

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING - IN CAMERA

DATE: 28TH MAY 1998

NAME: NICHOLAS ZWELI JAMANI

DAY 2

CHAIRPERSON: Madam van der Westhuizen, Mr Jamani, is it Jamani? Yes, thank you. Before we take your evidence down I will ask Commissioner Sooka to swear you in. There is a facility for you to take translation. Just make sure you have got correct channel.

MS SOOKA: Explain procedure or channels and translation.

Do you want to state your full names for the record please.

NICHOLAS ZWELIBANZI JAMANI: (sworn states)

CHAIRPERSON: Have you prepared any statement Madam van der Westhuizen, on the basis of which your client is going to be, or are you just going to wait for questions as they come?

MS VAN DER WESTHUIZEN: Mr Chairman, we haven't prepared a statement. He will answer the questions as they are asked.

CHAIRPERSON: Very well, thank you very much.

Ms Sealey?

MS SEALEY: Mr Jamani, is it correct that you are currently serving a sentence for the Ngema Tavern shooting?

MR JAMANI: That is correct.

MS SEALEY: Mr Jamani, can you please explain to us, who gave you the orders to attack the Ngema Tavern?

MS VAN DER WESTHUIZEN: Mr Chairman, I object against that question, that is not what my client was informed he was going to appear here for. His notification only states that he's here to answer questions relating to a matter:

"1: 29 September 1991, the murder of Mr Samuel Ntuli .

2: The shooting at Mklala Supermarket and

3: The killing of Mr Vusi Shabalala"

MS SEALEY: That is the case that is on the subpoena but he is currently sentenced for the Ngema Tavern massacre, so I would assume that he would have knowledge as to why he is in prison.

MS VAN DER WESTHUIZEN: But Mr Chairman, I still object to, my client has applied for amnesty relating to this so-called Ngema shooting for which he is currently in custody. That application has not been heard and I advised my client not to answer questions relating to that specific incident and for which it was not stated that he is required to answer any questions before this Committee.

CHAIRPERSON: Now, is the basis - I can understand the one basis, that he has not been notified that he is going to be asked questions thereabouts. Is the other basis that he has applied for amnesty in relation to that matter?

MS VAN DER WESTHUIZEN: That is indeed so Mr Chairman.

It is twofold, first that he wasn't informed that he is going to be asked questions about it and the second one is that he indeed applied for amnesty and that application is still pending.

CHAIRPERSON: I don't regard the second reason as a basis for refusing to answer questions. They may well be married in their - maybe before - let's not ask questions in relation to things that a witness has not been given notification about.

MS SOOKA: Of course in terms of the first issue, the fact that it's not on the subpoena, that is really the only basis on which this Committee will decided that he shouldn't answer any questions.

But then let me also place on record that it may well be 14 days from now that your client will receive another subpoena today asking him to appear.

~~So I would suggest that at some stage, perhaps once we~~
have completed the line of questioning on the other matters, that you take instructions from your client on whether he is willing to answer questions on that matter because a subpoena will then emanate, depending on whether there is a basis for it, to get him to answer questions. If we could deal with it on that basis.

MS VAN DER WESTHUIZEN: I will abide by the decision of the Honourable Chairman.

MS SEALEY: Mr Jamani, I will then go onto the assassination of Mr Sam Ntuli. Could you please tell us, did you attend a meeting where the assassination of Mr Ntuli was discussed?

MR JAMANI: No, I was not there.

MS SEALEY: Can you explain why both Mr Zimo and Mr Malaba said you were present at that meeting?

MR JAMANI: I do not know why but there was no truth in that I attended a meeting, discussing that issue.

MS SEALEY: According to Mr Malaba, you were present at that meeting along with other, along with senior members of the IFP, where there was a discussion of how Mr Sam Ntuli would be assassinated and subsequent to that, that you were also one of the people that was present in the bakkie that went off to assassinate Mr Ntuli, is that, are you denying that?

MR JAMANI: I do not accept this because at that time I did not know Tulani Malaba, I only got to know Tulani on the 22nd of January 1993. It would be difficult for him to say he saw me when I did not see him I do not understand this. I regard it as an untruth.

MS SEALEY: Mr Jamani, if I can then understand you correctly, you met Mr Malaba at the time of the Ngena Tavern attack, is that correct because that would be the 22nd of January 1993?

MR JAMANI: Yes, I first knew him on that day when the Ngema attack was supposed to take place.

MS SEALEY: Could you then possibly explain, why would Mr Malaba and Mr Zimo say that you were present? Would you have any reason as to why they would tell you, tell us that you were present when you were not?

MR JAMANI: I do not know the reason for them to say that I was present. I don't know why they decided to joke about this.

MS SEALEY: Do you have any knowledge of the assassination of Mr Sam Ntuli?

MR JAMANI: I do not have any information except from what I read from the newspapers about the death of Sam Ntuli. The only information that I have is what every other person read from the newspapers, other than that I do not have any information.

MS SEALEY: According to Mr Malaba, you were on very good terms with Miss Gugu Mzizi and that she was one of the people that was apparently unwittingly, it would seem, used in the plot to kill Mr Sam Ntuli. Do you know Miss Gugu Mzizi?

MR JAMANI: I know her quite well.

MS SEALEY: Where do you know her from?

MR JAMANI: I know Gugu Mzizi to be a girlfriend of my friend, a friend called Mundli. I only knew her to be Mundli's girlfriend.

MS SEALEY: You have no knowledge of her being used unwittingly in the plot to kill Mr Sam Ntuli?

MS SOOKA: Sorry, there seems to be - is he having a problem with ...?

CHAIRPERSON: Explains proper use of headphones. How is your reception now?

MR JAMANI: It is okay.

MS SEALEY: I'll repeat the question. I asked whether you had any knowledge of Miss Gugu Mzizi being used unwittingly in the plot to kill Mr Sam Ntuli?

MR JAMANI: I do not have any information regarding that.

MS SEALEY: Are you aware of what has happened to Ms Mzizi?

MR JAMANI: I heard that she had died when I was in prison. I don't know how.

MR NDLOSI: Mr Jamani, just to take you back to the issue of Mr Sam Ntuli, you mentioned that you only read from the newspapers that he had died, which newspaper did you read this from?

MR JAMANI: I first heard, if I remember correctly, I was returning from home. I think I read from a Saturday or a Sunday newspaper. I'm not sure which newspaper it was, I read a few newspapers on that day.

MR NDLOSI: Where were you? Were you in Thokoza when you read about this?

MR JAMANI: Yes.

MR NDLOSI: How many days had elapsed after the incident?

MR JAMANI: If I remember quite well I think it was one or two days after the death of Mr Ntuli but I was at Thokoza on that day. I think he had died on the same weekend. I'm not sure of the day.

MR NDLOSI: Did you return one day after he had died?

MR JAMANI: I think I returned from home on a Sunday evening.

MR NDLOSI: When had you left for home?

MR JAMANI: I had left on a Friday.

MR NDLOSI: Mr Jamani, we have a statement here which you made to the detective who was in charge of Mr Ntuli's case. He asked you where you were in September 1991 and you said you were at home.

~~MR JAMANI: It must also be remembered that September '91,~~
the year starts in January and ends in December, if somebody asked me where I was in September 1991 I could say I was at home.

MR NDLOSI: Do you still insist that in September 1991, that is the 1st of September 1991 till the last day of September, you were at home?

MR JAMANI: What I would like to mention is that on weekends if I'm not working I would normally go home. Be specific and say: On this month I went home or not. I would actually go home

whenever I was free so I cannot - it could happen that I was home on that day but I usually went home.

MR NDLOSI: Could we then assume that you do not remember quite well whether you did indeed go home in September or were you maybe in Thokoza?

MR JAMANI: We can assume that I do not remember but on the weekend that Sam Ntuli died I know that I was at home on that day.

MS SEALEY: If I can just clarify something with you Mr Jamani, according to the evidence that we received from Mr Malaba earlier, he clearly states that you yourself, a guy by the name of Makowleni and a person by the name of - you'll have to excuse my pronunciation here but I'll try, it's Nkunu, were actually in the back of a van that left the hostel to go and kill Mr Sam Ntuli, do you have any knowledge of that?

MR JAMANI: I do not quite understand. Do you refer to my statement or to Tulani Malaba's statement?

CHAIRPERSON: She is talking about what Malaba has given in evidence here. The question that she is putting now is referring to what Mr Malaba told us in evidence here, not what you said in your statement to the policeman investigating the case.

MR JAMANI: No, I did not.

MS SEALEY: Do you know a person by the name of Makowleni?

MR JAMANI: No.

MS SEALEY: Do you know a person who happens to be an induna at one of the Thokoza hostels, by the name of Nkunu?

MR JAMANI: I know him.

MS SEALEY: Mr Jamani, you say that you heard about Miss Mzizi's death when you were in prison, is that correct?

MR JAMANI: That is correct.

CHAIRPERSON: When did you get to prison, when was this? Since when have you been in prison or had you been in prison?

MR JAMANI: I was arrested in 1993, on the 19th of February.

MR NDLOSI: Mr Jamani, you told us, if I heard you correctly, that Gugu Mzizi was Mundli's girlfriend, is that correct?

MR JAMANI: That is correct.

MR NDLOSI: I am a little confused, maybe you can clarify this.

In your statement to the investigating officer you explained that you did not know who was involved with Gugu Mzizi.

MR JAMANI: If I remember correctly, the TRC's Investigator came to the prison and explained that, he actually asked me if I knew Gugu and I said yes and he said Gugu Mzizi was in love or had been involved with Sam Ntuli and if I had any knowledge of their relationship and I explained about that. I was only explaining about that aspect.

MR NDLOSI: The statement that I am referring to actually contains the parts about Gugu Mzizi and Sam Ntuli's involvement but I'm not talking about that, I'm talking about something else,

where they asked you if you knew Gugu Mzizi's boyfriend and you said: "No". Why did you not specify that you knew it to be Mundli?

MR JAMANI: At that time I don't quite remember but the question on whether I knew Gugu's boyfriend, I don't quite remember that questions. The question that I do remember was on the explanation that was given to me by the TRC's Investigator, that I had not made a full explanation on Sam Ntuli, that I had information on the death of Sam Ntuli, on the death of Gugu Mzizi and the shooting of Matklala and they asked me what I had to say for myself about these matters. I told them that one of my co-accused had told me the following: ...[indistinct]

CHAIRPERSON: Mr Jamani, with respect, you are being asked a very simple question and a very specific question and you are not ~~being asked to confuse TRC Investigators with other~~ investigators.

The question was put to you in this room earlier on as to whether you recall making a statement to an investigator in which you told him that the boyfriend of Gugu Mzizi was Mundli, do you recall that question being put to you?

MR JAMANI: No, I do not remember.

CHAIRPERSON: Is that why now you - okay, did you ever say to a police person investigating this matter that Gugu Mzizi's boyfriend is Mundli? Did you ever say that?

MR JAMANI: If I remember that was a matter that we were discussing another policeman. ...[intervention]

CHAIRPERSON: Mr Jamani, I don't want to cut across your replies, it's a straightforward question. Did you ever say to a policeman investigating the assassination of Ntuli, that Gugu Mzizi's boyfriend was Mundli?

MR JAMANI: No.

CHAIRPERSON: George?

MR NDLOSI: Mr Jamani, let's go back a bit. You have mentioned that you heard about Mr Ntuli's assassination from the newspapers, are there any people who also spoke to you about this matter? If so, please give us their names.

MR JAMANI: Yes, Gugu.

MR NDLOSI: Is she the only one?

MR JAMANI: I remember Gugu only.

MR NDLOSI: Mr Jamani, do you know Sam Ntuli and if you do, how do you know him?

MR JAMANI: I know Sam Ntuli, he was pointed out to me by Gugu. I was talking to Gugu one day and she went to talk to somebody in a car. When I enquired who the person was she told me it was Sam Ntuli.

MR NDLOSI: Is that the only way that you knew him, is there no other way?

MR JAMANI: One day I went Sam Ntuli at a meeting in Thokoza and the erstwhile Municipality offices.

MR NDLOSI: Thank you.

MS SEALEY: Mr Jamani, can you possibly explain what is your association with the Khumalos, how are you related to the Khumalos or how are you associated with Mbekiseni Khumalo, Mr Mbekelele Khumalo and Mzwaki Khumalo?

MR JAMANI: I am not related to them. I know Khumalo as an IFP member and his house was one of those that were being attacked in the township when there was fighting.

MS SOOKA: I'm sorry but you haven't actually answered the question. You are being asked about your relationship with the Khumalo family and I haven't heard you explain that yet.

MR JAMANI: Actually I am not related to the Khumalo family.

~~CHAIRPERSON: Yes, I think we have heard that. You were not asked whether you have blood ties with them but we want to establish whether there was an association, a relationship, a friendship, yes, that sort of relationship, not a blood tie relationship, whether they are your uncles, not that.~~

We are satisfied that you are not related in that sense. But from evidence that we have it seems clear to us that you had an intimacy, you know it's not just people that you knew from reading in the newspapers about. You knew them at a fairly

intimate level and we want you to tell us how that relationship came about and how far it went. Is that the position?

MR JAMANI: The relationship with Khumalo was that I knew him as my comrade and as an IFP member, I don't have any other relationship besides that with him.

CHAIRPERSON: Are you yourself a member of the IFP?

MR JAMANI: Yes, that is correct.

CHAIRPERSON: Now there is a reference in some of the documents that we have that describe a certain group of people and I will name them for you, Malaba, Mafulele, Oscar Msomi, Gertrude Mzizi, Abraham Mzizi, Lucky Xhosa, Sabelo Obet Gadebe, Zweli Jamani, that is yourself and Tsoatetsi otherwise also known as Malaba. Now those people were generally known as the so-called Khumalo gang, are you aware of that sort of reference to those people as the so-called Khumalo gang?

MR JAMANI: I do not know of the Khumalo gang. Some of the people that you mention, I knew them as fellow members of the IFP.

CHAIRPERSON: Did you know Mbekiseni Khumalo?

MR JAMANI: Yes, I knew him.

CHAIRPERSON: Did you know Mbekelele Khumalo?

MR JAMANI: Yes, I knew him.

CHAIRPERSON: Mzwaki Khumalo?

MR JAMANI: Yes, I knew him.

CHAIRPERSON: Peter Sebeko?

MR JAMANI: I did not really know Peter Sebeko.

CHAIRPERSON: Do you know him now?

MR JAMANI: Yes, I do.

CHAIRPERSON: Mandla Wakengata, do you know him?

MR JAMANI: I knew him.

CHAIRPERSON: Thabani Thamaisa also known as Kopana?

MR JAMANI: I did not know him.

CHAIRPERSON: Now, are you saying all of the people that I've mentioned, only two of whom you did not know, one of whom you now know, are you saying that the only tie between all of you was that you were IFP members or is there some other basis on which you knew each other?

MR JAMANI: The only ties that we had was that we were IFP members.

MR NDLOSI: Mr Jamani, were you a member of the SPU(?)?

MR JAMANI: Yes, I was.

MR NDLOSI: Can you give us the names of the people who were also members of the SPU?

MR JAMANI: Yes. The first one is Mundli, the second one is Sabelo Vilagazi, a third person I knew as an induna, his surname was Umkhonto, another induna whose surname was Duma. I have forgotten the other one but I think he came from Masinga in KwaZulu Natal. I've forgotten his surname.

MR NDLOSI: Were there only five of you in the group?

MR JAMANI: No. I have actually forgotten some of the names of some of the people who were in the group.

MR NDLOSI: Who was the commander of this group?

MR JAMANI: It was Umkhonto the induna.

MS SEALEY: Mr Jamani, Mr Malaba testified here earlier that he and, that Mr Mbekiseni Khumalo had asked both Mr Zimo and Mr Malaba to kill his wife, Mzwaki's mother, Sabeth Khumalo, do you have any knowledge of that?

MR JAMANI: No, I do not.

MS SEALEY: According to Mr Malaba's evidence here before us he said that you along with someone by the name of Terreblanch, Mafulele and Obet had something to do with Mrs Khumalo's death, do you have any knowledge of that?

~~MR JAMANI: No.~~

MS SEALEY: Mr Jamani, I've got a great difficulty here, I can't quite understand why Mr Zimo and Mr Malaba would come here and implicate you in all these incidences of, serious incidences, and you are an innocent person and they just, what is the reason, they just implicated you for the fun of it? Surely there must be a reason as to why Mr Zimo and Mr Malaba would come here and make serious allegations against you.

CHAIRPERSON: To put the same question in a different sort of way, have you ever had any quarrel with either Mr Zimo or Mr

Malaba since you have known them? Do you know of any reason why they would bear you a grudge, the nature of which should be that they should implicate you?

And I ask this because given that this is not a Court of Law, this is not even an inquiry that is going to have detrimental effects to you, it's an inquiry in terms of an Act which has no prosecution powers. Why would these people want to implicate you in murders in which you had no part, either in the planning thereof or in the execution thereof if you had not had any occasion in the past to hate each other, given that you were always together?

MR JAMANI: I cannot state the reason why they would implicate me but we once quarrelled with Tulani Malaba and Themba Zimo in 1993.

~~CHAIRPERSON: What was the quarrel about?~~

MR JAMANI: We were on trial in the Boksburg Prison and I was sharing a room with Themba Zimo and a lot of people in that cell were SDU members whom Themba knew from the location. They would usually blame him for a lot of things and for the reason that he stayed in an Inkatha area.

I think from that time onwards he started talking about the fact that Zweli was an Inkatha member and he was in fact incarcerated because of Zweli so that he found favour with them at my expense. Therefore because they knew both of us to

be members of Inkatha, he was trying to find favour with them at my expense.

CHAIRPERSON: Were you all in prison at that time?

MR JAMANI: Yes, that is correct.

CHAIRPERSON: And the story is though that they were saying these things in order to get out of prison. From what I understand you to be saying, they were saying these things if your evidence is accepted because they want to carry favour with people who were SDU members in prison, is that your evidence?

MR JAMANI: Yes. He wanted, Themba Zimo was the one who was actually seeking favour from the SDU's.

CHAIRPERSON: And Malaba Tsoatetsi, why would he want to implicate you?

MR JAMANI: At that time Malaba had escaped. On his return ~~that is when we started having conflict and we were attending our~~ case in 1994. We actually started not being on good terms at that time.

He and Themba Zimo were actually collaborating about me, discussing what they could do so that they could be acquitted. They would do things such that I should be the one who would be eventually incarcerated and they would go free. They would discuss this in my presence.

Another thing is that these two people were known to me as people who were in the same gang, that is why they were close and wanted to actually implicate me.

CHAIRPERSON: What gang was this that they were in?

MR JAMANI: I think it was "Three" or ...[indistinct] Airforce Three", they had these written on their feet.

CHAIRPERSON: Was this in prison or outside prison whilst you were all associated as IFP members? I'm just wanting to know when this gang was formed that they belonged to, which you are now telling us about. Was it a gang that was formed in prison or was it a gang that had been existence even before you went to prison?

MR JAMANI: I only started to know about this gang in prison. It was something that was happening within the prison because ~~other people who were also involved in this gang were in prison.~~

I only heard about this "Airforce Three" gang in prison.

CHAIRPERSON: Miss Sooka?

MS SOOKA: Can you tell me what you were actually doing? Why were you arrested with them? For what were you arrested?

MR JAMANI: We were arrested for the incident at Ngema Section which actually took place in 1993, January.

MS SOOKA: But you were all arrested for the same matter isn't it?

MR JAMANI: Yes, that is correct.

MS SOOKA: So in fact the police made an assumption that the three of you together were part of whoever attacked this tavern, am I right?

MR JAMANI: They heard that that is what happened.

MS SOOKA: So the assumption I think that the State made was that you were then part of the same group or gang as you call it, who were responsible for this attack, yes or no?

MR JAMANI: Yes.

MS SOOKA: So, in fact when Mr Malaba and Mr Zimo comes and tells us that all of you are part of the Khumalo gang, in fact you are part of some gang together, be it Khumalo or any other name but you were part of one gang, not just members of the IFP?

MR JAMANI: I would not regard that as the truth. I would just like to explain briefly about my association with Themba and

Tulani. I [intervention]

MS SOOKA: I'm waiting for the explanation.

MR JAMANI: I had heard of Themba Zimo, the name, but I had not seen him. I saw his face on the 22nd of January 1993. As I had heard about him, that is why on that date I went with him to Ngema Section where this incident took place, not because I was close to these people before. I had just heard of him and that is the reason why I managed to actually go with them to the Ngema Section, not because I had actually met them before or were close to me before.

MS SOOKA: So, you don't know them on the day that you meet with them, you go to the Ngema Section, you attack this tavern, people die in the incident, you are then arrested, you land up in the same cell with them, you are charged together and you are finally convicted but you didn't know them before that day?

CHAIRPERSON: Is that your evidence?

MR JAMANI: As I have already explained I did not know them, I had heard of Themba Zimo. I heard of him as a person who was from the township who grew up with the ANC comrades in the township. When there was conflict in the township he used to come and report and give us information if we were going to be attacked, that is why I say I had heard of him.

CHAIRPERSON: Doctor Randera?

DR RANDERA: Earlier on when the Chairperson read out all the names to you, you said you knew the names as people who were comrades and members of the IFP, do you remember that? When he read the Mzizi's names out, the Khumalo names, you said that you knew them as comrades and members of the IFP.

MR JAMANI: Yes, that's correct.

DR RANDERA: Now please tell us what was your position
...[intervention]

INTERPRETER: The speaker's mike.

DR RANDERA: What was your position in the IFP structure in that area, because you said you were a member of the IFP

yourself? Were you not aware that Mr Zimo and Mr Malaba were also members of the IFP?

MR JAMANI: I did not hear that Themba Zimo was a member of the IFP but I had just heard that he would usually report if there were going to be attacks but that he was an IFP member, I did not hear of that.

And with reference to my position within the IFP, I was normal member of the IFP. And during the conflict, when there was fighting in the township, I was one of the people, one of the people that I have mentioned who used to protect IFP members when there were attacks in the township.

MS SEROKE: You said you did not know Themba Zimo, you first saw him when the attack on Ngema happened, how did it come about that you did not know each other before but you went together to attack at Ngema Section?

MR JAMANI: For us to go together to Ngema, it was not that we were actually going to attack together with them, I was going to go and see those persons and actually confirm if the situation was as was told to me and return. But when I talked to a friend of mine, Mundli which whom I was with at the time, we agreed that if there was no problem at Ngema Section we would attack. I meant that as people I did not know, it's not that I trusted them but I trusted myself but because they knew the people that we were going to attack, that is why I went with them.

It is not that I trusted them but I also believed that they would also attack because they also had guns. But I wouldn't say that we trusted each other or that I trusted them.

MS SOOKA: Could it actually be that in fact you were three persons given instructions to attack the tavern, and that the reason you were there was because you had received instructions?

To be fair to you and to be fair to the fact that your attorney has indicated that this was not a matter raised on the subpoena, I think that you should consult about that because it certainly is an area that the Commission is going to pursue, probably before your amnesty application is going to be heard. Thank you Mr Chair.

CHAIRPERSON: I just also wanted to say before we break for lunch. It is important, and this is just something that I want you to consider, I'm sure your attorney obviously in line with her profession, has advised you that it is important to testify truthfully and honestly at all times.

I'm not in any way suggesting that I've already come to a conclusion as to your testimony but you will see from the way in which you have been answering the questions, both from the panel and from the other side, that there are things that intrigue us.

Now the importance of testifying truthfully is that as you have been sworn in, whatever you say here commits you to a version. Now, insofar as there are acts or offences or omissions

in relation to which you have applied for amnesty - your lawyer I'm sure has told you. there is a requirement in the Act for amnesty applicants to make a full disclosure and for that reason testimonies of Section 29 Inquiries become available to the Amnesty Committee.

I therefore want you to apply your mind every time you give responses, especially in relation to matters where you have applied for amnesty but generally in relation to everything that you are being asked because you are saying those things under oath and there may come an occasion in the future where you might be compelled to say something different.

I therefore want to warn you that if you testify and you are not taking into account the fact that what you say here may well be used at a future proceeding, then maybe it is important that ~~you should be aware and be warned that you should be careful in~~ the way in which you testify so that we should not be unfair to you in this process by not bringing to your attention that whatever you say here may be used certainly in your amnesty application and in any other Court proceedings.

We will adjourn for lunch and we will come back at a quarter to two.

MS VAN DER WESTHUIZEN: Mr Chairman, before we adjourn, can I just clarify from you, my client is under oath and Miss Sooka from the Committee asked me to take further instructions

regarding the application. Does that mean that I'm allowed to speak to my client?

CHAIRPERSON: Oh yes, you are allowed to consult with your client.

MS VAN DER WESTHUIZEN: I just wanted to clarify that.

CHAIRPERSON: No, no, you are.

COMMITTEE ADJOURNS

ON RESUMPTION

NICHOLAS ZWELIBANZI JAMANI: (s.u.o.)

MS SEALEY: Mr Jamani, do you have any knowledge of the attack on the Mdlala Store in Thokoza?

MR JAMANI: I only heard about the attack.

MS SEALEY: You yourself personally, you say you heard about it but you weren't personally involved, is that correct?

MR JAMANI: No, I was not involved, I only heard that there was an attack and I did see some of the people who were injured during the attack.

MS SEALEY: When you heard about the attack was any reference to who possibly had been involved in the shooting at the Mdadla Store?

MR JAMANI: No, it did not emerge as to who was involved. The people who were involved, some of them were from our movement. We concluded that those must have been ANC people.

We just concluded that these attacks may have been launched by ANC members.

MS SEALEY: Is that on the basis that some of the people that were injured were IFP members?

MR JAMANI: Yes, that is correct.

MS SEALEY: Mr Jamani, do you have any knowledge in regard to the death of Vusi Shabalala who was the Deputy Secretary of the Civic Association in Thokoza?

MR JAMANI: No.

MS SEALEY: Do you know who Mr Vuzi Shabalala was?

MR JAMANI: No.

MS SEALEY: You'd never heard of him, is that correct?

MR JAMANI: No, I only started to hear about him when I was arrested.

~~MS SEALEY: When you were arrested what did you hear about him?~~

MR JAMANI: They told me that there is a person by the name of Vusi, about the death of whom I knew something. That was the first time I heard of his name.

MS SEALEY: Was this, this was when you were arrested for the Ngema Tavern shooting, is that correct?

MR JAMANI: Yes, that is correct.

MS SEALEY: Do you remember who told you that Vusi was dead or how Vusi was killed, do you remember who that was?

MR JAMANI: I was told by a police that had come, he is the one who told me.

MS SEALEY: Mr Jamani, if we can just go back prior to the lunch break, you were being asked as to how it was possible that you only met Mr Zimo and Mr Malaba on the day of the attack on the Ngema Tavern ...[intervention]

MS VAN DER WESTHUIZEN: Mr Chairman, if I may just intervene at this point in time. I have advised my client not to answer any questions relating to this Ngema attack for which he applied for amnesty.

CHAIRPERSON: Mr Sealey?

MS SEALEY: Yes, in that case I don't have any more questions for this witness.

CHAIRPERSON: Any questions which you might like to put, members of the panel? Joyce?

MS SEROKE: Thank you Mr Chairperson.

Mr Jamani, you have explained that you were a member of the SPU and also a member of the IFP. Shortly, now that you are saying that you don't know these two people, that is Tulani Malaba and Themba Zimo, you did not know them, you only got to know them in connection with the Ngema issue, did you have any connection with them prior to the attack?

MR JAMANI: No.

MS SEROKE: Thank you.

CHAIRPERSON: Doctor Randera?

DR RANDERA: I want to ask a very general question Mr Jamani and that is really to hear from you as to your understanding of this conflict that took place in the East Rand. We have had hundreds of statements from that area, both from the - and let me say, both from the IFP and the ANC and many people who were not aligned, people who lost their lives, people who are disabled today, and you lived through that.

I'm not going to ask specifically about the tavern killings but just to get your perspective and understanding of that period from 1991 to 1993 when you were arrested as to how you understood that conflict that took place in the East Rand.

CHAIRPERSON: Can I just piggyback another question to that one because you may possibly to reply to that as well. You see ~~there's always been a view that initially this conflict started as a~~ so-called Zulu/Xhosa conflict and at some stage youths were involved and it took the form of a political conflict.

Could you in your answer possibly throw in that element as well, to the extent that you either know of it or you don't know of it or you have something to say about it?

Let me just say, this is for our broader understanding. The Truth Commission has been mandated to establish as complete a picture as possible of gross violations of human rights that took place in the context of the conflicts of the past. And the reply

from you that gives your own view need not be a view that should agree with mine but where we are able to get a sense of how you see the conflict and all these things that were happening, it might assist us.

MS SEALEY: ...[inaudible]

CHAIRPERSON: No, he wants to consult as to whether he has to reply to the questions.

MACHINE SWITCHED OFF

CHAIRPERSON: If you are ready can you ...?

MR JAMANI: Thank you. It is true that the violence erupted as something between amaZulu and amaXhosa, not that it appeared as if it was amaZulu and amaXhosa, it is exactly how it happened, it was between amaZulu and amaXhosa and later on the whole conflict took a political complexion between the IFP and the

ANC

If I still remember very well, as the conflict was going on, as I indicated, it was initially something between amaXhosa and amaZulu but from 1990, in 1990 I think, I'm not sure what month it was, around October or so, it started to be a conflict between the ANC and Inkatha.

For example if a person was umZulu, initially if a person was umZulu and a person of the ANC people would fight you on the other side but later on they would accept you as their member. For example if I still remember very well, in Thokoza

where I was in Polar Park there was a combination of different tribes but later on the area was no dominated by amaXhosa and at that time it was now a conflict between amaZulu and amaXhosa. I don't know how to put it really.

CHAIRPERSON: But Doctor Randera had asked whether you are in a position to give your own view now of why there was this conflict, if you look at it, if you were to be asked.

DR RANDERA: Let me put it another way, let me personalise it okay. What made you Mr Jamani, what made you so embroiled and involved and integrilled to that whole conflict that took place?

MR JAMANI: I got engaged in the conflict because I was a member of Inkatha because as far as I am concerned had there been no conflict between the IFP and the ANC or amaZulu and amaXhosa, I don't think I would have found myself in a position in which I found myself.

DR RANDERA: Thank you.

CHAIRPERSON: Well Mr Jamani, it remain for me to thank you for having come and I have of course to thank your legal representative for having been able, what clearly was short notice in view of the submissions yesterday, guiding you to the position where you are able to testify today. As we indicated we reserve the right to consider inviting you or issuing a subpoena, we usually want to invite people rather than subpoena them, in

relation to the matter for which you have applied for amnesty.

But as from now you are excused and you are free to go.

WITNESS EXCUSED