



MEDIA STATEMENT

19 September 2013

MARIKANA COMMISSION POSTPONE HEARINGS TO FURTHER EXAMINE SAPS MATERIAL

Over the past ten days the evidence leaders have obtained access to the computer hard drives of members of the South African Police Services (SAPS), and have obtained copies of SAPS documents, to which we have not had access before. We are still examining the new material which we have obtained, which runs into thousands of pages. As we speak, the technical people are continuing the painstaking and slow task of identifying and copying the further SAPS hard drive material of which we will be given copies.

The examinations which we have undertaken thus far have revealed the following.

First, we have obtained documents which the SAPS previously said were not in existence.

Second, we have obtained documents which in our opinion ought to have been previously disclosed by the SAPS, but were not so disclosed.

Third, we have obtained documents which give the impression that they are contemporaneous documents, but which appear in fact to have been constructed after the events to which they refer, in some instances at the time of the nine-day Potchefstroom meeting at which members of the SAPS prepared the case which they were to present to this Commission.

Fourth, we have obtained documents which in our opinion demonstrate that the SAPS version of the events at Marikana, as described in the SAPS presentation to this Commission and in the evidence of SAPS witnesses at this Commission, is in material respects not the truth.

We do not make this statement lightly. We recognise that it is important that the SAPS should have the opportunity to explain the matters which have raised our concern. However, we have to say that absent a convincing explanation, the material which we have found has serious consequences for the further conduct of the work of this Commission.

The result is that we do not wish at this stage to continue the cross-examination of Col Duncan Scott. We anticipate that it will be necessary for him to be recalled at a later stage. However, at this stage in our view it is necessary for the matters which we have identified to be addressed, because of their consequences for the further conduct of the Commission.

In the light of the documents which we have found, it is also necessary for us to work through all of the new material in our possession, and to obtain access to additional hard drives and electronic records, before we are ready to continue with the hearing. It will also be necessary for the SAPS legal team to consult with their clients on these matters.

We therefore propose that the Commission should stand down until Wednesday next week, for the SAPS legal team to consult with their clients on these matters, and for the evidence-leaders to continue their investigation.

However, we have taken notice of the comments made by the Council for the SAPS that:

1. The info was not discovered by the Evidence Leaders but willingly given to them by members of the SAPS;
2. If the Evidence Leaders know the truth about what happened in Marikana last year, then they must give that information over to the Commission.
3. All concerns raised by the Evidence Leaders must be sent to the SAPS to be accorded an opportunity to respond and that those explanations might very well be acceptable to the Commission.

The Commission will resume on Wednesday, 25 September 2013 at 09:00.

Ends...

Issued by the Marikana Commission of Inquiry

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