale behind the tactics in the operational concept. The implementation of the Phases was thus covered, but I was

cautious not to micro manage the movements of the commanders and their members and gave my advice on certain aspects which were at the discretion of the commanders to implement or revise to their own tactics within the guidelines of the SOP's. They were not obligated to follow tactical level advice to the letter as they remain the accountable in their respective environments for remaining between the operational guidelines given as well as with their operational SOP's.

16. This would explain the changes such as the razor wire being deployed one vehicle at a time instead of simultaneously and any other deviations from the briefing. Those who chose to differ from the briefing suggestions given at the tactical level will be able to provide the rationale behind their chosen course of action.
17. I returned to the JOC at about 15:15 and set about updating the slide in the presentation which would reflect my briefing – adding the white arrows and captions of the Phases in Stage 3.
18. My observation during Stage 3 from the radio communications:
 - 18.1. Although there were two CCTV monitors to provide feeds in the JOC from the Lonmin mine cameras around the mine, the camera at the BMR smelter area was what showed the koppie area at a distance of possibly 1km or more away. Due to the late afternoon sun, the footage was barely visible due to the glare and the distance to the koppie. The

visuals were so bad that I reverted to standing next to the radio to try and put together a mental picture of what was happening.

19. During the execution of what now was Stage 3, I was positioned next to the police radio base set in the JOC to try and piece together through the radio communications the progress of the Phases of Stage 3 which I had briefed the commanders on. I can only recall the following:
 - 19.1. After Brig Calitz had initiated the operation some minutes later I heard the intensity increase in the radio communication with Brig Calitz calling the Nyalas on their “Papa” call signs into some formation and to engage. He was repeatedly calling the water cannons to come forward and engage. It sounded like they were under some form of attack.
 - 19.2. After the action which was mainly coordinated by the voice of Brig Calitz, Lt Col Vermaak started providing situational awareness from the police helicopter – call sign Chopper 1. Some minutes after the intensity of what sounded like some form of attack on the police, Lt Col Vermaak reported over the radio that he could see persons lying down and counted up to around 20 which he could see from the air.
 - 19.3. I continued to hear a type of re-organisation which I presumed was in line with the briefing I had given with regard to the re-organise line

after the dispersion action.

- 19.4. At some point, I heard a voice saying there was a person with a long rifle standing on top of the high rock. This sounded like the scenario I had forecast with the protesters taking up position to shoot at the police line from a high vantage position, thus the placement of the STF counter sniper team on top of the Nyala roof adjacent the koppies to deal with any such legitimate threats. I called on the radio from the JOC saying they must remember to use the STF sniper to make the team aware of the location of the threat. The STF counter sniper team has a shoot/no shoot policy based on the principle of private defence of others and would only engage a suspect if they could positively verify the threat to the lives of the police members or they would alternatively talk a reaction team onto the suspect while keeping a close watch on his movements.
- 19.5. I heard what was broadcast on the Protea Coin helicopter video footage, which was the coordination from Lt Col Vermaak with Brig Calitz also giving instructions as was heard on the video.
- 19.6. I remember a period of about four or so minutes where the radio system was jammed by a radio being keyed without anyone speaking. What was suspicious to me was the lack of background noise – as if it was a police member who had done so by mistake, one would have been able to pick up the noise from their vehicles or their operational

chatter between each other. This came across as suspicious as though it was done on purpose to jam the police radio speech which was coordinating the flow of the operation. I can't recall how long into the operation this was, but it was around the middle, after the first conflict heard which is now known to be the incident at scene 1.

- 19.7. I recall late in the operation hearing Lt Col Gaffley calling on the radio "Cease fire" at least twice.
- 19.8. When I had heard Lt Col Vermaak count the amount of persons lying down as he put it, I did consider that these may be injured persons from what sounded like a POP action due to the vehicles Brig Calitz was speaking with at that time being "Papa" call signs and the water cannons. I waited to hear for a situation report from the ground forces for feedback but as nothing was reported the assumption was that they were possibly strikers who had submitted to the police instructions. The radio was extremely busy with almost no gap in the communication.
20. The shooting at scene one was not reported over the radio thus there was no decision taken at the JOC to clarify the incident or to send medical assistance. Notably, before a decision is made by the JOC, the safety of the supporting assets would have been considered, thus when the approval is given to deploy the support elements, the liaison between the section commander in need and the support elements

could take place on a side bar – on the alternative channel.

21. I can give account that there were two radio operators (ladies in police uniform) who were rapidly trying to keep account of the radio communications as they were being transmitted by writing roughly on blank sheets of paper. I noticed many of the transcriptions were key words or phrases. It was understandable to me that they were not writing directly into the Occurrence Book as the time to neatly complete the entries would have caused them to miss much of what was being said.
22. At some stage later in the operation I picked up from the chatter in the JOC that there were casualties. I did not know where exactly and was trying to picture the operations as it was meant to unfold, not knowing that the strikers had moved toward the police before the police could take up their dispersion line at the predetermined staging point outside the razor wire. I was also not aware that there were 2 scenes as we know them today.
23. I had tried to phone the STF commander in the field at one time late in the operation to get a situation report, but the phone just rang without being answered. Lt Col Gaffley later phoned me and gave me a situation report. I don't remember clearly all that was said but can recall him mentioning that there had been shooting from all directions and he had called for the police members to cease fire. He mentioned

that they had swept the area where the strikers had moved to after the dispersion and there were people who had been shot by the other police members and that firearms and other dangerous weapons had been retrieved from the strikers. I cannot recall him mentioning scene 1 as we know it today although I cannot discount that he did. I am not aware of others in the JOC who made or received phone calls.

24. The Commanders from the field only arrived back at the JOC late that evening. The permanent JOCCOM representatives had meanwhile started trying to piece together the sequence of events that had unfolded.

D. SECTION 3 – EVENTS POST 16 AUGUST 2012

This section of my statement is intended to cover the events post the incidents on the 16th August 2012 and to provide clarity on some issues raised by the Evidence Leaders.

25. Information Note for President Zuma:

- 25.1. On the evening of Thursday 16th I assisted in gathering information and scribing a letter on the event which was to be sent to President Jacob Zuma through the DIRCO Minister.
- 25.2. I received inputs from many sources, including Brig Pretorius with

regard to the history and statistics of the violence and from Capt Adriaio who was monitoring the media footage; then from the photographs handed in by Lt Col Vermaak. I do not recall the other sources of information although there were many.

25.3. After the standard review and approval by the National Commissioner, the brief information note was mailed to the police communication centre at about 02:00am on Friday 17th August 2012 to be forwarded through the necessary secure channels to the President.

26. NATCOM media presentation – the genesis of the final product to the Commission:

26.1. During the night of the 16th/17th August 2012, I was tasked by Maj Gen Annandale to create a presentation for the National Commissioner to brief the media during the morning of August 17th. At about 08:00 that morning of Friday 17th March 2012, I provided a presentation which was comprised of mainly photographs and video clips (from the open media) regarding the events and build-up to the incident on Thursday 16th August 2012.

26.2. On viewing the presentation the National Commissioner requested me to run the presentation for the media later that morning at the Lonmin Game Farm auditorium. Maj Gen Mpembe would be speaking to his role on the 13th August with the video footage which was taken

from the police, the open source media and the Lonmin CCTV cameras. An IT specialist initially put a combined video together to shorten the police video of Maj Gen Mpembe for the purpose of media briefings.

26.3. Maj Gen Mpembe provided the input on the sections of the video to be included in the clip as the IT specialist and I could not understand the language spoken. I then included the acquired video clip to play separately from the presentation for Maj Gen Mpembe to speak to in the build-up to the events of the 16th August 2012. This was the first time I was seeing these videos when they were made available on August 17th for the inclusion in the media briefing.

26.4. At about 10:00 or 11:00 that morning I assisted with the presentation at the National Commissioners media briefing by presenting the slide show of the build-up of the events. Maj Gen Mpembe started the presentation by interpreting his speaking in the video. The National Commissioner then commenced with a question and answer session.

27. Presentations to the President of SA and others:

27.1. In the days of the 18th and 19th August I was requested to give separate presentations to President Jacob Zuma, the visiting appointed Inter-Ministerial Committee, and the North West Provincial Government's Portfolio Committee on the events at Marikana.

- 27.2. I'm not aware of who made the requests for the presentation as I received my tasking from Maj Gen Annandale being my direct commander at the time.
- 27.3. The presentation I gave to the above included what I had shown to the media but included more input with slides representing oral information. The media presentation included only photographs over the troubled days.
- 27.4. Before the Commission was announced I started updating the planning slide show for inclusion into these presentations to better reflect what was said on the days before and on the 16th August. This was because I had during the operation, in preparation for the following days briefing, simply upgraded the previous day's presentation with regards to any changes. This included the Google Earth satellite photos and the relevant icons showing the deployment positioning.

28. Mr Julius Malema's visit to Marikana:

- 28.1. On Saturday 18th August 2012 Mr Julius Malema visited the Marikana area to address the miners and other locals from the area. Brig Calitz handled the situation with the POP members. I was not involved in the deployment coordination that day as I had to prepare a more comprehensive presentation for the President, Mr Jacob Zuma and

other expected dignitaries and committees scheduled to visit.

29. Maintaining stability and order in Marikana after the 18th August:

29.1. On Sunday 19th August 2012 I was tasked to by Maj Gen Annandale to set up a sector policing strategy for the police forces that remained at Marikana until I departed on 24th August 2012. I zoned the Marikana area for sector policing with patrols to show police presence and vehicle stop and search operations. This was in response to intelligence reports that the striking Miners wanted to intimidate and attack employees wanting to return to work. This strategy was implemented by the remaining forces until I departed on the 24th August 2012.

30. Background on Marikana Visible Policing Sector Operations:

30.1. I based the broad operational concept on a previous operation I planned in January 2011 for Soshanguve and the Pretoria CBD, called Operation Squeeze the Crime to Zero, where a multi-disciplined police contingent participated for a week in patrolling, vehicle stop and search operations, community relation projects, tactical units targeting intelligence driven high risk objectives amongst other strategies implemented.

31. Activities the week after the Marikana incident:

31.1. During the week after the Marikana incident, I assisted the officers in

the JOC who were tasked to plan and coordinate the court appearances of the arrested strikers.

- 31.2. Also during this week a planning team from the NATJOC was tasked to draft a plan for the memorial service to be held at Marikana during the declared week of mourning. The memorial service took place on 23 August 2012 and I assisted the planning team with creating a presentation to orientate and depict the operational deployment as well as the placement of the vehicle check points based on possible incoming threats to destabilise the area. The NATJOC planning team were experiencing the same challenges I had in arriving at Marikana and even with days to spare in advance could not acquire sufficient information concerning the memorial service as was needed to develop a full Operational Plan according to format, thus turning to me to assist with the knowledge I had acquired with regard to the geographical environment at the last day when the arrangements by the community were made known. Thus the assistance I rendered which I mentioned above.

32. Roots:

- 32.1. After demobilising from Marikana on 24th August 2012, I was called up to report to Roots Conference Centre in Potchefstroom on 27th August 2012 until 7th September 2012.

- 32.2. At Roots, I was tasked by Maj Gen Annandale to prepare a presentation on the events at Marikana for the Commission of Enquiry. I cannot with certainty say who the idea came from as I was not privy to the higher level conversations.
- 32.3. I recall the work session being about re-constructing the Marikana incident with the different commanders and key role players grouped per geographical incident or as their role and positioning was according to the plan at the time. These members were sent to different breakaway areas to compile their version of the events and had to report back to Col Visser, from the North West Province Organisational Development Services. He was assigned to assist in drafting a narrative report to accompany the presentation which he and I compiled.
- 32.4. Col Visser and I worked in unison on the police presentation. He assisted me in gathering much of the historic information and consolidating the information from the breakaway groups for input into the presentation. I became mostly responsible for the sequencing and the video and photograph visual inputs in the presentation and the information in the presentation from the 16th onward.
- 32.5. The reason I was involved with compiling the Police presentation for the Commission was because I had started drafting a presentation on Friday 17th August 2012 with the first audience being the media at the

Lonmin Game Farm auditorium, and had worked on the areas relating to the video and photograph evidence somewhat already.

- 32.6. On Thursday 6th of September 2012 Col Visser and I presented the police presentation to the National Commissioner who had arrived to view the tentatively finalised product. We had presented it the day before to the police members who were called up to Roots for their comments and inputs. This became the first official draft of the police presentation intended for the Commission.
- 32.7. The presentation had its origin in the presentation which grew from the media presentation on the 17th August 2012 through all the presentations to follow – from that given to President Zuma and others thereafter. The presentation continued to grow as more information became available, including video footage from SAPS sources and the Protea Coin helicopter.
- 32.8. Due to the influx of information and the volume of photographs and open source media video clips etc that Col Visser and myself had to peruse, the preparation of the police presentation became an in depth assignment which was entrusted to us to upgrade as viable information was discovered and thus included.
- 32.9. The presentation, a number of times, reached the cut-off point set by ourselves for no more input, but due to the postponing of our

self-imposed expected presentation date and the new information being discovered, we continued, for the benefit of piecing the event together, to update the presentation until a day or so before presenting it to the Commission. I still recall updating some issue even while the presentation was being shown at the Commission to ensure completeness and clarity.

33. Discovering discrepancies while working on the police presentation:

33.1. Somewhere around the first week of November while I was working on the police's presentation for the Commission with regard to scene 2, I was searching through photographs and noticed what was to become the "scene tampering" issue. I compared photographs and realised that weapons had been moved and replaced. I made Col Visser aware of the finding and we approached the police's senior management to make the situation known. The police management took the process further and initiated an investigation into the matter and informed the Advocate team to inform the Commission of the findings.

E. SECTION 4 – RATIONALE BEHIND MY PLANNING & SUGGESTIONS

To answer some of the questions raised in the Commission, it would

assist to give the background of my rationale for the planning or suggestions I made to the senior officers and commanders at the JOCCOM and the field commanders during the 14:30 briefing at FHA1. The following points cover these aspects.

34. **My role at Marikana:**

- 34.1. The role I fulfilled at Marikana was one to coordinate the planning of the multiple tactical units deployed to restore order. This was due to having a background in planning major events where multiple role players are involved in their respective disciplines or in support of each other, including the operational qualifications to plan the application of the utilisation of the tactical forces present at Marikana.
- 34.2. I was trained in public order policing in 1991 on the recognised Internal Stability Course applicable to that period. When I transferred to the Internal Stability Unit in 1992, I underwent the dedicated one week in-service training for members entering the Unit to be able to participate on operations in crowd management.
- 34.3. Furthermore, in 2003 I did the Operational Commanders Course, which at that time was POP orientated being based on the Ellis Park incident and other public order operational scenarios where tactical options needed to be employed. I was not trained in the current Standing Order 262 and was not aware of its precise contents, but

with my background, foundation and knowledge of the principles of tolerance to deescalate any volatile situation in a policing context, I set about proposing the operational strategy which meets the requirements of SO 262 in its deployment strategy of the public order force continuum to resolve a situation. The POP senior commanders present who are conversant with the SO 262 would have raised an issue should the strategy have been outside of its prescripts. None did.

34.4. My role inherently included continually assessing the situation and when necessary proposing additions or changes to the deployment concepts within the strategy. I would inherently carry out regular assessments to see what could be revised – reasoning and revisiting the operational strategy with its layered concepts to discover and evaluate deeper detail to either justify elements or propose changes for optimisation to better achieve the mission. This is not to say that the process was exhausted and every aspect was covered in depth as the time available was also limited.

34.5. Risk forecasting coupled to risk mitigation was another area and thus the strategy to implement the police assets at Marikana as safely as possible being a strategic objective. It also meant reviewing the application of the resources of the police to refine the deployment for effectiveness and efficiency. This is why the elements of the plan

would grow and change slightly from day to day with more time becoming available to consider the situation as the dynamics fluctuated from violence on Monday to dialogue and absence of violence from Tuesday late afternoon after the police deployed the first time into Phase 1, then back to a volatile situation on Thursday after expectations of the strikers were not being met by the AMCU President.

34.6. This was one of the areas I had to consider on Wednesday evening after the debriefing and briefing that the strikers would lay down weapons on Thursday at 09:00. My job was to forecast “what if they don’t”, where could this go. In looking back to a conversation I had on Wednesday 15th with a security official who was present at the Impala Platinum unrest earlier in 2012, who had mentioned that the strikers would possibly follow through and escalate the violence if their demands were not met, I started evaluating the then Phase 2 and 3 deployments should they be called for.

35. Background on how I set about planning from Monday 13th August 2012:

35.1. To provide a background on the appreciation process which is initially taught on the Operational Commanders Course and is part of all planning modules taught in the STF training package, an appreciation can be done at many levels. The appreciation is largely influenced by

time available (shorter for a reactive on-going situation or longer and more thorough for a future event to come) and level of complexity of the operation. In a situation such as Marikana which is reactive, the shortened time to deliver an operational concept to deal with the situation means rough notes are taken on information received, in essence the appreciation becomes a thought process which includes a thorough analysis of the situation, the conceptualising and the selection of the best course of action aligned to achieving of the generic goal of restoring law and order.

35.2. My aim was to gain as much historic information available on the situation and intelligence on the further whereabouts and intentions of the perpetrators the police needed to apprehend as possible. This information I then subdivide into five main categories which would simplify the main aspects for consideration to enable an analyse of the situation faced and to conceptualise a viable solution from the police to resolve the situation. These areas are:

35.2.1. The Mission (what is expected – setting objectives and parameters)

35.2.2. The Menace (the opponent and/or event which needs police action)

35.2.3. The Milieu (the environment where the event is taking place)

35.2.4. The Means (the resources available to achieve the mission)

35.2.5. Time Frame (in what time frame must the operation begin and

conclude)

- 35.3. In dealing with developing a mission at this level of planning where multiple disciplines within the police are involved this mission statement is at a more strategic level. The mission statement needs to be in line with the Constitutional obligation bestowed on the police as well as reflect higher leadership's intention for the operation, this being from senior police officers involved when the planner is of a lower rank.
- 35.4. Once approved, the mission statement provides the direction in the operation for all involved to understand the desired outcome. This is important as, if during an operation the situation changes to reflect unexpected circumstances or changes which require tasks to be changed without the opportunity to consult or seek higher approval by the Overall Commander and the JOCCOM, then the Operational Commander, any other Commander under him/her or any member involved who has to take a decision during the heat of the operational who does not have the ability to consult the decision due to whatever legitimate limiting factors, may in the interest of safety do so as long as the new action or omission is aimed at achieving the objective set out in the mission statement. The action or omission should as far as possible however not impact other areas of tasking as this could derail areas of the operation which are progressing as planned, but if

possible should only affect the group/team/ individual taking the decision.

35.5. The mission statement becomes core to guide decisions outside of the planned tasks as to what has to be achieved.

35.6. Ultimately any mission must compliment the requirements of the Constitutional mandate of the police which according to Section 205 speaks specifically to the expectations of the police as mandated by the people of South Africa to:

35.6.1. Prevent, combat and investigate crime;

35.6.2. Maintain public order;

35.6.3. Protect and secure the inhabitants of the Republic and their property;

35.6.4. Uphold and enforce the law.

Each of these prescripts had a basis to be delivered at Marikana.

35.7. What was to be achieved according to the strategic guidance was reflected by the Provincial Commissioners expectations is reflected in the Occurrence Book entry 37 made on Monday at 12:45 by Lt Gen Mbombo when she visited the JOC at Lonmin. It stated:

“JOC visit and as shown the different points of gathering, the

planning has been adjusted to disperse the gatherings. All police officials on duty to conduct searches and confiscate all dangerous weapons. All those that can be identified on the footage should be picked up and deployments to key strategic areas should be enhanced. In terms of our policing on crowd management, all members to conduct themselves within the limits of this policy unless the situation dictates otherwise. Ensure that peace prevails.

Signed: Lt Gen Mbombo”

36. My experiences in command and control of operations:

- 36.1. When operations are initiated where the STF are involved in certain of their primary functions, there will normally be a scene commander, not from the STF, who is responsible to coordinate the greater operation, specifically the support roles and generic policing expectations with regard to crime scenes. The STF takes the lead role in the operational command of the operation but allows commanders of other forces who fall under the STF operational commander to control their forces within their task allocated according to their skills and where possible within their area of expertise which compliments their mandate.
- 36.2. I have been part of operations where the POP was in command with the tactical units including the STF in support of their mission to ensure public order. An example of this in the recent past being the

COP 17 Summit in Durban.

- 36.2.1. During the first week of December 2011 at the COP 17 Summit in Durban, a mass protest march was planned and executed through the Durban CBD where the STF and NIU in particular played supporting roles in observation posts and as overt and covert arrest teams for the POP who handled the strikers.
- 36.2.2. The protesters' modus operandi was to target infrastructure and seek media coverage for their respective causes. They displayed a somewhat different level of respect for the police presence and controlling actions than the strikers at Marikana who showed no or little respect for the authority of the police requests to restore order. I played a key role in the high risk planning of the security of the march at the COP 17 Summit under the ORS Provincial Head and his planning team, specifically with regard to the STF and NIU support. This included securing of certain identified high risk venues by utilising POP members in a blocking action and NIU members as a final protection element at the targeted key point.
- 36.2.3. I placed certain STF members into observation posts along the route to keep my situational awareness updated as I was deployed in the mobile JOC with the Overall Commander. I assisted the Overall Commander, the ORS Provincial Head in briefing the Provincial JOCCOM in the days preceding the mass demonstration

march. The event was successfully policed with all Units mentioned contributing in their respective roles.

36.3. The planning at the COP 17 Summit influenced my strategy at Marikana to have the similar high risk arrest teams made up from tactical Units outside POP as well as the implementation of the Observation Posts manned by qualified STF snipers with a monitoring and information relaying role.

37. My understanding of the foundation for utilising a trained police official which translates across all fields:

37.1. Although police officials pursue career paths and qualify in different fields to different levels (as in the tactical field of policing), they remain police officials first and foremost, able to be deployed in that context with all the same ethics, laws and code of conduct. The only area which becomes prescriptive is the area where non-generic training was received for members in different roles to enable them to carry out a specific function. But in view of the mandated obligation placed on every functional member of the SAPS, if a hostage situation or mass public violence breaks out, the first responder is mandated as a police official to attend to the breach of law until the qualified unit arrives on scene to take over. Should the situation escalate to the point where police intervention is needed to avert or deal with an imminent illegal action which will constitute life threatening circumstances or malicious

damage to property, the lessor qualified police official on scene is required to respond to the threat in the interest of the those involved, even if the advanced skills are not embedded.

38. Determining the Sector Policing Patrol approach at Marikana on from previous operational experience:

38.1. I developed the interim operational concept on Tuesday 14th August 2012 to deploy the police members in a Sector Policing patrol based on a strategy I had introduced to the POP members earlier in 2012 at the Ratanda public violence and unrest outside Heidelberg.

38.1.1. To give background on this, on 22 March 2012 I was summoned by the then acting National Commissioner – Lt Gen Mkhwanazi through Maj Gen Annandale to report to Heidelberg police station to assist in establishing a Joint Operational Centre and to structure a strategy to assist the POP who were dealing with public violence in the Ratanda township at the time.

38.1.2. I assisted in establishing the JOC and zoned the greater Ratanda township into sectors for POP patrols to be spread around the area – gridded for the Overall Commander to make quick decisions regarding who to send to assist the POP section in need of backup or if air assets would be utilised to locate acts of violence and targeted damage to property.

38.1.3. I created a forward holding area (FHA) between the JOC in Heidelberg and Ratanda, which is a few kilometres outside Heidelberg, where all deployments would be deployed from after parading and briefing at the rear staging area at the JOC (Heidelberg Police Station). The FHA was where the reserve force would remain on standby to back up sections in the zoned areas in times of need, giving a structured geographical location for the grouping and rotating of forces in a safer and stress free environment allowing members to rejuvenate on rotation as a reserve force but remain in an area where they were close enough to respond timeously should they be needed.

38.2. I withdrew after two days in Heidelberg as the situation calmed yet remained unpredictable, meaning the POP deployments remained in the area with the patrolling strategy.

39. Background on why I suggested using the police trained negotiators which became the crux of Phase 1:

39.1. My rationale was based upon prior knowledge of the capabilities of a police trained negotiator due to having successfully completed the official course in the SAPS for hostage and suicide negotiation. This course deals ultimately with human beings in conflict to bring about a solution through dialogue and can be applied across a broad spectrum of situations since the knowledge imparted and the scenario

training deals mainly with police / perpetrator standoffs where dialogue is utilised to bring about a non-tactical resolution.

40. Background rationale for the inclusion of the razor wire in Phase 2:

40.1. The razor wire vehicles were deployed with their pre-set spaces during Phase 2, in anticipation of a contingency plan to prohibit physical confrontation between the strikers and the police. Not having the vehicles with razor wire pre-positioned would have meant the contingency plan for an emergency response to an attack during a Phase 2 show of force would have not been in place. This would have forced the police to defend themselves without a barrier and escalate the need for the defence against sharp edged weapons by means of firearms. This need to utilise firearms is significantly diminished with razor wire separating the strikers and the police since the sharp edged weapons of the strikers would have been rendered ineffective as their intended target would be on the opposite side of the wire and out of reach.

40.2. This was the same rationale that was applicable to Phase 3 knowing that on Monday 13th when the police employed a public order action that it initiated a violent response from the strikers and that any signal that the police were preparing to move against the strikers again could initiate a similar attack. Thus the razor wire barrier to form firstly a

psychological barrier and then a physical barrier to be defended should the strikers still try to overcome it. The defence however can be easier carried out with non-lethal force by utilising water cannons and if necessary rubber bullets. Any attack on the barrier would also possibly take place on the narrow area between the Nyala and the trailer. This meant that only individual strikers could pass through at a time and the police should be able to handle the funnelled area more effectively than a wide uncontrolled approach route with attacks from multiple directions.

40.3. Part of the Phase 2 pre-placement was in anticipation that the deployment was also to compliment a possible escalation towards a Phase 3, thus the razor wire trailers were already in place as a show of force and positioned to execute Phase 3 if required. The strikers would be aware of the presence of the razor wire and become used to them being there without any implementation, thus minimising the rise in emotion suddenly before the implementation of the Phase 3 tactical option.

41. Background rationale for the dispersion away from Nkaneng settlement during Phase 3:

41.1. The strategy was also to keep the dispersed strikers from the settlements to prohibit them from making new strongholds, with guerrilla tactics used between the informal housing against the police

when they moved into Phase 3 to disarm and arrest militant strikers with dangerous weapons. The possibility was foreseen that innocent persons could be used to the strikers' advantage as shields or that woman and children as well as men who had left on the polices' verbal warning before the dispersion physical action, or who chose not to participate in the strike action, could become victims of the militant strikers venting their anger through violence because of being dispersed, thus seeking to show some form of retributory action for the police action towards them.

42. My rationale in planning the utilisation of the police tactical units during Phase 3:

In my rationale to utilise the tactical Units in their respective roles during Phase 3, some of the aspects I considered were as follows:

- 42.1. There were a wider variety of roles than a POP function to ensure the order in Marikana was restored and maintained. All police resources drawn in were ultimately mandated to endeavour to satisfy the requirements of the Constitution, albeit in their respective roles.
- 42.2. To explain this in another context, similarly when the STF is called to a hostage situation, the POP, TRT, NIU, Negotiators, Bomb Disposal and numerous other role players all converge on the same scene. These Units all have their roles, some supporting until their expertise

is required in a primary role. The STF is employed only when negotiations fail and their role is to neutralise the threat to restore order and affect an arrest through a force continuum to dissuade the continuance of the threat. This was still part of the STF's operational deployment rules of engagement at Marikana should they need to respond to potentially life threatening acts against the POP members, effect arrests after the dispersion action or carry out intelligence driven operations thereafter.

42.3. The force continuum would be as in other high risk operations the STF are involved in, namely to deescalate the threat by:

42.3.1. Psychological shock tactics to promote submission through a rapid and overwhelming presence of STF members in tactical gear utilising indirect assertive verbal team commands combined with the visual stimulation of professional tactically clad officers to dissuade any offensive action from the perpetrator;

42.3.2. Loud assertive verbal commands directed at a perpetrator by the STF members on initial confrontation;

42.3.3. If there is a failure to respond favourably to verbal stimuli, the application of pyrotechnical devices to disorientate the perpetrator and persuade surrender follows;

42.3.4. If the perpetrator fails to surrender after the immediate stimuli

provided by the pyrotechnical devices, while they are still to some degree disorientated, the members will approach and apply non-compliant arresting techniques (perpetrator take-down by one or more STF members utilising hand to hand combat);

42.3.5. If the suspect is still too dangerous to approach, the application of a Tazer weapon is utilised to deliver a non-lethal option to immobilise the perpetrator;

42.3.6. As a last resort the use of live ammunition to neutralise the imminent threat, which can be wounding or deliberately fatal depending on the level of threat posed at the time by the perpetrator against the hostages or STF member in the confrontation. The use of live ammunition is never utilised simply as a next level in the force continuum after the Tazer, but is only applied when the threat posed by the suspect/perpetrator warrants the defence of life against the threat, thus justifiable by self or private defence.

42.4. When I considered the role of the tactical units at Marikana in carrying out high risk arrests of belligerent armed strikers, the force continuum above would be followed except possibly for the Tazer application due to the lack of these sufficient resources versus the amount of possible belligerent strikers in one group. A Tazer pistol is also generally useful to take down one belligerent person and not for defence of a group

attack on the police official.

- 42.5. Any police official is taught and must constantly be contemplating, in threatening situations, that the use of force is always to be proportionate to the level of the threat at the time the force is used. It is thus important to emphasise that any professionally trained police officer does not enter into an operations with a mind-set to kill people, but rather to save lives, including those of the perpetrators.
- 42.6. This is what governs the mind-set of a police official, which is the common foundation and denominator between all police units across the board – to save lives and only to take lives when there is, at that moment of utilising their firearm and in an endeavour to preserve life, whether it be their own, that of a colleague or any other who is a victim and experiencing an imminent illegal threat to their life, no other alternative
- 42.7. The NIU and TRT are trained to utilise the same force continuum other than possibly having the availability of Tazer weapons in their arsenal. The STF itself only possesses limited quantities, not enough for distribution to every member, with the NIU having a very limited amount – one or two per Unit.
- 42.8. It is with this understanding of the role of a police officer that I planned the role and function of the tactical Units present.

- 42.9. The rationale for not utilising the better trained STF as the first line of defence of the POP is that the TRT and NIU have in their mandated functions to assist POP in public violence situations whereas the STF would only assist on special request. But more importantly, with only 18 members on ground that day and four more in alternative roles deployed, there were also insufficient STF members to cover the entire POP line. The STF supporting roles were:
- 42.10. Two members established an observation post and provided situational awareness to the JOC by feeding information through on movements of the strikers;
- 42.11. Two members were placed with the razor wire team, for later deployment in Stage 3, established a counter sniping post atop one of the Nyalas which deployed the razor wire. Their role was to provide closer observation and feedback to the Operational Commander as well as search for any perpetrator who may use the R5 assault rifle or any other firearm, taken from the murdered police officials on Monday 13th, thus posing a threat to the POP dispersion line. I anticipated that such a perpetrator would take up higher ground on the koppie to fire more accurately and over their fellow strikers at the advancing police members.
- 42.12. The remainder of the STF members were to provide a show of force with the camouflage armoured vehicles in order to dissuade any

attack on the police. Their role once the dispersion was concluded was to move over the larger koppie, flanked on either side by the NIU members, to search through the rock crevices and bushes for any belligerent strikers who I had presumed would come from the militant group of strikers trying to evade the POP dispersion action for reasons already mentioned.

42.13. The STF, NIU and TRT are trained specifically to advance through these types of difficult rural terrains in small teams, ranging from buddy pairs to larger sections, and are more skilled at clearing crevices and bushed terrain.

42.14. The POP tactics don't deal with these environments but focus on crowds in open areas such as streets where the POP themselves have more leverage to manoeuvre, thus more time to identify threats and more time to decide on a response. In bushes and crevices the time needed to respond is only prolonged through the employment of certain tactics the tactical members are taught, with their response being embedded through training which the POP lack. The POP members are trained to some degree in buildings, such as prisons, where they approach strikers still in team formation.

42.15. Another factor was that most of the POP members were, other than their side arms (pistols), armed with less than lethal weapons which would not thwart a close quarter attack from a militant striker who is

motivated to cause serious harm or death as experienced on Monday 13th August 2012.

42.16. The POP range of skills to deal with potentially lethal threats which could be encountered by belligerent strikers bunkering down amongst the rocks and bushes is the most limited considering the presence of the TRT, NIU and STF.

42.17. The NIU had a similar task to the STF being allocated the clearing of the larger koppie after the POP dispersion had moved through.

42.18. The TRT had a similar task to the STF and NIU with the addition of protecting the POP dispersion as their area of responsibility was the smaller koppie and would be approached first. Their role was to:

42.18.1. Provide a show of force to dissuade an attack on the POP dispersion line;

42.18.2. If the POP line comes under attack, it was to retreat into armoured vehicles. The TRT who would be placed at least 100 meters back from the POP line would if required by private defence, close in on the attack and defend the lives of any POP members who may not have been able to retreat to the safety of the Nyalas – as was the case on Monday 13th August 2012.

42.18.3. Should the POP have safely entered their Nyalas and the attack was then directed towards the TRT line, there would be 100 meters

of distance for the force continuum to be applied, being: verbal warning, stun grenades and warning shots before the attacking strikers reached them.

42.18.4. Any rational protesting group would move away from a dispersion line, and even more so from a police line of tactical officers who are visually geared, unless they had predetermined to move as a group with a common goal towards the threat posed to them.

42.18.5. Compounding this, the police would now become the protective barrier preventing the strikers from mass group destruction of infrastructure and violence against innocent people. In essence if the strikers wanted to express their dissatisfaction as a group through violence, the possibility existed that they would direct it at the police who stood before them as an obstacle to further violence and destruction.

43. Background on my considerations in applying lessor trained tactical units with live ammunition in a protection role throughout Operation Platinum:

43.1. I had told the commanders in informal conversation over the days to keep reminding their members of two aspects:

43.1.1. Keep the line formation and don't run leaving colleagues isolated to face an advancing threat, which was what I felt could possibly have

contributed to the deaths of the police officials on Monday 13th,
and;

43.1.2. When in a line abreast, ensure you only utilise your firearm when the threat you are pointing your firearm towards requires it. I told the members I spoke to that they should pre-warn their members of this possibility so as to prepare them to take conscious decisions when firing their weapon, which it is only at a legitimate threat.

43.2. These comments were intended to get the commanders to assist their members in making a reserved decision in advance not to shoot unless there was no alternative to a life threatening act which required their conscious response to thwart it. I have learned and taught this through my training in precision shooting in hostage release operations where perpetrators firing at the hostages or police need to be identified and fired at between the hostages.

44. The Phase 5 operational concept based on previous operational experiences:

44.1. The rationale behind Phase 5 for the high risk arrests and searches of houses was due to previous experience police investigations in similar volatile environments where the detectives would possibly require tactical forces to assist in high risk warrants of arrest for dangerous murder suspects. I had been involved many times as a STF member

with major unrests over the years to assist in returning order to an affected area.

F. SECTION 5 – QUESTIONS RAISED BY THE EVIDENCE LEADERS FOR CLARIFICATION

The following Section aims to provide clarity regarding issues raised an unclear by the Evidence Leaders.

45. Receiving of video and photo material from police witnesses:

45.1. Prior to Thursday 16th August, I had only seen the photos of the police members who had been attacked earlier that day which were viewed at the National Commissioner's briefing on Monday evening. Other than that, there were photos which were provided by Lt Col Vermaak who was sending the photos sporadically over the days from his Blackberry to Brig Pretorius as situation reports. Brig Pretorius would forward these photos to me to assist with keeping me up to date. At the end of each day Lt Col Vermaak would download photos onto my computer.

45.2. On the evening of the 16th in the JOCCOM meeting, Maj Gen Annandale gave instruction that all footage, video or photo was to be brought to myself as a nodal point. He repeated this instruction on numerous meetings in the days following. My laptop computer

became the nodal point for the footage until about 2 days later when a 1TB external hard drive was made available as the nodal point. I was responsible for this nodal point until after Roots where the responsibility was transferred to Brig Pretorius.

45.3. The first video footage to be brought to me was on Friday 17th August from the police POP video operators. I downloaded from both their camera's memory cards onto my computer that Friday afternoon.

45.4. The footage was sporadically brought in through memory sticks and camera cards over the next few days after the 16th August but continued to be discovered for months thereafter. Persons at first seemed selective on providing photographs and video footage which they thought were well taken or contributed to explaining the event, but had to later be requested to provide everything, regardless if the material was poor or they thought it was of no use.

45.5. The Evidence Leaders of the Commission identified many of these gaps and requested the police to address them. There was no malicious intent from my side to hide anything from the Commission, only that I did not think to check the properties of the material to ensure the complete set of photographs or video clips were present. I relied on the person's discretion who was giving me the material for collation.

- 45.6. I understood that possibly some photos or video clips did not contribute any valid input and were thus not submitted, not considering that all would need to be seen to discount any suspicion that the police were hiding anything from the Commission.
- 45.7. To the best of my knowledge I can remember receiving following the photographs and video materials:
- 45.7.1. Lt Col Vermaak (Blackberry photos): sporadically sent via GSM network since Wednesday 15th August 2012, but fully downloaded sometime in the immediate days following 16th August 2012.
- 45.7.2. Lt Col Vermaak (Canon photos): Downloaded daily at the evening debriefing meetings.
- 45.7.3. Lt Col Botha (videos): 2 weeks after Roots at the police Provincial HQ when briefing the appointed legal team. Capt Mohlaki delivered the video when bringing his latitude/longitude coordinates for me to assist him in plotting scene 2 on a Google Earth map.
- 45.7.4. Lt Col Mere (photos): Evening of the 16th or the morning JOCCOM of the 17th August 2012.
- 45.7.5. Capt Nel (photos): Thursday 06 September 2012 at Roots.
- 45.7.6. Capt Nel (videos): Thursday 06 September 2012 at Roots and gaps filled during November in Rustenburg when the Evidence Leaders

identified and requested outstanding clips.

- 45.7.7. Capt Barnard (photos): November 2012 at Rustenburg when Capt Nel addressed the shortcoming on the video clips.
- 45.7.8. Sgt Mhlatsi (videos): October 2012 in Rustenburg while consulting with the legal team on scene 2. Could not view the clips due to the format. The clips were only viewed in November 2012. The gaps were filled during November in Rustenburg when the Evidence Leaders identified and requested outstanding clips.
- 45.7.9. W/O Ramala: He was identified as the photographer after the discovery of the discrepancies of the weapons at scene 2 in November 2012. His photos were handed in the evening of the 16th or the morning JOCCOM of the 17th August 2012.

46. Different versions of the Power Point format plan presentations:

- 46.1. There is lack of clarity on what information was in the plan at the various stages of the operation. I did not foresee, at the time of the Marikana operation, that the daily presentations would be required for evidence in a Judicial Commission. Thus there is more than one version which was available on my computer by the end of the operation and by the time I had to submit all I had as evidence for the Commission.
- 46.2. The history of the planning presentation is an issue which I will try to

explain as follows:

- 46.2.1. I started working on a slide show which I built for a high level briefing with the subject being Operation Rhino – a multi-disciplined long term operation which I was involved in at a the operational level where I was responsible for the strategy employed by the police security contingent.
- 46.2.2. I started this presentation on Monday night 13th August as I was aware that I had to present a briefing on the operational plan the following morning in order to deploy the police assets in a coordinated effective manner. With the interruptions and the breaking away and returning to the presentation, the National Commissioner's second meeting, the planning meeting with Lt Col Merafe and the orientation with Mr Sinclair, I saved the presentation as a skeleton working document. I'm unsure of the exact name but it would have included "Operation Platinum" as my reference.
- 46.2.3. I again worked on the document throughout the early morning on Tuesday 14th prior to 06:00 to reflect the opportunistic initial plan, filling in as much detail as I had for each of the principle elements represented. By the first full JOCCOM that Tuesday early afternoon, I had put together the first presentation which dealt with the different phases of the operation in the coordinating instructions

but concentrated on the operational overview of Phase 1 which was imminent to be deployed.

46.2.4. I can recall on Wednesday morning during the JOCCOM, while the roll-call was being done and the situation was being discussed, that I used the time to upgrade the presentation to reflect in more detail the operational overview with regard to the order of movement as the FHA 2 had been included as well as the Google Earth image to reflect the positioning of FHA 2. I possibly made more updates but cannot with accuracy say what they were at this time. I did not however work further again on the initial slides found under "Situation", "Admin & Log" or Command & Signal". I saved over the version from Tuesday, not considering I would need it later.

46.2.5. On the Thursday morning JOCCOM, Maj Gen Annandale covered much of the deployment strategy in concept before introducing me to show it visually. This possibly because we had discussed it the previous day and he was quite familiar with the upgraded concept of Phase 2 and Phase 3. To the best of my recollection, I mostly presented to the commanders present from the Google Earth computer program, only going to the slide show to show the mission and the hand-outs in order to re-explain how to utilise the grid system overlaying the satellite image of the expected deployment.

- 46.2.6. I can recall thinking that morning that the senior commanders present had viewed the presentation the day before and most of them on Tuesday as well. Because of the previous two days briefings, I was aware that I presented the full operational deployment concept better off the Google Earth image and covered most of the important information in depth this way. The slides mentioning the “Coordinating Instructions” and the “Operational Overview” were a repetition of what I covered while explaining the deployment concept, which I had noticed was on the Wednesday briefing to be more a formality, being shown because they were part of the presentation under the execution. The coordinating instructions did show the sequence of the layered phase approach but the time frames were ideal and not being met accurately, thus I was hesitant to show it on Thursday morning again.
- 46.2.7. With regard to the presentation saved as “Operation Platinum”, I can recall on the evening of the 16th August I did try to draft a fresh presentation to cover the planning for the three days to clarify the operational strategy which the police followed. This was in anticipation of having to provide briefings of what the police did that day and in the days preceding the 16th.
- 46.2.8. I started anew as I started again on a format I was using throughout from Operation Rhino. I also imported certain slides from a cash in

transit operation briefing which I utilise when displaying the tasking under the heading “Execution” within an operational plan briefing to the commanders and their teams. The reason I know this version was not the version shown is because of the slides which are still attached relating to the cash in transit tables and the Operation Rhino slides. There are also no slides speaking to the administration and logistics and the command and signal of Operation Platinum.

46.2.9. I know I didn’t have time to complete this presentation as I was tasked to assist with the Information Note to President Zuma and then on the presentation for the National Commissioner’s media briefing the following day. When I did get a chance to work on the Operation Platinum planning presentation, I utilised the older original presentation which I showed during the operation.

46.2.10. Sometime later when I got a chance, I started to update the original presentation to reflect the operational concept over the three days by reverse engineering the “Coordinating Instructions” slide for the days – 14th; 15th and 16th. Again, I was not able to work comprehensively on the presentation document to truly reflect what I could remember as I was tasked with other priorities such as the Police presentation with all the work of perusing the video and photographic evidence.

- 46.2.11. I have also realised that the slide reflected as “SAPS Strategy” which reflects the senior officers’ strategic guidelines and the Constitutional mandate, was created while at Marikana after the 16th when preparing the planning aspects to inform audiences during the presentations I was giving at that time. The slide did not form part of the original operational briefings but was built into the presentation afterward to reflect the police strategic management’s expectations which guided me in establishing the mission statement. This can be verified by the slides which were added with black backgrounds, the one of which is positioned before the “SAPS Strategy” slide which states “Deriving a Guiding Mission Statement”.
- 46.2.12. I also realise that the SAPS Strategy is mentioned in my initial statement. This was as a result of working on the same presentation and believing the slide to have been part of the original. I wrote my statement while at Roots and in the days thereafter and was of the opinion that this slide was there all along as I reflected on the presentation to write my statement. It is only through my research now that I have discovered my mistake.
- 46.2.13. This slide holds credible information from my appreciation process on the Monday evening in the meetings with the Police senior officers. It was my recollection of the police strategic management’s

expectations which guided me in establishing the mission statement. The slide reads as follows:

“SAPS Strategy”

- 46.2.14. SAPS will enter into dialogue with the protesters – giving an opportunity for a non-tactical resolution.
- 46.2.15. SAPS will protect life and property should the need arise by responding proportionally to such force.
- 46.2.16. SAPS will exercise caution to protect its members without provoking aggression from the protesters.
- 46.3. This all gave rise to many versions of the presentation. The first being in anticipation of the Police presentation to the President and the Inter-Ministerial Committees who requested briefings on the event. Thereafter at Roots I was trying to re-construct the presentation from the couple I had on my computer.
- 46.4. This explains why there have been numerous “versions” of the planning presentations saved and provided to the Evidence Leaders as I handed in everything I had to the police nodal point – Brigadier Pretorius. As a result, it is not possible to produce the original plan as it stood on 14th through to the 16th August 2012.
- 46.5. What I can state is that on the 14th there was a complete presentation

covering all the elements of the required plan and on the 15th the updating was done only on the slides reflecting the Operational Overview to reflect the FHA 2 and Coordinating Instructions to reflect the changed times of deployment for that day. This is what is reflected in most of the presentations thereafter and provided to the Commission in the original documents handed over as evidence.

- 46.6. As stated, I didn't update the presentation for the JOCCOM for the 16th but explained it off the Google Earth image which I had designed and which I had saved into the presentation to make a separate printable version for the commander's hangouts for the day. The mission slide and strategic guidelines remained constant.
- 46.7. I would after completing the briefing presentation save certain gridded satellite photos from the presentation as a new document and take it to the Lonmin mine office adjacent to the JOC to have it printed in A3 size for dissemination to the commanders. This was so they could brief their members and have as a ground to air reference during that day's deployment.
- 46.8. I saved these slides separately so as not to have the full presentation opened and viewed by the persons doing the printing. The reason I would take them after the JOCCOM was that the Lonmin mine office was not open before the JOCCOM started at 06:00 each morning and I may had to have made changes if required based on inputs received

during the briefing to the commanders.

- 46.9. I did not foresee at the time of the Marikana operation that the daily presentations would be required for evidence in a Judicial Commission, thus the lack of accurate versions of the daily depictions. They were meant to provide a more comprehensive picture to those who had to receive briefings.

47. The original version of the briefing:

- 47.1. The original version of the presentation was saved over during the operation and does not depict the plans for the days of the 14th and 15th August specifically, as is explained in more detail in this statement. A version was worked on later in the next week and other versions created from there which was used in the weeks after the 16th August to attempt to show the police intentions in their pursuit of peace and stability in the Marikana area.

48. Planning presentation created in December 2012:

- 48.1. During the second week of December the legal team representing the police requested me to provide a copy of the presentation plan for each day of the operation. It was apparently required to be submitted as evidence while Brig Mkhwanazi was testifying.
- 48.2. I explained that there were no daily versions because the daily presentations were built over as the operation proceeded on each

consecutive day. I said that I would try to reverse engineer the presentation from the final product as it stood on 16 August 2012, as closely as I could recall to represent what existed and was shown on the 15th and 14th August 2012.

- 48.3. The reverse engineered version of 12/13 December 2012 strives to show the presentation as it was at the time of being shown each day, even though all slides were created in this version were not show. There were some slides added to compensate for the verbal tasking etc that could not be captured but which I felt relevant to mention, which I disclosed. With my recollection at the time, this was to represent what was shown and what was said in speaking to the slides in the absence of me being in the Commission to explain that the presentation had much verbal explanation to accompany it.
- 48.4. I did this in order to shed more light on the JOCCOM briefings as I was of the opinion that the legal teams at the Commission tend to lean toward the view that what is represented in the slide show presentation is all that was communicated to the commanders. This is inaccurate as the verbal briefings speaking to the slides and beyond, on Google Earth satellite images done in detail which the Commission does not get to appreciate from the simplified presentations.
- 48.5. I informed the police's attorneys that the document was reverse engineered and not the original. I did this openly, explaining what I

was creating was without any intentions to have the documents submitted as a true reflection of the presentations on the day at Marikana, but an attempt at reconstruction.

48.6. I was placed under pressure to have the task completed within a short period on the afternoon of the 13th and the morning of the 14th December 2012. This was apparently so the documents could be submitted at a relevant time during the examination of Brig Mkhwanazi. The computerised version was saved on the police master hard drive.

48.7. I do not know after assisting in making hard copies of these documents for the Commission what became of them or the path they followed to become accepted as evidence for the Commission. The computerised version was saved on the police master hard drive at Brig Pretorius.

49. **Planning presentation created in April/May 2013:**

49.1. At a later stage in April 2013 when I had more time, I on my own accord endeavoured to reverse engineer the presentations with more accuracy to reflect only what was at Marikana. The first attempt, which had been created for no other purpose than clarity seemed to fail in this effort, as I too was becoming confused by the different versions.

49.2. These presentations on the planning appear not to have brought

greater clarity. During a requested consultation by the Evidence Leaders in May 2013, I handed these to the members of Commission's legal team, when they requested me to clarify points on the versions of the plan. I presented the April 2013 reconstructed version hoping it may shed some light to portray more accurately what was available on a daily basis at Marikana. I explained to the Evidence Leaders that these plans were not originals but reverse engineered as closely as I could remember to the day they were originally created.

50. In writing this statement in the time after that consultation and perusing the original documents from that time, I remember more clearly how the different versions were created on the 14th and 15th and then were disused before the attempt to update them in the time after the event again. This was not done to mislead, simply for clarification.

51. I believe that my intentions of wanting to assist in portraying the full picture of what happened is reflected in my submitting everything in my possession to the Commission, regardless of the humiliation it may cause me, not being as complete and professional in the presentation as it could be to reflect my own expected level of competence. This does not distract from the fact that I chose to focus on the verbal and visual briefing to achieve understanding over a professional document which would have presented well in an enquiry

but not achieved my perceived goal of briefing the commanders effectively.

G. SECTION 6 – CLARIFICATION ON ISSUES RAISED IN THE COMMISSION

This Section aims to provide clarity on concerns raised during the Commission which concern my involvement in the operation.

52. Concerns raised around the operation in Marikana:

There are several concerns raised around the operation in Marikana. I will deal with those that I am able to meaningfully respond to.

52.1. There are assertions that the operations at Marikana was based on a “Scott’s Plan”. Although I played a role in deriving the strategy which I believe to be within the principles of policing and the law, the accepted “plan” was ultimately a product which was accepted by the Generals present and all the commanders in the JOCCOM. All were given the opportunity for inputs or comments and had the opportunity to raise concerns and suggest alternative strategies during the JOCCOM briefings.

52.2. After the acceptance by the commanders in the JOCCOM, the ownership by default thus became a “police plan” regardless of who

the architect was.

- 52.3. My role at Marikana included continually assessing the situation and when necessary proposing additions or changes to the deployment concepts within the strategy. I would carry out regular assessments to see what could be revised – reasoning and revisiting the operational strategy with its layered concepts to discover and evaluate deeper detail to either justify elements or propose changes for optimisation, to better achieve the mission.
- 52.4. Given the time frame and fluidity of the situation, the process was exhaustive as could be. I for one, was trained in public order policing in 1991 and did the Operational Commanders Course in 2003 which was POP orientated being based on the Ellis Park incident and other public order operational scenarios where the tactical options needed to be employed.
- 52.5. I was not trained in the current Standing Order 262 and was not aware of its contents, but with my background foundation and the principles of tolerance to deescalate any volatile situation in a policing context, I set about proposing the operational strategy which met the requirements of SO 262 in its deployment strategy of the public order force continuum to resolve a situation. The POP senior commanders present who are conversant with the SO 262 would have raised an issue should the strategy been outside of its prescripts. None did.

- 52.6. Risk forecasting coupled to risk mitigation was another area and thus the strategy to implement the police assets at Marikana as safely as possible being a strategic objective. It also meant reviewing the application of the resources of the police to refine the deployment for effectiveness and efficiency.
- 52.7. This is why the elements of the plan would grow and change slightly from day to day with more time becoming available to consider the situation as the dynamics fluctuated from violence on Monday to dialogue and absence of violence from Tuesday late afternoon after the police deployed Phase 1 for the first time; then back to a volatile situation on Thursday after expectations of the strikers when their demands were not met.
- 52.8. My task was to forecast “what if they don’t” disarm at 09h00 as SAPS was made to believe would happen. In looking back to a conversation I had on Wednesday 15th with a security official who was present at the Impala Platinum unrest earlier in 2012, who had mentioned that the strikers would possibly follow through and escalate the violence if their demands were not met, I started evaluating the then Phase 2 and 3 deployments should they be called for.
- 52.9. Throughout the period, I had shared my thinking on the strategies with the senior personnel on site. Even during the various presentations to commanders, including POP commanders, we discussed each and

every element of the broad plans, as we were implementing them. There was full opportunity for any of the commanders to make input, particularly if there were elements of the strategy with which they disagreed.

52.10. I was satisfied in my mind that everyone embraced the plan, once it was agreed to at the JOCCOM, to proceed with the various stages.

52.11. The force continuum, according to the plan, would be the same as in other high risk operations the STF are involved in, namely to deescalate the threat.

52.12. The plan moved from the premise that any police official is taught how to deal with threatening situations and that the use of force is always to be proportionate to the level of the threat at the time the force is used.

52.13. It is thus important to emphasise that any professionally trained police officer, does not enter into an operation with a mind-set to kill people, but rather to save lives, even those of the perpetrators. This is what governs the mind-set of a police official, which is the common foundation and denominator across all police units.

52.14. Should the POP members enter their Nyalas safely in the event of an attack, the TRT line would be positioned at a distance of 100 meters. This would offer the TRT members sufficient time to give verbal

warning and fire warning shots before the attacking strikers reached them.

52.15. The other criticism is that the Nkaneng informal settlement should have been a positive attraction. The thinking in drawing the plan as was done was that, any residential area actually constitutes a negative attraction point. This was the case with Nkaneng, considering that the strikers were heavily armed and would be a potential threat to innocent civilians along with the disadvantages to the police in trying to pursue and disarm the strikers between the dwellings.

52.16. I must add that the fact that the strikers had chosen the koppie as a congregation point was a positive. They would, on the koppie, not be a threat to life or property. Dispersing the strikers westwards would also not pose immediate threat to residents, civilians or property.

52.17. It is also suggested that the plan ought to have implemented stage 6 first, before implementing stage 3. Whereas this may be a view taken by others, from our vantage point we did not have enough intelligence, at that stage as to, for example, who the drivers of the striking action were; who the leadership was; where in relation to the koppie the leadership lived; whether any arrests would provoke greater unrest with the demand for the release of those arrested. It was therefore thought prudent to place stages 5 and 6 after the initial arrests had

been effected; those arrested being interviewed; video material examined to determine the identities of the principal perpetrators more intelligence gathered in order to undertake a direct informed cordon and search.

52.18. The cordon and search that was later done with success, succeeded in large part because of the earlier arrests and intelligence driven operation.

52.19. Concerning the allegations of tampering, I am able to state that somewhere around the first week of November while I was working on the police's presentation for the Commission with regard to scene 2, I was searching through photographs and noticed what was to become the "scene tampering" issue. I compared photographs and realised that weapons had been moved and replaced. I made Col Visser aware of the finding and we approached the police's senior management to make the situation known. The police management took the process further and initiated an investigation into the matter.

52.20. My statement provides my experience of the days at Marikana to the best of my recollection. I cannot account for all my time spent at Marikana or every conversation or incident, but have spent much time reflecting on the days and recalling the events, conversations and thoughts which formed my decisions and suggestions over the days. What I have portrayed in my statement is what I can account for. I say

this understanding that I have had much time in dealing with the Police's presentation and realising that hindsight is a danger which I have consciously tried to avoid in preparing this statement.

I know and understand the contents of this statement

I have no objection to taking the prescribed oath

I consider the prescribed oath as binding on my conscience

2013-07-10

A handwritten signature in black ink, appearing to read 'G Scott', written over a horizontal line.

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COLONEL DUNCAN GEORGE SCOTT

