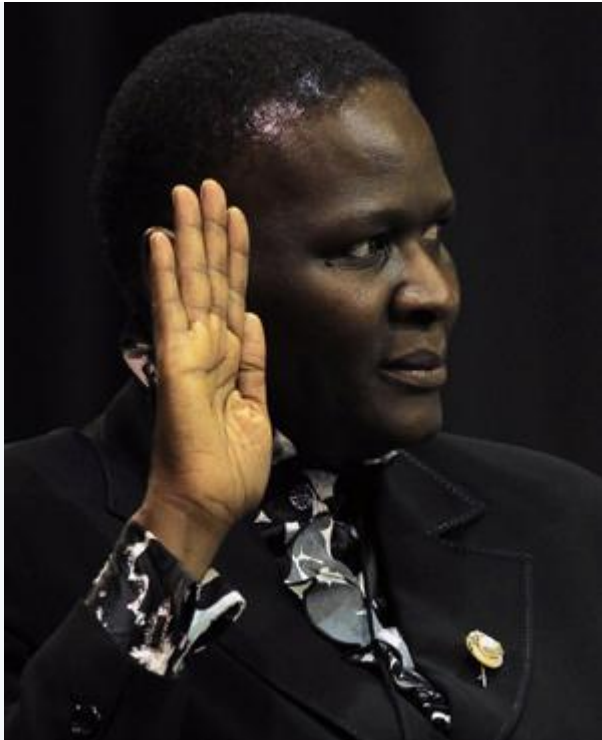


Phiyega affidavits questioned

2013-04-03 22:48



Rustenburg - There were dubious aspects in an affidavit signed by national police chief Riah Phiyega, the Farlam Commission of Inquiry heard on Wednesday.

The document contains details of the police's role in the shooting deaths of 34 miners at Lonmin's platinum mine in Marikana, North West, on 16 August last year.

Three different copies of the document were entered as evidence to the commission, holding public hearings in Rustenburg, North West.

The first was an ordinary statement Phiyega compiled. The second and third were copies of the same statement which Phiyega later turned into affidavits. Phiyega signed these before a commissioner of oaths.

Schalk Burger, SC, for Lonmin, said the first copy of the affidavit showed Phiyega had initialled all the pages, except page seven.

The page only contained the initials of the commissioner of oaths.

Legally Phiyega would have needed to be sworn in by the commissioner of oaths. Both of them would have needed to initial all the pages of the document after having read through it.

"How can you be in a room at the same time but not initial the page?" Burger asked.

Phiyega replied this had simply been a mistake. The commission heard Phiyega's original statement also had her initials on all the pages, except on page seven.

"Was that another slip-up?" asked Burger.

In the second copy of the affidavit which now contained Phiyega's initials, page seven began with a repetition of the last sentence on page six.

A portion of a paragraph on page eight was missing and the paragraph began mid-sentence.

Burger said this suggested the original page seven had been removed and another new page inserted.

"Page seven is a misfit. Your initial page seven was taken out and that is why this one wasn't even initialled," Burger said.

Phiyega maintained the affidavit was hers. She said she had read and signed it before a commissioner of oaths after swearing it in as true.

She told the commission she signed the statement on 7 March and was later told she had not signed one of the pages. Phiyega said she then went and signed the document on 12 March.

"Do people not make mistakes?" Phiyega asked Burger.

She did not say why the error of an omitted signature on page seven of her statement was also on her affidavit.

The paragraph changes in the second affidavit were probably due to a printing error, she said.

"It's a typographical error... But if you look at that statement, there's nothing new being added onto that page."

Burger said he would submit Phiyega did not take an oath before a commissioner of oaths in compiling the affidavits.

He would contend Phiyega and the commissioner were not together when the document was signed, and that page seven was a "misfit" to the document.

Phiyega's cross-examination resumes on Thursday.