

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

QUESTIONS AND REPLIES

SECTION 29 INQUIRY

DATE: 12.12.1996

NAME: JULIUS NKOSI

CASE:

JOHANNESBURG

DAY 4

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CHAIRPERSON: Give your full names for the record, please.

MR JORDAAN: Madam Chair, my client doesn't speak English, could we just provide him with interpretation.

CHAIRPERSON: He would require the Zulu to English? Are you able to hear me now?

MR NKOSI: Yes.

CHAIRPERSON: Could you state your full names for the record, please.

MR NKOSI: Gozo Julius Nkosi.

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CHAIRPERSON: You have been subpoenaed to appear in terms of Section 29 of the Act, to answer questions relating to the matters detailed in your subpoena. We wish to advise you that you are entitled to have your attorney present. We remind both you and your attorney that this is not a court of law, this is an investigate inquiry, where questions may be asked in a robust fashion. Your attorney, of course, will have the right to set the record straight where he thinks there have been unclarities. You are reminded that you will be asked to take the oath and that

30 any answers you may give, we remind you that these will be given under oath. I am going to ask Joyce Seroke now to administer the oath.

MS SEROKE: Mr Nkosi, can you please stand up so as to take the oath.

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GOZA JULIUS NKOSI: (Duly sworn, states).

MS SEROKE: Thank you.

CHAIRPERSON: We confirm that the Attorney-General who has jurisdiction has been informed today of the fact that you have been subpoenaed. I will introduce the panel to you.

10 On my extreme right-hand side is Ms Joyce Seroke, a member of the Human Rights Violations Committee. Next to me is Mr Kobus Swart, a special investigator under the national investigation unit of Mr Wilson Magadla. I am Yasmin Sooka, the deputy Chair of the Human Rights Violations Committee. On my left-hand side I have Mr Hugh Lewin, a member of the Human Rights Violations Committee. Next to him is Mr Andre Steenkamp, an investigator who heads the regional investigation unit. Mr Fanie Molapo, the investigator under the national investigation unit of Mr Wilson Magadla.

20 We have provided interpretation services. They are available in Zulu. For the assistance of your attorney we have the Afrikaans interpreter over there and the gentleman who is recording. Thank you.

MR STEENKAMP: Thank you, Madam Chair. Mr Nkosi, maybe you can, maybe for starters, just give us a run-down of your background, where you came from, where did you work and where is your current occupation, just for the record, please.

30 MR JORDAAN: Madam Chair, there is a matter which I would just like to place on record. Firstly, I am Kurt Jordaan of Du Toit Smit Attorneys. I also wish to confirm that I am assisting this witness in this matter.

The second matter which I would like to clarify with the Commission, is the situation which has flown over from yesterday to today and which has just been left like that by SECTION 29 HEARING

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the investigators.

The Commission yesterday told investigators to contact Mr Mabona and tell Mr Mabona that the Commission has said that Mr Malaza has to be here today. That is indeed not what was told to Mr Mabona. Mr Mabona received a message that Supt Moropeng allegedly had instructed the Commission not to have Malaza here today. Supt Moropeng was called in and scolded by Mr Mabona, the MEC.

This morning Mr Mabona called in these persons and wished to send them here again. I brought this to the attention of Adv Steenkamp, who then told Mr Molapo again to contact Mr Mabona. What was discussed between Molapo and Mr Mabona I don't know. I asked for Mr Molapo to speak to Mr Mabona himself on the telephone. I was not afforded that opportunity. As I understand these people have now been sent here, to drive here.

I would like the Commission today, firstly, to resolve this matter, because if that is the way in which the Truth Commission wastes taxpayers' money, I would like to see what the Press has to say about this. This matter could have been timeously resolved by the investigating officers, because these persons were not on their way here. I only heard about it afterwards, after Mr Molapo had spoken to Mr Mabona, the decision was suddenly taken that they have to drive here.

This is a shocking situation, after the Commission decided yesterday not to call Mr Malaza again, but to postpone the matter until next year.

I just cannot see that justice can be raped in this matter, so that people are treated in such an unjust manner. The Commission decided to call Mr Malaza. Then the

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Commission itself decided to postpone this.

Now Mr Malaza has to suffer, Supt Moropeng, who just confirmed that he needed the person urgently and who didn't  
10 give any instructions to the Commission. Supt Moropeng is highly upset about this matter. I discussed the matter with him on the cell-phone recently and I ask the Commission to resolve this matter with Mr Mabona so that we know where we stand.

CHAIRPERSON: On behalf of the Commission I take umbrage at the manner in which you are expressing your dissatisfaction. As far as I am concerned I was informed by Mr Malaza yesterday that Lieut Moropeng was not willing to allow Mr Malaza not to be present there today. Initially  
20 he asked me to speak to Mr Mobona, Mr Steve Mobona, which I then sent my investigators to do. He indicated that if Mr Mobona would arrange with Det-Sgt Moropeng that Mr Malaza be allowed to testify. Later Mr Malaza himself came to us and said that Mr Mr Mobona is the provincial MEC and that it would not necessarily be the right person to deal with Moropeng. I then decided that in the interests of making sure that everybody got their work done, it would perhaps be better if Mr Malaza then returned home and that we would recall him.

30 Now if that situation has got out of hand, then certainly we will do everything that is possible to correct the situation. But I take strong exception to the tone in which you are advising me of the situation. This is not a

court of law. If you want to express your indignation, there are polite ways and means in which you can do that. This is a very straightforward matter, and I really see no need for you to belabour us with allegations that you want to go to the Press, that we are wasting taxpayers' money,

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because I think those are extremely out of order and uncalled comments.

10 If there are problems relating to both Moropeng, Malaza and Mobona, they can be sorted out in a very courteous and friendly manner. But I see no reason for the way you have become almost semi-hysterical in your outburst right now.

MR JORDAAN: Madam Chair, with all due respect, the matter was an attempt to resolve the matter properly, that is why I was here early this morning already and went to Adv Steenkamp. The matter was given over to Molapo to mess it up more properly. It was done in a proper manner. I didn't storm into your office to come and blow off steam about this. I went to them and asked them to resolve the matter.

20 What happened when I addressed this friendly request, it just was taken too far by the Commission.

I know this is not a court of law and I know that it is a purpose to let justice be done. I know that the name of the Commission is Truth and Reconciliation, but how can this be achieved if basic assistance is not even given. I come to the Commission, I place this on record because the assistants outside of the Commission were not prepared to resolve this matter properly. They were made aware of this matter even before these people were sent from Nelspruit.

30 The matter could be resolved very easily. But it was the investigators of the Commission who did not want to resolve

the matter properly. That is why I came to you to ask you to resolve this matter.

It is for that reason why I am expressing myself so strongly because as far as I have tried to go here, I have been running into walls, because I am asked to assist witnesses here and I am asked to help justice be done, but

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as far as I am going, I run into one wall after the other,  
10 and I am not receiving any help or assistance in this regard.

CHAIRPERSON: What I find very strange is, if all these problems were taking place outside the room, I have been sitting here now for the last hour. Why couldn't you simply have approached me and indicated that there were these problems, so I could deal with them officially. I find it very difficult to believe that you actually sat outside this room and all these things were going on and that you couldn't approach either myself, Mr Lewin, Ms  
20 Seroke. I mean that is what we are here for.

Now you place on record these kinds of allegations and you can't - I mean, I am getting a little tired of the fact that you constantly talk about the fact that this is "die waarheidskommissie". We are very aware of what our mandate is. We are doing it under very trying circumstances. We are trying to accommodate you and then you really perform in a manner which I find quite unbecoming. Because this is not a theatre, this is not a stage, this is a place where we are trying to achieve something.

30 Now I will ask you to recuse yourself for five minutes with your clients, while I try to get to the bottom of this matter. Thank you.

MR JORDAAN: Madam Chair, may I just place on record one further matter for you. I would like Adv Steenkamp to confirm this now. He is here, Mr Molapo is here, I can confirm - they can confirm that I had been here this morning. I did not shout at them, I did not become emotional. I asked them please to resolve the matter. Here they are both, they can - there is Adv Steenkamp, he can

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10 confirm it.

CHAIRPERSON: Mr Jordaan, I am asking you now to recuse yourself so I can attend to it.

COMMISSION ADJOURNS

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ON RESUMPTION:

CHAIRPERSON: Mr Jordaan, I have not discussed this matter with my investigators. I am satisfied that they have done everything in their power to deal with the situation. Unfortunately Mr Malaza is on his way, and if he arrives then once we have finished with your first clients, we will deal with him then immediately afterwards. It would seem pointless if he is on his way already that we not handle his matter. I think we can do that quite satisfactorily  
20 this afternoon.

Insofar as the confusion about - what is it - Det-Sgt Moropeng's role, I will certainly phone the Minister myself after we have completed these Section 29 hearings, to deal with the problem which the Minister may have in respect of Mr Moropeng. But I think that from our side we have communicated the fact that we have done whatever we can done in the matter. I am satisfied that the matter has been handled correctly.

I have also asked my investigators about the question  
30 which you say you wanted to speak to Mr Mobona. I am informed by him that Mr Mobona said that he had no need to talk to you. I think once you go back home you can certainly make an appointment to see Mr Mobona, to discuss



with him any problems that you may have in relation to this matter.

MR JORDAAN: Madam Chair, I thank you for this. That is all I wanted, that the problem be resolved. That is what I have said repeatedly. I run into walls when I ask for assistance, and that is why I had to come to you again this morning in order to resolve this matter. But thank you very much for this.

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CHAIRPERSON: Mr Jordaan, will you be representing a written statement from your client?

MR JORDAAN: No, Madam Chair.

CHAIRPERSON: Andre, will you continue?

MR STEENKAMP: Thank you, Madam Chair.

Mr Nkosi, can I repeat my question. Can you please give us a run-down of your background, where you worked and what is your current position, please.

MR NKOSI: I am a businessman now. I have stores in Dhanji, shops. I am a businessman full-time.

MR STEENKAMP: Do you know Captain or ex-Captain Walters, Mr Mazibuko, Pat Molomane? Do you know those people?

MR NKOSI: I know Mr Mazibuko, because we are neighbours and he is also my cousin.

MR STEENKAMP: ... (Microphone not switched on - indistinct) ...

MR NKOSI: Walters, I know him as a sergeant in the police force and in Nelspruit, stationed in Nelspruit. I just know him at face value also.

30 MR STEENKAMP: You never met him personally? Is what I understood from you, you only know him at face value, is that what you are saying?

MR NKOSI: No, like all other police, I just know them at face value. Pat Molomane, I know them as boys that are around in the neighbourhood of kaNyamazane.

MR STEENKAMP: ... (Microphone not switched on - indistinct) ... with them at all?

MR NKOSI: No contact.

MR STEENKAMP: Tell me, Sir, have you ever heard about a gang called the Qibasa gang in Nelspruit?

MR NKOSI: Yes, I heard about the gangsters, but I have

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never seen them, I have heard, it is hearsay.

MR STEENKAMP: What did you hear, Sir?

MR NKOSI: I heard about the fact that there is a gang existing like that, people like Qibasa.

MR STEENKAMP: Do you know the names of these people?

MR NKOSI: No, I don't know the names.

MR STEENKAMP: You have never met them?

MR NKOSI: No, I never met them.

20 MR STEENKAMP: Sir, I find it a bit strange that there is, we are in possession of numerous statements and even of confessions, of certain people, implicating you as being a member of the Qibasa gang and involved in very serious criminal activities, about intimidating people, killing people, and being a money launderer basically. Why should people, if you have never met them, implicate you?

MR JORDAAN OBJECTS: Madam Chair, at this stage I would like to point out one thing regarding a matter which occurred yesterday. Mr Lewin corrected the matter. Mr  
30 Molomane was asked what work Mr Mazibuko did and the term "money launderer" was interpreted. Then your colleague asked him what was understood under money launderer and he said it was a person who lent money and received interest

on it, and that is not a money launderer, that is somebody who is involved in a serious criminal charge who takes drug money and puts it through accounts to clean the money. I think this point must just be clarified.

MR STEENKAMP: ... (Microphone not switched on - indistinct) ... money laundering, I actually meant money lending, Sir.

CHAIRPERSON: ... (Microphone not switched on - indistinct) ... his English is not very good.

10 MR STEENKAMP: Thank you. Can you please answer my

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question, Sir. Why should numerous people implicate you then in a lot of atrocities which happened in Nelspruit, and being a member of the Qibasa gang. What is your reaction to this?

MR NKOSI: I would like to know, some explanation of what has happened. I am not - I have never taken part in any atrocities, especially I am a Christian. I don't go along with atrocities and violence. I would be happy if the Commission could explain as to who had implicated my name and in what matters.

MR STEENKAMP: There is the murder killing of Mr Kenneth Mabuza and the killing of Mr Steve Mtshweni during 1986, and you are implicated in at least two confessions by certain, different people, as being one of the killers, or at least being involved in the Qibasa gang. Why should they do this? Are they lying?

MR STEENKAMP: I don't even know those people. Who can say really one will fight with people he does not know? Because people who have hated me in the past are still even alive today. How can I leave my enemies and go and kill people I don't know at all. I would like to tell the Commission

that. My enemies, even to date are still around and alive and are coming back to ask for jobs from me, and I have given them jobs, I have employed them. The persons you are talking about, I don't even know the person, I have never seen and met the person in person.

MR STEENKAMP: ... (Microphone not switched on - indistinct) ... implicate you also by name. Not only him, numerous other people as well. Why should they implicate you, are they lying - or are they all lying?

10 MR NKOSI: They are lying, that is a blatant lie. Let me

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explain this to the Commission. I will tell the Commission why people hate me. As a businessman, there have been businesses that have been liquidated and I have been asked to buy those businesses. One man who is late, I had to buy his business. And there are many other people I have bought businesses from and I am still alive today.

In 1986 Comrades sang a song that all my stores should  
20 be closed down. Again, they stopped people from coming to buy from my stores. But the God Almighty helped me. My businesses are successful. People are jealous that you should know. This is why I say this to the Commission.

Let me tackle something else to the Commission. In 1986 when other people killed the child, it is me who took my vehicle to take the child to the clinic. Again, I went to say what has happened here is not acceptable at all. Then I went to Lojoma who was in charge there. They came, and explaining also that they will go to bury all the  
30 children who were killed at Kapokweni. They asked for cattle from Mr Mazibuko. I also said I will give them more cattle as well. I gave them two cattle. We donated that for the funeral services.

The child dies unexpectedly, killed by the thugs. After the funeral they were singing, saying after the funeral they have to attack all my stores, all my shops and close them down. The Comrades were coming from Gauteng Province, who were present at the funeral, refused and said this is not right; these people have helped us and donated cattle and they are supportive; we cannot go and burn their possessions. They went back. Their cars were hit by stones. We never tried to attack those people who were  
10 doing that. Even today those people are alive.

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There was a meeting that was convened, saying people must never convene a meeting and discuss the fact that there are people who are disturbing in the area. We thought that was a good idea and we went to the chief's palace. His bubu came back and told me that I have addressed this with the chief and the meeting will take place at the stadium.

20 We were there. I was at my store. Suddenly they came and got hold of Mazibuko's vehicle. They are attacking now Mazibuko's vehicle. We therefore decided we should probably not attend the meeting at all. We never attended the meeting.

The meeting did go on. One man had put on an overall that I use - that looks like the uniform of my employees. Four were burnt and died. Six escaped. The person who was behind all this was Tulele Lukele. Then Similani, Vulani, Tebeti, Solly, Zulu. The charge was Joshua Nkosi, who was  
30 addressing the cases that day.

After those people died I felt bad. I told Mazibuko to take two and bury two and I will bury the other two. Those people - remember I never employed them at all, but

they died in my name.

After that, I would like to ask the Commission about Denzil Molomane. In 1991 he came to me, he had no shoes, he had no clothes and was asking for a job. I employed him and I reminded him that the Bible says you must love your enemies. So you could be seen as a man of - as a kind man.

I made him a manager in a garage in 1991, 1992, 1993, 1994, 1995 and 1996. He stole an engine of Jordaan, in the name of Champagne Spares. And that was the end of him and  
10 that was the end of his job as he is now not employed.

I would like to ask, I would like to ask this

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Commission if it is possible that amongst the five people that I already made mention of, why wouldn't I kill them and instead go and kill people I have never seen in the past.

These are my enemies. Even now they are still alive. The police hated me and the community at large hated me.  
20 Since that I have no record, criminal record whatsoever and I don't necessarily like the police since I have never been imprisoned in the past. It is because God has given me strength. You know the Bible says Joseph hated his brothers and in Egypt he also had encountered a problem. I read the Bible and I see what is happening to him.

CHAIRPERSON: Mr Nkosi, we are not here in a religious lesson. Stick to the facts, please.

MR STEENKAMP: Let's come to the next question, please, Mr Nkosi. Do you know a person called Mr Jabulani Daniel  
30 Thobela, do you know him?

MR NKOSI: Jabulani Daniel Thobela, I know him as a vendor, selling tomatoes.

MR STEENKAMP: ... (Microphone not switched on - indistinct) ...

MR NKOSI: He says he is a vendor in the area.

MR STEENKAMP: Did you ever meet him? Have you ever met him, Sir, Mr Thobela in person?

MR NKOSI: No.

MR STEENKAMP: Because I find that also very strange, because Mr Thobela also made a statement wherein he implicates you, Mr Lokele, Mr Makudi, Mr Maseko and Mr Mazibuko, as being people or members or persons who had been involved in murders, murdering certain people. He actually made a sworn statement to that effect. Why should he do that?

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MR JORDAAN OBJECTS: Madam Chair, I would just like to inform my learned friend, Mr Steenkamp, that he has a copy of the statement made by Thobela later on. I, on the contrary, have the first statements of Thobela where he said that he had inter alia **been forced by the same policeman, to make allegations against Mr Nkosi and Mr Mazibuko and that this was false testimony which he had given, simply so that the police would leave him because he had ...** (END OF TAPE 1 - SIDE A).

CHAIRPERSON: ... if he wants to place that on record, he may place that on record.

MR STEENKAMP: Will you answer the question, Sir, please.

(SPEAKER'S MIKE NOT ON)

MR STEENKAMP: Can you please answer the question.

30 MR NKOSI: I have said that I know him as a vendor. He was selling tomatoes. He is not my relative. I don't know him. He sells tomatoes and he does come to my store as well, and he will sell and we will talk to him, only on that

level.

MR STEENKAMP: As far as I can understand you, there was actually no reason for him to implicate you, no reason at all.

MR NKOSI: There is this one thing that I would like to say. Thobela alleged that the police assaulted him and took him to Wonderfontein and instructed him to say Julius and Enos have done this and that. I said to him, I asked him were you with the police and from where, and how many.

10 He said there were 12 and they dumped me some place somewhere, and he left and I said to him God is there. He says they have forced him, because also there are some others that I know that were forced by the police. So they can say all these ill things about my name.

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MR STEENKAMP: What you are saying is, the police said he must make a sworn statement implicating you? They forced him to implicate you. Is that correct? Is that what you  
20 are saying?

MR NKOSI: Yes, that is what I am saying.

MR STEENKAMP: But you just previously said, Sir, in your previous statement that you never had any problems with the police, never any problems. You only knew Capt Walters from face value. Why should the police use another person to implicate you? If you didn't have any problems with them, why should they now suddenly try to implicate you in a sworn statement. Doesn't it sound strange to you?

MR NKOSI: Thank you for what you have just said. I am not  
30 talking about the police of 1986. I am talking about the police who are investigating the Truth Commission matters. I am talking about the things that took place in 1995 to 1996. I am not talking about things prior to this or



before 1986 or 1987 or 1988 or 1989. We were talking about the recent things, talking about the police who are now handling this matter in 1995, because they insist that we are guilty. I have the prerogative to say that.

MR LEWIN: Mr Nkosi, could I ask some other questions, please. I am interested in what you say about Joseph. Surely it was the other way around? You said Joseph hated his brothers. Wasn't it the brothers who hated Joseph? Which is why he ended up in Egypt.

10 MR NKOSI: I have made a mistake here. I know I made a mistake. It was Joseph's brothers who hated Joseph, not Joseph hating the brothers. I am very sorry.

MR LEWIN: I would like to, I am not a lawyer so I am not going to ask lawyer's questions. I want to ask you if you

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know what we as the Truth and Reconciliation Commission are about, and what we are about now. Do you understand what this process is?

20 MR NKOSI: I am still confused.

MR LEWIN: Let me try and tell you my problem. My problem is that we have been given a brief by Government, to try and find out what happened in the past. Okay? We came down to Nelspruit for a hearing. We came down to Mpumulanga when we heard testimony from a large number of people, living in Mpumulanga. One of the main points that came out of that, they talked about the emergency in 1986. There was a lot of trouble in 1985 and 1986. They talked about the emergency, they talked about their children who were  
30 killed. They talked about people who were leaving the country, but the one point that kept being repeated by the witnesses, was Qibasa. They talked about the police, they talked about the children and then they kept talking about

Qibasa.

Now we have to write a report for Parliament. To do that we have to tell Parliament what happened and what came up at the hearings. What we are trying to do now is to find out about the things that we don't know about.

So we are seeking your advice. We are not trying to nail you. We are seeking your advice. Yours is a name that has been mentioned as one of those people who might be able to tell us about Qibasa, particularly. Because  
10 clearly it was an important organisation or still is an important organisation. These are the questions that we want to ask. Can you help us?

MR NKOSI: There is nothing I can do and there is nothing I will say to help you as far as Qibasa is concerned. I have already told the Truth Commission that people who were my  
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enemies, these are the ones - I have counted five of them - and they are still alive. If I was a member of Qibasa, the  
20 very first victims were going to be five, these five. I spent three months in succession, my stores were being boycotted. We could not get clients, customers coming in, and you can imagine what that cost to me.

MR LEWIN: Mr Nkosi, tell us about that stayaway or that boycott, why did that happen?

MR NKOSI: What I would say to this Commission is this, it was all jealousy, that God has blessed me.

MR LEWIN: Let's try and leave God out of this, because we are dealing with practical matters. Why was there this  
30 feeling? You say it went on for three months. So clearly it was very strong. Why was there this feeling against you, particularly, was it just you or were there other people who were involved, having their stores boycotted?

MR NKOSI: People wanted to come and buy, but there were others who were spying there. People who would come into my store and buy and they were burnt, they were killed. If you buy from my store you will be killed. Now who will come, knowing very well what the consequences will be. There were only a few people who were poisoning the rest of the community and the recent police of 1995 to 1996, were also involved, were the people who hated me and who are out to destroying me.

10 MR LEWIN: I want to know why, can you explain to us why there was this antagonism, why there was this hatred towards you, not just jealousy. There must have been something else.

CHAIRPERSON: One of the things that really worries me, is that in most Black townships when there were stayaways

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against the shops in the cities, the one place that the Comrades always supported, was local shops in the townships. Now in your case why was there this difference.

20 MR NKOSI: This thing was then supported by the businessmen, using these children and at the end of the day they went broke. The very businessmen, and they came back to me and enlisted some help. Because I have this good heart and I am kind, I helped them. I bought their stores and that is the reason that led to this hatred.

MR LEWIN: Sorry, Joyce, if I could just ask a last question. You have mentioned this morning Mr Mazibuko and yesterday one of the witnesses who was here, spoke very, I mean it was, it just came out just like that, he said, he spoke about Enos and Julius as close friends. You were close friends to him. So this is a pairing that we have, we have heard a lot about, Enos and Julius. Could you tell

us more about your relationship with Mr Mazibuko? Was he also affected in the olden days by the stayaways, by the boycotts?

MR NKOSI: He is my cousin, he is my aunt's child. When his house was burnt in Lekasi, he came to my place and we were staying together for quite some time. If my memory serves me right, I would say it was six months that we spent together. This is why when they talk about him, I am automatically included, because I helped him. Even the  
10 day when this meeting was going to take place, we were invited, myself and him. This is why, when they talk about Julius, there was Mazibuko automatically there.

MS SEROKE: Mr Nkosi, I do understand when you say you were never a Qibasa member, but you heard about this group of Qibasa, the existence of this group. Now I will have to ask, SECTION 29 HEARING

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have you ever heard or did you ever hear anything about people around at the store that are probably saying Qibasa  
20 is attacking us, they are committing all these atrocities.

MR NKOSI: No, I have never heard anything.

MS SEROKE: Because Mr Hugh Lewin has just said when we were in Nelspruit, conducting the Truth Commission hearings, every witness did say, implicate Qibasa and all of the evil things that they were doing. But I am surprised, that you, as a businessman, you never heard from the customers coming into the stores, saying anything evil about the Qibasa.

MR NKOSI: I had never heard about the Qibasa. I heard the  
30 name Qibasa, the name I heard, but what they were doing and their mission and what they were up to, I did not know. If I had known those people probably, I would, and if I was affiliated with the group somehow, I was going to attack my

enemies.

MS SEROKE: Now you have listed those five and you know what they were doing, and you know about the Qibasa, but you don't know their mission and what they were doing in the community. But in our hearing in Nelspruit, we have heard from every witness about Qibasa, how they were doing all the evil things.

MR NKOSI: Because maybe in that area - I am talking about Pienaar Dadjie area here. Maybe Qibasa was doing all those things far away, but I am talking about Dadjie, not kaNyamazane, I am talking about Umsongwana area.

CHAIRPERSON: Two things. The one you say that you think it was all these other businessmen who were jealous of you and using the Comrades to burn your shops. Why do you think they would do that?

MR NKOSI: Thank you for that. You see in business when

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they realise that you are successful, they will automatically hate you or dislike you. My friend, Mr Nkosi, he is the one who was leading the Comrades. And he did not end up anywhere. He went broke, but because Pappie Nkosi, my brother, I helped him. And when he was owing the money, I helped him, I came in to help him and relieve him. People will hate you for nothing, knowing very well that you did not do anything, but they will still hate you.

CHAIRPERSON: But at the end of the day, it certainly sounds as if you benefited from all these businesses closing, because you actually bought them over.

MR NKOSI: I did not get it quite well?

CHAIRPERSON: Ask my question, please.

MR NKOSI: She was too fast.

INTERPRETER: She was saying that at the end of the day you were the one who benefited, because you were the one buying all the stores, all the shops. So at the end of the day you were the one who benefited and others lost and you bought all of them, and you ended up being a big shot.

MR NKOSI: I had already said that we have been called here and there is no reason, there is no apparent reason why we have been called here, because there is not even one thing  
10 that we did, not even a person that we killed in 1986, but at the end God - you will reap what you have sown. At the end people that were bothering me, troubling me, came back to me to enlist help, saying oh, please, come to our rescue. I helped them still as I was just telling you about Dan, that he was my manager. I employed him in this position. Dan is number one in petrol bombs, he will just bomb a car in the street, but he is the very one that I have helped and I put him - I employed him. That is why I say at the end of

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it all God will support us.

CHAIRPERSON: ... (Microphone not switched on - indistinct)  
... 1996 don't like you. Can you tell us what you base that on and why they would not like you? After all, you are an upstanding businessman in your community.

MR NKOSI: I would like to explain here. In 1995 we heard that there was a gathering, and there was a gathering and Capt Molapo was there, and he is investigating left and  
30 right about us. He just wants to see us in prison. And one day when people are talking about the Truth Commission, they said Mpumulanga, do you, would you like the Truth Commission to come back to Mpumulanga. I said yes, it

should come back, because we have to tell this Commission that Molapo is going around assaulting people, saying, alleging about this, alleging about this and that about Julius. Still in that vein, it has become clear, and I said to myself when the Truth Commission comes back I will tell the Truth Commission that now we are sick and tired of Molapo, because he is going around assaulting people, instructing them that they should say this and that about Julius, alleging about us. Why does he arrest us and put us  
10 into custody and can he say why he is doing all that.

I would like this Commission to come back to Mpumulanga because I will say all these things, because people died, about four of them, but no one was affected insofar as that is concerned.

Three months in succession my stores were boycotted, but that was no big deal. But some other things that we don't even know about, talked about the people emphasised on those, and this is why they were even called to this Truth Commission.

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I did not go on to give evidence in the Commission. Now I have been called here and being asked questions that I don't even know. I don't know the people that it is alleged that I have killed. How can you kill a person that you don't know. This is a frame. We have just been framed so that we could be seen as guilty people and evil people.

This very Molapo was asking around in Mpumulanga why is Julius owning many shops, why is he such an affluent person  
30 and owning so many businesses.

You see, I am even interested now in the fact that I would like to sell these businesses, so that I lead a better life now, because probably my businesses is the

problem.

The Commission itself will see and realise that we are not treated well. People who were being told to say things and allege things about us, that we are actually not. I am telling you about these five people who are my enemies, but I never killed them. Even if you can go to the community of Dadji and ask about the person who was behind the petrol bombing. In 1986 who was attacking cars, who was attacking my possessions and my cars, is Dan Lukene. I know because I have full evidence insofar as that matter is concerned. Thank you.

MS SEROKE: Mr Nkosi, have you ever heard about a group called Sibya Sikulu?

MR NKOSI: Thank you. The Sibya Sikulu is referred to as my cousin. They call him Sibya Sikulu. They talk about him, when they Sibya Sikulu, they will mean the big crawl, they talk about him.

MS SEROKE: Who are those talking about him? Is he calling himself the big crawl, Sibya Sikulu?

20 MR NKOSI: Saying the big crawl, you are referring to him.

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MS SEROKE: Why is he called the big crawl?

MR NKOSI: The area itself is called the big crawl and they usually refer to him. I know therefore with effect, that when you say the big crawl you are referring to him.

MR JORDAAN: There is just a matter that I would like to place on record for you. Madam Chair, there is a matter I would like to place on record.

30 Mr Lewin earlier explained very clearly to Mr Nkosi what the activities of the Truth Commission are all about.

That which I would like to state here now, I hope heartily you will contain in your report which you will submit to



Parliament. So that should any other country in the world end in the same situation, they will learn from one thing, that when a set-up such as the Truth Commission is instituted and conducts hearings, that which should go beforehand should be done properly and should not be approached wrongly.

After that had been said previously by Mr Lewin and he was specifically asked why he didn't like the police of 1985 and 1986, it clearly came to the fore that he does not only feel against what the police is doing, but also what he feels about what the Commission is asking him. Previously there was this campaign, the police assaulted people, forced me to drag his name into things which he was not aware of.

CHAIRPERSON: ... (Microphone not switched on - indistinct) ... about the fact that these are not new allegations against your client. I am not quite sure if both you and your client are aware of the fact that Capt Molapo and Capt Swart here were members of the D'Oliviera investigation unit, and that the special investigatino unit of the Attorney-General's office was formed after the Goldstone

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Commission's report.

The Goldstone Commission's report indicated that there were lots of irregularities about what was happening in the Nelspruit area as well, which involved certain very prominent businessmen.

The word that your client has now used Sibya Sikulu was in fact meant to refer to your client Mr Mazibuko and your client's brother, and that Mr Molapo was sent, even before he was employed by the Truth Commission, by the D'Oliviera unit to go and investigate Third Force

activities which were linked to the Qibasa gang.

So when your client talks about policemen that he doesn't like before the 1995/1996 period, I would like to inform him that the Truth Commission in fact started in December of 1995. The investigation unit only properly started its work in April of this year, and that Mr Molapo was investigating these irregularities in 1995. They do not emanate from simply things that we are picking up from the -these emanate from a Third Force report which the  
10 Goldstone Commission prepared and submitted to the President.

MR JORDAAN: Madam Chair, you interrupted me, I didn't even have the opportunity to complete my statement, and that is why you completely misunderstood me. In that which I said to you previously, I think I even referred to Molapo. All that I wish to convey to the Commission is that an experience which I am finding here, which I think is an important lesson which one learns.

All that I am trying to say and that which I see  
20 stemming from what Mr Lewin has asked, is the fact that beforehand, certain things took place, which created a peception in one's thoughts.

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Now one hears what other people have said about you, and dragged into matters which you say you are not involved in. Therefore, I wish to ask you, even if it is the Chief Judge Mohammed of South Africa today, would also in such a case feel negatively about such people and about the  
30 Commission stemming from that sort of situation. I am not trying to create, to say that the Commission is bad.

All that I wish to say to the Commission is that it is an important aspect to contain in a report that the run-up

to such a thing, the creation and the investigations can lead to people standing negatively and having a negative perception of what people think of them and of the way they appear. If you understand what I am saying, Mr Lewin.

CHAIRPERSON: The Commission's work is one of investigation. This is an investigation inquiry. Certain allegations have been made by your clients. He has certain perceptions, but I think part of our job is to make sure that in fact we clear up those misperceptions.

10 But there is another matter which Mr Lewin in fact did not deal with, and which is the other reason for the existence of the Commission. Part of our job in this country is to deal with the question of setting the past to rest.

People, like your clients, have been accused of very horrendous activities, atrocities, human rights violations. The Commission also offers people an opportunity, which is available until Saturday of this week, which is to clear their names, to clear their slate and to in fact apply for  
20 amnesty. Amnesty has the effect of making sure that they won't go to prison, they cannot be charged on a criminal prosecution. There can be no civil claims against them by

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members of their family or persons who had been injured in these atrocities.

It is our job to also acquaint your clients as indeed have some members of the Qibasa gang, who have availed themselves of that opportunity, and have in fact applied  
30 for amnesty.

I think we need to put that on record as well. That is another reason for the existence of the Truth Commission.

I am aware of the fact that the businessmen, certainly in the eyes of the community, and the community who were in fact the victims of many perpetrators, they view businessmen such as your client and Mr Mazibuko with suspicion. They in fact feel that they worked hand-in-hand with Qibasa and with both the police.

I think part of our job here today is to test the fact that those perceptions existed. Indeed, your client himself has admitted that there was that kind of friction ... (END  
10 OF TAPE 1 - SIDE B).

MR LEWIN: Yes, I would just like to follow up on that, because the amnesty question is important. What the Commission is about are two things, about several things, but specifically we on the human rights violations side, we are having to find out as much as possible about what happened.

On the amnesty side there is the opportunity for people who have committed offences, who might be prosecuted, for them to come forward.

20 What we are involved in this morning, is the first one. But you say we must come back to Mpumulanga, Mr Nkosi. We are going to come back to Mpumulanga. We are going to come back and follow up on all the cases that came before us at

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the hearing. We are going to follow up on all the other statements that were made before the hearing. You yourself are also in a position where you could also make a  
30 statement in terms of the victimisation, you say, that you were subjected to. But we will be coming back, and we will be taking up the accusations of numerous people, not only of those who made statements to us, where the name Qibasa

comes up and we say who is Qibasa, tell us about Qibasa. They immediately say Qibasa is Enos, Julius - James, and the four or five names that were rattled off yesterday. Those are the questions we are asking you. We would like an answer to that.

CHAIRPERSON: In fact just to, I mean you used the word first, we didn't use it, the big crawl, Sibya Sikulu. This is what has constantly been quoted to us by witnesses. Mr Nkosi, his brother James, Mr Mazibuko. This was Sibya  
10 Sikulu, the most permanent members, and they used Qibasa to further and achieve their own ends. Often they collaborated with the police, particularly the security branch. That is why I find it very strange, but you also say that you knew Mr Walters by sight.

MR NKOSI: Thank you very much for all that has been said. I do trust and hope that this Commission should not focus on one side, but should focus on both sides, take two sides of the story. What surprises me is that it looks like the Commission is focusing on one side, but our side is not a  
20 big deal. It is what we are talking about, case numbers of the things of the things that have transpired. We are not lying. There are people who died and who buried those people. It is not a lie. But you are not addressing that. You are only addressing things that have been said and

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alleged by the people who hated us in the street. If the Commission is still going back, they are still going to address the things that have been said in the street. I  
30 would like the Commission to focus into the (indistinct) matter that was read. In kaNyamazane the person that, the name of the person that you heard of there, please investigate and find out what was that that was apparently

the problem between the two of us. But the Commission is not bothered about that. They only take the things that have been said and that is being said in the street, that there is the big crawl and the Commission is focusing now and interested in this name, the big crawl. Why were we fighting the two people. The Commission should find out about that.

What I have said about those people, they have done this and that. They burnt Mazibuko's place, but the Commission is not focusing on that. It is not a problem, according to the Commission. This is why I will say the Commission is only focusing on one side and favouring one side, the one that they decide that they like better and they ignore our sides. We are at a disadvantage.

Also in ... (intervention).

MR LEWIN: ... (Microphone not switched on - indistinct) ... because I was involved in organising the hearing, I was involved in helping organise the hearing in Nelspruit. We spent a considerable amount of time coming down to Nelspruit and we had meetings there, we had meetings all over the place. We advertised in the local Press, we advertised on the local radio, of the fact that the hearing was taking place, and everybody without exception, everybody was in a position where they could come forward and make statements.

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We heard statements, and if you followed the case clearly, you would have known that. We heard statements from Roos, we heard statement from Van Eck, of people who were blown up by land-mines, allegedly placed by the ANC. We are not a one-sided Commission. We are trying to find out what happened to everybody.

The opportunity is there for you to make statements.  
The opportunity is there for you to make a statement now.  
There is a Truth Commission, local committee office in Nelspruit at 16 Russel Street, where you and any of your friends who feel that you have a case to be made, can go and make statements. You can go and do that now.

This Commission has a life of another 12 months. We are not finishing on Saturday. The amnesty applications finish on Saturday. That is something you can think about.

10 But thereafter you have another, at least six months, to go in and make statements.

I would appeal to you, if this is how strongly you feel about that, I would appeal to you to go into that office and to make those statements, so that we can then consider them. We have tried as hard as possible to get everybody to come in. People have not come in. You would make a very good example, if you yourself came in and made that statement. I appeal to you to do so.

CHAIRPERSON: Thank you. Is there anything further that  
20 you would like to say, are there any more questions? Is there anything you would like to say?

MR NKOSI: There is absolutely nothing, I am done.

CHAIRPERSON: I would also like to remind you of the provisions in the Act which deal with the question of perjury. I would want you to consider very carefully  
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now and Saturday, whether or not you wish to change the nature of the evidence that you have given before us,  
30 because after Saturday, remember, all information we collect at the end of the day will form part of a dossier which will be handed over to the Attorney-General for further prosecution.

I would also like to inform you further, that there are members of the Qibasa gang who have availed themselves of the opportunity to apply for amnesty, and no doubt, when those applications are heard, there will be some testing of the discrepancies of the versions between you and the majority of the people in the Nelspruit area.

Thank you, Mr Jordaan, for appearing, we will recess for a period of 20 minutes, where upon we will resume to do your next client, Mr Mazibuko.

10 ... (Microphone not switched on - indistinct) ... in the case of Mr Mazibuko or any of the witnesses who appeared yesterday, as they still remain under oath and will reappear before the Commission in January.

Thank you.

COMMISSION ADJOURNS

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