

**IN THE MARIKANA COMMISSION OF INQUIRY  
RUSTENBURG**

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**FURTHER AFFIDAVIT OF KATHERINE SCOTT**

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I, Katherine Scott of Manlove Forensics, Unit 12 The Quadrangle, Grove Technology Park, Wantage, Oxfordshire OX12 9FA, United Kingdom state on oath as follows:

**INTRODUCTION**

1. I am Katherine Scott. I am the Lead Firearms Forensic Scientist for Manlove Forensics Limited. In May 2013, I provided an affidavit to the South African Human Rights Commission to submit to the Marikana Commission of Inquiry. This further affidavit is intended to supplement and amend that earlier one.

**TIMING OF SHOTS FIRED AFTER THE INITIAL CALLS FOR CEASE-FIRE**

2. At paragraph 24 of my previous Affidavit, I stated:

*“The video footage has been edited at this stage, which has been highlighted in the enhanced footage by using a black background and the overlaid words “\*\*EDIT\*\*”. I have been informed by the legal team instructing me that the time gap of the edit is relatively small, most likely less than a minute.”*

3. I have now been informed by the legal team instructing me that the time gap of the edit is 35 seconds. The analysis that led to that conclusion was provided to me and is attached at **Annexure KS/3**. I have assumed that the conclusion is correct and have not independently verified the analysis in KS/3.

4. That new information leads me to amend paragraph 36 of my previous Affidavit, where I stated:

*“The eight discharges following the edit, starting at 00:00:42:16, come more than 20 seconds after the first audible call for “cease fire”, at 00:00:22.09, and include at least four rifle discharges.”*

5. In light of the information provided, that passage should now be read to state:

*“The eight discharges following the edit, starting at 00:00:42:16, come approximately 55 seconds after the first audible call for “cease fire”, at 00:00:22.09, and include at least four rifle discharges.”*

#### **SHOTS 5 AND 6**

6. At paragraph 17 of my First Statement, I stated: *“Should any additional information come to light then I may need to re assess [my conclusions] in conjunction with the observations.”*
7. The legal team instructing me has recently provided me with more information about the operation at Marikana. I have been given:
- a. a CCTV video of the incident at Scene 1, which my legal team tells me is from the Rowland Headgear and is known by the Commission of Inquiry as Exhibit CC37;
  - b. further information about the stun grenades used by the South African Police Service (SAPS) during the operation at Marikana.
8. Exhibit CC37 is taken from a significant distance and does not allow any close analysis of events. It is 2 hours in length, with a timecode that commences at 15:00:00 and ends at 16:59:59. However, I have only viewed one minute of footage closely, between 16:15:45 and 16:16:45.
9. It is difficult to make out what is visible in the footage between 16:15:45 – 16:16:45, but I am told by my legal team that the footage shows the same scene visible in the Reuters footage I have previously analysed (KS/1), from a different angle. It is possible to make out a number of vehicles, several plumes of smoke/gas and people running in various directions. I have been informed by the legal team instructing me that the Evidence Leaders for the Commission of Inquiry have calculated that the volley of gunfire which commences at 00:00:14:19 in the Reuters footage, commences (approximately) at timecode 16:16:19 in the Exhibit CC37 footage. Please note that the time format in the CCTV footage (CC37) is in the format; Hours: Minutes: Seconds, whereas the Reuters footage is in the format Hours: Minutes: Seconds: Hundredths of seconds.
10. At timecodes 16:16:07 and 16:16:08, the CCTV video (CC37) shows two apparent explosions which I have been informed have been identified as stun grenade explosions. They are

visibly different from what appear to be tear gas discharges which both precede and succeed them.

11. The legal team instructing me has informed me that members of the SAPS have given evidence in relation to the stun grenades used at Marikana and I am told that the stun grenade explosion produces a “double bang” sound.
12. If it is taken that the commencement of the volley of shots in KS/1 (at approximately 00:00:14:09) corresponds approximately to the time code 16:16:19 in the CCTV footage (Exhibit CC37), then it follows that the apparent stun grenade discharges at 16:16:07 and 16:16:08 may correspond in time to what I originally described as “rifle with echo (two noises audible)”. For this to be correct, the volley of shots in Exhibit CC37 is likely to have commenced closer to 16:16:18 than 16:16:19. In light of this information and the additional evidence provided by SAPS it is possible the sound originally associated with “rifle with echo (two noises audible)” could instead be attributed to a stun grenade discharge.
13. This change to my evidence does not cause me to question any of my other judgments on rifle discharges. Discharges 5 and 6 were the only discharges identified as “rifle with echo (two noises audible)” and are audibly different from all other rifle discharges identified in my First Affidavit.

The contents of this statement are – to the best of my knowledge and expertise - true and correct. I understand that I have a duty to provide independent and impartial evidence to the Commission and this statement reflects that understanding.

I consider the oath I have given to be binding on my conscience.

Signed: \_\_\_\_\_

Sworn at: \_\_\_\_\_

On: \_\_\_\_\_

Before me: \_\_\_\_\_

Commissioner of Oaths