

Phiyega wasn't much help - Bizos

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Rustenburg - National police commissioner **Riah Phiyega** was not helpful to the Farlam Commission of Inquiry, lawyer **George Bizos** said on Tuesday.

Bizos, for the Legal Resources Centre and Bench Marks Foundation, said he would submit to the commission that Phiyega had failed to provide the relevant answers.

"Not only have you come here without answers, but you've come here to avoid personal accountability," Bizos told the commission, sitting in Rustenburg.

He accused Phiyega of protecting the police who shot dead 34 protesting miners in a wage strike on 16 August last year.

"That is character assassination," she replied.

She said she had truthfully answered all questions to the best of her ability.

"Although I may have not given you the answers you were looking for, I've answered the questions to the best of my ability.

"I came here as an honest contributor to this commission."

She said when President **Jacob Zuma** announced a commission would be formed, she said she and the police would help in any way they could.

"I have been consistent with the statements that I made."

Phiyega once again expressed her sympathies to the families of the dead mineworkers.

"From the depth of my heart, my sympathies go out to all those families and those affected by this tragedy," she said.

Bizos concluded his cross-examination of Phiyega.

Followed protocol

During Wednesday's proceedings, Phiyega defended North West police chief General Zukiswa Mbombo and said she did not need permission for statements she made prior to the Marikana shooting.

Bizos recounted that Mbombo said: "Today, we are ending this matter."

Hours later, police shot dead the 34 miners at Lonmin's platinum mine in Marikana, North West.

Phiyega said: "She [Mbombo] is the highest, most senior person [of provincial police] and had the right, responsibility, and mandate to make the statement."

Bizos later submitted to the commission that the police's conduct had provoked the strikers. He said crowd-control experts could verify his claims.

"Acts of force, like what happened here, putting razor wire [between police and protesters] was or can be considered highly provocative," Bizos said.

Phiyega denied this and said the police were meant to calm the situation, not escalate it.

"Visible policing should be a deterrent," she said. Phiyega said she had thanked the police for their work in Marikana because they had followed protocol.

She denied celebrating the deaths in a statement she issued on 17 August.

"I want to thank you for what you did... enduring the challenges. All that we did was do our job... We had a plan and that plan was disrupted," she said.

Phiyega was also asked about allegations made by Warrant Officer Hendrick Wouter Myburgh that another police constable had shot dead an injured miner shortly after the main shooting on 16 August.

Asked whether she had any doubts about Myburgh's statement, Phiyega said: "What worried me is that this is a warrant officer talking about a constable.

"As a warrant officer, he is a senior and I would have expected him to be more responsible [to note his name and face]."

Commission chairperson, retired judge **Ian Farlam**, said they would begin at 13:00 on Wednesday as he had a meeting with justice officials to discuss whether the venue for the hearings should be changed.