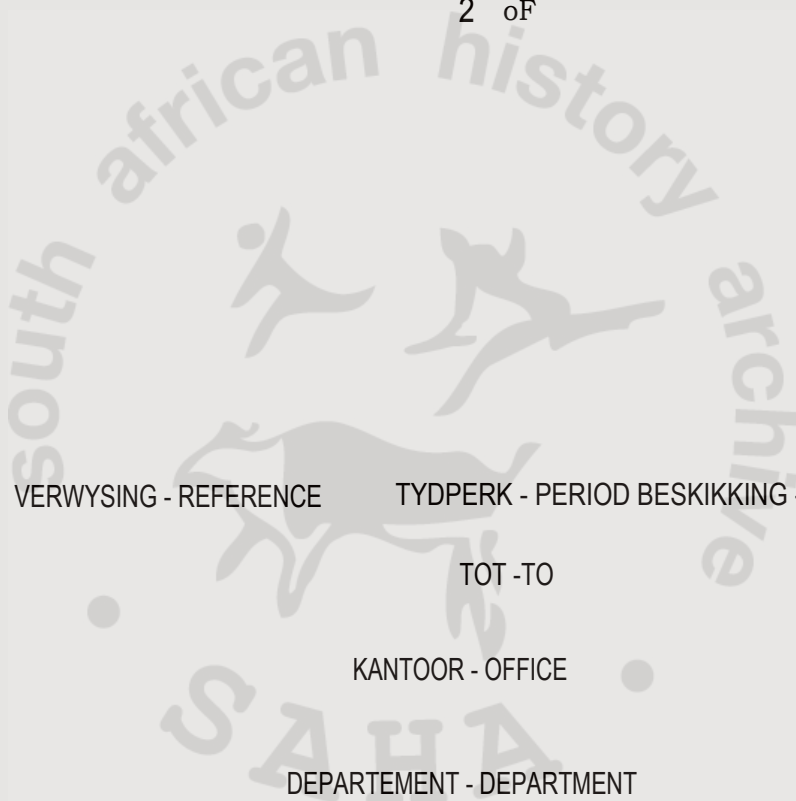


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**DECLASSIFIED 1**

**Truth & Reconciliation Commission  
AMNESTY COMMITTEE**

reconciliation  
a.n.a.t.e

Old Mutual Building, 1st floor, 106 Adderley street,  
PO Box 3162, Cape Town, 8000  
Telephone: (021) 24-5161  
Fax: (021) 23-3280

Reference No.: AM7970/97

Mr Xola Tembinkosi Yekwani  
43 Siwa Street  
Ktc  
Nyanga East, 7750

10 September 1997

Dear Mr Yekwani

Re: Application for Amnesty

On behalf of the Amnesty Committee, we would like to acknowledge your application for Amnesty.

The Amnesty Committee will consider your application and will make a finding on whether or not you are eligible for amnesty in terms of the criteria laid out in the Promotion of National Unity and Reconciliation Act, 1995. This may take some time, since all the relevant information must be gathered and it may be necessary to conduct further investigations.

You may also be asked to attend a hearing of the Committee, in which case you will receive notification from the Commission with details of all the arrangements.

Please ensure that you have sent us the original application form and not a copy, as we will not consider copies of the application.

We will inform you as soon as possible on any further progress with your application.

Yours sincerely,

AMNESTY COMMITTEE  
Truth and Reconciliation Commission

**T Maepa  
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TRUTH & RECONCILIATION  
COMMISSION  
1997 -09-10S  
**RECEIVED**

(XHOSA)

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FOR

ISICELO SOKUXOLELWA NGOKWESIQUENDU SE-18 SOMTHETHO •  
WOKUKHUTHAZA UMANYANO LWESIZWE NOXOLELWANO, 1995  
(UNITHETHO No.34 WOVE 1995)

*Le fomu ikw•umcne.: a rge: inye iitwimi zoburhulurnen: e kwiallesi elapha nge: crasi yeKomiti  
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I thunyelwe kwi: Conu; : ittee on Amnesty, P.O. Box 3162, Cape Town, 8000  
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Asnaczama ngok upheleleyo

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4. Inornbolo yesazisiVlpasi lokundwendwela

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6. Indawo yokuzalwa

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7. (a) likuba u/walvuligosa/isiphatharandla/ilunguiumxhasi •ombutho  
nay, phi na wopolitiko/•Ornzi/wequrnrhu elilwela inkululeko, xela  
igarna lombutho lowo•

(b) Xela incianaba obe ukhonza phatsi kwalo kulo mbutho/umziliqumshu  
elilv.,'ela inkululeko, ukuba kunjalo, yaye xela nenombolo y2. .-cho yokuba  
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- (a) Ukuba u/wayfuligosafisiphathamandlaiumsebenzi kaRhulumente okanye nawuphi na urhulumente odlulileyo/ okanye ulilungu lomkhosi wokhuselo weLizwe okanye naliphi na kula mazwana ayesakubakho, xela isebelisety2.na:

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- (b) Xela inci anaba nexesha othe wakhonza uRhulumente okanye kurhulumente wancaph2.mbili okanye ukukhonza kwakho emkhosini wokhuselo, ukuba oko kukho, uxele nenombolo yakho ukub2. ikho:

9. (a) Nika iinkcukacha ngezerlzo, ukunzenzi okanye izikhubekiso ngokurxulumene neenjong.o zopolitiko, okuzizo ozicelela uxolo, uxele irnihla, indawo noburr.e besenzo neczamalama22.ma abanye abanw abathabathe inxaxheba:

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- (b) Xela ukuba kukho urnntu owenzakala, wafa okanye umonakalo owadaleka kurnzi nu.axa yeso sen2.oluk ungenzi/isikhubekiso:

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- (c) Ukuba kunjalo, xela:

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- (ii) Umsebenzi nedilesi yexhoba/ iisebenzi needilesi zamaxhoba

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(iv) Naluphi na ulwazi olunokutlililuncede uk uqaphelwa nokufumanwa kwexhobahmaxhoba

10. (a) Xela injongo yopolitiko okwakungurnnqweno ukuyiphumeza:

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(b) Xela izizathu ezenza ukuba ubone 1. ukho ukunxulumana phakathi kwezenzo zakho neenjongo zopolitiko ngezi zenzo/ ukungenzil izikhubekiso uzenzileyo:

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(c) Ingaba kukhu inzuzo ne•aluphi na uhlobo, eyemali okanye enye into owathi wayifumana?

(d) Ukuba kunjalo, chaza iniobo nobungakanani benzuzo:

11. (a) Ingaba esi sen:zo, ukunzenzi okanye isikhubekiso waseaza ukufezekisa umyalelo okanye vase: 2a egameni okanye ngokuvunyelwa n2umbutho, umzi, iqumrhu, urnbutho wok ulwela inkululeko, isebe lobuRhulumente okanye urnkhosi wokly.:selo?

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- (b) Ukuba kunjalo, xela iinkcuka.cha zomyalelo lowo okanye invume kwakunye nomhia, ukuba uyawazi, igama nedilesi yomntu okanye abantu abanika umyalelo okanye invume:

Lo ungqinayo uvumile ukuba uyazi yaye uyazivisisa iindaba eziqulathwe sesi

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omishinata wezifungo



Ref. No: <sup>c</sup> AN 17:5:70. / .i.XKZ.N/F'S, JHB, CPT, ELD)  
 (place of violation - reg. office)

Cross reference AM ..... 1

AM ..... /....

Perusal COLIES : •

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Hearable\_

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CHAMBERS

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REFUSALS ,

Beyond cut,offdate C  
 (after 10 May 1994)

Beyond deadline  
 (after 10 May 1997)

Personal gain / Malice

Denial of guilt

No political objective

PROBLEM

| Act/omission/offence | Victim/s |
|----------------------|----------|
| / 4, bc-17 Lz        |          |
| .....                | .....    |
| .....                | .....    |
| .....                | .....    |
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NOTES / CONENI:ENTS / OBSERVATIONS

.....

AM7970/97                      YEKWANI, Xola Tembinkosi                      Amnesty - Extended date

|  |                           |                   |
|--|---------------------------|-------------------|
| ID/Passport no.: 600313 6002 084                           | Date of birth: 13-03-1960 | Person No.: 68861 |
| Home language:   | Sex: Male                 |                   |
| Citizenship:   | Race: African             |                   |
| Occupation:  | Employed: Unknown         |                   |
| Street address: 43 Siwa Street<br>KTC<br>Nyanga East, 7750 | Postal address:           |                   |
| Home phone:  | Work phone:               |                   |
| Contact name:  | Contact address:          |                   |
| Contact phone:   |                           |                   |
| Prison:  | Prison No.:               |                   |

Document date: 10-09-1997 Place: Nyanga                      Prepared to attend hearing:

Xola Tembinkosi Yekwani and his three comrades shot Projack in Lansdowne Road, Cape Town in June 1991. Yekwani and the three other comrades were members of the African National Congress. It was their aim to destabilize the Philippi police force in the incident, however Projack who was an African National Congress member was inadvertently shot.

|  |                                |
|--|--------------------------------|
| Doc. status: 3. Captured               | Total pages: 0                 |
| Date registered: 10-09-1997            | Taken by: Mpoyiya, Phumza      |
| Date captured: 11-11-1997              | Processed by: Bassier, Shaheda |
| Notes: Ack letter sent on 10/9/97, PM. | Captured by: Bassier, Shaheda  |

|  |                                 |                   |
|--|---------------------------------|-------------------|
| Victim: PRWACK,  | Age:                            | Victim no.: 77070 |
| HRV Type: Kill. 1g, Shot dead  | Organisation                    |                   |
| Date and place: JUN-1991                      Athlone  | Specific place: Lansdowne Road. |                   |
| Details: He was shot in a car.   |                                 |                   |
| Outcome: De;Ith.   |                                 |                   |
| Reason: He was shot because it was thought that he was a policeman. Only later was it discovered that he was a fellow comrade. |                                 |                   |
| Context: This was conflict between the police and ANC.   |                                 |                   |

|                                 |   |
|---------------------------------|---|
| Perpetrator: UNKNOWN, Gcobani   | Perp. no.: 77075  |
| Organisation: Self Defence Unit | Language spoken:  |
| Weapon:                         | Vehicle:  |
| Identification:                 | How identified:   |
| Last seen:                      | Notes: He was one of the comrades that were in the group that shot Projack. |

|                                |   |
|--------------------------------|---|
| Perpetrator: UNKNOWN, Michael  | Perp. no.: 77081  |
| Organisation: ANC Youth League | Language spoken:  |
| Weapon:                        | Vehicle:  |
| Identification:                | How identified:   |
| Last seen:                     | Notes: He was one of the comrades that were in the group that shot Projack. |

Perpetrator: UNKNOWN, Thandazo Perp. no.: 77083

Organisation: ANC Youth League

Language spoken:

Weapon:

Vehicle:

Identification:

How identified:

Last seen:

Notes: He was one of the comrades that were in the group that shot Projack.

Perpetrator: YEKWANI, Xola Tembinkosi Perp. no.: 68861

Organisation: African National Congress

Language spoken:

Weapon: R4 Rifle.

Vehicle:

Identification:

How identified:

Last seen:

Notes: He stated that their aim was to stop police from disarming the SDU's so that they would stop harrasing the people. He said he was shocked when he had shot a fellow comrade and was advised by Mr Langa, a respected man in the community, not to report the incident.

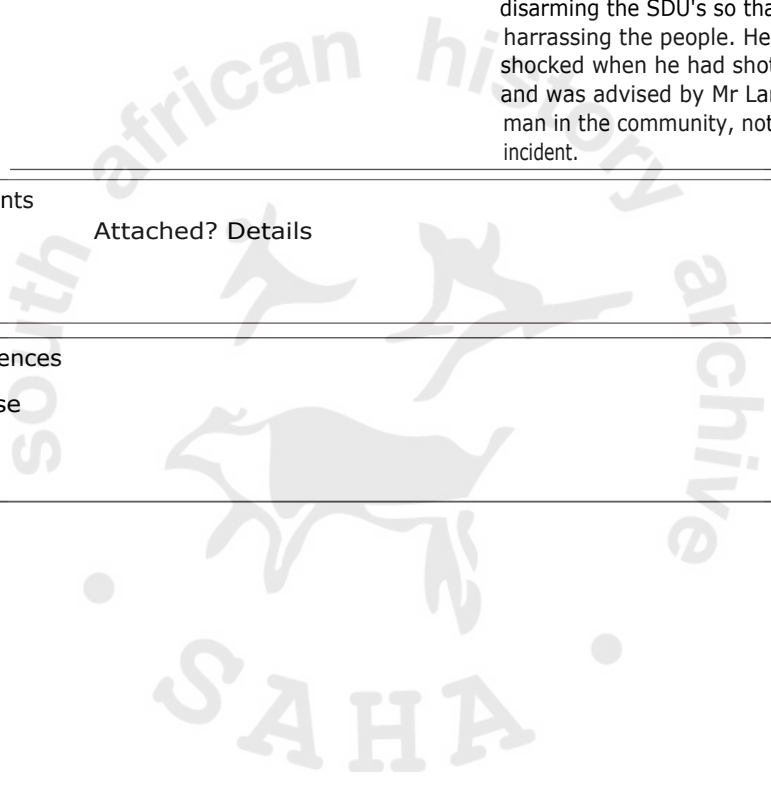
Documentation and Statements

Type

Attached? Details

Expectations and Consequences

Question No. Response



CT002251FLA

JACK, Nyeliswa 'Violet'

**TRC** Statement

|   |                           |                  |
|---|---------------------------|------------------|
| ID/Passport no.: 241121 0146 087  | Date of birth: 21-11-1924 | Person No.: 6870 |
| Home language: Xhosa  | Sex: Female               |                  |
| Citizenship:  | Race:                     |                  |
| Occupation:   | Employed? Unknown         |                  |
| Street address: N 58 Cala Road<br>Mau-mau<br>Nyaga East, 7755<br>Western Cape | Postal address:           |                  |
| Home phone: (021) 31 7416   | Work phone:               |                  |
| Contact name:   | Contact address:          |                  |
| Contact phone:  |                           |                  |

Document date: 30-04-1996 Place: Cape Town

Prepared to attend hearing: Yes

Summary: On the 19th of June 1991 Mziwonke "Pro" Jack, an ANC activist and former Robben Island prisoner, was shot approximately 27 times on body near his home. He died and his nephew, Andile, was wounded in the chest with what appeared to be buckshot. The four perpetrators are alleged to be members of the "Balaclavas", and had used an automatic rifle and shotgun.

Doc. status: 8. Corroboration complete

Total pages: 21

Taken by: Nduvane, Sigqibo

Date registered: 05-09-1996

Processed by: Unknown

Date captured: 21-10-1996

Captured by Mpoyiya, Phumza

Date corrob'd: 03-09-1997

Corroborator: Gould, Chandre

Notes: 23RD PRE-FINDING.

**Documentation and Statements**

Type

Attached? Details

|                      |     |   |
|----------------------|-----|---|
| Inquest report.      | Yes | Mitchells Plain Court of Law, App 2.  |
| Statement.           | No  | Guguletu Police Station.  |
| Legal Documents.     | Yes | From Lawyers, App 1.  |
| Police records.      | Yes | OB SAP Nyanga, App 3.   |
| Newspaper clippings. | Yes | App 4.  |
| Statements.          | Yes | Christopher Toise, App 5; Buyiswa Jack, App 6; Andrew Gordon Miller, App 7; Thembinkosi Yekwani, App 9. |
| Transcript.          | Yes | Meeting with Bongani Jonas, App 8.  |
| Corespondence.       | Yes | From TRC to Jack family, App 10.  |

CT00225/FLA

JACK, Nyeliswa 'Violet'

TRC Statement

ID/Passport no.: 241121 0146 087

Date of birth: 21-11-1924

Person No.: 6870

Home language: Xhosa

Sex: Female

Citizenship:

Race:

Occupation:

Employed? Unknown

Street address: N 58 Cala Road  
Mau-mau  
Nyaga East, 7755  
Western Cape

Postal address:

Home phone: (021) 31 7416

Work phone:

Contact name:

Contact address:

Contact phone:

Document date: 30-04-1996 Place: Cape Town

Prepared to attend hearing: Yes

**mary: On the 19th of June 1991** Mziwonke "Pro" Jack, an ANC activist and former Robben Island prisoner, was shot approximately 27 times on body near his home. He died and his nephew, Andile, was wounded in the chest with what appeared to be buckshot. The four perpetrators are alleged to be members of the "BalACLAVAS", and had used an automatic rifle and shotgun.

Doc. status: 8. Corroboration complete

Total pages: 21

Taken by: Nduvane, Siggibo

Date registered: 05-09-1996

Processed by: Unknown

Date captured: 21-10-1996

Captured by Mpoyiya, Phumza

Date corrob'd: 03-09-1997

Corroborator: Gould, Chandre

Notes: 2 3RD PRE-FINDING.

Documentation and Statements

| Type                 | Attached? | Details   |
|----------------------|-----------|---|
| Inquest report.      | Yes       | Mitchells Plain Court of Law, App 2.  |
| Statement.           | No        | Guguletu Police Station.  |
| Legal Documents.     | Yes       | From Lawyers, App 1.  |
| Police records.      | Yes       | OB SAP Nyanga, App 3.   |
| Newspaper clippings. | Yes       | App 4.  |
| Statements.          | Yes       | Christopher Toise, App 5; Buyiswa Jack, App 6; Andrew Gordon Miller, App 7; Thembinkosi Yekwani, App 9. |
| Transcript.          | Yes       | Meeting with Bongani Jonas, App 8.  |
| Corespondence.       | Yes       | From TRC to Jack family, App 10.  |

|                 |   |                    |  |
|-----------------|---|--------------------|--|
| <b>Victim:</b>  | JACK, Mziwonke "Pro'  | <b>Victim no.:</b> | 13877  |
| Organisation    | Umkhonto we Sizwe   |                    |  |
| Date and place: | 19-06-1991 Nyanga   | Specific place:    | About 15 metres from his house, N 58<br>Cala Road. |
| Details:        | He was shot approximately 27 times.   |                    |  |
| Outcome:        | Death. It is alleged that the victim had been preparing for an ANC meeting which was due to be held in Durban. The deponent also mentioned that there is additional information available with her for further investigation. |                    |  |
| Reason:         | He was a political activist.  |                    |  |
| Context:        | Unspecified.  |                    |  |

|                  |   |                  |   |
|------------------|---|------------------|---|
| Perpetrator:     | UNKNOWN BALACLAVA (CT00225/FLA)   | Perp. no.:       | 13882                                       |
| Organisation:    | Balaclavas  | Language spoken: |   |
| Weapon:          | Automatic Rifle, shotgun.   | Vehicle:         |   |
| Identification   | Had covered faces and wearing all weather jackets.  | How identified:  |   |
| Last seen:       |   | Notes:           |   |
| Perpetrator:     | YEKWANI, Xola Tembinkosi  | Perp. no.:       | 68861                                       |
| Organisation:    |   | Language spoken: |   |
| Weapon:          |   | Vehicle:         |   |
| Identification   |   | How identified:  |   |
| Last seen:       |   | Notes:           | AM77970/97. Named in the TRC investigation. |
| Witness:         | JACK, Andile  | Witness no.:     | 13879                                       |
| Eye-witness? Yes | Notes: He was together with "Pro" and had hid under the dash board, while the hail of bullets were flowing. |                  |   |

**Corroboration details**

The inquest records confirm that Mziwonke Solomon 'Pro' Jack died on 19 June 1991 of multiple wounds sustained when he was simultaneously shot with an R4 rifle and a twelve bore shotgun. Although the Occurrence Book SAP Nyanga makes reference to the incident, the case docket has disappeared. According to an affidavit made by Andile Jack, he and Pro were driving down the road near Pro's house when someone called him by name. Pro drove towards them and Andile saw two men wearing balaclavas. In a contradictory statement made to the TRC by Tembinkosi Yekwani (AM7970/97), he claimed that he shot Pro after he had mistaken Pro for a policeman. See also statement by Christopher Toise who was arrested for the murder but later acquitted because he was in prison at the time.

The TRC investigators note that the ANC has not been forthright and has not made the facts in this case available to the Commission, that even though some members knew who were responsible for the murder, were not forthcoming with this information.

**PERPETRATOR:**  
Thembinkosi Yekwani.

HRV Type: Killing (Shot dead)

Finding:



CT00225/FLA

JACK, Nyeliswa 'Violet'

TRC Statement

|   |                           |                  |
|---|---------------------------|------------------|
| ID/Passport no.: 241121 0146 087  | Date of birth: 21-11-1924 | Person No.: 6870 |
| Home language: Xhosa  | Sex: Female               |                  |
| Citizenship:  | Race:                     |                  |
| Occupation:   | Employed: Unknown         |                  |
| Street address: N 58 Cala Road<br>Mau-mau<br>Nyaga East, 7755<br>Western Cape | Postal address:           |                  |
| Home phone: (021) 31 7416   | Work phone:               |                  |
| Contact name:   | Contact address:          |                  |
| Contact phone:  |                           |                  |
| Prison:   | Prison No.:               |                  |

Document date: 30-04-1996 Place: Cape Town Prepared to attend hearing: Yes

Summary: On the 19th of June 1991 Mziwonke "Pro" Jack, an ANC activist and former Robben Island prisoner, was shot approximately 27 times on body near his home. He died and his nephew, Andile, was wounded in the chest with what appeared to be buckshot. The four perpetrators are alleged to be members of the "Balaclavas", and had used an automatic rifle and shotgun.

|                                       |                              |
|---------------------------------------|------------------------------|
| Doc. status: 8. Corroboration complet | Total pages: 21              |
| Date registered: 05-09-1996           | Taken by: Nduvane, Sigqibo   |
| Date captured: 21-10-1996             | Processed by: Unknown        |
| Notes: 23RD PRE-FINDING.              | Captured by: Mpoyiya, Phumza |

|                                   |  |                   |
|-----------------------------------|--|-------------------|
| Victim: JACK, Mziwonke "Pro"      | Age: 33  | Victim no.: 13877 |
| HRV Type: Killing, Shot dead      | Organisation Umkhonto we Sizwe                                     |                   |
| Date and place: 19-06-1991 Nyanga | Specific place: About 15 metres from his house, N 58<br>Cala Road. |                   |

Details: He was shot approximately 27 times.

Outcome: Death. It is alleged that the victim had been preparing for an ANC meeting which was due to be held in Durban. The deponent also mentioned that there is additional information available with her for further investigation.

Reason: He was a political activist.

Context: Unspecified.

|  |  |
|--|--|
| Perpetrator: UNKNOWN BALACLAVA (CT00225/FLA)                       | Perp. no.: 13882                                   |
| Organisation: Balaclavas   | Language spoken:                                   |
| Weapon: Automatic Rifle, shotgun.                                  | Vehicle:   |
| Identification: Had covered faces and wearing all weather jackets. | How identified:                                    |
| Last seen:   | Notes:   |
| Perpetrator: YEKWANI, Xola Tembinkosi                              | Perp. no.: 68861                                   |
| Organisation:  | Language spoken:                                   |
| Weapon:  | Vehicle:   |
| Identification:  | How identified:                                    |
| Last seen:   | Notes: AM77970/97. Named in the TRC investigation. |

|  |                       |   |                    |
|--|-----------------------|---|--------------------|
|  | Witness: JACK, Andile |   | Witness no.: 13879 |
|  | Eye-witness? Yes      | Notes: He was together with "Pro" and had hid under the dash board, while the hail of bullets were flowing. |                    |

Victim: JACK, Andile  
Age: Victim no.: 13879  
HRV Type: Severe III-Treatment, Injured in a shooting  
Organisation  
Date and place: 19-06-1991 Nyanga  
Specific place: About 15 metres from his house, N 58 Cala Road.

Details: He was shot on the chest and right hand side.

Outcome: He suffered severe injuries. He managed to escape and run home to report the incident. He was not aware that he had been shot and his clothes from behind was scattered with Mziwonke's brain.

Reason: Was caught in the cross fire as the balaclavas were shooting at "Pro".

Context: unspecified.

|   |                  |
|---|------------------|
| Perpetrator: UNKNOWN BALACLAVA (CT00225/FLA)                            | Perp. no.: 13882 |
| Organisation: Balaclavas  | Language spoken: |
| Weapon: Automatic rifle, shotgun.                                       | Vehicle:         |
| Identification: Faces were covered and wearing the all weather jackets. | How identified:  |
| Last seen:  | Notes:           |

#### Documentation and Statements

| Type                 | Attached? | Details   |
|----------------------|-----------|---|
| Inquest report.      | Yes       | Mitchells Plain Court of Law, App 2.  |
| Statement.           | No        | Guguletu Police Station.  |
| Legal Documents.     | Yes       | From Lawyers, App 1.  |
| Police records.      | Yes       | OB SAP Nyanga, App 3.   |
| Newspaper clippings. | Yes       | App 4.  |
| Statements.          | Yes       | Christopher Toise, App 5; Buyiswa Jack, App 6; Andrew Gordon Miller, App 7; Thembinkosi Yekwani, App 9. |
| Transcript.          | Yes       | Meeting with Bongani Jonas, App 8.  |
| Corespondence.       | Yes       | From TRC to Jack family, App 10.  |

#### Expectations and Consequences

##### Question No. Response

|      |   |
|------|---|
| 1    | Would like the case of the assassination of my son to be thoroughly investigated and the perpetrators to be brought forward and tell why they did this. |
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| 2    | With regards to assistance on the loss, the TRC will have to decide.  |
| 3    | My son has many children (5) who have become now my responsibility and I feel that if TRC can assist me in this regard.                                 |
| 3.01 | My son has many children (5) who have become now my responsibility and I feel that if TRC can assist me in this regard.                                 |

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# Truth and Reconciliation Commission

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## Report of the Investigation Unit

Investigator: Chandre Gould /

26 July 1997

IA\_VrA

## Report of case CT00225

### Place: Nyanga East, Cape Town

Victim: Mziwonke 'Pro' Jack

Complainant: as above

### Documents Retrieved

Appendix 1 Legal documents from the family's lawyers

Appendix 2 Inquest record

Appendix 3 SAP Occurrence Book Entry

Appendix 4 Newspaper reports

Appendix 5 Statement by Christopher Toise

Appendix 6 Statement by Buyiswa Jack

Appendix 7 Statement of Andrew Gordon Miller

Appendix 8 Transcript of interview with Bongani Jonas

Appendix 9 Statement by Thembinkosi Yekwana

Appendix 10 Letter from Deputy Chair of the Truth and  
Reconciliation Commission to the Jack family

### Perpetrators

Thembinkosi Yekwana (he claims to have fired the fatal shots)

### Summary of the incident

Mziwonke 'Pro' Jack, and ANC activist and former Robben Island prisoner was shot and killed near his home at approximately 10:30pm on the night of 19 June 1991. Mr Jack's nephew, Andile Jack who was traveling in the car with 'Pro', was wounded in the chest by what appeared to be birdshot during the shooting. There were four attackers.

### Investigative Process

This case has been under investigation for some time. As can be seen from the number of appendices many statements have been taken and documents collected by investigators. The collection of documents and the taking of statements has not however been the cause of delay in the investigative process. It was decided that this case would not be closed for an HRV finding until such time as the perpetrators were found,

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was due to the fact that we believed that members of the ANC in the Western Cape know who the perpetrators are. We therefore scheduled interviews with a number of high ranking ANC members, this process took a great deal of time. Furthermore, we attempted to locate the ANC investigative report on the matter but, were unsuccessful.

In the process of investigation a broad range of people were consulted. Many investigators assisted in this investigation and if it had not been for their input and assistance we would not be at the point of being able to close this matter. Although not all the questions have been answered, a confession has now been made and we are therefore now in a position to tell the family who was responsible for the murder of Pro Jack.

At the outset of the investigation into the matter investigators collected the inquest record and the legal documents in possession of the family (Appendices 1 and 2). The latter included affidavits taken by the families legal representative. Unfortunately neither the affidavits, nor the inquest record was able to shed light on the perpetrators. It is however important to note that in the affidavit made by Andile Jack, (Appendix 1, page 16) he mentions that while he and Pro were driving down the road near Pro's house they heard someone calling Pro's name. He says "they called him Mziwonke". He continues saying: "Pro wound down the window and reversed the car towards two men who were standing under the trees on the Landsdowne Road side of First Avenue approximately 10 meters from the top of the street. He then turned the vehicle and drove it towards where they were standing under the trees. I saw two black men in the car lights. They were wearing balaclavas and knee length brown coats."

This affidavit by Andile Jack is very important since it points to some of the short comings in the confession statement made by Thembinkosi Yekwana (Appendix Yekwana told Truth and Reconciliation Commission investigators that he had been one of a group of four men that had been standing in Landsdowne road on the night of the incident. He claims that he shot Pro Jack after he had mistaken Pro for a policeman. When asked by investigators about the allegation made by Andile Jack, that someone had called Pro's name, Yekwana denied this and in fact denied knowing Pro Jack at all.

### **Some of the facts of the case**

The logical beginning of the story appears to be a statement made by Christopher Toise (Appendix 5). Toise states that in June or July 1991 Tony and Norman engeni came to him to borrow an AK47. This was during the taxi war and the Yengenis' apparently believed that a taxi owner had stolen a car belonging to a member of the ANC. This weapon was not returned to Toise and he eventually went to collect it from Tony Yengeni. A short while later Tony and Norman Yengeni,

this time accompanied by Pro Jack approached Toise once again to borrow weapons. Once again they borrow an AK47 and in this instance returned it the same night, a Sunday night. Early the following morning (between 01h00 and 02h00) the police raided Toise's house and arrested him for possession of illegal weapons.

It was whilst Toise was in prison that Pro Jack was killed. Toise claims that after he came out of prison and after the funeral of Pro, which he attended, Gladstone Ntamo informed him that Buyiswa Jack had mentioned that the attackers had been identified as his body guards. Some time later Toise was himself arrested for the murder of Pro. The case was dismissed when it was found that Toise was in prison at the time of the murder.

In his statement, Toise states that after his trial he heard from ANC member, Dan Nokhatywa, that one of the assassins was a man called Terror (Xolile Yekwani).

At the time of making this statement to the Truth and Reconciliation Commission it was not immediately possible to verify this information. Investigators did however know that the ANC appointed an investigative task team to investigate the matter at the time. We therefore approached Wille Hofmeyer to assist us in finding out who were the members of the investigative team and to access their report to the ANC.

Although investigators met with Mr Hofmeyer and called him several times after that, the report was not forthcoming, and nor was a list of members of the investigative team. Truth and Reconciliation Commission investigators were, however, led to believe that Bongani Jonas would be able to assist us in this regard. Col. Jonas is currently a serving member of the SANDF, based at the Castle in Cape Town. Investigators set-up a meeting with Col. Jonas and his lawyer, this took some time since there were many cancellations and delays. However an interview was finally conducted with Col. Jonas in 17 July 1997.

Although investigators had requested that Col. Jonas or his lawyer provide the Truth and Reconciliation Commission with a copy of the ANC's investigative report into the matter, no such report was provided by either of these people. (A transcript of this meeting can be found as Appendix 8)

In the interview, Col. Jonas stated that he, Gary Kruiser and Wally Rhooode were assigned to investigate the matter by the ANC (Appendix 8: 3). Jonas was required to brief Joe Nhlanhla about the matter, which he did. At this point the ANC decided that it required a national investigation. This meant that a new team was appointed that did not include Jonas. He claimed in the interview to have no knowledge of the

final outcome of the investigation nor any information regarding the perpetrators. As far as Truth and Reconciliation Commission investigators are concerned this is strange since Jonas claimed to have been a good friend of Pro Jack's. Jonas suggested that the Truth and Reconciliation Commission attempt to speak to the people who were part of the final investigation team, that included Gary Kruiser and a person by the name of 'Pretty Boy' (Jonas did not know his real name).

Attempts were made to contact Mr Kruiser for a meeting while the investigator was in Gauteng. Unfortunately Mr Kruiser was unable to make a meeting and he was therefore not consulted in this matter.

It is worth noting that during the process of the Truth and Reconciliation Commission investigation attempts were made to locate the police docket in this matter. The docket should have been at the Nyanga East Police station. Although many attempts were made to trace the docket by both the Truth and Reconciliation Commission investigator and the police officer in charge of records at the police station, it appears as though the docket has disappeared, although there is a reference to the incident in the Occurrence Book (Appendix 3).

Ultimately Mr Yekwana was contacted by investigators of the Truth and Reconciliation Commission and agreed to make a statement of confession (Appendix 9). He has now applied for amnesty in this regard. There are many aspects of Mr Yekwana's statement that leave a lot of questions unanswered. He claims for example that he did not know Pro Jack at all. This is strange since Pro was a well-known member of the community in Gugulethu and Nyanga East and a leader in the ANC. Mr Yekwana is also a member of the ANC who has spent many years in this region. Mr Yekwana also claims to have been a member of Umkhonto we Sizwe, yet, he claims that he was not operating under any orders on the night of the incident. The other discrepancy is with regard to the affidavit made by Andile Jack, mentioned earlier in this report. It is hoped that Mr Yekwana will give a more complete and accurate statement to the amnesty committee.

## **Conclusion**

This case has proved to be extremely frustrating to all concerned, especially the Jack family. This is partly due to the fact that the ANC has been less than helpful in coming to a conclusion. Although approached at a number of levels, including an approach made to the Minister of Justice by the head of the Western cape IU, the ANC has not been forthright and has not made the facts available to the Commission. As stated above there are many questions still to be answered and it is hoped that the amnesty process will assist in this regard. It is important to note for example that Dan Nokatywa clearly knew who was responsible for the murder, and yet although

approached by the Truth and Reconciliation Commission he was not forthcoming with this information.







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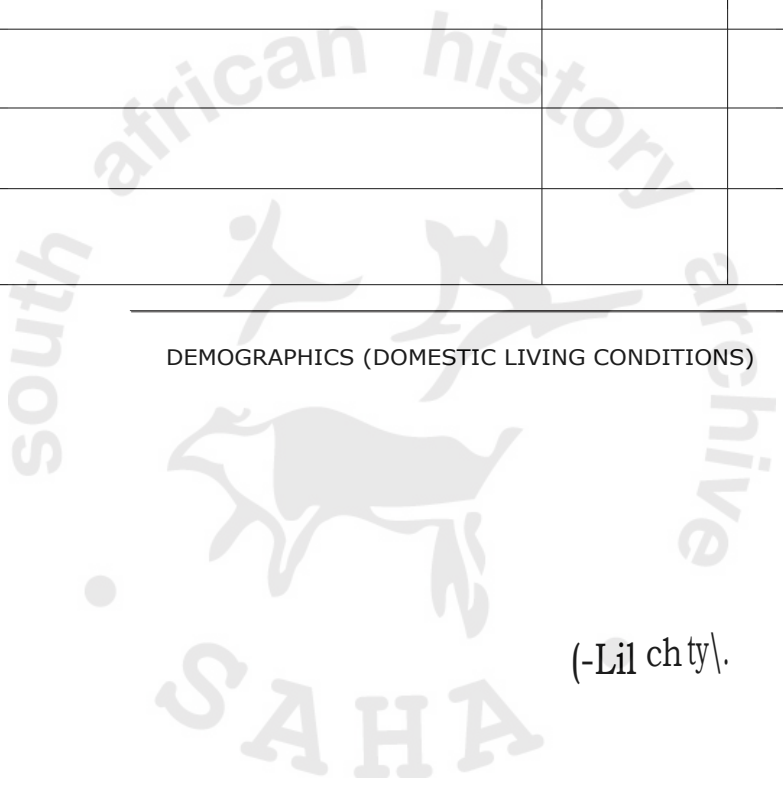
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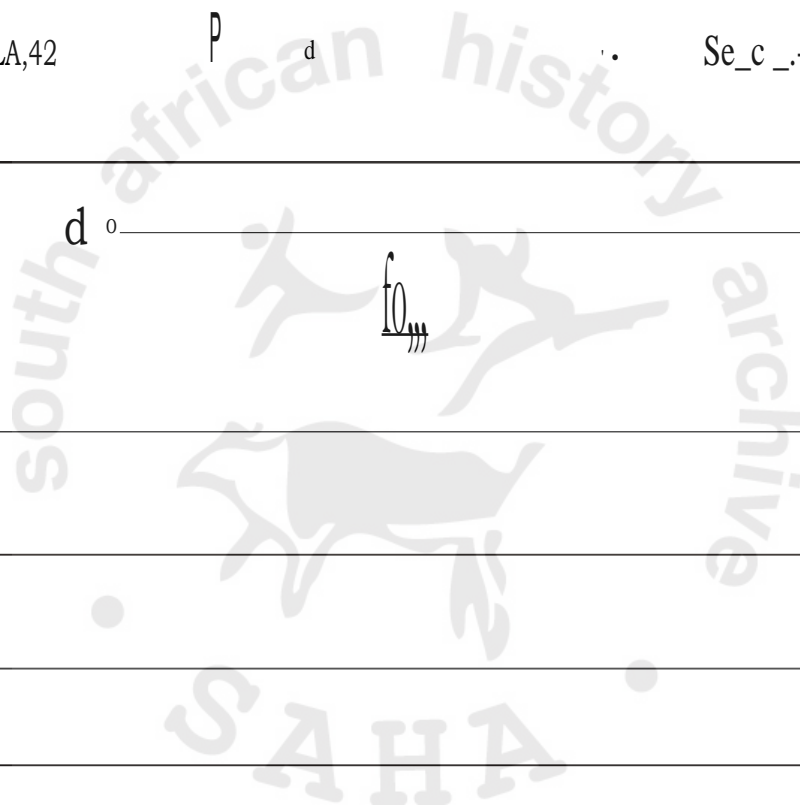
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*If the person described in section II was killed in the violation or died as a result of the violation please complete Section 3.  
Otherwise go on to Section 4.*



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PLEASE GO TO SECTION 5 (3)

### 4.1 INJURIES REPCS RT

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### 4.2 INJURIES AND TREATMENT

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**Appendix 1**



I am an adult female residing at N58, Qele Street, Nyanga.

The contents of this affidavit are unless otherwise stated, or if it appears from the context otherwise, within my own personal knowledge and are to the best of knowledge both true and correct.

On 24 June 1991 I received a telephone call at my home from Kiki who is a work colleague. As I was saying goodbye to her a male voice interrupted our conversation and said :

"Sisi zakufaka lo mthondo" (Sister I'm going to put my penis right in you).

I thought that someone had taken the phone from Kiki and she also thought that someone had taken over the phone at my side. While we were discussing this the male voice interrupted again and said :

"Inyo ka nyoko" (Your ma se poes).

I was very upset by this and I said to Kiki that someone was listening to our conversation. I then swore at the other person on the line. Kiki did the same.

As I was about to replace the receiver I heard the same male voice say :

"Sizakuninyisa" (Hulle sal kak).

I got the impression that the voice was that of a white afrikaans speaking man. He spoke Xhosa with an afrikaans accent.

Later on the afternoon of 24 June 1991 I picked up the telephone to make a call and a person said :

"Umqundu wakho" (Jou gat).

**TRUTH AND RECONCILIATION COMMISSION**  
**INVESTIGATIVE UNIT**

106 Adderley Street  
CAPE TOWN 8001

P.O. Box 3162  
CAPE TOWN 8001

Tel. : 021-245161  
Fax : 021-237037

DATE:

TO

\_\_\_\_\_ i\fc<.54 \_\_\_\_\_  
\\A,LA ciL4\ \_\_\_\_\_  
\_\_\_\_\_

Sir

RE : INVESTIGATION/HEARING

The Truth and Reconciliation Commission is conducting an investigation/ intends holding a hearing into the above matter.

The Commission has reason to believe that you are in possession of and/or have the custody of or control over the following item(s) which in the opinion of the Commission is/are relevant to the subject matter of the said investigation/hearing :

1/1.-0 : \_\_\_\_\_  
\_\_\_\_\_

You are hereby called upon to produce the above item(s) to the Investigation Unit of the Commission, being the bearer of this letter, for inspection and possible retention for a period to be notified to you.

We thank you for your co-operation.

You faithfully

A  
ADV. DENZIL POTTER  
COMMISSIONER



**TRUTH AND RECONCILIATION COMMISSION**  
**INVESTIGATIVE UNIT**

106 Adderley Street  
CAPE TOWN 8001

P.O. Box 3162  
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Tel. : 021-245161  
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You are hereby called upon to produce the above item(s) to the Investigation Unit of the Commission, being the bearer of this letter, for inspection and possible retention for a period to be notified to you.

We thank you for your co-operation.

Your aithfully

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# KENNIS VAN. GEREGTELIKE DOODSONDERSOEK NOTICE OF INQUEST

(Artikel 7 van Wet 58 van 1959)  
(Section 7 of Act 58 of 1959)

v. CCirk

Kantoor van die Landdros  
Office of the Magistrate

t

**PUBLIC PROSECUTOR**

1993 02- 2 2

MICHELL'S PLAIN  
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Aan/To

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GEREGTELIKE DOODSONDERSOEK No. 1 .....  
INQUEST No.f

Geliewe kennis to neem dat 'n geregtelike ondersoek na die omstandighede en oorsaak van die dood van  
Kindly take notice that an inquest as to the circumstances and cause of the death of

Go. i\ C K in die Landdroshof  
will be held in the Magistrate's Court

amer/Hof N^ om o vm. op die dag van A L  
OOM /Court O n e a ) at ' a. m., on the 9 d^y o f 19.^5.

ingestel sal word.

Bywoning van die verrigtinge is nie verpligtend nie.  
Attendance at the proceedings is not compulsory.

Klerk van die Hof/Clerk of the Court

GDO/  
INQUEST NO 31g/4.1-

NizAiwoNKE SOLOMON

By uitlees van bevinding in ope hof is die volgende naasbestaendes teenwoordig:  
At reading of finding in open court the following next of kin is/are present:

Naam/Name

Verwantskap/Relationship

Tack

A1 'Otk-e

Wolek,

Moi hsa-v

(in geval waar vorm J 518 aan '11 Staatsdepartement gerig was vul die naam van verteenwoordiger in).

(in case where form J 518 was addressed to a State Department enter the name of representative).

Bogenoemde persoon/e meegedeel dat dit I 1, dar /hulle vrystaan om verdere getuienis aan to bied.

Abovementioned person/s informed that hc/3hc/they may place further evidence on record.

Geen verdere

wOrd eangebiedL\_\_

No further evidence/tWe follow-ing-funther-ev-idence-

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Bevin elees deur my / Finding read by me.

DATUM:

ADD MAGISTRATE: MITCHELLS PLAIN Cape

DATE: c1/13/93

GEREGTELIKE DOODSONDERSOEK: WET 8 VAN 1959  
INQUEST: ACT 58 9 1959

ie<sup>h</sup> rAITGIELLS PLAIN  
W.X.P. SMITH

in die distrik MITCHELLS ' PLAIN  
in the district of

0f03 ;van . VInoetri& diStrik Jen  
A412:: IsLgisiratelJor-- -the-- said district  
as assegor(^ &die ag  
as assess or(s) on the 9 day

met h MAART 93 aangaande die omstandighede in verband met die dood van ondergenoemde persoon.  
into the circumstances attending the death of the person mentioned below.

\*dings ingevolge artikel 16 van die Wet:  
ings in terms of section 16 of the Act:

(a) Identiteit van die oorledene MZIWONKE SOLOMON JACK  
Identity of the deceased person

MALE: 32 YEARS: OCCUPATION UNKNOWN

(Meld voile na am, ras, gestag, ouderdom en beroep/State full name, race, sex, age and occupation)

(b) Datum van sterigeval 19 JUNE 1991  
Date of death

(c) Oorsaak of waarskynlike oorsaak van dood  
Cause or likely cause of death

MULTIPLE WOUNDS INFLICTED wHE,N.H.E. WAS 5.1MULTANEMISZ .2QT\_WITE A R4  
RIFLE AND A TWELVE BORE SHOTGUN

(d) Of die dood veroorsaak is deur 'n handeling of versuim, •at n misdryf aan die kant van iemand insluit of uitmaak  
Whether the death was brought about by any act or omission involving or amounting to an offence on the part of any person  
YES BUT THE PERPETRATORS CANNOT BE IDENTIFIED ON THE AVAILABLE EVIDENCE

Datum 9/3/93  
Date Landdros/Magistra le

OPMERKINGS.-1. Mike! 16 (3) van die Wet bepaal dat indien die Landdros nie in staa is o s hietho ermeld  
NOTE.-1. Section 16 (3) of the Act provides that if the Magistrate is unable to record any of the findings set out above e s record

aan to teken nie, by die felt moet boekstaaf.  
that fact.

2. Wanneer die notule van verriolinge ingevolge artikel 18 (1) van die Wet aan 'n re ter voorgele word, word die prosedure voorgeskryf  
When the record of puzceedings is submitted to a judge in terms of section 18 (1) of the Act, the procedure prescribed in paragraph

in paragraaf 12 van die Kale GeregteLIKE Doodsondersoeke gevolg.  
12 of the code "GeregteLIKE Doodsondersoeke" should be followed.

DIE PROKUREUR-GENERAAL  
THE ATTORNEY-GENERAL

CAPE TOWN

Ingevolge artikel 17 (1) van die Wet op GeregteLIKE Doodsondersoeke, 1959 (Wet 58 van 59), word die erigtinge  
In terms of section 17 (1) of the Inquests Act, 1959 (Act 58 of 1959). I submit herewith the recor gs.  
hiermee voorgele.

Datum 9/3/93  
Date Landdros/Magistra le

Die stukke aan hiermee terug vir liassing. My verwysingsnommer is sJ.  
The record is returned herewith for filing. My reference number is

IWITOOOR VAN O :E PRI'.!;REIIR-GENERAAL  
T<AV1;;TAo

Datu Hootklerk van die Prokureur•eneraal  
Date. Chief Clerk to the Attorney-General

; \* 1993 -03- 1 1 4

## Appendix 2



9 Twice during the afternoon of 24 June 1991 the phone rang and when I answered it no one would reply.

10 I did not recognise the aforesaid voice and I have no explanation for these calls.

11 On 3 July 1991 at approximately 14h00 I took my mother by car to the Zolani Centre in Nyanga. This is opposite the bus terminus in Nyanga.

12 On my way to the Zolani Centre I saw Dan Nokhatywa and Mawaka standing at the gates of the Sizamila High School near the Zolani Centre. They have been guarding my house since the assassination of my brother Pro Jack.

13 I dropped my mother at the Zolani Centre and returned along the same route. I drove past Dan and Mawaka. As I drove past them I remembered that I wanted to speak to them about something. I stopped at the church which is next to the school and started reversing towards them.

14 As I reversed towards them one of my neighbours, Buyiswe Holo called me. I think she thought that I was reversing towards her. I explained that I wanted to speak to Dan and Mawaka.

15 As I continued to reverse towards Dan and Mawaka I saw a white combi, registration number CA 76797 stop next to them.

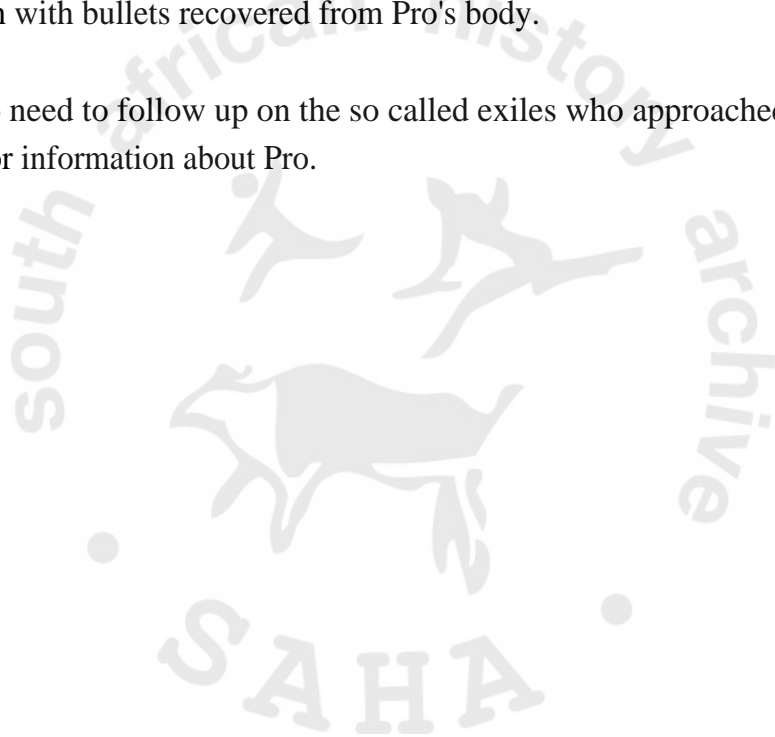
16 I then saw Dan and Mawaka run away from the combi into the school grounds. About three to five men jumped out of the combi and chased after them. One of the men said that they must get their guns and they then returned to the combi before again chasing after Dan and Mawaka. I never saw them holding guns but two of them ran holding one of their hands under their coats. I believe they were doing so in order to conceal their guns.

17 Approximately 10 to 15 minutes later the combi returned. I have been told that the men then spoke to the caretaker of the school and that they explained to him that they wanted Dan because Dan had previously threatened the driver.

- 18 Mawaka also told me that when the taxi stopped in front of them the men in the taxi told them to jump in and when they asked why they said that they were looking for Dan. They refused to get into the taxi and the men then jumped out and chased them.



- 5 . Klatzow has taken three cartridges which were recovered on the scene to Johannesburg to examine them and return them to me for handing over to the Police. He will also arrange for the vehicle to be released as soon as possible and that Klatzow will return to Cape Town to examine the vehicle upon its release to us.
- 6 There was an attack on a taxi from the same spot several weeks ago. Attempts must be made to trace this taxi and take affidavits from the people concerned. Also if shots entered the taxi we may be able to recover bullets from the taxi to match with bullets recovered from Pro's body.
- 7 We also need to follow up on the so called exiles who approached Sheila and asked for information about Pro.





DONATION OF A BODY OF ANY PART THEREOF IN TERMS OF SECTION 2  
OF ACT 62 OR 1983 OR CONSENT FOR A POST-MORTEM EXAMINATION

---

being the 4aaj-ef-b.r-atli-e—; of the late :

Name : mziLvDNE. fR o

Age : 3, Sex : I4 Race \_\_\_\_\_

Hereby consent to a post-mortem examination and the removal of any tissue as may  
be necessary for purposes of :

vvi 77-1L

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WITNESSES :

1 \_\_\_\_\_

2 \_\_\_\_\_

PLACE : NM/VG-A \_\_\_\_\_ fE 70 k/A/

DATE : 70) 4 1 •

TIME : \_\_\_\_\_

APPLICATION IN TERMS OF SECTION 14(1)(b) OF ACT 65 OF 1983 TO  
PERFORM A POST-MORTEM EXAMINATION

---

1 I,  
A duly registered medical practitioner hereby request authority to perform a  
post-mortem examination on the body of :

Name : \_\_\_\_\_

Age : \_\_\_\_\_ Sex : \_\_\_\_\_ Race : \_\_\_\_\_

for the purposes of :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 Consent has been given by-

- (i) the deceased in his will/in a document attested by at least two competent witnesses/in a statement made orally in the presence of at least two persons of or over the age of 18 years;
- (ii) the spouse/major child/parent/guardian/major brother/ major sister (Form 3 attached).

3 The provisions of Section 6 of the Anatomy Act, 1959 (act 20 of 1959) apply to this body. The Inspector of Anatomy has consented in writing to the granting of the authority.

PLACE: \_\_\_\_\_

SIGNATURE : \_\_\_\_\_

DATE : \_\_\_\_\_

QUALIFICATIONS : \_\_\_\_\_

DESIGNATION : \_\_\_\_\_

AFFIDAVIT OF DAVID KLATZOW

---

I, the undersigned, DAVID KLATZOW do hereby make oath and state:

- 1 I am a forensic expert. I run a forensic consultancy known as the Independent Forensic Consultancy at .... Fox Street, Johannesburg.
- 2 The contents of this affidavit are unless otherwise stated, or if it appears from the context otherwise, within my own personal knowledge and are to the best of my knowledge both true and correct.
- 3 On Sunday 23 June 1991 Mr Barry Lynton Adams, a professional assistant of the firm Mallinick Ress Richman & Cloenberg Inc, 2 Long Street, Cape Town handed to me three cartridges for examination.
- 4 I took these cartridges back to Johannesburg with me for examination in my laboratory. The cartridges were engraved marked " ..... " and were returned by courier to the office of Mr Adams on Monday 24 June 1991.
- 

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit and that he uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at CAPE TOWN on this day of JULY 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21 st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

---

COMMISSIONER OF OATHS

## AFFIDAVIT OF BARRY LYNTON ADAMS

---

I, the undersigned, BARRY LYNTON ADAMS do hereby make oath and say that:

I am an adult male attorney practising as a professional assistant at Mallinck Ress Richman & Cloenberg Inc, 2 Long Street, Cape Town.

2 The contents of this affidavit are unless otherwise stated, or if it appears from the context otherwise, within my own personal knowledge and are to the best of my knowledge both true and correct.

3 I have read the affidavit of Mzikize Jack and Raymond Jack and I confirm the contents thereof insofar as they refer to me.

4 I handed the cartridges referred to in the said affidavits to Dr David Klatzow, a forensic expert on Sunday 23 June 1991 for his examination. On 25 June 1991 the said cartridges were returned to me by Dr Klatzow and I handed them to the investigating officer, Warrant Officer Mathee on the morning of 25 June 1991.

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit and that he uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at **CAPE TOWN** on this day of JULY 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21 st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

---

**COMMISSIONER OF OATHS**

**AFFIDAVIT OF RAYMOND JACK**

---

I, the undersigned, RAYMOND JACK do hereby make oath and say that:

1 I am a major male, residing at N58, Qele Street, Nyanga.

2 I am the brother of Mziwonke "Pro" Jack.

3 The contents of this affidavit are unless otherwise stated, or if it appears from the context otherwise, within my own personal knowledge and are to the best of my knowledge both true and correct.

4 On 21 June 1991 I handed one of the three cartridges which had been picked up my brother Mzikise, as stated in his affidavit dated 1991 , to my attorney, Mr Barry Lynton Adams, a professional assistant and the firm Mallinck Ress Richman & Closenberg Inc.

I **certify** that the deponent has acknowledged that he knows and understands the contents of this affidavit and that he uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at **CAPE TOWN** on this **day of JULY 1991** and that the provisions of the regulation contained in Government Notice R1258 dated 21 st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

---

**COMMISSIONER OF OATHS**

AFFIDAVIT OF MZIKIZE JACK

---

1 I am an adult male residing at N58 Qele Street, Nyanga.

2 I am the brother of Mziwonke "Pro" Jack.

3 I was one of the first people to arrive at the scene of Pro's shooting at the intersection of  
First Avenue and Emms Drive, Nyanga at approximately 22h30 on 19 June 1991.

4 I picked up the three spent cartridges marked " " from the ground in the close vicinity of  
the vehicle in which Pro was shot which is a metallic gold CSL Golg registration number  
634852 CA.

5 I handed these cartridges to my attorney, Mr Barry Lynton Adams, a professional  
assistant at the firm Mallinck Ress Richman & Cloisenberg Inc on Sunday 23 June 1991.

I certify that the deponent has acknowledged that he knows and understands the  
contents of this affidavit and that he uttered the following words, "I swear that the  
contents of this affidavit are true, so help me GOd" before me at CAPE TOWN on this  
day of JULY 1991 and that the provisions of the regulation contained in  
Government Notice R1258 dated 21 st July 1972 as amended by Government Notice  
R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied  
Nith.

---

COMMISSIONER OF OATHS



9 The men then approached the driver's side of the car. When they got to the vehicle they produced rifles and fired at "Pro" from point-blank range. One of the men carried a gun in addition to a rifle. "Pro" was shot and fell on top of me. I took cover under the dashboard in front of my seat. Through the passenger window I saw the men walking around the vehicle to the passenger side.

10 I was also wounded on the right side of my chest and the right side of my back during the shooting. When the shooting stopped, I opened the car door and ran back to "Pro's" house.

11 "Pro's" brother Mzukisi Jack was at home. I explained to him what had happened and he then went to a neighbour's house to telephone the police and an ambulance. I then returned to the car with Mzukisi.

12 I then waited at the car for the police and ambulance to arrive. The police arrived approximately 45 minutes later. "Pro's" body was then removed from the car and I was taken by ambulance to Conradie Hospital.

13 I will not be able to identify the two men referred to above as they were wearing balaclavas and I could not see their faces.

---

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit and that he uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at CAPE TOWN on this day of JUNE 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

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## AFFIDAVIT OF SHEILA MNYANGO

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I, the undersigned, SHEILA MNYANGO do hereby make oath and state:

1 I am an adult female aged 34 years residing at D442, Owen Street, Nyanga East. I am employed as a domestic worker.

2 I live with my parents at the above address.

3 At approximately 8.30 p.m. on a Saturday evening at the end of May or the beginning of June (I cannot remember the date) I was visited at the above address by three strange men.

4 Two of the men were dark in complexion and one was light skinned. They spoke Zulu and English and introduced themselves as returning exiles. They asked me to give them water so that they could wash themselves. I will be able to identify the light skinned man if I ever see him again. All three men were dressed in casual clothes.

5 The two dark skinned men washed their faces quickly and left the house. The third light complexioned man remained behind.

6 The light skinned man introduced himself as Alfenzo. He said that this was not his real name but he couldn't tell me what his real name was. I asked him why this was so. He didn't answer me but a few minutes later he told me that his real name was Ben.

After washing himself he said to me that I must trust him and that I had no reason to be afraid of him. He opened his wallet and showed me several air tickets. He said that he had travelled from Lusaka to Botswana and from there into South Africa.

8 He told me that his car had broken down near the big tent in White City near the Nyanga offices. He said he had important documents in his car and that he wanted assistance from Pro Jack to go and fetch the car.

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9 He then took out several small blue cards from his wallet. These cards were approximately the size of business cards. He looked at these cards and then asked me if I knew Pro and Buyiswe Jack. I told him that I did. He then asked me if Buyiswe worked for the Western Province Council of Churches. I said that she did. He then looked through the other cards and asked if I knew Mama Holo. I said that I knew her and confirmed that she lived near the home of Pro Jack.

10 He then took out a map of the area and confirmed directions from my house to the house of Pro. He told me that he had lived in Nyanga in 1968 and that his girlfriend at that time, Mapule, lived in Owen Street. He said that Mapule had fallen pregnant and given birth to his child.

11 While he was washing, I noticed that he was wearing a thick silver watch and a thick silver necklace. He saw me looking at this jewellery and said that he must take it off now since he is back in South Africa. He took off the necklace and placed it in his wallet.

12 Before he left he asked me if he could pay me some money. He said that he wanted to pay me because I had helped him. I told him that I would not accept payment for assisting him. He then left the house.

13 After he left I went outside and spoke to Nocwaka who is one of my neighbours. I asked her if she knew a woman by the name of Mapule who lived in Owen Street. She said that she did and that Mapule lived at the other end of Owen Street.

14 I do not know where the three men went to after leaving my house. The following day I saw Mrs Holo and I asked her if the aforesaid three men had come to her house. She said they had not. She said that she would ask Pro if they had called at his house.

15 Approximately three days later I saw Pro and I asked him if he had been visited by the aforesaid three men. He said that they had not come to his house.

16 I do not know why the aforesaid three men came to my house for assistance and to ask questions about Pro. I was at primary and high school with Pro. I continued my friendship with him after school and he sometimes visited me at my house.

I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit and that she uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at **CAPE TOWN** on this day of JUNE 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

**COMMISSIONER OF OATHS**

**ABRANAU GEFEN**  
**COMMISSIONER OF OATHS**  
**PRACTISING ATTORNEY**  
**GEFFEN RES. SEL. EPSTEIN**  
**LONG ST, CITE TQVI.t4**

I, the undersigned WINIFRED NOMIZANA MBIKO do hereby make oath and say :

- 1 I am an adult female, aged 25 years, residing at N2, Nyanga, Cape Town. I am a B.Comm student at the University of the Western Cape.
- 2 The contents of this affidavit are unless otherwise stated, or if it appears from the context otherwise, within my own personal knowledge and are to the best of my knowledge both true and correct.
- 3 I live with my parents at the aforesaid address. I spent the evening of 19 June 1991 at home watching television. I watched a television programme entitled "Cyclone Tracy".
- 4 The programme concluded after 22h00, whereafter I went to my bedroom to study. While in my bedroom studying I heard a number of shots fired. The shots were fired in very rapid succession. Thereafter I heard cars driving past.
- 5 Approximately two to three minutes after the shooting I went to the corner of Ananwabisi Road and First Avenue. As I arrived at the corner two white Combis followed by a grey Toyota Cressida came speeding down First Avenue  
• from the direction of New Cross Roads.
- 6 As I had gone outside without wearing my shoes I returned home to put on my shoes. While I was in my bedroom I heard a further three shots fired. These were not fired in the same rapid succession as the other shots. I think that the other shots must have been fired from an automatic weapon and these were not.
- 7 I immediately went to the front door and I saw two of my neighbours standing in the street in front of the house. They were discussing whether to go and see what had happened. I decided to accompany them.

- 8 The aforesaid three shots seemed to come from the direction of Emms Drive.
- 9 I walked with my two neighbours down Ananwabisi Road and left into First Avenue. At the intersection of Bangani Road and First Avenue a beige station wagon passed us travelling in the opposite direction down First Avenue. Nongameli turned to me and he asked me if I had seen the station wagon. I stopped walking and looked back over my shoulder at the station wagon which had just passed me travelling in the opposite direction. I saw four black men in the station wagon. There were two seated in the front of the car and two at the back of the car. The two men at the back of the car were looking back down First Avenue through the back window at me. One of the men had a rifle in his hands which he had pointed towards the back windscreen and I saw the barrel of a rifle being held by the other man in the back seat.
- 10 I could not see how the men in the car were dressed. I could not see their faces. I will not be able to identify them if I see them again.
- 11 I also did not see the registration number of the station wagon.
- 12 I was afraid that the two men in the back seat had seen me looking at them so I immediately turned around and proceeded up First Avenue towards the intersection of Emms Drive and First Avenue.
- 13 I looked back over my shoulder again and I saw the beige station wagon turn right into Ananwabisi Road. The car was travelling slowly down the road and did not speed up at any stage.
- 14 I continued walking up First Avenue to the scene of the shooting at the corner of Emms Drive and First Avenue. Approximately 15 minutes later I saw a car turn left into Landsdowne Road from the direction of Monwood. It looked like the aforesaid beige station wagon.
- 15 When the Police arrived I told them about this car and a Police vehicle then proceeded down Landsdowne Road in the same direction as the station wagon to see if they could find it. I do not believe that they were successful.

16 I am not sure of the make of the station wagon but I think it was an Open Rekord.

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I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit and that she uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at CAPE TOWN on this day of JUNE 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

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COMMISSIONER OF OATHS



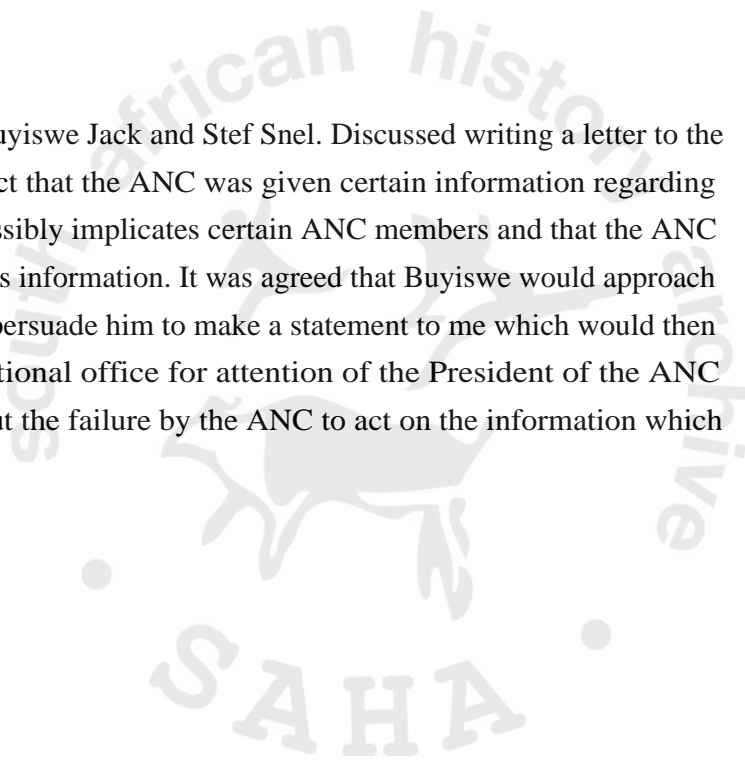
**NOTE**

**DATE: 8 September 1992**

**PRO JACK**

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ending in consultation on Buyiswe Jack and Stef Snel. Discussed writing a letter to the  
rC complaining about the fact that the ANC was given certain information regarding  
death of Pro Jack which possibly implicates certain ANC members and that the ANC  
suppressed the release of this information. It was agreed that Buyiswe would approach  
of the witnesses and try to persuade him to make a statement to me which would then  
forwarded to the ANC National office for attention of the President of the ANC  
together with a letter setting out the failure by the ANC to act on the information which  
been disclosed to it.



FILE NOTE

DATE: 4 JULY 1991

RE: PRO JACK - INQUEST

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While I was at the house of the Jacks, Winifred arrived. She said that the police had made her sign a statement approximately a week ago and that this morning they brought a stationwagon to her house to identify. The stationwagon was similar to the stationwagon which she had seen on the night of Pro's killing except that it had tinted windows. The police wanted her to change her statement to say that the stationwagon which she had seen had tinted windows. She refused to do so. The police in taking her outside to identify the car were also concerned that nobody should see her identifying the car.

While I was at the family home I was told that Thandisizwa Jack who is Buyiswa's nephew was taken to the police station today to make a statement. Apparently a couple of days ago a stationwagon stopped next to him in the township and the driver asked him if he was Jack. He said that he was. The driver then asked him to get into the car. He refused to do so and ran away. The car then gave chase and fell over him into a cul-de-sac. He escaped by jumping over the fence at the end of the cul-de-sac.

It seems as if the police have traced this stationwagon and this is the one that Winifred was asked to identify. The driver of the stationwagon apparently lives at NY1 11.

Concerning the cartridges Mzikize said that he gave one to Bongane on 20 June. Bongane gave it to Gary Cruiser who then returned it to Mzildze and it was then given to me on Sunday 23 June 1991. The second cartridge was given to me by Raymond. It seems that Raymond got it from Xola. It seems that he took it from Mzikize's drawer without his knowledge. He then gave it to Raymond who gave it to me. The remaining cartridge was kept by Mzikize.



**FIDAVIT of ANDILE JACK**

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I, the undersigned, ANDILE JACK do hereby make oath and say :

1 I am a minor male, aged 16 years, residing at D875, Nyanga, Cape Town.

2 The contents of this affidavit are unless otherwise stated, or if it appears from the  
context otherwise, within my own personal knowledge and are to the best of my  
knowledge both true and correct.

3 I spent the evening of 19 June 1991 at the home of Mziwonke "Pro" Jack at N58, Cala  
Street, Nyanga. I watched a television programme entitled "Cyclone Tracy".

4 After the conclusion of the programme at approximately 22h20 I left the house together  
with "Pro". He was to drive me home to D875, Nyanga.

5 We got into "Pro's" car which is a metallic gold CSL Golf registration number 634852CA.  
I sat next to "Pro" in the passenger seat in the front of the vehicle.

6 We turned left into Cala Road and drove down Cala Road and turned left into First  
Avenue. We stopped at the stop street at the intersection between First Avenue and  
Emms Drive.

7 At the stop street I heard someone calling out "Pro's" name. They called him  
" Mziwon ke".

8 "Pro" wound down his window and reversed the car towards two men who were  
standing under the trees on the Lansdowne Road side of First Avenue approximately  
10 meters from the stop street. He then turned the vehicle and drove it towards where  
they were standing under the trees. I saw two black men in the car lights. They were  
wearing balaclavas and knee length brown coats. One of the men was tall and slender.

9 The men then approached the driver's side of the car. When they got to the vehicle they produced rifles and fired at "Pro" from point-blank range. One of the men carried a gun in addition to a rifle. "Pro" was shot and fell on top of me. I took cover under the dashboard in front of my seat. Through the passenger window I saw the men walking around the vehicle to the passenger side.

10 I was also wounded on the right side of my chest and the right side of my back during the shooting. When the shooting stopped, I opened the car door and ran back to "Pro's" house.

11 "Pro's" brother Mzukisi Jack was at home. I explained to him what had happened and he then went to a neighbour's house to telephone the police and an ambulance. I then returned to the car with Mzukisi.

12 I then waited at the car for the police and ambulance to arrive. The police arrived approximately 45 minutes later. "Pro's" body was then removed from the car and I was taken by ambulance to Conradie Hospital.

13 I will not be able to identify the two men referred to above as they were wearing balaclavas and I could not see their faces.

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I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit and that he uttered the following words, "I swear that the contents of this affidavit are true, so help me God" before me at CAPE TOWN on this 14th day of JUNE 1991 and that the provisions of the regulation contained in Government Notice R1258 dated 21st July 1972 as amended by Government Notice R1648 dated 19th August 1977 and R1428 dated 11th July 1980 have been complied with.

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FEES 41

**A F F I D A V I C T**

CATHARINA MARGARETHA FRANCOISE DE VILLIERS

*(Full names and Surname)*

ION \_\_\_\_\_ 27 years old  
(Age)

residing at \_\_\_\_\_  
*(Full. residential address)*

Telephone No. 531-1311 employed at. CONRADIE HOSPITAL, PINELANDS.  
*(Employees Address)*

Telephone No. \_\_\_\_\_, in my capacity as \_\_\_\_\_ INTERN  
(Rank)

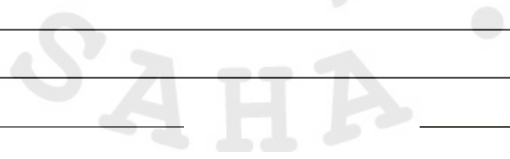
\*declare in English under oath / \*confirm in English:

RE:- ANDILE JACK : FOLDER NO. 3142181

The abovenamed 16 year old boy was attended to at Conradie Hospital on the \_\_\_\_\_  
20 June 1991.

The history indicates that he had been shot with buckshot.

On examination he had a very superficial laceration to the right breast and a  
small laceration to the back on the right there were no penetrating wounds and  
minimal bleeding. The Respiratory system examination had no abnormalities.  
Special investigations of the chest X-ray showed some shrapnel subcutaneously.  
The treatment consisted of Betadine dressings and oral Bactrim.  
The patient was discharged with no further complications.



I am familiar with the contents of this statement and understand it. I \*have  
objection/\*do not have objection in taking the prescribed oath. I regard this  
oath as \*binding/\*not binding on my conscience.

S I R

PINELANDS

DATE: e ctt