

ALBERT MAFULELA MALABA or MKATCHWA: (sworn states)

CHAIRPERSON: Thank you. Ms Sealey.

MS SEALEY: Mr Malaba will it be alright if I refer to you as Mafulela so that we don't get confused with Tulani Malaba?

MR MALABA: I think it is acceptable even though it is my nickname, that is not a problem.

MS SEALEY: Thank you. Could you please tell us when was the first time that you met Mr Tulani Malaba?

MR MALABA: It is not easy for me to remember but I can approximate - I think I started to know him in 1993, early in 1993.

MS SEALEY: According to Mr Malaba he has known you prior to 1991 when he claims that he used to steal cars and you were one of his customers in the hostel.

MR MALABA: That is a lie.

MS SEALEY: So if I understand you correctly you are saying that the first time that you ever met Mr Tulani Malaba is in 1993, is that correct?

MR MALABA: Yes I think it was around 1993 because that was at the time when Mr Khumalo's wife died. I think it was around that time.

MS SEALEY: According to Mr Malaba his sister, Rosalind Tsotetsi apparently knew you and when he got into trouble with members of the Khumalos, namely Mr Mbikisene Khumalo,

Mpekelele Khumalo and Mzwaki Khumalo, she advised him to come and talk to you because you would be able to sort out the problem with the Khumalos, and that happened in 1991. Do you have any comment on that?

MR MALABA: I knew his sister, but I don't know what you have just - he is saying.

MS SEALEY: According to Mr Malaba you took him to the Kutuza Hostel where he was able to resolve, with your assistance, he was able to resolve his problems with the Khumalos, and as a result of that you informed him that he could no longer return to his home in Twala Section and that you threatened to kill him should he ever return to his home in Twala. Do you have any comment on that?

MR MALABA: That is a pack of lies.

MS SEALEY: According to Tulani Malaba he also resided at your home in Thokoza, do you have any comment on that?

MR MALABA: He did come to me and he was associated to my drivers who were sleeping in the back rooms. I don't know whether he was really there or not oftentimes.

MS SEALEY: Could you perhaps tell us when you saw him at your house, approximately the period as to when you think he was staying at your house with your drivers?

MR MALABA: I think it was around 1993, even though I am not be sure of the day but I remember I once asked him to go and

collect some items for me and deliver them to my customers for me.

MS SEALEY: Would you consider yourself as having a good relationship with the police, in particular the Benoni Murder and Robbery Unit?

MR MALABA: No I am not in any association with the police.

MS SEALEY: According to Mr Malaba he was, at the time that he was residing at your home he witnessed police coming to your house and delivering weapons. Do you have any comment on that?

MR MALABA: I did not see them.

MS SEALEY: He claims that members of the Benoni Murder and Robbery Unit arrived on one occasion with three pistols and two machine guns and that you requested him to go and buy meat so that you could have a braai. Do you have any comment on that?

MR MALABA: No I don't know that. That is a pack of lies.

MS SEALEY: Do you know Mr Themba Khoza?

MR MALABA: Yes I know him.

MS SEALEY: Could you explain to us how do you know him?

MR MALABA: As I have explained that I sell my beer at the hostel where I stay and mostly the people there are Inkatha members. He used to come there so they could discuss their political matters in which I am not involved.

MS SEALEY: Did you ever see Mr Themba Khoza bring anything into the hostel, any guns or did you ever see him bring anything specifically into the hostel?

MR MALABA: I don't know anything about guns. I used to see him at the hostel sometimes when he was leaving the hostel. I know nothing about his affairs.

MS SEALEY: Could you possibly tell us - I understand you run a tavern or a bottle store in the hostel, is that correct?

MR MALABA: Yes that is correct. I have a tavern, not a bottle store.

MS SEALEY: Besides the tavern that you have in the hostel do you have any other businesses?

MR MALABA: I have taxis at home and here in Johannesburg.

CHAIRPERSON: When you say "at home" what do you mean? Do you mean in KwaZulu Natal?

MR MALABA: I have a home in KwaZulu Natal. That's where I was born and I have my own place here in Gauteng. When I refer to **home** I refer to KwaZulu Natal. And when I am talking about Gauteng I am referring to my own place.

CHAIRPERSON: Whereabouts in KwaZulu Natal do you come from?

MR MALABA: I come from Nqutu(?)

CHAIRPERSON: I see.

MS SEALEY: According to Mr - firstly do you have a yellow taxi which used to have the registration NTU 115?

MR MALABA: Would you please repeat the registration?

MS SEALEY: NTU 115.

MR MALABA: Yes I had such a taxi but I sold it.

MS SEALEY: Could you perhaps tell us, when did you sell that taxi?

MR MALABA: I do not remember but if this is so important I can follow it up and give you the information.

MS SEALEY: Was it after 1991 that you sold this taxi? Was it still operating during 1991?

MR MALABA: I do not remember. Like I have said, if this is important and so necessary I can pursue it so that I can give you that information. I cannot remember when exactly I sold the vehicle.

MS SEALEY: According to Mr Malaba that particular vehicle that you are referring to, NTU 115, was apparently stolen from Wanda Furnitures in Wadeville and that it was originally white in colour and it was resprayed yellow, and that it stood in your yard opposite the Thokoza police station. It was stripped in front of the police station and resprayed. Do you have any comment on that?

MR MALABA: I don't know anything about that. I cannot comment.

CHAIRPERSON: Now when you say you don't know are you saying it never happened or you have no knowledge of it ever having happened? In other words are you saying it is untrue? Or are you simply saying well you have no knowledge that the car that you have, which you have always regarded as yours and as genuine, was ever a stolen vehicle and was stripped and was resprayed and certainly didn't take place with your knowledge? Do you understand what I am trying to say?

MR MALABA: I bought this yellow car at Tugela Toyota in Umnambiti and I don't have any knowledge about a car that was stolen at Wanda Furnishers. The one car that I am talking about was mine, I later on sold it. I have not seen any car as to you, the car, any car ...(intervention)

CHAIRPERSON: So you are saying actually in effect that it is untrue, the version that was being put to you is untrue?

MR MALABA: As far as I understand Tulani gave you this information and I can say that he is not telling the truth because you are telling me something that you heard from Tulani. I dispute that. I cannot blame you because you got this information from someone else.

CHAIRPERSON: What I am trying to suggest to you, it's the easiest thing for you to say when you testify it is untrue when the thing is untrue, rather than say you don't know about it. I am

suggesting that perhaps that is the course you should take. Ms Sealey. Go ahead.

MS SEALEY: According to Mr Malaba you may have purchased the original yellow kombi, but the kombi he is talking about, the original yellow kombi that you had he claims was an old kombi and you exchanged this new one and resprayed it yellow so that it would look like the old one that you claim that you purchased.

Do you have any comment on that?

MR MALABA: I don't know anything about that.

MR NDLOSI: Mr Mafulela you explained that you know Tulani's sister, how do you know her?

CHAIRPERSON: Excuse me Mr Mafulela put that thing on every time you talk, ja.

MR MALABA: I am sorry. Tulani's sister came to me to see him. She was enquiring about his whereabouts and I told her that I used to see him with my drivers, and she told me that I should tell him not to go back to Twala because he had actually shot his brother-in-law. And she told me that she had been told to enquire from Mafulela because he had been seen with Mafulela's drivers. That is how I know her.

MR NDLOSI: If you remember what day was it or maybe what month was it or year?

MR MALABA: It is very difficult for me to specify because I did not really take notice, but I think it could have been in 1993,

because as I said I think I started knowing him around that time, around about the time that Mrs Khumalo died.

MR NDLOSI: Do you know about Tulani's sister's death?

MR MALABA: I heard about it. I was told that she had been burnt and had been taken to hospital.

MR NDLOSI: Who told you this?

MR MALABA: If I am not mistaken when he used to frequent my home so I think I heard this from people in the township.

MR NDLOSI: Who specifically?

MR MALABA: I say I don't remember who, but I heard from people in the township.

MR NDLOSI: When did you hear about it - was it immediately after she had been burnt or did some days elapse before?

MR MALABA: I do not remember clearly but at the time she was in hospital.

MR NDLOSI: When did Tulani start to assist you, for example with delivering your liquor?

MR MALABA: He did not stay with me, I just asked him on that particular day, I would sometimes see him in the hostel and would maybe ask him to do me a favour. It could not have been more than six or seven times, but I do not remember exactly. It could have been in 1993.

MR NDLOSI: So are you saying that you asked him about six times to do this for you?

MR MALABA: I am not saying precisely six times, but I am saying that I have asked him.

MR NDLOSI: In other words you are not sure?

MR MALABA: Yes.

MR NDLOSI: Could we maybe approximate that you asked him five times?

MR MALABA: As I have indicated before I do not know. You maybe can estimate.

MR NDLOSI: I am trying to remind you Mr Mafulela, which is why I am actually estimating, I am just trying to assist you so that maybe we can reach some certainty about the dates.

MR MALABA: I have asked Tulani it could be once, twice, four, five, six times because I did not really take notice of the times that I did ask him, therefore it is difficult for me to actually specify, because this happened about three years ago and I do not know how to be specific about my responses, so please accept that I do not quite remember exactly.

MR NDLOSI: I do accept that. What is the surname that you know Tulani to be?

MR MALABA: I am not sure but it is a seSotho surname. The Malaba surname I only heard about when he was imprisoned. His case was investigated by a certain detective known to me who was residing at Madondo. I am not sure what surname he used then, but the Malaba surname I only got to hear about it when he

had been arrested for the Ngema incident. He is not exactly a Malaba. If you were to follow this up, maybe from his first ID, his surname is not Malaba. His surname is the same as that of his sister. I learnt of this Malaba surname when he was in prison.

MR NDLOSI: In your opinion why would he use the surname Malaba?

MR MALABA: It is also a problem to me, I don't know how it happened.

MR NDLOSI: Are you a member of the IFP?

MR MALABA: No.

MR NDLOSI: Earlier on you mentioned that you only know the police when they came to talk to you about something, what were they talking to you about?

MR MALABA: Something for example that I was selling liquor without a licence; as well as my parking fines; that is what we actually discussed with the police.

MR NDLOSI: Where were you in 1991?

MR MALABA: I was in Thokoza.

MR NDLOSI: In September 1991?

MR MALABA: I think I was around in Thokoza.

MR NDLOSI: What about 29 September 1991?

MR MALABA: I do not remember specifically because I would sometimes go home on weekends or even during the week if there was a need to, but I spent most of my time here in Gauteng. I

could perhaps go home during weekends or even during week days, therefore I cannot remember quite correctly if you mention dates, but I have spent a lot of my time in Gauteng. I have been here since 1975 up to the present time.

MR NDLOSI: Were your cars in your home on the day that I've mentioned?

MR MALABA: I did not hear about a date.

MR NDLOSI: I said 29 September 1991 and you indicated that you do not remember whether you were at home or around here. So I am actually talking about the 29th of September whether all your cars were present on that day.

MR MALABA: What day was it?

MR NDLOSI: If I remember correctly it was a Sunday.

MR MALABA: Did you say September?

MR NDLOSI: Yes.

MR MALABA: Yes if I remember correctly, I think I had a problem in September, I was arrested and beaten up by the police but I was later released. During the same month I borrowed a friend of mine, Albert, my car. He left his car, a Honda at my place which could move around. I could not drive because I was injured. I think when he returned he found the car exactly where he had left it under a tree and I could not drive even the following week. I used to borrow him my cars.

I had a truck to deliver liquor and also a private car, that is except for the taxis, those I cannot account for.

MR NDLOSI: When you were beaten up by the police were you injured at the end of August or at the beginning of September?

MR MALABA: I don't remember when I was injured but if there is a need to follow this up I can get the information. I was injured on a Thursday or Friday, I can get the information for you if you require it. I cannot remember the dates. I have a problem remembering exactly, you'll have to excuse me about this.

MR NDLOSI: Did you go to hospital?

MR MALABA: I spent a lot of time at the police station because the police at the Katlehong police station did not take my matter seriously. I went to the hospital from the police station and I could not drive my car. I was at the hospital from 1pm until 7pm and from there I went home and used traditional medicine.

MR NDLOSI: Were you given treatment at the hospital?

MR Malaba: No I just sat in the benches for more than five hours and eventually I left, I phoned somebody at my house to come and pick me up.

MR NDLOSI: (microphone not on but presumably the witness is asked if he can be called Malaba).

MR MALABA: Yes you can call me Malaba, I'm the correct Malaba.

MR NDLOSI: Do you know Themba Zimo and Zwili Xumane?

MR MALABA: I know Themba Zimo. Do you refer to the Xumane who was in prison?

MR NDLOSI: Yes.

MR MALABA: I only started knowing him when he was arrested.

MR NDLOSI: How do you know Themba Zimo?

MR MALABA: He stays in the same street as I do, Mazibuko Street and he grew up in front of me, he used to wash my cars and sometimes I could ask him and his friend to deliver liquor or empty bottles for me. So I know him from around my house, he's a neighbour.

MR NDLOSI: Have you ever attended meetings?

MR MALABA: I have never attended political meetings. I attend taxi meetings as well as business meetings. You can ask anybody in the hostel, I have never attended such meetings.

MR NDLOSI: Thank you.

MS SEALEY: According to Mr Zimo, during the course of 1991 you were present at a meeting at Mbekiseni Khumalo's house with Obet Gadebe and Zwele Katsamane where you discussed the possibility of assassinating Sam Ntuli. Do you have any comment on that?

MR MALABA: He is telling a pack of lies, I have never attended a meeting and I've never known or seen Sam Ntuli.

MS SEALEY: If I understand you correctly Mr Malaba, you've never seen or heard of Mr Sam Ntuli, is that correct?

MR MALABA: I did hear about him but I did not know him and I don't understand why I would go and kill somebody I did not know, with whom I'd never quarrelled.

MS SOOKA: Did you live in Thokoza Mr Malaba, yes or no?

MR MALABA: Yes I stayed there.

MS SOOKA: Mr Malaba, everybody else who has come here has confirmed that they knew Mr Ntuli who was the head of the Civic Association. Are you telling me that you, someone as important as you who ran a tavern in the hostel didn't know who Mr Ntuli was?

MR MALABA: I do not know him personally or by sight, I had heard of him. The person that I knew was his father who is actually a cousin to my father. I do not know Sam Ntuli and I have no reason to know him.

MS SOOKA: But you knew of him?

MR MALABA: What do you mean, I heard of him, I do not understand what you mean.

MS SOOKA: Do you know that Mr Ntuli was the head of the Civic Association?

MR MALABA: What I heard about Sam was that he was a trade unionist. I only knew about that, I did not know about what was happening in the township because although I have a house in the

township, I used to work in the hostel and I also have another house in Dawn Park.

MS SOOKA: If you saw Mr Ntuli on the street, would you know him?

MR MALABA: I wouldn't have known because I did not know him, I only knew his father.

MS SEALEY: But didn't Mr Sam Ntuli live in his father's house and that is in the same area where you stay, is that not true?

MR MALABA: It is close to my house, I am not sure if we are on the same street because if you go up Mazibuko Street, it branches into two and there are houses on both sides. I knew his father well because he was my father's cousin and he used to patronise my tavern. I used to wake up at around half past six in the morning and go to the hostel, to my tavern, and return to the township around 11 in the evening, so I did not know a lot of people in the township.

And when I arrived at the location I bought a house in Zita Street and in that way I would not know whether he stayed at his father's house or not. I did not confirm that with his father but I knew his father well.

MS SEALEY: According to Tulani Malaba, you are the person that invited him to a meeting at Abraham Mzizi's house in Khumalo Street and according to Mr Tulani Malaba, he says he knew you very well as he had stayed at your house at A4

Mazibuku Street and he used to steal cars for you as I've mentioned earlier. Can you give me your comment as to whether you invited him to a meeting at Abraham Mzizi's house?

MR MALABA: As I've already mentioned that I do not attend meetings, I was never at a meeting in Mzizi's house. What Tulani has told you are a pack of lies, I do not attend meetings.

MS SEALEY: Do you know Gertrude and Abraham Mzizi?

MR MALABA: Yes I know them.

MS SEALEY: How do you know them?

MR MALABA: They stay right opposite the hostel that I work in and as you know that the hostels are usually frequented by Inkatha members, they would come to the hostel to have discussions with these people. He would sometimes ask me to transport him to work if he had a transport problem.

MS SEALEY: You have just informed Commissioner Sooka that you have heard of Sam Ntuli in terms of his trade union activities but according to Mr Malaba, at this particular meeting where you were allegedly present, you as well as Gertrude Mzizi, Abraham Mzizi and Mr Msomi, informed Malaba and Zwelitsha Mane as well as Themba Zimo, that the reason that you had to kill Sam Ntuli was because that he was becoming a bit of a problem, he was encouraging stay-aways and this was affecting the taxi business. Now as you run a taxi business, didn't you possibly

have some knowledge of Mr Sam Ntuli's calls for work stay-aways which affected your business?

MR MALABA: I don't know anything about what you are telling me now.

MS SEALEY: Mr Malaba, you have a taxi business, is that correct?

MR MALABA: Yes I do.

MS SEALEY: If someone like Sam Ntuli was calling for work stay-aways, would that not affect your business?

MR MALABA: Firstly my taxis do not rank in Thokoza, it would not have concerned me if it happened.

MS SEALEY: What taxi association do you belong to Mr Malaba?

MR MALABA: I operate between Volksrust and Park Station as well as between Germiston and KwaZulu Natal.

MS SEALEY: So you are not affiliated to the taxi association in Thokoza or to the Farraday Taxi Association?

MR MALABA: What was the other one? I do have a certificate from the Thokoza Association but I do not use it because there was this conflict.

MS SEALEY: So even though you had a certificate did you never attend meetings of the Thokoza Taxi Association?

MR MALABA: I did not attend these meetings. You could verify this from the chairman or the secretary of that association.

DR RANDERA: Mr Mafulela let's just become much clearer on this issue of the taxis. How many taxis do you own in Gauteng, not in ..(inaudible)? You said you had two places where you had taxis but where, in Thokoza itself, how many taxis have you got?

MR MALABA: I have four taxis in Gauteng.

DR RANDERA: You yourself used the word conflict earlier on when you were talking about taxis, have never your taxis never been involved in the conflict?

MR MALABA: No I have never been involved in those conflicts.

DR RANDERA: And you have never been affected by what was happening in the area for three, four years in terms of your taxis?

MR MALABA: No I have never been affected. My taxi was once affected it had something to do with the registration number and I read this from the newspaper.

DR RANDERA: You also said earlier on about the taxi association you belong to, the one from Thokoza to Park Station, I think you mentioned, and then Ms Sealey asked you about another taxi association, can you just tell us what the allegiances of those two different taxi associations were? Was there an allegiance as such in terms of the conflict that took place?

MR MALABA: I have a relationship with these people, we never quarrelled with them. I only left Thokoza because there was this conflict and there was no money to be made and I decided to leave. I thought that if the situation improved ...(intervention)

MS SOOKA: Sorry I am not really clear about your answer. You cannot tell me and earlier on you were asked the question, were you a member of the IFP and you actually said, no. Everybody who lived in that area, particularly in the hostels, had an allegiance one way or the other. Now you were somebody who had a tavern in what became an IFP stronghold hostel. You also had taxis, you were running a taxi from Thokoza to Nqutu as well. Mr Commissioner Randerer asked you the question, did those taxi associations have political alliances and you are trying to fudge the issue. I want a clear answer out of you. Where were your political affiliations, and what were the affiliations of the taxi association that ran out there and to which you belonged?

MR MALABA: The questions are too long, therefore I will not be able to answer that correctly?

DR RANDERA: Mr Mafulela let's make it easy for you, alright. Let's not - you see we want to finish with the questioning and we want to finish today if possible so let's not play around with words. What we are saying is that you were a Taverner in a hostel and we've heard already from others, including Mr Obet Gadebe, that that tavern was in the hostel and mainly IFP people came to that tavern, that's number one.

Number two is that we know that taxis became part of the political conflict in the East Rand. Taxi associations affiliated

either with the IFP side or with the ANC side but yet you tell us that you were not a member of the IFP. Can you please clarify this for us?

MR MALABA: Firstly the tavern that I operate in the hostel was started a long while ago before the political situation arose.

DR RANDERA: But Mr Mafulela I understand that, okay, but you know, and I know, that after a certain time, things became polarised. Now I understand that your tavern might have been there before, but the hostel that you had it in eventually became an IFP hostel, am I right or wrong?

MR MALABA: The hostel was not just patronised by IFP members but because of the conflict between AmaXhosa and AmaZulu, I was persuaded or forced to remain in the hostel because the rest of AmaZulu were in the hostel and because I had this business, even now it doesn't mean that all of the people who are in the hostel are IFP members. I do not know or understand how you want me to put this, because I'm only telling you what I know.

MR FREDERICH: I think we are reaching a point now where we have to distinguish between maybe the taxis as well as the political point of view, if questions are put to him we should distinguish very clearly because I think he's getting confused between the two. So I think we should distinguish - when

questions are put to him to distinguish very clearly, this is exactly what we are looking at.

MS SOOKA: I'll start again. Mr Malaba, tell me how many taxi associations you were a member of?

MR MALABA: I work with the people of Germiston and Johannesburg, I operate between Volksrust and Wanderers as well as Germiston and Vosloorus, I don't work with the people of Thokoza. I stopped a long time ago when they attacked and burned my taxis. I do not work with the community of Thokoza, I do not attend their meetings. ...(intervention)

MS SOOKA: You are not answering my question, listen to me very carefully. You ran taxis, yes or no?

MR MALABA: I do have taxis.

MS SOOKA: Now to run those taxis in this country you needed to be part of taxi associations which ran particular routes. Is that not correct?

MR MALABA: Yes I did join.

MS SOOKA: Now tell me which taxi associations you belonged to?

MR MALABA: The Germiston and Vosloorus, and Johannesburg to Vosloorus.

MS SEALEY: What was the name of that taxi association?

MR MALABA: The one from Germiston is GTT but I forget the other name but if there's a reason I will follow this information up.

MS SOOKA: Did you belong to the Thokoza Taxi Association?

MR MALABA: I do have certificates but I do not use my cars there.

MS SOOKA: What was the political affiliation of the Thokoza Taxi Association?

MR MALABA: I do not know about that. I've already mentioned that I do not know anything about politics.

MS SOOKA: I find that very hard to believe. Did you belong to the Faraday Taxi Association?

MR MALABA: No.

MS SOOKA: For the Durban run from Thokoza to Durban, what taxi association did you belong to?

MR MALABA: I have never transported people to Durban or from Durban.

MS SOOKA: Then where were your taxis, you said you had a run, you ran taxis from Thokoza, was it to Nqutu? Now tell me, what taxi association did you belong to?

MR MALABA: You did not hear me correctly, I said I moved from Germiston to Nqutu.

MS SOOKA: From Germiston to Nqutu?

MR MALABA: Yes...(intervention)

MS SOOKA: So what taxi association did you belong to then?

MR MALABA: It's the same one that we work with at the Vosloorus, the GTT, it's the same association.

MS SOOKA: So we have now established that Mr Malaba ran taxis, he has no political affiliations, he only concerns himself with making money, although he belonged to these taxi associations, he never attended any meetings and he was immune to the violence that was carrying on. Carry on Mr ... (intervention)

DR RANDERA: Just one question Sally before...

Mr Malaba, earlier on when I asked you you said that your taxis never became part of the conflict, but just now I heard you say that you moved out of Thokoza because your taxis were burned. Did I hear you right?

MR MALABA: I said my taxis were burned in Thokoza, they were parked in my place, they were not operating. I did not say that they were burned whilst operating but they were burned whilst they were parked outside my place. They smashed the windows; when people from Polla Park attacked that was the conflict between AmaZulu and AmaXhosa, not the IFP and the ANC.

MS SOOKA: Can you tell me, is it the Polla Park people who burned your taxis?

MR MALABA: That is the truth, they went inside the hostel where they were parked and smashed windows. I think I spent about R7 000 to replace those windows. It was people from Polla Park who some of them died inside the hostel.

MS SOOKA: Tell me, did you report this to the police.

MR MALABA: Yes I did.

MS SOOKA: Were your taxis burnt because they were parked in the hostel and everything in the hostel was destroyed or were you in particular being targeted?

MR MALABA: I'm not able to comment on that, but what I'm saying is that my taxis were damaged, whether it was just specifically myself or attack on the hostel in general, I do not know.

MS SOOKA: Thank you.

MR NDLOSI: Mr Malaba you explained that when you were asked by Commissioner Randera, you said you were not involved in violence, but you mentioned something about your registration number, how was that affected?

MR MALABA: Can I just explain please? There were people who worked in foods, later transferred to Ellisfontein when the firm moved; these were members of staff...(intervention)

MR NDLOSI: Just to save time Mr Malaba, let's just discuss how the registration number was affected in the violence.

MR MALABA: I would like to give this in the proper context so that you have the background.

The car transported people to Ellisfontein on the day of Sam Ntuli's funeral. I said that they should not use Khumalo Streets when they returned in the afternoon because there would be a funeral on that day, it would be easier to use Schoeman Road. It would take people to Ellisfontein and return them.

When the people were coming from the funeral the car was delivering people and as it approached the hospital, there was gunshots and the car fled into Twala and took Khumalo Streets.

The following day there was an article in the Citizen that the car that had been shooting people the previous day was the NTU 115. I went to the police station and laid a charge, and then went to see advocates and reported the same matter, that is how my car was affected, when it approached the 4-way stop near the hospital there were attacks, there were gunshots and it actually left and fled.

MS SOOKA: It might be an appropriate place to break for tea, we are at half past eleven. I think we'll take a 15 minute adjournment for tea and come back at quarter to twelve. You remain under oath Mr Malaba.

COMMITTEE ADJOURNS

ON RESUMPTION

ALBERT MALABA: (s.u.o.)

MR NDLOSI: Mr Malaba, we were still dealing with your taxi as to how it got involved. There is something that I don't understand. Did you say your taxi got involved on its way back from picking up people at work or was it taking people to work?

MR MALABA: I was not in my taxi. My driver was driving the taxi but I think this happened at a time when it was still ferrying the people to work, but yes I think that it was at the time when it was ferrying people to work when the shooting happened at the hospital so that it took a different direction fleeing the shooting scene and when it came back it brought other people as well.

MR NDLOSI: Is there perhaps no one who got injured in your taxi or perhaps somebody who might have been trying to defend himself shooting from your taxi?

MR MALABA: No nobody got injured and I didn't get any information to the effect that somebody shot from the taxi.

MR NDLOSI: You also spoke about the fact that your taxis were burned down, what do you think, I think this might have bothered you for a very long time, you might have wanted to know why.

MR MALABA: I have already indicated, maybe you did not understand me, I did say that people from Polla Park came. At the time there was fighting between AmaXhosa and AmaZulu, there was fighting in the hostel and some people died. I was not there.

And when I came back my taxi windows had been smashed and

people shot. There was no suspicion, it was obvious that it was fighting between AmaZulu and AmaXhosa.

MR NDLOSI: Mr Malaba, we heard Mr Gadebe here earlier on here and he told us that it was assumed that everybody in that hostel was an IFP member, is that how you regarded yourself?

MR MALABA: Yes I would say that was the case because I was working at the hostel.

MR NDLOSI: Did it not perhaps occur to you that the violence was now between the IFP and the ANC?

MR MALABA: Yes I did hear people talking about that, saying that the fighting was no longer between the two tribes but instead the two political parties.

MR NDLOSI: So you're saying you did not want to get involved in the violence? How did you regard this whole thing, you have just indicated yourself that the situation was that people in the hostel were regarded as IFP, how did it all come about that you were not regarded as an IFP member?

MR MALABA: It was difficult for me at the time to talk about this with many people. I concluded that God will decide my fate as to whether I continue working there or not.

MR NDLOSI: Are you perhaps talking about yourself? Well actually I am talking here as regards to yourself, yourself as being a person who did not want to be implicated in the Inkatha story, how did you disprove these assumptions?

MR MALABA: I...(indistinct) anything there was no attempt on my part.

MR NDLOSI: Can we therefore say that you were satisfied that people regarded you as an IFP?

MR MALABA: No I was not happy, but there was nothing I could do.

MS SEALEY: Mr Malaba if I can just go back to the meeting where Tulani Malaba says you were present. He claims that during that meeting there was a discussion as to what transport would be used in the killing of Mr Sam Ntuli and he claims that you instructed him to go and steal two cars. Do you have any comment on this?

MR MALABA: That is a pack of lies.

MS SEALEY: Mr Malaba do you have a licensed firearm?

MR MALABA: Yes I do.

MS SEALEY: Do you have more than one firearm?

MR MALABA: I have two firearms.

MS SEALEY: Are they both hand guns, can you describe them?

MR MALABA: Yes they are hand guns.

MS SEALEY: Mr Malaba, according to Mr Tulani Malaba, in his testimony he claims that at the meeting at Abraham Mzizi's house, you and Zweli Semani and Mr Msomi had had in your possession AK47's as well as a .303 rifle. Do you have any comment on this?

MR MALABA: As I have indicated earlier on that I know nothing about this meeting because I did not attend meetings.

MS SEALEY: Mr Malaba you realise that from the beginning I have been putting questions to you based on information given to us by Mr Zimo and Mr Malaba, is there any reason that you can think of as to why they would make these allegations against you?

As you can see they are very serious allegations, what do you think the reason could be for them to make these allegations against you?

MR MALABA: I think it is because they want their freedom from jail, there is nothing else I can think of because I am not involved, I was not involved.

MS SEALEY: But by implicating you how would that get them their freedom in jail? By your own admission you are not a member of the IFP, you claim you are not an IFP member, that you don't really know the IFP leadership except the fact that they may be coming to the hostel from time to time, how would it benefit them by implicating you?

MR MALABA: I don't know how they got me involved, for what reason really.

MS SEALEY: Mr Malaba do you know Gugu Mzizi?

MR MALABA: No I don't know Gugu Mzizi, I used to know his father who used to buy cases of beer from my shop.

MS SEALEY: Didn't Gugu Mzizi live in Mazibuku Street which I understand is the same street that you live in?

MR MALABA: Maybe but really I don't know her. Mazibuku Street is a very long street, they are on the other end of the street.

MS SEALEY: On both occasions when I've asked you whether you knew Mr Sam Ntuli or whether you knew Gugu Mzizi, on both occasions you seem to know their fathers. If you knew their fathers, doesn't it to reason that you also may have known their children?

MR MALABA: That is possible, I know their fathers because they used to patronise my tavern and I would know them as Gugu and Sam Ntuli's fathers respectively.

MS SEALEY: According to Mr Malaba, Gugu Mzizi was used, either unwittingly, we are not sure, in the plot to kill Mr Sam Ntuli, and that you, once Mr Sam Ntuli was killed, is that you and Mr Obet Gadebe kept Miss Mzizi at your home as a sex slave, do you have any comment on that?

MR MALABA: That is not correct.

MS SEALEY: According to Mr Malaba, Gugu was in fact one of your girlfriends and you were very, very close, do you have any comments on that?

MR MALABA: No I don't know Gugu I could not have been close to her not knowing her.

MS SEALEY: Mr Malaba do you consider yourself a law-abiding citizen?

MR MALABA: Very much so.

MS SEALEY: Then can you explain that when Mr Malaba, that is Tulani Malaba escaped from custody, the first place he came to was your house and if you are a law-abiding citizen, why did you not report this matter to the police?

MR MALABA: I found Tulani at the hostel and I did not know that he had escaped from prison, he was standing there with a woman, I didn't have any knowledge that he had fled. He told me that his case was over.

MS SEALEY: But you were aware that he had been arrested for the Ngema Tavern shooting, is that correct?

MR MALABA: Yes I did pick up some rumour about that. As far as I know the reason why he was arrested was not necessarily that case.

MS SEALEY: If he was not arrested for that case, in your knowledge what case was he arrested for?

MR MALABA: I have indicated earlier on that I knew him for being arrested for having shot his brother-in-law and I know nothing else as I didn't see him thereafter.

MS SEALEY: When you saw him in the hostel he told you that his case was over, did you not find that suspicious seeing that Mr Zimo and Mr Chimane had not been released?

MR MALABA: I did not know for that matter as to who else were arrested with him, and I really did not take note or bother myself about who else were arrested with him. I was just told he was arrested and that's it.

MS SEALEY: So you believed him when he said that his case was over, you didn't have any reason to be suspicious of him saying that?

MR MALABA: I was not following up what he was doing because I was busy with my daily chores.

MR NDLOSI: Mr Malaba, you said you don't know Gugu Mzizi.

MR MALABA: Yes.

MR NDLOSI: Did you perhaps hear about her death?

MR MALABA: I think I did hear about her death but it also transpired that she did not die in the area.

MR NDLOSI: What do you mean she did not die in the area?

MR MALABA: I mean she did not die in the same street where I used to live. I was told she had died but I didn't know where.

MR NDLOSI: When did you hear that?

MR MALABA: I'm sure I didn't get that well.

MR NDLOSI: When did you hear about her death?

MR MALABA: I cannot remember but it has been some time now, I cannot remember.

MR NDLOSI: Who told you that, who told you about her death?

MR MALABA: I do not remember. I don't know whether it was her father or not, but I did pick it up in the township that it was her brother-in-law, Jeff that I am very close to, I don't know whether it was Jeff or her father.

MR NDLOSI: Mr Malaba, how many girlfriends do you have?

MR MALABA: Excuse me?

MR NDLOSI: How many girlfriends do you have?

MR MALABA: I have wives. I don't have girlfriends, I have wives, two wives.

MR NDLOSI: Don't you perhaps have a girlfriend or somebody who might be your third wife.

MR MALABA: There is, yes, a third person with whom I am involved but I haven't planned anything yet.

MR NDLOSI: Is there perhaps none among your women who has a name similar to that of Gugu?

MR MALABA: No, none.

MR NDLOSI: Didn't you perhaps have girlfriend who bears the same name as Gugu?

MR MALABA: No I don't remember.

MS SOOKA: You see I find it very strange Mr Malaba that when you were initially asked about whether you know or knew Gugu, you said I knew her father, but you knew enough about her to know that she didn't die on the same street, that she died somewhere else but when asked more about that you then didn't

remember. We have very serious allegations, two people have come forward to say that they knew you were lovers and you say you didn't know that at all.

So which is it, did you know her, didn't you know her, you only knew her father, can we hear from you on this? Can I remind you that you're under oath?

MR MALABA: What's her name again is that Gugu? I don't know Gugu, I was never in love with her. I knew her father, she comes to my tavern often to buy liquor that's all I know.

MS SOOKA: Proceed.

MS SEALEY: Sorry Mr Malaba you also mentioned that you knew Gugu's brother-in-law, I think you said that his name was Jeff. Is that correct?

MR MALABA: Yes I know him now as well.

MS SEALEY: It seems a bit strange to me that you know the father, you know the brother-in-law, you seem to know the family reasonably well, but you've got no idea of who Gugu is. Can you explain that?

MR MALABA: I know only these people, not the whole family.

MR NDLOSI: Mr Malaba, do you perhaps know the residential address to Gugu's family?

MR MALABA: No I don't but I know the household.

MR NDLOSI: How close is it to Mr Ntuli's house?

MR MALABA: I wouldn't be able to measure, but it is quite a distance, they are quite far apart from each other.

MR NDLOSI: I am referring to Sam's father. Did ... (intervention)

MR MALABA: I have never seen him in a car, he used to come to me walking on foot.

MR NDLOSI: Did he perhaps come to your place in a vehicle at some point.

MR MALABA: I am not used myself to driving around in the township. I would leave the township in the morning and come back very late at about 10, I therefore can say I knew Mr Ntuli well because he used to patronise my shebeen or my tavern.

MS SEALEY: I have no more questions for Mr Malaba.

MS SOOKA: Dr Randerera.

DR RANDERA: Mr Malaba I just want to come back to your tavern. Can you just explain to us how this works in terms of the hostel. Do you get a licence from the Council to open up a tavern, is it based on some sort of patronage, how is someone able to open up a business on Council property?

MR MALABA: I would not be in a position to explain because when I got there everybody almost was selling at the hostel and I too started selling.

DR RANDERA: So even up till today, you don't pay any rental or you're not accountable to the Council for having that tavern in the hostel?

MR MALABA: Yes we do pay rent but I do not spend most of my time in the hostel anymore.

DR RANDERA: But you still have the tavern in the hostel?

MR MALABA: No I don't have a tavern in the hostel, I rented a bottle store from someone else in the township.

DR RANDERA: When did you give that up?

MR MALABA: I did not give it up as such, the business is no longer the same as it used to be during my time, what we are doing now, people are buying beer as take-aways.

DR RANDERA: No, no Mr Malaba, let's just get a straight answer. You told us that you had a tavern in the hostel, alright, and then you told me subsequently that you now have a bottle store, you don't have a tavern any longer. Now do you still have a tavern even if the business is not running strongly or don't you have a tavern?

MR FREDERICH: Let me just have a minute with him I don't think he quite follows. We're ready to proceed.

DR RANDERA: Are you ready to answer my question?

MR MALABA: Yes I still do have the tavern in the hostel.

DR RANDERA: And as far as you are aware, initially when you opened this tavern, people were just doing business, but

subsequently was it because it was primarily an IFP hostel that you continued working there and having your business there?

MR MALABA: No that is not the case.

MS SOOKA: So who do you have to pay to have the tavern there?

MR MALABA: I pay my rent to the municipality.

MS SOOKA: For having a tavern inside the hostel?

MR MALABA: No.

MS SOOKA: Then what do you pay rent for?

MR MALABA: I pay it because I still have a bed in the hostel.

MS SOOKA: But we're not talking about your bed. We're talking about the tavern. Do you have a licence to operate the tavern in the hostel?

MR MALABA: No I don't.

MS SOOKA: Do you have a taverner's licence?

MR MALABA: It's a hired licence.

MS SOOKA: What is a hired licence?

MR MALABA: People rent out licences in the township.

MS SOOKA: So you're paying, you're using someone else's name for the tavern licence?

MR MALABA: It is not necessarily a tavern, I'm talking here about a bottle store.

MS SOOKA: And I'm not talking about the bottle store, I'm talking about the tavern that you're running in the hostel. There are two things I want to know:

1. Do you have a taverner's licence? You said no, you have a hired licence. So I then assume that you're paying someone else for the use of their tavern licence. Am I correct?

MR MALABA: No I'm not using somebody's else's licence for the tavern. I don't have a licence for the tavern in the hostel, I'm just selling my liquor.

MS SOOKA: You're just selling your liquor. No who are you saying at the hostel so that you can sell your liquor there, because I assume people have to pay somebody to have that kind of freedom?

MR MALABA: I am not paying anybody.

MS SOOKA: Thank you, thank you Mr Friedrich, one more question.

MS SEALEY: Sorry Mr Malaba could you just tell us your relationship with Mr Mbekiseni Khumalo, Mr Mbekelele Khumalo and Mzwaki Khumalo?

MR MALABA: I just know them from the township but there is no association or links between myself and these people.

MR NDLOSI: How do you know them?

MR MALABA: Mbekiseni has taxis and Mzwaki is his son.

MR NDLOSI: Can we therefore assume that you know them from the streets?

MR MALABA: I don't know how you're going to take it but I think I have given you the answer.

MR NDLOSI: What we are trying to know here is whether you perhaps exchange visits over beer?

MR MALABA: Mbekeseni doesn't drink, he is a priest. I know his son from the street.

MS SOOKA: Do you know that people think that you are part of his gang, the Khumalo gang?

MR MALABA: No that is just a pack of lies, I know nothing about that.

MS SOOKA: Any further questions?

DR RANDERA: I suppose I just want to clarify it in my own mind. Many of the people who have been called here, yourself, some of the others, there seems to be a strong relationship with Gutu, now your links with Mr Khumalo and perhaps whether it's a friendship or not a friendship does it goes back to the fact that you all come from the same area, or did you meet only in Thokoza?

MR MALABA: I know Mr Khumalo from Thokoza and I did hear that he too came from Nqutu long ago. He is not a friend of mine and I cannot account for what people are saying about me and him.

DR RANDERA: Thank you.

MS SOOKA: Would you regard Mr Gadebe as your friend, Mr Malaba?

MR MALABA: He is my very close friend.

MS SOOKA: And you both come from Nqutu.

MR MALABA: No, we became friends because he was in charge of the payments for the permits at the hostel, he comes from Sheze and I come from Nqutu.

MS SOOKA: He in fact says he came from Nqutu. He doesn't come from Sheze as you are saying.

MR MALABA: He is lying.

MS SOOKA: So a man would come here and lie about where he comes from?

You know Mr Malaba, what worries me is everybody else is lying, you're the only one who is telling the truth.

MR MALABA: I am telling the truth, I know that.

MS SOOKA: I suppose sooner or later we'll discover who is lying. Thank Mr Malaba for coming and answering questions. You are excused from the proceedings today. Thank you Mr Friedrich, I assume that was your last client with us and I am sure you're thankful to be excused.

MR FRIEDRICH: I would like to thank God first, most and foremost, thank you.

MR SOOKA: Thank you.

MR MALABA: I thank you too, remain in peace.

MR MALABA AND MR FRIEDRICH ARE EXCUSED