

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING - IN CAMERA

DATE: 29TH MAY 1998

NAME: PETER SEBEKO (SOLOMON NLAM MBULE)

DAY 2

CHAIRPERSON: Miss Sealey, who is the next witness?

MS VAN DER WESTHUIZEN: If I could just get an indication which of the people that I represent would come up and more or less when?

CHAIRPERSON: We will be sitting more or less until five today and Miss Sealey would possibly indicate who next we should call.

Maybe we should take a small adjournment now so that you can marshall the troops. We will resume at 3 o'clock.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: At last Mr Frederich, at last welcome.

MR FREDERICH: Thank you very much.

CHAIRPERSON: Mr Sebeko, I was wanting to know whether the translation comes into your ear.

CHAIRPERSON EXPLAINS INTERPRETATION

CHAIRPERSON: Before we take evidence from you we shall ask Commissioner Sooka to swear you in.

MR SEBEKO: Solomon ... [indistinct]

SOLOMON SEBEKO: (sworn states)

CHAIRPERSON: Mr Sebeko, let me get your names. You said, what are your names?

MR SEBEKO: Solomon Nlam(?) Mbule.

CHAIRPERSON: Mbule?

MR SEBEKO: Yes.

CHAIRPERSON: And Peter, is it also your name?

MR SEBEKO: ...[no English translation]

CHAIRPERSON: And Sebeko, is it your mother's surname?

MR SEBEKO: ...[no English translation]

CHAIRPERSON: It's your father's surname, but the
....[intervention]

MR SEBEKO: Sebeko is my father's surname.

CHAIRPERSON: Sebeko is your father's surname.

MR SEBEKO: Yes, that is my father's surname

CHAIRPERSON: And as now is your ...[intervention]

PROBLEMS WITH MICROPHONES

CHAIRPERSON: I was just wanting to make sure that - I noticed that the names he gave are other than the names that we have. The names we have are Peter Sebeko. Now I understand that you are explaining to me that Sebeko is your surname on your father's side.

MR SEBEKO: Ja.

CHAIRPERSON: The name you have given is your surname on your mother's side.

MR SEBEKO: Ja.

CHAIRPERSON: And you are using that surname because you grew up on your mother's side?

MR SEBEKO: That is correct.

CHAIRPERSON: If you could proceed.

MS SEALEY: I'm not too sure if I should say Mr Mbule or Mr Sebeko. Mr Mbule, could you possibly explain to us your relationship with the Khumalos, with Mbekiseni Khumalo, Mbekelele Khumalo, Mzwaki Khumalo?

MR MBULE: Mzwaki Khumalo is my friend. Mr Khumalo is his father and Mbekelele Khumalo is his father's younger brother.

MS SEALEY: What I'm trying to find out from you Mr Mbule is, although I quite understand that you are saying Mzwaki Khumalo was your friend, I would just like to know how were you involved with the Khumalos and with the other people who have been termed: "members of the Khumalo gang". For example, people like Kupano, Ramaisa and Pinpin Ramaisa, how did you all relate to each other?

MR MBULE: We were all together in the IFP. I know them as members of the IFP.

MS SEALEY: Mr Mbule, before you were arrested, where did you stay in Thokoza?

MR MBULE: I stayed 851 Klapo Street.

MS SEALEY: And how long have you known the Khumalo family

MR MBULE: As a member of the community of Thokoza I knew them from the time that I was growing up.

MS SEALEY: Mr Mbule, you are aware that there are a number of residents in the Thokoza area who refer to you as part of the Khumalo gang, what is your comment on that?

MR MBULE: Reference to the Khumalo gang, I know nothing about this. What I know is that I knew the Khumalo family from the IFP.

MS SEALEY: So you were not part of - you knew them as members of the IFP but you were not part of the Khumalo gang, is that correct?

MR MBULE: Yes, that is correct.

MS SEALEY: Can you possibly tell this Committee who is Lucky Mampuru?

MR MBULE: Lucky Mampuru is one of the residents of Thokoza, we grew up together.

MS SEALEY: Did Lucky Mampuru have any political affiliations?

MR MBULE: As far as I knew him he was a member of the ANC.

MS SEALEY: Mr Mbule, we have testimony before us and statements that claim that you were Mr Khumalo's, that is Mbekiseni Khumalo's bodyguard, what is your comment on that?

MR MBULE: About that I actually have no knowledge of that.

MS SOOKA: Sorry, before you carry on, I think it's important Mr Mbule to tell you that this Commission is not a Court of Law.

We are not here to find people guilty of any offence. Our job is to find out what happened during those years, to find out why it happened, why people like yourself became involved in the killing.

We are not here to judge the killing, we are here to try and understand why things happened in the way they did. We are not here to trap you into answering questions but we expect you, because we have put you under oath, you have sworn to tell the truth before us, so we expect you to tell the truth. So we would want you to think very, very carefully before you say you don't know, you weren't, you deny.

MR MBULE: What I am saying now is the truth and I have sworn that I will speak the truth. I will speak about what I know and not what I do not know.

CHAIRPERSON: Very well.

MR NDLOSI: Mr Mbule, did you ever have meetings with Mr Khumalo, as you have indicated that you know him from the IFP?

MR MBULE: I would say that we would meet as members of the IFP, as the IFP youth. We would hold meetings every Thursday, maybe to discuss things like rallies and prepare for them.

MR NDLOSI: Did you have any position within the IFP?

MR MBULE: I was an ordinary member, a youth member of the IFP.

MR NDLOSI: Were you ever in the SPU's(?) within the IFP?

MR MBULE: No, I have never been a member of the SPU.

MR NDLOSI: Have you never or have you ever been a member who actually protected IFP members from attack?

MR MBULE: In that instance there were IFP members who protected the community who eventually ended up being policemen.

MR NDLOSI: Were you personally not ever such a member?

MR MBULE: No, I was just a youth member.

MS SEALEY: Mr Mbule, did you ever work for Mr Khumalo in any capacity?

MR MBULE: No.

MS SEALEY: Mr Mbule, I now want to ask you some questions about the death of Lucky Mampuru. You said earlier that you were aware that Lucky Mampuru was a member of the ANC, in fact he was a member of the ANC's Youth League in Thokoza and according to information at the time, if I could just read this to you and you can tell me whether you agree or disagree.

Apparently Mr Mampuru was shot dead by members of the SAP on the 20th of January 1993 at the corner of Inthule and Numzana Streets, that is in what they now call Lusaka Section in Thokoza, and that according to witnesses on the scene you were in the kombi with the police. You are identified as Peter and that you were Khumalo's bodyguard and that when you saw Lucky Mampuru running away from the police you said: "Skiet, daar is hy". Do you have any comment on that?

MR MBULE: Yes. Lucky - Khumalo's wife had actually told us when we went to visit her in Tembisa that she had been shot by Lucky, because she knew him from the township.

CHAIRPERSON: I'm trying to understand. Are you saying you heard reports that Mr Khumalo's wife had been killed by Lucky Mampuru and are you thereby trying to explain why Lucky Mampuru was subsequently killed by whoever?

MR MBULE: Mr Khumalo had actually laid a charge against Lucky and thereafter the police asked if I could identify Lucky and they actually requested a person who could identify him so that he could be arrested. We went with the police and we found them standing in a group between these two streets. As we arrived there I actually pointed him out and then he ran away. The police tried to stop him, he did not stop and then the policeman shot at him. He shot him at the back, he fell and that's how he died.

MR NDLOSI: Was this a white person?

MR MBULE: Yes, it was a white person.

CHAIRPERSON: Yes, Miss Sealey?

MS SEALEY: Mr Mbule, we have heard testimony here today, well today and yesterday, from Mr Zimo and Mr Malaba, do you know those two people?

MR MBULE: The person that I know well is Mr Zimo because he used to drive taxis.

MS SOOKA: Whose taxis did he drive?

MR MBULE: I would see him at the rank, I am not sure whose taxis he was driving.

MS SEALEY: Mr Mbule, according to Mr Zimo and Mr Malaba, both of them gave evidence here that Mr Khumalo, Mr Mbekiseni Khumalo had requested them to kill Mrs Khumalo, to kill Mzwaki's mother because he believed that she disapproved of the activities of, of his activities in the township, what is your comment on that?

MR MBULE: I have no knowledge regarding that.

MS SOOKA: Sorry, before you move on, can I just ask because I don't think we got clarity on this. There was a question put to you about an allegation that you in fact identified Lucky Mampuru and you in fact said: "Daar's hy, skiet hom", did you say that or do you deny that you said that?

MR MBULE: I do not deny it. I pointed him out and the policeman stopped him and because he ran he shot at him but I did not actually say "Skiet hom".

MS SOOKA: Before you were asked to go and point Lucky out, how were you informed that Lucky was the person who had shot or killed Mrs Khumalo, who informed you of that?

MR MBULE: Before Mrs Khumalo died we went to visit her at a hospital at Tembisa, I do not remember the name of the hospital, and that is where she explained to us - I was with Mzwaki, that she had been shot by Lucky.

CHAIRPERSON: Were you there when she said that?

MR MBULE: Yes.

CHAIRPERSON: Now, did she say: "Lucky Mampuru" or did she describe somebody who you deduced to be Lucky Mampuru?

MR MBULE: She explained that it was Lucky Mampuru, President of the ANC Youth League.

CHAIRPERSON: Did she tell you where this happened and how it had happened?

MR MBULE: Yes. She explained to us that - because when she had moved from Thokoza to Tembisa Lucky came to her house, knocked on the door and they pointed her out, that she is the one that they were looking for and they shot at her.

CHAIRPERSON: Was that report which was given to you and to the other people that you have mentioned, was it common

knowledge to people like for instance Zimo and Malaba, Tulani Malaba? Did they also know about that, that version?

MR MBULE: I do not have knowledge whether they did know or not but when we went to the hospital they were not there, it was just myself, Mzwaki, Jabu and Dumsane.

CHAIRPERSON: But they were also members of the IFP to your knowledge and very close? Zimo for instance used to be a driver, taxi driver of Mbekiseni Khumalo, you knew that.

MR MBULE: I knew Zimo is a taxi driver. I did not know him politically. With regards to Tulani Malaba, I knew him as a driver for Mafulele.

CHAIRPERSON: You wouldn't understand why - can you explain if we said to you: here are people with nothing to gain by it and have everything to lose by it as a matter of fact, who know that - or maybe you say that you do not know that knew, why do you think - or let me ask the first question, when Mampuru died do you know if it became known that he had died when he was fleeing from being arrested for the murder or for the killing of Mrs Khumalo? Do you know if that thing became known in your circles?

MR MBULE: I would say yes, it was known because the police started looking for him a long while ago and he had to flee from his home. Thereafter they sought a person who knew him well

because it was alleged that he was in the area but they could not arrest him.

CHAIRPERSON: How did the police eventually come to you as the person who could identify Mampuru? Who led the police to you as the person who could identify Mampuru?

MR MBULE: As a person who frequented the Khumalo household I was in Mr Khumalo's shop and when the police arrived they spoke to Mr Khumalo and told him that they wanted a person who could identify Lucky Mampuru.

Mr Khumalo then requested me if I could go and point Lucky Mampuru out to the police so that he could be arrested and prosecuted for what he had done to his wife.

CHAIRPERSON: You would say it was something that was commonly known in those circles, the Khumalos were talking openly about it to those who were close to them, that it is now established that the police are looking at Mampuru as their number one suspect for the murder of his wife.

MR MBULE: Yes, it was known that Mampuru had killed the wife.

CHAIRPERSON: For instance, so known was it in those circles that you would expect that Zimo was aware that this is the view held by Mr Khumalo, that Mampuru has been responsible for the murder of his wife.

MR MBULE: What I do not know is ... [intervention]

CHAIRPERSON: No, no, I'm not saying whether you knew, I'm saying, because Khumalo was saying it openly to an extent where when the police came he says: "As you know Mampuru is responsible for the murder of my wife, go and assist the police", you would expect that he would say that for instance to his driver in the form of Zimo. You'd expect him to say: "Do you know that this boy Mampuru is the one who killed my wife", you'd expect him to say that would you?

MR MBULE: I am not able to answer that question because as ...[intervention]

CHAIRPERSON: Okay, in the same way that Khumalo said that to you and your related to Khumalo on the same basis as the other people, in the same way that he said that to you, would you have any reason to think that he wouldn't say it to a person who he had a relationship with, like Zimo who was driving his taxis?

MR MBULE: I would say that as his employee he could tell him that he had experienced such a misfortune.

CHAIRPERSON: I agree with you. You would expect him to say the same thing for instance to a person like Malaba.

MR FREDERICH: Excuse me Mr Chairman, there was a lot of talking over, whilst you were putting the question, can you just repeat the question again please.

CHAIRPERSON: Thank you. You would expect him to say the same thing to Malaba for instance?

MR MBULE: If Mr Khumalo could tell Mr Malaba such a thing?

I would say that maybe he could tell him because it was not a secret, it was something that was well-known, that the person who had shot Mrs Khumalo was Lucky Mampuru.

CHAIRPERSON: You see, if you then accept that, would it not be strange for you that those people who must have known that somebody else is being blamed for the killing of Khumalo's wife should now say: "No, in fact it was not Mampuru who killed Khumalo's wife, it was the Khumalo gang at the instance of Khumalo himself"? Why would they have to do that when they know there's a scapegoat unless of course it was true?

MR MBULE: With regards to that question I cannot respond to it because I do not know whether Malaba or Zimo knew that Khumalo's wife had been killed by one of the Khumalo gang or himself. What I knew and what we had been told by Mrs Khumalo was that she had been shot by Lucky Mampuru.

MS SOOKA: Can you tell me who was around Mrs Khumalo - I presume this is when she is on her death bed and she's telling you people who shot here, who was there with you?

MR MBULE: As I have explained, there was myself, Dumsani, Mzwaki. We had gone to see her at the hospital.

MS SOOKA: And when she talked to the two of you, did she mention Lucky Mampuru by name?

MR MBULE: She mentioned him by name and said that he was the President of the ANC Youth League and Mampuru was indeed the President of the ANC Youth League in Thokoza.

MS SOOKA: Thank you.

MR NDLOSI: Mr Mbule, you mentioned that Lucky Mampuru had been sought by the police for a long time, how long are you referring to?

MR MBULE: After the death of Mrs Khumalo and Mr Khumalo had laid a charge against Mampuru, although I cannot remember how long it was.

MR NDLOSI: Do you think maybe it could have been 10, 11 or 12 days?

MR MBULE: What I can say is that a month had not lapsed after the incident, if I remember correctly. I cannot be too sure because this incident happened in 1993.

MR NDLOSI: I just want to clarify the approximate length of time that lapsed before he was actually arrested or found.

MR MBULE: As I've explained, I cannot quite remember how many days lapsed but it was after a charge had been laid against him.

MR NDLOSI: Were you with the police when they went to look for him?

MR MBULE: No, it was on that particular day when they came to Mr Khumalo's house.

MR NDLOSI: When did you go to visit Mzwaki's mother in hospital? I just want to clarify whether you actually went there a few days before. I think we went to see her on a Sunday and a week had lapsed thereafter. I would say that it had been after a week.

MR NDLOSI: After visiting Mzwaki's mother in the hospital, how many days lapsed before the police came to pick you up from Mr Khumalo's?

MR MBULE: I don't think a month lapsed before the police arrived and picked me up to go and look for Lucky.

MR NDLOSI: Can you explain again how you know Tulani Malaba Tsoatetsi, besides him being an IFP member?

MR MBULE: I knew him as a person who was a driver for Mafulele, Mr Malaba who actually owned a shebeen or who sold liquor.

MR NDLOSI: Initially you said that Mr Khumalo's wife was shot by a group of people inside her house, were there any other people in the house when they shot her?

MR MBULE: Yes. When they shot her there were other members of the family that she was staying with.

MR NDLOSI: In your opinion how would Lucky know where Mzwaki's mother was?

MR MBULE: As a person who knew us from long ago Lucky would sometimes visit there since we grew up together. I also

knew some of his relatives and therefore when the police were looking for him I also had an idea that he could be with his relatives.

MR NDLOSI: Are you trying to say that you used to frequent and visit Tembisa with Lucky?

MR MBULE: Yes. Mzwaki had given this sort of explanation to the police, that they would sometimes go to Tembisa together with Lucky.

MR NDLOSI: Who took Lucky's mother to Tembisa?

MR MBULE: She was taken by Mr Mbekiseni Khumalo who left her there.

MS SOOKA: Before you go on, I think the question that was put to you was whether you in fact go around, went around with Lucky Mampuru and the way you answered it was that Mzwaki went around with Lucky Mampuru, can you just clarify that for me please?

MR MBULE: We were growing up together before the beginning of the violence. Mzwaki then told us that he used to go to Tembisa with Lucky during the school holidays, maybe during their spare time.

MS SOOKA: I'm very confused now because at the start of your evidence you talked about growing up side by side with Lucky. I was not aware that Mzwaki and Lucky were friends and now you say that Mzwaki told you that him and Lucky went around

Tembisa together. Can you tell me more about that please, was there some relationship between Lucky and Mzwaki before the killing of Mrs Khumalo?

MR MBULE: Yes, there was a relationship, they were together at school at Mshlebuzulu and I was at Disong school.

MS SOOKA: Can you tell me also, were you employed in any way, what was the capacity in terms of which you went around with Mzwaki?

MR MBULE: We grew up together and there were games that were at his father's shop that we would play there, some things like table soccer and pacman.

MS SOOKA: Yes, but you're not answering my question, what did you do and how was it that you were able to accompany Mzwaki wherever he went around? In what capacity did you do that?

MR MBULE: As I have explained that Mzwaki was like a friend to me because we used to play games together. It is for this reason that I was often times with him.

MS SOOKA: So did you work at all or were you employed by the Khumalos? Is that part of the reason why you accompanied Mzwaki?

MR MBULE: No, I was not employed by the Khumalos.

MS SOOKA: Were you employed by anybody else?

MR MBULE: No, I had a place where I was selling vegetables and fruits. I was not employed by someone else at the time.

MS SOOKA: And if you were selling fruit and vegetables, how was it possible then for you to accompany Mzwaki on all these rounds? Can you tell me when you fitted that in?

MR MBULE: There was a boy who used to sell these fruit and vegetables for me, a boy called Rama. I would only do the stocking and lay out the merchandise and leave him to continue with the selling.

MS SOOKA: So in fact you were an employer instead of being employed?

MR MBULE: Yes, I was an employer.

MS SOOKA: Thank you.

CHAIRPERSON: Doctor Randera?

DR RANDERA: Mr Mbule or Mr Sebeko, I want to come back to this question of IFP membership versus the Khumalo gang. We are told that there was an entity called the Khumalo gang, the newspapers talk about it, people on the ANC side in Thokoza talk about it but in your opinion, I mean you were living there in that area and you've told us already you were not employed by Mr Khumalo in any way, was there such a thing as the Khumalo gang or were these just people who were members of the IFP in the area who were giving protection to the community and their constituency in that area?

MR MBULE: Insofar as the Khumalo gang is concerned I can say I know nothing thereof. Khumalo and his family were people who were being attacked and they were protecting themselves using his guns, a 303 and a 9mm, that is the only thing that I know about the Khumalo family, knowing that he was being attacked as a member of the IFP.

DR RANDERA: I just want to ask one more question, do you know Mr Mbatha, Mandlawake Mbatha, did you know him?

MR MBULE: I only knew Mr Mbatha after our arrest and after being charged for the cases that appear in these documents, that is when I started to know Mr Mbatha.

DR RANDERA: So as far as you know he wasn't associated with the family of Mr Khumalo in any way?

MR MBULE: No. As far as I knew him he was a person from the Mbatha family arrested on the same charges as myself.

MS SOOKA: Can I ask you this question, you say that you don't know about the Khumalo gang but what you do know is that the Khumalo family was under attack and they were under attack because they were members of the IFP, is that right?

MR MBULE: Yes, that is correct.

MS SOOKA: And they collected weapons which they used to defend themselves against that attack, is that true?

MR MBULE: No, I knew that because he was being attacked he had a 303 rifle or gun and CZ75 which he used for self defence.

MS SOOKA: Now, I presume that the attacks were by members of the ANC, is that right?

MR MBULE: Even though I would not be in the position to say whether they were ANC members who were attacking him or not, the situation in the township was such that there was a conflict between the ANC and the IFP.

MS SOOKA: Now, wouldn't it be fair to say that people don't just attack each other because they are members of the IFP, it's because both parties are involved in the attack by the one side, the attack on the other side and both parties become involved in the conflict? Would that be fair to draw that kind of conclusion, that the Bishop himself also became involved in the conflict?

MR MBULE: Yes, I can say that was the case.

MS SOOKA: You were very close to the Bishop's son, Mzwaki, is that right?

MR MBULE: Yes, that is correct.

MS SOOKA: Did the bishop and Mzwaki and the other brother sometimes call on friends to assist them when these attacks were taking place?

MR MBULE: There were people from the IFP - places that were attacked were such that the IFP members would go there to try and establish what happened and who got injured so that they should know who exactly was being attacked and what reason was provided.

MS SOOKA: You are actually not answering my question and I want you to listen very carefully. The Bishop is considered to be one of the leaders in Thokoza and he is a member of the IFP, right?

MR MBULE: Yes, that is correct?

MS SOOKA: Both him and his family members are attacked, you don't want to say you think it's the ANC but the logical conclusion to draw at that time is that the attackers are the ANC, correct?

MR MBULE: Yes that is correct.

MS SOOKA: You also admit of course that in retaliation for the attacks the Bishop and his family become involved in the conflict, is that correct?

MR MBULE: Yes, that is correct.

MS SOOKA: You and many others were members of the IFP but in your case you were also a close family friend, you were a family friend to Mzwaki, is that correct?

MR MBULE: Yes, that is correct.

MS SOOKA: Now the question I'm asking is, were you or any other members of the IFP called upon to assist the family or the Bishop when these attacks were taking place?

MR MBULE: No, he never called upon me to come and assist. I don't know about other IFP members that may have been called to come and assist during attacks.

MS SOOKA: So you in fact were never part of this conflict between the Bishop and other warring parties in Thokoza?

MR MBULE: No, I was not part of that violence, I was not part of the attacking group.

MS SOOKA: The first time you become embroiled in this conflict is when you go to point out Lucky Mampuru?

MR MBULE: Yes, that is when I got involved in the attacks and that is at a time when people started seeking me out, hunting me down with guns.

MS SOOKA: So that is the first time that you start becoming identified as being part of the Khumalo gang?

MR MBULE: Yes, I would say people in the township also referred to me as one of the IFP members or perhaps one of the Khumalo household because I too had to be killed.

MS SOOKA: Thank you.

CHAIRPERSON: Miss Seroke?

MS SEROKE: Mrs Khumalo - we are talking about Mrs Khumalo, how long did it take for her before she died?

MR MBULE: It took about two to three weeks before she died.

MS SEROKE: In which one of the three weeks did you visit her in hospital, was it during the first, second or third week?

MR MBULE: I went there during the first week.

MS SEROKE: When you got there did you find her able to talk to say that she was killed by Lucky?

MR MBULE: Yes, she indicated that she was shot by Lucky, President of the ANC Youth League in Thokoza.

MS SEROKE: Do you know Themba Nkosi?

MR MBULE: No, I don't know him.

MR NDLOSI: Mr Mbule, I had asked you as to who took Mzwaki's mother to Tembisa, who exactly took her from Thokoza to Tembisa?

MR MBULE: The person who took her to Tembisa is not within my knowledge but as a family that was being attacked and herself having been a woman, I think it was indicated that she should be moved to a safer place and that is when she was taken to Tembisa.

MR NDLOSI: You have also explained here that Lucky Mampuru had a relationship with the Khumalo family because they used take care(?) - perhaps yourself may have been aware there going to Tembisa, when did that relationship come to an end?

MR MBULE: This came to an end, for example there were Street Committees, myself staying closer to the Khumalo family and Street Committees would be appointed and their responsibility was to take care of each one street so that such a person would have to stand up to what problems each street was experiencing and Khumalo refused to be part of the Street Committee. That is when this conflict started between Mr

Khumalo and the ANC Youth League which was led by Lucky Mampuru.

MR NDLOSI: According to your knowledge, for what reason would Lucky have killed Mzwaki's mother, why didn't he kill Mzwaki's father because that is the person with whom he was in conflict?

MR MBULE: If I were to explain here, as killings were going on in Thokoza, if a person was being shot and not found what happened was that members of the family would be killed if the person being shot was not found. Those were people who would be killed.

MR NDLOSI: You have also explained that you were a member of the IFP, in other words you are explaining as well that it was said that the person who killed Mzwaki's mother was the ANC Youth League's President, would you say at the time that the President of the ANC Youth League was Lucky or was it, was he a President of the Youth League only Thokoza?

MR MBULE: He was President of the ANC Youth League in Thokoza as a whole.

MR NDLOSI: This is something that you also knew or is it something that you picked up from people through rumour?

MR MBULE: It is something that I also knew, that he was President of the Youth League in the entire Thokoza.

MR NDLOSI: If I were to say: "No, that is not correct, Mbongeni Gadebé was instead President of the Youth League at the time, not that Mzwaki's mother said by so saying she was referring to somebody else and not Lucky"?

MR MBULE: No, the one person that I knew as President of the Youth League in Thokoza was Lucky Mampuru.

MR NDLOSI: You have also explained here in the beginning that you were a close friend to Mzwaki. Commissioner Sooka asked you also and you said you seemed like a friend, which one of the two is correct?

MR MBULE: Mzwaki was a friend.

MR NDLOSI: Wouldn't you say he seemed like a friend, he was indeed a friend?

MR MBULE: Yes, he was a friend.

MR NDLOSI: Were you perhaps ever - did you perhaps find yourself at Mzwaki's place during which time an attack was launched, in a situation where you perhaps found some means and fighting back and fleeing?

MR MBULE: No, most of the time police were brought in to guard the household, for example if I found myself at the place I would feel myself safe as well.

MR NDLOSI: As you're saying you had employed somebody to do your work, what is it that you were doing perhaps during the day, the whole day?

MR MBULE: As a youth in the township there was a lot of crime, things in which we were involved was to scrape for a living through mischief, we would go around looking for bakery vans.

MS SOOKA: Sorry, just before you go on I just want to get this clear, you say that Mr Khumalo's house was guarded by the police and you felt safe there?

MR MBULE: Yes, that is correct.

MS SOOKA: So in the middle of Thokoza in the height of the conflict policemen were guarding Mr Khumalo's house, was that a daily thing?

MR MBULE: The police guarded the household for a very long time, even though I cannot remember as to exactly how long.

MS SOOKA: You also said that there was a lot of crime in the township, so if you weren't part of the Street Committee, you weren't part of the ANC, you were a member of the IFP, so what patrolling did you go on and what organisation were you part of at the time? Were you a member of the SPU?

MR MBULE: As I have already explained that what things from which we scraped from for a living was through highjacking what we referred to as targets, delivery vans bringing in furniture or the bakery van, things such as those.

CHAIRPERSON: ...[indistinct]

MR MBULE: Yes.

MS SOOKA: And when you say: "we were", who is the "we" that we are referring to?

MR MBULE: I refer here to people like Mtandeni, he is also well-known in Thokoza, Tchugudu and others who live in Skosana at Spruit, people like Memba. Those are the people I am referring to as having been co-highjackers.

MS SOOKA: Give us more details about what happened once the highjacking was completed, how did you split the spoils between yourselves?

MR MBULE: We would look for buyers. On finding them they would buy the spoils and we would share the money.

DR RANDERA: Sorry, this was not done for the IFP, this was just activities that you got involved in, you were not raising money to buy guns or to protect yourselves in Thokoza, as the IFP?

MR MBULE: No, this was not linked to the IFP, this was just but one way of criminal activity that we did on the side.

CHAIRPERSON: Are you also saying that it was an activity that was not known to the leadership of the IFP?

MR MBULE: I would say these are things that were not known to the IFP leadership because it would not be acceptable if the youth would be seen harassing and doing wrong things in the community.

MR NDLOSI: Mr Mbule, you have also spoken here about Memba, would you please describe him, as to what activities you were engaged in?

MR MBULE: Yes, I would be in the position to do that. Memba was a person who stayed in Skosana and he later on was wanted for highjacking charges and shot therefore by police

...[intervention]

MR NDLOSI: Let me just interrupt you. I just want you to explain to me as to his size, how big he is, would you be able to identify him?

MR MBULE: He was a person with a small frame, darkish in colour. I would not say he was the same height as myself.

MR NDLOSI: If I understand you correctly, during all of these activities, your activities, that was the time during which people were dying in Thokoza following the violence and you are saying you were not part of this, instead you were a person who highjacked vehicles, does that mean that you were a person who wanted the perpetuation of this conflict so that there is no peace?

MR MBULE: I too wanted things to go back to normal in Thokoza.

MR NDLOSI: You said you wanted things to go back to normal in Thokoza?

MR MBULE: Yes, that is correct.

MR NDLOSI: According to your thinking, do you think things would go back to normal if you continued doing what you did?

MR MBULE: As far as we were concerned we were not harassing the community, we were people who were just highjacking what we referred to as things belonging to whites and not things belonging to the Thokoza community.

MR NDLOSI: On highjacking these vehicles, the targets, did you perhaps take guns away from these people?

MR MBULE: Yes, we did take guns away.

MR NDLOSI: Where did you take these guns?

MR MBULE: We would arm ourselves with the guns as gangs engaged in highjacking. As a highjacker one had to have a gun to protect oneself.

MR NDLOSI: Did you ever use any one of these guns in protecting yourself perhaps if there was an attack in the township?

MR MBULE: We used guns to protect ourselves against the police who were our enemies. We also killed them and took guns away from them.

MR NDLOSI: In this violence, we would say this violence did not effect you, you were always fortunate, would you say that?

MR MBULE: I was a person who did not spend most of my time in Thokoza, I spent most of my time in Pieterie Soweto. I would come back perhaps in the morning. If I had money I would come

back and spend it and we decided therefore that we should go to other townships like Soweto and Hillbrow.

MR NDLOSI: Where did you find time to go to Mr Khumalo's household if you did not spend most of your time in Thokoza?

MR MBULE: If I had come to Thokoza I would go to Mr Khumalo's household and find out what was happening and he would tell me that things are bad and I would also indicate to him that we are in Pieterie where I was living with some boys, one of whom is called Dudu.

MR NDLOSI: Do you perhaps have any knowledge about a bakery truck belonging to the Albany company where Mzwaki Khumalo took the guard's firearm?

MR MBULE: I do not have any knowledge to that effect.

MR NDLOSI: But were you ever involved in the highjacking of the Albany Bakery truck?

MR MBULE: Yes, I was once involved at the Chepo shops where we highjacked the guards and took the guns.

MS SEALEY: Mr Mbule, I'm actually quite amazed, is it not the case that Mzwaki Khumalo also used to drive one of his father's taxis?

MR MBULE: No, I was not good as a driver, I don't even have a driver's license. I'm a person who used to drive stolen vehicles.

MS SEALEY: I didn't ask you whether you were a driver of Mr Khumalo's taxis, I asked whether Mzwaki, wasn't Mzwaki the, drove one of his father's taxis?

MR MBULE: Yes, he used to drive them.

MS SEALEY: Is it not true that you used to accompany him many times in the taxi?

MR MBULE: Yes, sometimes I would accompany him in the taxi?

MS SEALEY: When you used to accompany him in the taxi was the taxi ever attacked while you were in the taxi?

MR MBULE: I was attacked only once and that is when I realised that if I continued accompanying him in his father's taxi I would also die there.

MS SEALEY: You see my problem is Mr Mbule, that we have a number of statements where you were allegedly also - when Mzwaki Khumalo was involved in various shootings, that you just happened to be in the taxi at the same time.

If I can give you an example, for example on the 1st of January 1993 there is an allegation that Mzwaki was intimidating people in Thokoza and that you were present in the taxi as well and according to the witnesses you had a firearm on that day and you were also intimidating people in the Thokoza area, do you recall that incident?

MR MBULE: No, I do not recall that.

MS SEALEY: When you were travelling in Mr Khumalo's taxi with Mzwaki did you used to carry a firearm?

MR MBULE: Yes, I would bring a gun along.

MS SEALEY: Did you ever use this firearm when you were in the taxi with Mr Khumalo?

MR MBULE: No, I had not used it.

MS SEALEY: Mr Mbule, you claim that the community only started really getting upset with you after you pointed out Lucky Mampuru, but isn't it true that three or four days before the death of Lucky Mampuru you were involved in the burning of Mrs Thandi Ngobene's house and that is the case that you have actually been arrested for?

MR MBULE: I would say that the Thokoza community started hating me as a result of the Lucky incident. I know nothing about the Thandi incident.

MS SEALEY: You know nothing about the Thandi Ngobene incident but according to the docket you were one of the people that was arrested for that incident, because primarily Mrs Ngobene saw you. She saw you at her house when her house was burnt, are you denying that?

MR MBULE: Yes, I deny that.

MS SEALEY: Do you know someone by the name of Gabane Ramaisa?

MR MBULE: Yes, I know that person as Khumalo's neighbour.

MS SEALEY: According to Mrs Ngobene you were present with Gabane Ramaisa as well as Gabane's little brother, Pinpin when this incident took place. Do you recall that?

MR MBULE: No. As I have indicated, I know nothing insofar as that incident is concerned.

MS SEALEY: Can you tell us who Fanwell Shabalala is?

MR MBULE: He was one of the boys who was Mr Khumalo's neighbour.

MS SEALEY: You see, Fanwell Shabalala has given a statement to the TRC claiming that you were there with him when you burnt and attacked Thandi Ngobene's house in Nkubeka Street, are you saying that Fanwell is not telling the truth?

MR MBULE: No, he is not telling the truth.

MS SOOKA: The police in their dockets also have a statement where they say that they have an eye witness statement from Paul Ngobene and he also places you at the scene, so is he lying as well?

MR MBULE: Yes, he is telling a lie.

MR NDLOSI: Mr Mbule, you mentioned that you once travelled with Mzwaki in his father's taxi and on one occasion you had been attacked.

MR MBULE: Yes.

MR NDLOSI: You also explained that when you travelled in the taxi you carried your gun.

MR MBULE: Yes.

MR NDLOSI: On attack, did you not use this gun for self protection?

MR MBULE: The manner in which the attack occurred, people actually surrounded the vehicle. We were on our way to town and we could not use our guns. When we stopped the car had a flat tyre and I told Mzwaki that I could no longer continue travelling with him because we were not safe.

MR NDLOSI: Why did you then carry the gun if you could not use it during the attack?

MR MBULE: Even if you have a gun, if a person attacks you first, it is difficult to actually draw the gun and retaliate. That is why I say I did not use the gun at the time.

MS SEALEY: Mr Mbule, I have a statement here of an incident that happened in February 1993. According to this statement of David Sietsie Ramalato you were present in a taxi with Mzwaki Khumalo and a number of witnesses on the scene saw you with a firearm and Mzwaki, both of you had firearms and you shot at David Sietsie Ramalato, do you remember that incident?

MR MBULE: I know nothing about firing a shot or firing shots together with Mzwaki from a taxi.

MS SEALEY: Maybe I can try to refresh your memory. This incident apparently occurred on the corner of Nkaki and Khumalo Streets. You were driving in the taxi going up towards the

direction of the hostels when you spotted, David was apparently outside putting the rubbish in the bin, the vehicle made a u-turn and then Mzwaki allegedly shot him and you were present, do you recall that?

MR MBULE: No, I know nothing about that incident.

MS SEALEY: Mr Mbule, I'm a bit concerned, you carry this firearm, you highjack trucks, you've got targets, you steal furniture but when it actually comes to specific incidences where your name repeatedly is mentioned you deny all knowledge, can you explain that? Why would people say it's Peter Sebeko or Solomon Mbule on the scene when you were not there?

MR MBULE: I think this is maybe part of a plot from people who actually hated me because of my association with the Khumalos because they were IFP members. I think that is why they actually implicated me in these incidents that Mzwaki was allegedly involved in and also because of the fact that I had pointed out Lucky Mampuru who was there President, to the police.

MS SEALEY: So Mr Mbule, they wouldn't necessarily be angry with you because you highjacked furniture trucks and highjacked cars in the township, they wouldn't necessarily have any kind of vengeance against you for that reason and the only reason they make these false statements is because they believe that you are related or have some connection with the Khumalo gang?

MR MBULE: The situation in the township was that you should not hijack people's cars, you would only be supposed to hijack commercial or rather company vehicles that were known not to belong to any person in the community. That is the reason why people were not particularly concerned about this, we were not harassing them, we were actually hijacking white people's property.

MS SOOKA: Were you convicted for your participation in the burning of Thandi Ngobene's house?

MR MBULE: Yes, I was convicted.

MS SOOKA: So on the evidence before the Court you, despite the fact that you say other people are lying, the Court probably found them credible witnesses and in fact it's for that reason that you were convicted?

~~MR MBULE: The Court did not recognise that I was guilty,~~
those charges were later dropped off. I am only incarcerated for a crime that I committed last year.

MS SOOKA: So you were not convicted for your participation in Thandi's, in the arson of Thandi's house, is that what you are saying?

MR MBULE: I was arrested for that crime but on the lack of evidence before the Court we were acquitted, we were not convicted.

MS SOOKA: And the sentence that you are presently serving, what is that for?

MR MBULE: I was convicted for attempted murder on Lucky Zimo who is a brother to Themba, the Themba who is incarcerated and serving a 20 year sentence for these crimes mentioned here.

MS SEALEY: Mr Mbule, I can just ask you one more question. You said earlier that the community didn't really have much of a problem because you were highjacking targets and it was believed that these properties belonged to white people so it wasn't much of a problem, but then how do you explain that during some of these incidences security guards that were guarding this property were killed?

And also, you also mention at some point that you used to attack policemen and I would imagine that the vast majority of policemen that you attacked in the Thokoza township happened to be black policemen, so can you explain why the community wouldn't be upset with you on that score and that they only be upset because of you pointing out Lucky Mampuru?

MR MBULE: At the time we were under a repressive government and the people recognised that the police who were actually working there actually traumatised the community and the vehicles that we highjacked were actually under the same government.

CHAIRPERSON: Can I just ask the question, this Zimo who is the nephew, brother of Themba Zimo, when did this incident occur for which you were convicted?

MR MBULE: It happened around the 10th of June 1997.

CHAIRPERSON: Was Themba Zimo already in prison?

MR MBULE: Yes, he was.

CHAIRPERSON: You say it's his brother that the allegations were - it's his brother that you have been convicted for having attempted to kill?

MR MBULE: Yes, that is his brother.

CHAIRPERSON: Do you know that Themba Zimo has applied for amnesty for the things that he has done whilst he was associated with the Khumalos, some of the things that he did?

MR MBULE: I first started to know about these matters when the person sitting opposite me came to visit us, that's when I started knowing about these matters.

CHAIRPERSON: So you didn't know that he was applying for amnesty?

MR MBULE: No, I did not know.

CHAIRPERSON: Did you know that there were allegations that Themba Zimo and Malaba were visited in prison by people in the IFP who were persuading them not to apply for amnesty and therefore reveal the things that were happening there?

MR MBULE: I did not know about that.



CHAIRPERSON: You didn't know that?

MR MBULE: No.

CHAIRPERSON: Did it become clear in your trial why it was that you were being accused of attempting to murder Zimo? I'm not asking whether you did, I'm just asking whether you now understand why it was that these allegations were made against you?

MR MBULE: Yes, I can say that Zimo's brother was rumoured to have said that his brother was in prison whilst we were free.

CHAIRPERSON: Is it your contention therefore that you were framed by Zimo's brother who was disgruntled that you were walking the streets free whilst his own brother was in prison, otherwise it is untrue that you attempted to murder him at any stage? Is that your contention?

MR MBULE: Yes, that is so.

CHAIRPERSON: And you would say, notwithstanding that you were convicted, the Court was wrong in convicting you because the truth is that you were falsely implicated by Zimo's brother?

MR MBULE: As far as the Court is concerned, it was mentioned that Court could not allow me to walk free because the community was complaining that there were people who were being freed from serious charges like this.

CHAIRPERSON: Would it not be reasonable to say that it may well be that you were really attempting to murder him as a lesson

to his brother who was in prison, as he still is, to cause him to realise that he should stop talking to the TRC because if he continues to do that his family is going to die?

MR MBULE: With regard to wanting to stop him from communicating with the TRC, I did know that he had applied for amnesty. I was charged with a crime that I did not commit for which I have appealed.

CHAIRPERSON: Did you know that as early as September of 1996 the City Press, a Sunday newspaper, was carrying articles in which Tulani Malaba and Themba Zimo were reported to have applied for amnesty to the TRC and they wanted to reveal all, did you know that?

MR MBULE: No.

CHAIRPERSON: In an article of the 8th of September 1996: "~~Convicts to seek amnesty - Prison Cells Disclosure of IFP Reign~~ of Terror in Thokoza", that was the headline. Didn't you know that?

MR MBULE: No, I did not know about that.

CHAIRPERSON: This report says: "One of the professional hit squad members responsible for the gruesome assassination of Sam Ntuli is a man presently serving a life sentence in Pretoria. It says: "City Press can reveal that a top Inkatha official recently visited the two prisoners and tried to stop them from making the disclosures on the Thokoza killings by offering them R100 bite",

these two men being Malaba and Zimo. Did you not know about that?

MR MBULE: No, I never knew about it.

CHAIRPERSON: I see. Now, do you therefore say it is only a coincidence - for instance these people in this report, they say: "We lived under IFP control. If you did not take orders your family would be killed. I killed all those innocent people because if I did not I would also be killed", that is what Zimo is alleged to be saying in his application. Now you say you didn't read all of this?

MR MBULE: I never saw this before.

CHAIRPERSON: I then ask again the question, are you then saying it is a coincidence that so soon after Malaba and Zimo made these revelations about these people, you then are found by the police and then convicted by a Court on a charge of attempted murder of Zimo's brother, are you saying this is just a coincidence?

MR MBULE: I would say that is how it happened because after my conviction Zimo's brother fled from the township and I do not know where he is of this moment.

CHAIRPERSON: In other words it is just a coincidence, there is no Xhosa(?) link between the desire of those whose activities would be revealed by Zimo talking and your being convicted for wanting to murder Zimo's brother in an endeavour to cause Zimo

to understand that they should keep quiet? Let me put it bluntly to you, if it was to be put to you that you were endeavouring to kill Zimo's brother as a sign to Zimo to keep quiet in prison, what would you say to that?

MR MBULE: As I have explained, that with regard to what Zimo was going to reveal to the TRC, I knew nothing about this.

I would say that Zimo's brother plotted this to get me convicted.

CHAIRPERSON: We have heard evidence here from an applicant, Mr Zimo, who told us that some of the people who are associate with this gang went to a prison in which they were kept in Boksburg and demanded that they should be removed from that prison and put in another prison where they become constantly harassed for talking to the TRC and it happened. Do you know that?

MR MBULE: No, I don't know.

CHAIRPERSON: If it was true, I'm not saying you know it, would you then again say it is a coincidence that there are all these attempts to cause the people who want to tell everything that happened as it affected you people and other people as associated with the so-called Khumalo gang, an attempt to cause them to keep quiet. Are you saying that's something that just happens or it is part of a campaign in which you are also involved, to keep those people who might reveal what happened in Thokoza in the past in this period, to keep quiet?

MR MBULE: With regards to that I do not have any knowledge.

CHAIRPERSON: Let me put the question to you bluntly. Are you part of a conspiracy to keep, to cause those who want to talk about what happened in Thokoza in this period, to keep quiet? You must remember you are under oath. You must remember you are under oath, I'll ask the question again.

Are you part of a conspiracy and a plot with others, some of whom are still in Parliament, to cause anyone who wants to talk about what happened in Thokoza and surrounding areas about this period, to cause them to keep quiet? Abraham Mzizi, Gertrude Mzizi, Mbekiseni Khumalo and others, are you part of that conspiracy?

MR MBULE: No, I am not part of this.

CHAIRPERSON: Any questions?

MR NDLOSI: Mr Mbule, please affirm if you know the people that I am going to mention now, Mr Jamani?

INTERPRETER: The speaker's mike.

MR NDLOSI: I will mention one at a time and you will explain to me how you know him, briefly. Zweli Nicholas Jamani?

MR MBULE: I know Zweli as a person who was in the IFP.

MR NDLOSI: Were you close to him?

MR MBULE: No, he was not close to me.

MR NDLOSI: Do you know Mr Themba Khoza?

MR MBULE: Yes, I know Mr Themba Khoza as a prominent leader of the IFP.

MR NDLOSI: Did he ever come to visit you at Thokoza?

MR MBULE: He would sometimes be present if there were rallies in Thokoza.

MR NDLOSI: Would he carry something or anything with him when he came to Thokoza?

MR MBULE: He would just be in his car.

MR NDLOSI: Do you know Mundli?

MR MBULE: I know Mundli, he was also in the movement but he died in a car accident.

MR NDLOSI: How close were you to him? Did you have political discussions?

MR MBULE: We were together in the Youth League and I was not very close to him?

MR NDLOSI: Do you know Sabelo Viligazi?

MR MBULE: No, I do not.

MR NDLOSI: Do you know Nduna Umkhonto?

MR MBULE: I only know of Nduna Nkunu.

MR NDLOSI: Do you mean that you don't know Umkhonto?

MR MBULE: Yes, I do not know him.

MR NDLOSI: Do you know an induna by the name of Dunama?

MR MBULE: Yes, I know him.

MR NDLOSI: How do you know him?

MR MBULE: He was an induna within the IFP.

MR NDLOSI: Petros Mabuza?

MR MBULE: I know him as a person who was married to Kopano's sister, who was my co-accused.

MR NDLOSI: Abraham Mzizi?

MR MBULE: I know him as an important leader in Thokoza.

MR NDLOSI: Have you ever had discussions with Abraham Mzizi?

MR MBULE: No.

MR NDLOSI: Do you know Mafulele?

MR MBULE: Yes, I know him as a business man who was also prominent in Thokoza.

MR NDLOSI: Do you know the person by the name of Terreblanch?

MR MBULE: Yes, I do.

MR NDLOSI: How do you know him?

MR MBULE: He was an induna in Thokoza.

MR NDLOSI: Do you Gotsebuvu?

MR MBULE: Yes, I do, I know him as an induna in Thokoza, also a member of the IFP.

MR NDLOSI: Nkowleni?

MR MBULE: I also know Nkowleni, I was very close to him, he was my neighbour in Thokoza.

MR NDLOSI: Obet Gadebe?

MR MBULE: I do not know Robert ...[intervention]

MR NDLOSI: Obet Gadebe?

MR MBULE: I do know Obet Gadebe.

MR NDLOSI: How do you know him?

MR MBULE: He was a community worker in Thokoza in the Municipality.

MR NDLOSI: There is just one person whom you do not know amongst this list. When you say you know them as IFP members, did you meet them in meetings or were they maybe at least pointed out to you by somebody else?

MR MBULE: They were pointed out to me and their status, opposition was explained to me because I joined the IFP in August 1993.

MR NDLOSI: If I understand you correctly you are saying that you became a member of the IFP in 1993?

MR MBULE: Yes, I joined the IFP and became a member in 1993 when I was released from prison

MR NDLOSI: Do you know Fish?

MR MBULE: No, I do not know him.

MR NDLOSI: Do you Happy Mbele?

MR MBULE: I know him, we grew up together in the township.

MR NDLOSI: Where is he now?

MR MBULE: I know that he was shot in the violence in Thokoza.

MR NDLOSI: How was he shot?

MR MBULE: I know that he was shot and killed in the violence in Thokoza. I think he had a big funeral.

MR NDLOSI: On the death of Happy Mbele, were you then a member of the IFP?

MR MBULE: As I have explained, at that time I was a members of gangs involved in car highjacking.

MR NDLOSI: You mean that you had not become a member of the IFP then?

MR MBULE: Yes.

MR NDLOSI: Are you also saying that on joining the IFP you stopped car highjackings?

MR MBULE: Yes, because it was not accepted that, as a member of the movement you were not supposed to be involved in wrong things.

MR NDLOSI: You mentioned that you did not do these things because you maybe raising funds for the IFP?

MR MBULE: I said I did not do this to maybe raise funds for guns, what we did was we shared and divided the money amongst us for our personal needs.

MR NDLOSI: Do you remember where you were in December 1992?

MR MBULE: I was in Thokoza.

MR NDLOSI: What were involved in at the time, were you still involved in car highjackings?

MR MBULE: I was still involved in car highjackings.

MR NDLOSI: At that time, were you never with Mzwaki and Mbekelele?

MR MBULE: At that time we were trying to raise funds for entertainment during that time. We were actually raising funds for entertainment for things like picnics.

MR NDLOSI: Do you remember where you were on the 18th of December 1992?

MR MBULE: Even if I do not remember correctly, I was in the Thokoza area.

MR NDLOSI: Mr Mbule, we have information before us and witnesses in your trial allege that you were present when the attempt was made on Patrick Gонуza's life and in the murder of

Happy Mbele, can you say something about this?

MR MBULE: I cannot say anything because I don't know anything about it.

MR NDLOSI: You don't know anything about both these incidents?

MR MBULE: About the incident on Happy, I just know that he died in the violence and then there was a funeral.

MR NDLOSI: Who told you that Happy was actually killed in the violence?

MR MBULE: Because Happy's home is close to my father's.

MR NDLOSI: You said that you heard about this, who told you this, who did you hear it from, somebody must have told you?

MR MBULE: I would say that although I do not remember correctly who told me but the circumstances surrounding his death I did hear about them.

MR NDLOSI: Of the people that I asked you before, some of them were known as Iviko, a unit within the Inkatha, do you know of any from these that I mentioned to you? From the list that I mentioned to you, I mentioned quite a lot of names, some of them were in a protection unit in Isizululoon as Iviko and I am asking that from the list that I actually mentioned to you, are there any people that you perhaps remember who were responsible for the protection of people?

MR MBULE: ~~The one person I know to have been in that unit~~
was Mundli.

CHAIRPERSON: Can I just get a sense of how long you still intend to be. Are you hoping to complete your taking of evidence from this witness, and if you have 10 minutes, if you are hoping to do it today?

MR NDLOSI: Mr Chairperson, I've got only one and then Sally Sealey has got only one last question.

CHAIRPERSON: Well, I've heard that before.

MR NDLOSI: Who was the commander of this unit?

MR MBULE: Even though I may not be able to explain who it was but from the people that you have mentioned, the only person that I know to have been in that unit was Mundli Mtonti.

MR NDLOSI: Thank you.

CHAIRPERSON: Miss Sealey?

MS SEALEY: Mr Mbule, if I can just ask you, your relationship with Mzwaki Khumalo, would you say that you were best friends?

MR MBULE: As I have explained before I knew Mzwaki from the games that we used to play together, I was very close to him.

MS SEALEY: So you were very close to Mzwaki. A few minutes earlier you said that you'd heard that Happy Mbele had been killed in the violence in the township but in actual fact Mzwaki plus his father and his uncle were all arrested for Happy Mbele's killing, are you telling me that they didn't tell you this?

That you are so close to the Khumalo family, particularly to Mzwaki, and he doesn't confide in you that: "I've been arrested for the killing of Happy Mbele" and on the very same day the attempted murder of Patrick Zizwe Nkosi and then the very next day the killing, you were arrested with Mbekelele in relation to the arson on Thandi Ngobene's house, are you saying that you were not that close that he didn't confide in you that he'd been arrested or for what cases he'd been arrested for?

MR MBULE: I learnt of this when we were together in prison.

CHAIRPERSON: But the question was, since you are so very close to this gentleman here, did he not tell you - let's start there first, did he not tell you that he had been arrested in connection with the killing of Mbele, Happy Mbele?

MR MBULE: As I have explained I found out about this when we were together in prison.

CHAIRPERSON: No, you don't seem to understand the question, what we're seeking to get from you. Did he or did he not tell you that he had been arrested in connection with the death. We just want an answer from you: "Yes, he told me, yes, he did not tell me". Did Mzwaki tell you that he was being implicated in the murder of Mbele?

MR MBULE: No.

CHAIRPERSON: And the question therefore is, don't you find it strange that a person who was so close to you, if we are to believe you, didn't tell you of something like this? Do you have a way of explaining why he couldn't tell you, close as he was to you?

MR MBULE: With regards to that question, I am not sure how to answer it because I have explained that I only got this information when we were in prison.

MS SEALEY: Is it possible Mr Mbule that he didn't bother to tell you because you were there and you knew that it had happened?

MR MBULE: As I've explained before, Mzwaki did not tell me about the incident of Happy Mbele, I was not present when this person was murdered.

MS SEALEY: I have no more questions for you Mr Mbule.

MS SEROKE: You said that Happy had been killed in the violence but now you say that you heard that Mzwaki was implicated. When you spoke of the violence what did you mean?

MR MBULE: I am explaining that Mzwaki, his father and Mbekelele's charges also implicated me, that is what we were prosecuted on in Alberton and there was not sufficient evidence and we were acquitted on these charges.

MS SOOKA: Can I just make a correction here, you were not acquitted of these charges. The charges were withdrawn primarily because they wouldn't give a further postponement for investigation, so these cases didn't actually come to trial as such.

The matters are withdrawn pending any further decision by the Attorney General.

CHAIRPERSON: Thank you, that is for the record otherwise our record would have gone on the basis of the witness's testimony.

It's a question that has been asked by the panel from most of the witnesses who have testified for us, can you if you are able to, give us a view, your own personal view as to what were the causes of all this ...[indistinct] of violence? What do you

consider to have been the motives of those who became involved in it, particularly what do you see as having been your motives and your outlooks, those who found themselves on the side of Mr Khumalo, Mr Mzizi, of Obet Gadebe etc., etc? If you had to be asked, not in a Court of Law, but in a Section 29 Inquiry, but by a person who genuinely wanted to know what these things meant to you, how you saw the violence, the causes what had gone before, the motives of those who were involved in it, what would you say? It's a question we ask because our task in the Commission is also to find out those things so that we may be able to recommend to the President of the country what needs to be done to make sure that those things that took place in Thokoza, in the East Rand and everywhere else in our country should never happen again, so that your child and my child can grow up in a society where they know that when they go to school they are not going to suddenly come back and find their home raised to the ground and related things.

MR MBULE: I will put it in this manner, there was fighting in Thokoza between the ANC and the IFP which was also between the Xhosas from Polar Park and hostel dwellers who were amaZulu. This eventually involved or was carried over into the township where eventually every person found him or herself to be unsafe because of the violence.

People also left their homes and nobody knew what the war was for and what its causes were. We also found ourselves embroiled in this violence. That is what I can explain.

CHAIRPERSON: What in your view, if you had the power to be able to say, in your view, this is what ought to be done in order to make sure that the future is free of those tensions that lead to those sorts of violence, what would you say ought to be done? What would your advice be?

MR MBULE: The law must be entrenched. There should be community police like it is happening now in Thokoza so that people can feel safe and be able to rest in peace so that they are free from these anxieties. That is what I can recommend.

CHAIRPERSON: I see. Well, Mr Mbule I have to thank you for having come and I have to thank your legal advisor at such short notice for having been available and ready and willing to represent you. Unless there are issues that come in the course of our dealing with other witnesses in the course of the week, tomorrow and possibly beyond you are excused for now.

And I would only hope that you appreciate that our task is a different one from that of the Attorney General and other instruments of law enforcement. It is not an easy one because there is a view out there that it is only, and only when people get sent to prison for whatever wrong they have done, that society can be orderly.

The South African nation has decided on an experiment that says: Maybe if we get to know the truth about what happened in the past and promise those who tell us the truth in its entirety freedom from prosecution and ...[indistinct] liability, we will be able to heal the nation on the assumption that when people get to know what happened they have a way of dealing with the realities that get exposed.

Whether or not that experiment will turn out to be a nightmare or to be a wonder or a magic solution to South Africa's ills, is something that you and I hopefully will live long enough to witness. But for the moment thank you for having come.

WITNESS EXCUSED

CHAIRPERSON: Thank you. Mr Frederich?

MR FREDERICH: Thank you Mr Chairman, thank you.

CHAIRPERSON: I take it that due to the lateness of the hour that is all that you are able to give to us today. Are we able to start at half past eight tomorrow?

MS SEALEY: It's up to Mr Frederich, seeing that his client will be the first up tomorrow.

MR FREDERICH: In fact the next two are mine. Yes, I'll be available at 08H30 tomorrow morning.

CHAIRPERSON: But are they in prison?

MR FREDERICH: No.

MS SEALEY: No, they're here.

CHAIRPERSON: Oh okay, well then that's possible.

COMMITTEE ADJOURNS