

Phiyega says she didn't read affidavit

2013-04-04 12:42



Rustenburg - National Police Commissioner **Riah Phiyega** did not read an affidavit she signed before a commissioner of oaths, the Farlam commission heard on Thursday.

"I do submit that I didn't read it because I thought I was simply correcting (an omitted initial)," Phiyega told the commission in Rustenburg, North West.

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

Affidavits

Two affidavits were submitted by Phiyega's lawyers. Page seven of the first affidavit contains only the commissioner of oaths' initials.

The second affidavit features both Phiyega and the commissioner of oaths' initials, but Phiyega said on Thursday that copy was incorrect.

Phiyega said what she signed before the commissioner of oaths on 12 March was a draft version of her statement, which she thought had been corrected and updated on 7 March.

"For me, it was the same statement... I looked at where I did not sign and I signed."

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.

Phiyega said she and her lawyers had already informed the commission of this discrepancy.

"I said to my lawyer that there's a discrepancy between my statement and one commissioned because one [of them] was just a draft," said Phiyega.

A paragraph on page seven of Phiyega's first affidavit, which she had not initialled, states: "On the afternoon of August 16, 2012, I received a call from Lt General Mbombo who informed me of the decision to implement a dispersal operation of the plan."

The second affidavit, which contained Phiyega's signature says: "On the afternoon of August 16th, 2012, I received a call from Lt General Mbombo who informed me of the decision to implement stage 3 of the plan, which information I relayed to the minister."

Phiyega said the contents of the second statement, which she had drafted, were false.

Mistakes

Schalk Burger SC for Lonmin, asked Phiyega how she could have made such a mistake on her own draft.

She replied that she typed the document and forwarded it to her secretary.

She was given a hard copy of her statement and realised it had errors about her communication with the minister.

Phiyega said she then made changes on the hard copy itself and returned it for the changes to be made.

After several queries from Burger on what exactly Phiyega had told the minister about the situation, the police chief said perhaps the English language was becoming difficult. She then testified in her home language, Sepedi.

She said Police Minister **Nathi Mthethwa** asked her what had been done to deal with the situation in Marikana, but he did not give her advice on the matter as it was not part of his job description.

Phiyega said Mthethwa simply asked for an update so that he could inform the presidency.

Phiyega's cross-examination continues.