

**TRUTH AND RECONCILIATION COMMISSION****SECTION 29 HEARING****"IN CAMERA"****DATE: 24-06-1998****NAME: NICHOLAS Z. CHAMANE****HELD AT: JOHANNESBURG**

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**CHAIRPERSON:** Ladies and gentlemen, this is a resumption of proceedings held in terms of Section 29 of the Act in terms of which we receive evidence from subpoenaed or invited witnesses, which evidence remains confidential until the Commission decides to release it into the public domain.

I believe that Mr Chamane is appearing before us for the second time and the reason for his appearance, re-appearance is because there was a dispute as to whether he had received notice in terms of his subpoena or invitation to the fact that he would be required to testify in relation to what has been referred to as the Ngema massacre or the attack on the Ngema Tavern in Katlehong during January 1991.

There is of course a dispute as to whether it is January 1991 or January 1993, the subpoenas do not seem to be ad idem thereat, and I would hope Ms Sealy is going to clarify what the issues are, which is which.

MS SEALY: Mr Chairperson, it is actually 1993, the first subpoena says 1991 but the dispute last time was over the fact that he hadn't been told about the entire incident.

CHAIRPERSON: Madam Van der Westhuizen, do you have any submissions to make?

MS VAN DER WESTHUIZEN: No Mr Commissioner, I actually confirm what Ms Sealy has told the Commission, the Committee.

CHAIRPERSON: Do we therefore proceed on the basis that there is no longer any dispute now as to the competence of the witness answering questions in terms of both subpoenas, number 1 of which refers to this attack of Ngema Tavern?

MS VAN DER WESTHUIZEN: We have no objection.

CHAIRPERSON: Thank you Madam Van der Westhuizen.

NICHOLAS CHAMANE: (still under oath)

CHAIRPERSON: Ms Sealy?

MS SEALY: When you were here last time, you gave evidence to the effect that the very first time you met Mr Zimo and Mr Mlaba was on the day that the attack took place in Ngema, is that correct?

MR CHAMANE: That is correct.

MS SEALY: Do you not think it is strange that you go with strangers to a place where you intended to attack, is it not more logical that you go with people that you know and trust? Why did you go with strangers on such an important mission?

MR CHAMANE: That is what the situation warranted in Tokoza.

You would not take a person that you trust, the situation warranted it.

MS SEALY: I would imagine that it was, I mean, I would have thought that the exact opposite was true, if you are going to a place that you are going to attack, you would want to have reliable people around you that you knew that you could trust?

In the situation in Tokoza you would know yourself that you couldn't trust everybody, so why would you go with complete strangers? Your answer doesn't make sense?

CHAIRPERSON: You just as long as it is red here, then you can talk.

MS VAN DER WESTHUIZEN: Mr Commissioner, I just want to object to this type of questioning. Ms Sealy is putting to him that his answers aren't making sense, he is giving the answers what he believes was the situation, so it is actually attacking his answers as such.

I don't mind her asking questions to get more information, but she - I think it is unnecessary to add the rider it sounds strange or it doesn't make sense, rather.

CHAIRPERSON: I don't think there is illegitimate about that, because it is testing the veracity of that answer, meaning for instance you say I walked to the moon and it doesn't really sound as though it is credible that you could have done so.

In an endeavour to ask, I mean there is a limit to the number of questions that one can ask in pursuit of that objective.

MS VAN DER WESTHUIZEN: I will leave it to that.

CHAIRPERSON: Yes. Ms Sealy?

MS SEALY: If I can then just repeat the question, you said the reason that you went with strangers to attack the tavern was due to the situation in Tokoza at the time.

My question to you then is due to the situation in Tokoza at the time, wouldn't it be more sensible to go with people that you could rely on and people that you could trust in a situation in turns of attacking a place, that is a dangerous situation to go and attack a place?

Would it be better to go with people that you trusted as opposed to complete strangers who you didn't know?

MR CHAMANE: The people who had knowledge of the place, were the very ones that I went with, that is Themba and Tulani.

CHAIRPERSON: But I think the question seeks to establish from you, how do you go on a mission of that nature with people who you are meeting for the first time, given the circumstances in that place? In other words, were you comfortable given what you were going to do, to be going to do something with people you do not know?

That is now if it is true that it was the first time that you were meeting those people on that day and I think that is what

she wants to say to you, at some stage I think she will want to put it to you that it is unlikely that you were meeting those people for the first time. But the question that she is now putting, how is it that you go on a mission of that nature with people whom you have never met, whom you do not know? Is that normal?

MR CHAMANE: As I had already explained, that when we went to Ngema's Tavern, that is now with Themba Zimo and Tulani Mlaba and the other one, I think in their minds or in my mind as well, they had gone to show me where these people who were known as the followers or supporters of the ANC, were.

But in my mind I had told myself that if I do get them, I will shoot them but not because I had trusted the people who were accompanying me. Whether they were going to help me or not, I was going to attack. They were going to show me the place initially as to where these people had congregated and then if I was not able to carry out my mission, I was going to go back and report to my brother Mundli so that we can now plan as to how we were going to launch the attack.

Along the way we went passed a certain house, that is in Twala Section now and when we got to that house, that is where we decided, or made the decision that we should attack the people if we get them. In my mind, I was going to attack, regardless of what, even if we didn't discuss it beforehand. I had

already decided that if I do get a chance to shoot, I was going to shoot or attack.

CHAIRPERSON: Mr Sealy?

MS SEALY: You say the reason that the Ngema Tavern was chosen, was because you believed that that is where there were ANC followers. Who gave you that information?

MR CHAMANE: Yes.

CHAIRPERSON: The question is who gave you the information that those people were ANC followers? Who did you get that from?

MR CHAMANE: It is Tulani.

MS SEALY: Why did you decide, I mean I understand you saying that that is where the ANC followers maybe gathered, but what was your reason on that particular day, for attacking that Tavern? Was it only because there were ANC followers or did something happen before that, that made you want to attack that Tavern?

MR CHAMANE: It is because I knew that followers of ANC were at that place according to the information that I received and it was to pay revenge because we already had a lot of people from our side, who had died. That is why we went to Ngema Section according to the information that I received, that ANC supporters were at the Ngema's Tavern.

MS SEALY: According to Mr Zimo and Mr Mlaba, the reason the Ngema Tavern was chosen was because Mfundisi Khumalo believed that that is where the people who killed his wife, used to drink or used to gather. What do you say about that?

MR CHAMANE: I wouldn't know about that, because I never spoke to Khumalo when I went there. I only spoke to Tulani who related the information to me that ANC supporters were there.

What I can tell you is that since a lot of our people had been attacked, I was prepared to attack ANC people wherever they were, whether it was Ngema's Tavern or another place.

MS SEALY: So during the time that Mr Mlaba was showing you where the Tavern was, he never said to you that the reason for targeting that Tavern, he never said it is because Mfundisi Khumalo told him that the people there, killed his wife, he never told you that?

MR CHAMANE: At no stage did he tell me that.

MS SEALY: Who gave you the order to attack the Ngema Tavern, was there a specific person who gave you the order, or did you decide by yourself? Who gave you that order?

MR CHAMANE: Nobody gave me a specific order, but as we had been fighting in Tokoza, I did not see any people being sent, or being given instructions to attack, but as IFP members, we took it upon ourselves that we should protect other members of

the IFP as well as ourselves, so we ought to attack the ANC supporters.

MS SEALY: This particular attack took place on the night of the night vigil for Sabeth Khumalo, are you saying it had no connection? The attack on the Ngema Tavern and the funeral the next day of Sabeth Khumalo, had no connection?

MR CHAMANE: No, that attack is linked to every member of Inkatha who had been killed or attacked, even if that person didn't die, if Tulani came and said the ANC members were congregating at Ngema's place, we were going to go and attack them, even though Mrs Khumalo had not died, because there were a lot of IFP members who had died.

MS SEALY: Normally when you went out on these missions to attack ANC members who you believed were responsible for killing IFP members, who - did you sit down and plan these attacks or did you specifically get orders, or did you yourself just decide with a group of people?

MS VAN DER WESTHUIZEN: Mr Committee members, maybe the person asking the questions can clarify what attacks are she referring to, I thought we were busy with Ngema Tavern attack, just to clarify that?

CHAIRPERSON: Ms Sealy?

MS SEALY: If I recall earlier, the witness said that they would attack any place where there were ANC members, so I was just



wanting to know whether they sat down, although we only have information on the Ngema Section attack and other hearsay evidence of his involvement in other attacks, I just wanted to know from him, whether in other situations as he had informed us that he was a member of the SPU in Tokoza, whether they sat down and planned this particular attack or other attacks, or who actually gave them orders to do this type of thing, seeing that he was a disciplined member of the IFP and a member of the SPU?

MS VAN DER WESTHUIZEN: Honourable Committee, the witness stated his frame of mind that they were prepared to attack wherever they found ANC people. I don't think he testified that he actually took part in various other attacks.

CHAIRPERSON: I don't recall the evidence, but I think there was a general way in which he was referring to this. Any way can you confine, can you ask whether they planned this particular attack?

MS SEALY: Did you plan this particular attack on the Ngema Tavern?

MR CHAMANE: No, we did not.

MS SEALY: I am not trying to be difficult, but I just don't understand how you can, if you didn't plan it, how did it happen?

I mean surely you don't just all come together and suddenly have a brain wave that you are going to go and attack the Ngema Tavern?

How did it actually happen, there must have been some planning involved?

MR CHAMANE: Themba Zimo and Tulani as well as another man whose name is not known to me, came and I was at the Khumalo place. When they got there, they introduced themselves to me. They told me their names, that is where they came to explain that some followers of the ANC had congregated at Ngema's Tavern.

According to my knowledge, I explained to them that most of the ANC members used to congregate at Vergenoeg and at the time they had congregated to celebrate the death of certain IFP members in Tokoza.

That is where we decided that we could get them whilst they were congregating and celebrating and when we moved, that is myself, Themba, Tulani and the other guy, we had gone to actually see the place, but we had not planned the attack at that time.

When I moved from that place, we had gone to see where these people had congregated, but in my mind I did think that I was going to attack them if I do get them. And if I was able to attack and we went passed a certain house in Twala Section, that is where we agreed that we were going to shoot or attack these ANC members if we do get them, but initially they had just gone

there to show me the place as well as the members of the ANC who had congregated at that place.

CHAIRPERSON: Ms Sooka?

MS SOOKA: Could you tell me who was at the house in Twala Section when you went there?

MR CHAMANE: I don't remember quite well, but there was a certain man by the name of Bashin and other people, but I did not know their names.

I know of Bashin, we were also arrested with Bashin. The other ones I saw them there, and I left them there.

MS SOOKA: How many of them were there approximately? Six, seven, eight?

MR CHAMANE: There could have been four or five, somewhere there.

But Tulani spoke to Bashin, that is why I concentrated on Bashin, because that is the one we spoke to.

MS SOOKA: Can you tell me, when you, before you had got to the house in Twala Section, what were you carrying in your hands? You say that you knew that you were going to attack that day, what did you plan to attack with?

MR CHAMANE: I had an AK47 with me.

MS SOOKA: Where did you get the AK47 from?

MR CHAMANE: It had been given to me by an Induna, Nkondo.

MS SOOKA: From which hostel?

MR CHAMANE: We used to stay at another hostel called Kalanyoni, but at a later stage he went to Mziyazafi hostel.

MS SOOKA: Were you involved in any other attacks before this one?

MR CHAMANE: No.

MS SOOKA: So this is the only attack that you participated in, the Ngema Tavern massacre?

MR CHAMANE: That is correct.

MS SOOKA: Where did you receive your training in weapons?

MR CHAMANE: I was trained by Mkonto the Induna in Tokoza.

MS SOOKA: Thank you. Ms Sealy?

CHAIRPERSON: Can I just ask a question further to that, for how long were you, when did you begin being trained in the use of weapons? What year? This training that you received in Tokoza, when did it take place?

MR CHAMANE: I think it was during 1991, Mkonto just showed me during a period of one day, he said here is an AK47, this is how you should use it. He just went through the motions with me.

CHAIRPERSON: When were you recruited to the SPU's?

MR CHAMANE: In 1991.

CHAIRPERSON: Was it before you got trained by this person in the manner you have suggested?

MR CHAMANE: It was during that time.

CHAIRPERSON: So you were being trained in the use of firearms so that you can be useful as a member of the SPU's?

MR CHAMANE: That is correct.

CHAIRPERSON: And was it part of your training that your use of firearms would be in attacks on ANC or ANC related targets?

MR CHAMANE: According to what I had been told, was that we had to protect ourselves from our attackers.

CHAIRPERSON: Yes, but in the light of your evidence, you have given me to understand that you were ready to attack not to defend yourselves, you were ready to attack anything that was ANC or ANC related. Did I understand your evidence correctly?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: Is it your evidence that throughout the period of your being a member of the SPU, you were involved in this attack on Ngema Tavern in Katlehong?

MR CHAMANE: That is correct.

CHAIRPERSON: Is it your evidence under oath that you were not involved in any other attack during the period that you were a member of the SPU?

MR CHAMANE: That is correct.

CHAIRPERSON: You were not for instance involved in the attack on the Madhlala Store in Madondo Street in Tokoza during January 1991, is that your evidence?

MR CHAMANE: No, I never took any part.

CHAIRPERSON: You never took part in the planning of any attacks other than the attack on the Ngema Tavern?

MR CHAMANE: That is correct.

CHAIRPERSON: Ms Sealy?

MS SEALY: You said earlier that you were at the Khumalo house, prior to the attack at Ngema Tavern and that Tulani and Themba Zimo were there as well, is that correct?

MR CHAMANE: That is correct. Tulani and Themba Zimo got me whilst I was there.

MS SEALY: That was during the period when Mfundisi Khumalo's wife had just died, is that correct, it was the day before the actual funeral?

MR CHAMANE: Yes.

MS SEALY: According to Mr Zimo and Mr Mlaba, that is the very time that Mfundisi Khumalo requested that all of you attack the Ngema Tavern, that is their evidence and that you were actually present when Mfundisi Khumalo said that at the house.

Can you comment on that?

MR CHAMANE: That is not true, I never spoke to Mr Khumalo at that time.

MS SEALY: Were you a very close friend of the Khumalo family?

MR CHAMANE: No.

MS SEALY: According to evidence given by Mfundisi Khumalo, he said that you were a very close friend of his sons, is that correct?

MR CHAMANE: I knew one of his sons, but we were not friends, and we were not close.

CHAIRPERSON: But it is being put to you that that is what the evidence of Mr Khumalo was. Are you disputing that evidence?

MS VAN DER WESTHUIZEN: Mr Presiding Officer, I just need to object to that, because that is indeed not what Mr Khumalo - he didn't testify that he was a close friend. He said that the witness might have been friends to his son. He actually stated that he didn't even specifically knew the witness before this Committee, but he never stated that he was a close friend of his son.

CHAIRPERSON: Ms Sealy?

MS SEALY: Perhaps I can come back to that because it is in the record, I just need to look for it.

MS SOOKA: Perhaps I, Mr Chair, if I could just ask Mr Chamane, could you tell me as a member of the SPU what exactly were your functions?

MR CHAMANE: We had to protect ourselves from the attacks because we had been attacked several times.

Our main functions were to protect members who were being attacked, as well as ourselves.

MS SOOKA: So when these attacks took place, how did you protect yourself?

MR CHAMANE: When there was an attack by the ANC members, we would also shoot back or launch a counter attack on the very same time that they attacked us.

MS SOOKA: How many attacks took place from the time you joined the SPU until the time you went to jail for your part in this massacre?

MR CHAMANE: I don't have a clear recollection, but there were sporadic and several attacks launched against the hostel dwellers, but at times when the attacks took place, I would be at work, and hear when I come from work, that there had been such attacks.

But I don't have a clear number that I can give you. But most of the time they used to attack during the day whilst I was at work, and when I come back I would get a report that a certain number of people had been attacked and they had been killed.

MS SOOKA: Besides protecting yourself, what was the other function that you had as a member of the SPU?

MR CHAMANE: There is no other function. All we were told was that we had to protect ourselves, as well as our fellow members.

MS SOOKA: So you also had to protect members of Inkatha?



MR CHAMANE: Yes, that is correct. When I talk about people that we had to protect, I am referring to Inkatha members.

MS SOOKA: Was Bishop Khumalo one of those members that you had to protect?

MR CHAMANE: Yes, he was a member of Inkatha.

MS SOOKA: So it would be true to say that the SPU acted as bodyguards for members of Inkatha like Bishop Khumalo, Mr Mlaba?

MR CHAMANE: Could you please repeat the question?

MS SOOKA: Would it be fair to say that one of the functions of the SPU was to protect high ranking members of Inkatha, like Bishop Khumalo, Mr Mafulela, Mr Mzizi?

MR CHAMANE: Our function was to protect Inkatha members, whether you had a high position, you were ranking high or you were just an ordinary supporter or an ordinary member. We had to protect, we were not really bodyguards, but we were protecting every member of the IFP, high ranking or not.

MS SOOKA: Did you protect Bishop Khumalo?

MR CHAMANE: Yes, at times I would go to his place, not a number of times because I was working, but I would go there at times.

MS SOOKA: Mr Mzizi?

MR CHAMANE: No.

MS SOOKA: Mrs Mzizi?

MR CHAMANE: No.

MS SOOKA: Mr Mafulela?

MR CHAMANE: No.

MS SOOKA: Do you remember anybody by name, besides Bishop Khumalo whom you protected?

MR CHAMANE: No, I don't remember other people's names, but every person or people who were being attacked, we would go to them at times but because I was working, I was not able to be there from time to time.

MS SOOKA: Is it your evidence then that you never participated in any attack where the attack was launched by the other side, the ANC, because you were at work?

MR CHAMANE: Yes, that is correct.

MS SOOKA: Thank you.

CHAIRPERSON: This attack on Ngema Tavern, did you participate because it was taking place outside working hours, is that your evidence therefore?

MR CHAMANE: Yes, that is correct. I had come back from work.

CHAIRPERSON: Ms Sealy?

MS SEALY: I will have to go with Ms Van der Westhuizen's recollection of him not being a close friend of the Khumalo family or one of the Khumalo sons, because I can't seem to find the reference, but if I could just perhaps ask you, do you remember

where you were on the 1st of January 1993? New Year's day, 1993?

MR CHAMANE: I don't remember quite well, but I think I was at home, because it was a holiday. I was at home.

MS SEALY: Do you normally go home over the Christmas and New Year holiday, is that your normal, what you used to do before you were in prison?

MR CHAMANE: That is correct.

MS SEALY: We have a statement here, that is not in the subpoena which you have been asked to answer questions about, and the reason it isn't put in the subpoena is that the person that gave the statement to the Police, seems to reside or have some very close connection with the Khumalo's and this particular witness is claiming that he overheard a conversation between Mphekeleli Khumalo and a group of people outside a house in Khumalo Street, that yourself and Mphekeleli were involved in a shooting on the 1st of January 1993 on the corner of Mxlapo and Mguni Streets in Tokoza. Do you have any knowledge of that?

MR CHAMANE: I don't know anything of that sort.

MS SEALY: This person who gave the statement to the Police, would then have gotten his facts wrong, he would have misheard what Mphekeleli Khumalo was saying, would that be correct?

MR CHAMANE: I wouldn't know. I do not carry any knowledge thereof and I can't comment.

MS SEALY: If we can then just move on to the killing of Mrs Sabeth Khumalo, Mfundisi Khumalo's wife. We have heard testimony here from Mr Mlaba and from Mr Zimo that yourself and Mphekeleli Khumalo, well in fact that Mphekeleli Khumalo transported Mrs Khumalo to Tembisa in early January and it was in Tembisa where Mrs Khumalo was eventually killed.

Mr Mlaba told the Commission that he had heard that you had somehow been involved in her death. Do you have any comment on that?

MR CHAMANE: That is a big mistake. I don't remember myself as a member of Inkatha who had to protect members of Inkatha, that I would kill another member of the IFP. There is not truth in that.

MS SEALY: After the attack on the Ngema Tavern, how long was it before you were arrested, do you remember?

MR CHAMANE: I was arrested on the 19th of February.

MS SEALY: Was Tulani and Themba Zimo arrested with you on the same day?

MR CHAMANE: Tulani was arrested first, but I don't know the date. The person that I got arrested with, was Themba Zimo.

MS SEALY: When you appeared in court, was it just yourself, Themba Zimo and Tulani Mlaba, was it just the three of you that appeared in court for this particular case?

MR CHAMANE: There were many of us.

MS SEALY: Can you remember who the other people were?

MS VAN DER WESTHUIZEN: Mr Presiding Officer, maybe we can just clarify the question. People who appeared, it could be as witnesses or as - just to clarify it to the witness.

MS SEALY: Sorry I apologise for that, I mean people who appeared with you as suspects, accused in the case?

MR CHAMANE: There were also others, we were not the other ones.

MS SEALY: Do you remember who the others were?

MR CHAMANE: It was Mr Khumalo, Mphekeleli, Mzwakhe as well as Bashin who was staying at Twala Section, Petros Maboza if I still do remember well.

MS SEALY: But it is only the three of you, it is only Tulani, Themba Zimo and yourself that were convicted, is that correct? You were the only three that were found guilty of the case, is that right?

MR CHAMANE: That is correct.

MS SEALY: During the case, did you all have the same lawyer, the three of you, did you have the same lawyer?

MR CHAMANE: No, that is not so.

MS SEALY: Did each one of you had your own lawyer, or did you share one lawyer? Did any of you share a lawyer from the three of you?

MR CHAMANE: At the time that we went to the High Court, there were only four of us, the others were no longer there. It was myself, Themba Zimo and Tulani as well as Petros. The rest of the accused were at the Regional Court at the time, and when we proceeded - at that time we got lawyers, we were at the High Court, but at Regional Court level, we did not have Attorneys, but I don't remember what the name of the other Attorneys were when we were still at the Lower Court.

MS SEALY: What I am just trying to establish is that when you went to the High Court, you were represented. All of you were represented by one person, is that correct, by one lawyer, he spoke for all of you at the High Court?

MR CHAMANE: No, each one of us had his own Attorney.

MS SEALY: Why do you think it is that Tulani and Themba Zimo have implicated you and are now, the three of you no longer seem to be on good terms, would that be a correct assessment of the situation?

MR CHAMANE: That is correct.

MS SEALY: Did something happen, did you have a fight or something in prison, what is the reason that you are no longer on good terms?

MR CHAMANE: As I mentioned before, Themba Zimo tried to implicate me in prison with regard to ANC supporters. That is one reason why we are no longer on good terms.

MS SEALY: And with Tulani Mlaba?

MR CHAMANE: I don't know why we are not on good terms with Tulani Mlaba, but I think the two of them had implicated me, told lies about me whilst I was in prison. I think that is the reason.

MS SEALY: Why do you think that they have decided to implicate you in many of these cases that we have been questioning you about?

Do you think it is because of what you are saying, that you had a fight in prison, or what could be the reason that they actually are now trying to put you in a bad light, seeing that all three of you were involved in the attack? Why are they now trying to put you specifically in a bad light?

MR CHAMANE: I don't know why they are implicating me but to show that they are just liars, they also pointed out a lot of people to the Police, whom they implicated also in our crime, but these people were not prosecuted.

I think they are implicating me because I think that maybe the Truth Commission would believe in them.

CHAIRPERSON: They are just giving evidence and in any event, why should they single you out as an object of their victimisation, why you? You met them only on that day of the attack, according to your own evidence, there is no history of a relationship between you on the one hand, and them. You met on that day,

why should they have, there is no evidence before us that shows that there is a history of a grudge relationship between the two, I mean between you guys.

Why must they pick upon you? I think that is what we want to know. If your evidence is true in the sort of relationship that existed between you before, during and after the attack, why must they create an impression that you were far more involved in the goings on around the Khumalo family and the IFP and the things in that area at that time, than you actually were?

MR CHAMANE: I wouldn't know.

CHAIRPERSON: Don't you find it strange that people you know from nowhere, who you meet for one specific assignment and suddenly heap upon you all manner of things? Don't you find that strange?

MR CHAMANE: I don't find it very strange, because I am not the first person whom they have implicated in such a manner. They have done this to other people previously. It is not the first time that they tell lies.

CHAIRPERSON: I see. Ms Sealy?

MS SEALY: If you don't know them before this night when this massacre takes place, how do you know that this is what they have done before?

MS VAN DER WESTHUIZEN: With all due respect, Mr Commissioner, I think it misleading the witness in the sense that



he testified, he has already testified in relation to the Ngema Tavern, they pointed out other people who were in the end never prosecuted or as I understand, not - I don't know if they were arrested for that, so maybe we can just clarify that.

MS SEALY: No, but he said besides that, his evidence was that he doesn't know why they have done that, they have done that sort of thing before.

Besides the Ngema massacre, what other incidents is he talking about if he doesn't know them before that night, where does he get that information from?

MS VAN DER WESTHUIZEN: With due respect, maybe you should then ask whether he refers to other incidents except this Ngema Tavern massacre where they implicated people.

MS SEALY: Mr Chair, I will rephrase. What other incidents do you know about where they have implicated other people in incidents, besides that one?

MR CHAMANE: It was the Ngema incident where they actually implicated a lot of people.

MS SEALY: But you, yourself, testified that one of the people you talked to was Bashin at Twala Section before you went on to attack.

It appears from your evidence that Bashin was one of the accused but by the time your case went to the High Court, Bashin

had obviously dropped out. Was Bashin one of these people falsely implicated?

MR CHAMANE: Yes, he was implicated, but he had not committed the crime.

MS SEALY: Didn't he assist with the planning of this attack?

MR CHAMANE: I did not personally hear him speak or talk on this matter. We passed by his house, Tulani Mlaba spoke to him, but I did not hear him specifically saying whether we should go attack or do whatever else.

Even when we went to attack, he was not amongst us.

MS SEALY: Tell us a little bit about this attack, tell us exactly what happened from the time you left the house in Twala Section.

MR CHAMANE: From Twala we found Bashin, we agreed that when we get to the place, the Ngema place, we should actually shoot at these people. From there we left to go to the Ngema Tavern. It was the three of us. We left Bashin at his home, we proceeded to Ngema Section.

On arrival, we started shooting at 231 Ngema Section.

MS SEALY: When you say we agreed that we would attack, who is the we referring to?

MR CHAMANE: The three of us, myself, Tulani and Themba.

MS SEALY: Did each of you have a weapon in your hands?

MR CHAMANE: Yes, that is correct.

MS SEALY: We know that you have had an AK. What weapons did the other two carry?

MR CHAMANE: Themba also had an AK47 rifle. Tulani had a small gun.

MS SEALY: What time was it?

MR CHAMANE: It was in the evening, around eight o'clock, half past eight. I cannot say exactly when.

MS SEALY: How many people were sitting in the Ngema Tavern when you got there?

MR CHAMANE: There were many people. I wouldn't know exactly how many, but there were many.

MS SEALY: Tell us what happened when you got there. Did you go inside, did you shout to each other to shoot together, how did you go it, tell us?

MR CHAMANE: When we went in through the gate, whilst we were standing there, I saw a person, somebody spoke to Tulani and then left. Another group came and Tulani told them to go inside.

Gunshots were thereafter fired for quite a while. I also fired my gun. We went to the back of the house. There was a four roomed house as well as other houses on the same premises.

We started shooting. When I started shooting, I had already heard several shots of gunfire.

MS SEALY: When you fired, did all three of you decide you are going to fire together, or did you just shoot randomly? Did you shoot at the people who were sitting there while they were drinking? Tell us how that happened?

MR CHAMANE: Whilst we were still standing, I heard gunfire, there were shots fired. I don't know who was actually shooting at the time.

When we got inside the premises, we went in different ways. I followed Tulani. We did not plan who was going to start shooting, so when I heard gunfire, I also went in and started shooting. I don't know who fired first or where the gunfire was coming from.

MS SEALY: The people who were in the Tavern, what were they doing when you fired at them?

MR CHAMANE: I cannot specifically say what they were doing. Some of them died, but before I started shooting, before we got in, I had already heard gunfire. I don't know whether they were shooting, but I assumed that they were shooting at us.

MS SEALY: No, but that is, I am sorry, I want to get this quite clear. You go to the Tavern and you go for the specific reason that you are going to attack the Tavern.

People, I assume, in the Tavern will be sitting and drinking. Were they not sitting and drinking when you got there? Because now suddenly you give us a story that the people were, you heard

gunshots and you think that they were shooting at you first. That is not the evidence that we heard from you before, why are you telling us this story of you hearing gunshots coming from those people? Are you trying to imply that you fired in self defence when the specific purpose that you go to the Tavern, is to actually attack the people there?

MS VAN DER WESTHUIZEN: I object to that, the witness actually testified that he heard shooting, he didn't know where it was coming from. What he just testified, maybe it was also coming from the people sitting there, and he just started to fire.

MS SEALY: That is precisely what I want to explore Ms Van der Westhuizen. I want to hear from your client, he goes to the Tavern to attack the people. Now he tell us that he heard gunshots. The inference that we are supposed to draw from that, is that he then fires in retaliation.

MS VAN DER WESTHUIZEN: That is indeed not so, it could also be that Mr Tulani Mlaba who was standing next to him, fired, and that could have also formed part of ...

MS SEALY: But that is what I want to hear from him.

CHAIRPERSON: That is what we want, that is why we were asking, that is why the question is persisting, your client was evasive, with due respect.

He was asked to explain in his own words from the time that they got there, what he did, what everybody else did, so that we shouldn't be speculating as to what happened.

It is the easiest thing to explain what you did and what everybody else did when you went to attack. The emphasis here, is attack. They went there with a specific aim of attacking people who were at a Tavern.

There is no suggestion here that they were acting in self defence. They were the protagonists. He must tell us, we must not be left speculating as to whether they had had at one occasion to act in self defence because somebody else was firing. It is even ridiculous for us to imagine that the other gunshots were from the people who were attacking with him. Give us a picture of what was happening so that we should not speculate.

Are you able to tell us Mr Chamane?

MR CHAMANE: As I have mentioned before, we had intended to go to attack the Tavern. We had made a decision to attack, but when we entered the house at Ngema Section, as we were still standing, somebody came and spoke to Tulani.

A group of other people also came and Tulani chased them away and told them to go inside the house. At that stage we were not in the premises as yet. Themba Zimo followed these people and Tulani as well followed.

That is when I heard gunfire. I cannot say whether it was...

CHAIRPERSON: Now look, for instance as you are describing this incident, your gesticulations are showing these people, Tulani and the other person, holding themselves. You, as I was looking at you, you were in a posture that suggests that Tulani and this other person, were holding guns, were holding firearms, rifles. The manner in which you held both your hands, was indicating that they were holding rifles, is that the position?

As you were talking to me, you were indicating that Tulani and the other person followed into the yard, and your gesticulations indicated that they were holding rifles. Is that the position?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: So even as they went in there, they were poised to attack because they were holding rifles in battle ready fashion, is that the position?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: Don't let us search for this thing man. You are wasting our time with due respect.

MS SEALY: Can you tell me, when you were doing this, when you actually got inside the Tavern, did you recognise any of the people who were sitting there?

MR CHAMANE: When we got inside, I did not really notice.

CHAIRPERSON: The question is simple, did you recognise any of the people who were there? Don't tell us a lot of nonsense

with due respect, did you recognise any of the people as you were getting in there, because you had come to attack people, or did you just shoot people simply because they were there, a random aimless attack, as long as they were there, shoot them, whether you recognised them as ANC people, shoot them? Was that your mission?

Did you recognise any people as you entered those premises, yes or no?

MR CHAMANE: No.

MS SEALY: So you couldn't have known whether or not they were ANC people?

CHAIRPERSON: Don't waste our time, Mr Chamane, it is a simple thing.

MS VAN DER WESTHUIZEN: Mr Commissioner, I need to object to your - I think the witness should be given a proper opportunity to answer. It is really his right to answer questions and take his time to answer it, to think about his answers.

CHAIRPERSON: Yes, are you suggesting Ms Van der Westhuizen, that when a question is being put, if you didn't recognise any person there, then you couldn't have known whether there were ANC members, must a person take some time to reflect on that?



MS VAN DER WESTHUIZEN: I say the witness should be given the opportunity to answer the questions, no matter how long it takes him. He should be given an opportunity.

CHAIRPERSON: I can never accept that.

MS VAN DER WESTHUIZEN: Because you interrupted him with all due respect, and the record will reflect it. You actually interrupted him whilst he was still busy answering the question.

CHAIRPERSON: Can you answer the question?

MR CHAMANE: I did not recognise any people.

CHAIRPERSON: That was not the question that was put. The question that was put was if you therefore did not recognise anybody there, you would not have known that they were ANC members, and I am giving you all the time that you want to respond to that.

MR CHAMANE: I knew from the information that I had been given that they were ANC members, not because I knew them.

MS SEALY: What information exactly were you given which allowed you to accept that the people who were sitting and drinking in the Tavern, were members of the ANC?

MR CHAMANE: What I was told by Tulani, was that when I said that ANC members were at Vergenoeg, he told me that these members were congregated at Ngema Section. That is why I say I knew that these people were ANC members, from what I had been told by Tulani.

MS SEALY: Can you tell us then once you started shooting, did you take your rifle and just spray blindly, is that how you did it?

CHAIRPERSON: Take your time, take your time.

MR CHAMANE: I shot at random.

CHAIRPERSON: In other words what she was wanting to know, were you picking up targets or were you just spraying in order to catch whoever was there, because you had formulated the impression that these people at Ngema, are all ANC or ANC supporters and therefore you were not discriminating as to who you should shoot at the people who were there?

MR CHAMANE: I shot at random at everybody in the house.

CHAIRPERSON: Ms Sooka?

MS SOOKA: How many people do you think were killed in that attack, and how many people were injured, to your knowledge?

MR CHAMANE: As far as I know, 12 or 13 people were shot at this incident.

MS SOOKA: What did you do immediately afterwards?

MR CHAMANE: We left, returned to the hostel.

MS SOOKA: To do what?

MR CHAMANE: I was going to my place, but we all went into the hostel because I wanted us to report to the Induna about our mission.

MS SOOKA: Which Induna?

MR CHAMANE: Induna Mkonto.

MS SOOKA: I see. Thank you, Ms Sealy?

CHAIRPERSON: Dr Randera?

DR RANDERA: Can we just - can I just find out what has happened to Induna Mkonto? Where is this gentleman, is he in prison with you?

MR CHAMANE: He is not in prison.

DR RANDERA: Where is he as far as you know?

MR CHAMANE: I wouldn't know where he is, but the last I heard of him, he was in Tokoza.

I don't know if he is still there at this moment, but the last I heard he was at Tokoza.

DR RANDERA: How long did this incident take, this shooting in the Tavern that you described so vividly earlier on?

MR CHAMANE: It did not take a long time. I cannot specify just how long, but it happened quickly.

DR RANDERA: Did you walk back to the hostel after that?

MR CHAMANE: Yes.

DR RANDERA: And there was no opposition to you people, I mean you go into an ANC area, you shoot people, you kill people, and you just walk freely away, is that what happened?

MR CHAMANE: Some people shot at us along the way, but I cannot remember exactly which street, but some people did shoot at us on our way back.

We did not see them, but we did hear gunfire.

DR RANDERA: But none of you were injured?

MR CHAMANE: no.

DR RANDERA: Thank you.

MS SOOKA: Chair, can I just ask him, can you tell me Induna Mkonto, where does he come from?

MR CHAMANE: From what he told me, he is Msinga.

MS SOOKA: Not from Nqutu?

MR CHAMANE: No, I think he comes from Msinga.

CHAIRPERSON: And Nqutu and Msinga, are they adjacent areas or is one area distant from the other?

MR CHAMANE: I don't think they are too far from each other because there are people from Nqutu who may be thought of as people from Msinga.

CHAIRPERSON: Dr Randera?

DR RANDERA: The Induna, was he - I mean, was he a member of the IFP?

MR CHAMANE: Yes, that is correct.

DR RANDERA: And what was his position in the IFP in the area that we are talking about, because he seems to give you training in the use of the AK47, he gives you guns, you go back to him afterwards, you report to him, so what was his position in the IFP?

MR CHAMANE: I think the only position that I know him to hold, was that of Induna. I don't think if he has any position within the IFP.

CHAIRPERSON: Would you say he was a Commander of the SPU's?

MR CHAMANE: Yes.

DR RANDERA: And he held in all the meetings that you went to of the IFP, I remember asking you that question specifically the last time, and you said you were a member of the IFP yourself, you don't recall the Induna having actually any position within the IFP?

MR CHAMANE: No, I don't remember. I attended youth meetings where he did not participate.

DR RANDERA: Thank you.

MS SOOKA: How did you feel afterwards, did you feel any regret about killing these people, or were you glad that you managed to eliminate most of the people you thought of as the enemy?

MR CHAMANE: At the time I felt glad, after having shot these people, because I thought that they would at least for the time being, stop killing our people, so I felt pleased.

MS SOOKA: Thank you.

MS SEALY: Are you saying that you went to Ngema Section and you returned to the hostel on foot? You walked there and

you walked back, you walked there to attack them and then when you came back, you walked again? You didn't use any transport?

MR CHAMANE: Yes, we returned on foot. But from there, we went to Khumalo's place. I think we got a lift somewhere. I think the driver of this vehicle knew Themba and Tulani, but I cannot specifically recall the car now.

MS SEALY: I am a little confused, I want to know whether, are you now saying that you were dropped off at the Ngema Tavern, you then participated in the attack and then you left on foot, or did they come and fetch you at another point after the attack, can you just be a bit more clear?

MR CHAMANE: We went to Ngema Tavern on foot and we returned on foot to the hostel. From the hostel going to Khumalo's place, we got a lift along the way.

MS SEALY: How far is Ngema Section from the hostel, are you talking about Mziyazafi hostel?

MR CHAMANE: It is far, but I cannot estimate the distance.

MS SEALY: It is very far, and that area where the Ngema Tavern is, is it not true that there are apollo lights, you know those very big lights that they have got in Tokoza, and it is also very light in that area, weren't you worried walking back after you have just shot 13 people as you said earlier, with an AK47 and you decide to walk back to Mziyazafi hostel? Is that not a bit strange?

MR CHAMANE: At that time, there wasn't much lighting in Tokoza. I did not think that we would have any problems with regards to the lights when we went back to the hostel.

MS SEALY: But if for example, like you have said, you've just shot 13 people, three of you had just shot 13 people, surely that gunfire could be heard for quite a distance, the Police would be arriving on the scene very quickly and you then decide to walk back with AK47's, walk back to the hostel. Were you not afraid that you would encounter the Police on the way or for that matter an SDU patrol? You weren't worried about that?

MR CHAMANE: The vehicle that we might have used from the attack, was not available, so we had to walk on foot, we ran on foot, to the hostel.

MS SEALY: So now you ran all the way back from Ngema Section to Mziyazafi hostel, you then get to Mziyazafi hostel and do whatever, and then you get a lift to Khumalo's house. Why in all this, you would then go back to Khumalo's house, for what reason would you leave the hostel after this attack and go to Khumalo's house?

MR CHAMANE: I had to report to the Induna about the incident. That is what I was going to do.

MS SEALY: You see, what I find a bit strange is Tulani Mlaba and Themba Zimo say that the very reason that you had attacked

the Ngema Tavern, is because the people he believed killed his wife, drank there. That was the reason for the attack.

After you finished the attack, you go back, you report to your Induna, and the very next thing, you were back, at the Khumalo house and that seems to fit in entirely, fit in entirely with what Themba Zimo and Mlaba said that indeed the attack was ordered by Mr Khumalo?

CHAIRPERSON: Do you dispute that the attack was as a consequence of a desire by the Khumalo to reek revenge on people whom he associated with the killing of his own wife?

MR CHAMANE: Yes, I dispute that.

CHAIRPERSON: Did you ever come to know the reason why you had to attack that Tavern other than just the fact that it was known to be a place where ANC people could be found?

MR CHAMANE: It was revenge.

CHAIRPERSON: For what?

MR CHAMANE: For the killing of many IFP people by the ANC.

CHAIRPERSON: Who were those people who had been shot by the ANC before? Was the wife of Mr Khumalo one of those people for instance?

MR CHAMANE: Yes, she was amongst them.

CHAIRPERSON: And how soon after the death of the wife of Mr Khumalo was this attack at this Tavern?



In relation to the death of Khumalo's wife, how soon was the attack at Ngema Tavern? Days after that, weeks, months?

MR CHAMANE: I cannot remember how many days had elapsed, but it was a day before her funeral.

CHAIRPERSON: So she had not even been buried when the revenge attack took place at the Ngema Tavern on your own evidence, is that correct?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: I think this is a convenient stage for us to take the tea adjournment. We will adjourn until quarter past.

COMMITTEE ADJOURNS

ON RESUMPTION:

MR CHAMANE: (still under oath)

MS SEALY: Chair, last questions. I just want to clarify your relationship with the Khumalo family. You say that previously when you gave testimony, that you knew Mr Khumalo as a prominent, Mfundisi Khumalo that is, as a prominent member of the IFP and that is why you attended his wife's night vigil and funeral, and also that you had some kind of passing acquaintance with one of his sons.

Would that be a correct summing up of your relationship with the Khumalo's?

MR CHAMANE: Yes, that is correct.

MS SEALY: Was there any particular one of his sons that you knew better than the other? I mean for example, did you know Mzwakhe more than Jabulani?

MR CHAMANE: I knew both of them, but I could say that I knew Mzwakhe even more than the other one, because he was a taxi driver.

MS SEALY: But it is your testimony that they were not good friends as such, they were not your good friends, is that correct?

MR CHAMANE: Yes, I could say that.

MS SOOKA: I have no further questions for this witness.

CHAIRPERSON: Now Mr Chamane, and I think the record should show that this witness' name is spelt Chamane because it is spelt as Jmani. Do I understand that you cannot understand why Mr Zimo and Mr Mlaba are implicating you in these serious incidents?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: Is it your evidence that you have not had any quarrel with any of the two of them on the basis of which they should hold a grudge against you?

MR CHAMANE: That is correct. As I had already pointed out that we had a quarrel with Themba Zimo whilst we were in prison. He was selling me out to the ANC comrades. I cannot point anything out, any specific quarrel that we had besides that one.

The quarrel started whilst we were inside prison.

CHAIRPERSON: And Mlaba, did you quarrel with him?

MR CHAMANE: Not that I can recall, but whilst we were in prison, we were not in good terms, we didn't see eye to eye.

CHAIRPERSON: With both Themba Zimo and Mlaba?

MR CHAMANE: Yes, that is correct.

CHAIRPERSON: I see. Have you nothing further?

MS SEALY: I think, I mean I have no further questions, perhaps we could call the next witness.

CHAIRPERSON: Thank you. Mr Chamane, you are excused, and we thank you very much for having come again, for us to take your evidence.

WITNESS EXCUSED.