

**TRUTH AND RECONCILIATION COMMISSION****SECTION 29 HEARINGS****"IN CAMERA"****DATE:** 29-05-98**PLACE:** JOHANNESBURG**NAME:** MBEKISENI KHUMALO

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**MS SOOKA:** Thank you for coming. This is a continuation of the Section 29 enquiries that we have been holding over the last two days. The present witness that we have called is Mr Mbekiseni Khumalo. Before you begin your evidence however I am going to ask you to take the oath. So could you please stand for me? Can you press the red button and state your full names for the record please?

~~**MBEKISENI SOLOMON KHUMALO:** (sworn states)~~

**MS SOOKA:** Thank you. You may be seated. Ms Sealy?**MS SEALY:** Good afternoon Mfundisi Khumalo. Mfundisi Khumalo can you please tell us, you are an Mfundisi in which Church?**MR MBEKISENI KHUMALO:** The Light of Church of God in Zion.**MS SEALY:** Is that a church that you yourself started or are there many churches of the same name in the country?**MR MBEKISENI KHUMALO:** I started this church.

MS SEALY: Mfundisi when did you start the church?

MR MBEKISENI KHUMALO: I am not sure of the year but I think I obtained official documents for the church in 1986 or 1987.

MS SEALY: Now Mfundisi does this church, do you have a church building where you hold services?

MR MBEKISENI KHUMALO: No we use my home. We have a room at my house which we use.

MS SEALY: Do you have many members of your church?

MR MBEKISENI KHUMALO: Yes.

MS SEALY: When you say that you hold the church services at your home, at which home do you hold the services?

MR MBEKISENI KHUMALO: The home in which I stay.

MS SEALY: Where is that home?

MR MBEKISENI KHUMALO: 116 Mazibuku Street.

MS SEALY: Mfundisi Khumalo when you were staying at 901 in Mdekani Street Thokoza did you hold services at that house?

MR MBEKISENI KHUMALO: I used to use the school at Mapanzela, the R P Mapanzela School.

MS SEALY: Mr Khumalo which is your main, I know that your house at 901 Mdekani Street was destroyed during the violence but prior to the violence which was the main house that you stayed in? Was it the house in Mazibuku Street or was it the house in Mdekani Street?

MR MBEKISENI KHUMALO: The Mdekani Street.

MS SEALY: When you stayed in Mdekani Street were you part of any community structures? This is before the violence started, the period before the violence. Were you part of any community structures in the area?

MR MBEKISENI KHUMALO: Please repeat the question?

MS SEALY: When you resided at Mdekani Street before the violence were you part of any community organisations in the area?

MR MBEKISENI KHUMALO: I was not a member of any community organisation. I was just a member of the IFP as far as politics is concerned.

MS SEALY: How long have you been a member of the IFP?

MR MBEKISENI KHUMALO: A long time ago, I think in the 70's.

MS SEALY: Mfundisi Khumalo when you stayed at 901 Mdekani Street did people used to come to you with their problems? Did you try to assist them with their problems that they were encountering?

MR MBEKISENI KHUMALO: People came to me, well people who were actually ill and I will pray for them.

MS SEALY: Mfundisi Khumalo would you say that you had a very good relationship with the people that were living in your area before the violence?

MR MBEKISENI KHUMALO: I had a very good relationship and they liked me. I also liked them because we were all living together.

MS SEALY: Mfundisi Khumalo what made that change? When did your relationship with the people that lived in your area, when did that relationship change?

MR MBEKISENI KHUMALO: I would say it changed at 1992, that is my relationship with them.

MS SEALY: Do you know why it changed? Did something happen that made your relationship with them change?

MR MBEKISENI KHUMALO: In 1989 I was elected because I was quite popular to be a member of the street committee.

MS SEALY: When you were a member of the street committee, what were the duties of the street committee at that time?

MR MBEKISENI KHUMALO: I did not become a member they nominated me and I declined.

MS SEALY: Why did you decline? Did you have a problem with the way the street committee was run?

MR MBEKISENI KHUMALO: As a man of God I could not involve myself of being involved in the cases of community people and at that time the comrades were actually on a campaign to beat up committee members and when they came to these courts if you were found guilty you would be beaten up. And as a man of God I could not involve myself in this. Because as we know the

Commandments command us for the children to respect their parents. Therefore I refused.

MS SEALY: So after your refusal to join the street committee is that when you started experiencing problems in Thokoza?

MR MBEKISENI KHUMALO: After my refusal they actually threatened me and said they want to get me because they had actually nominated me because they thought and trust me. I told them that they could do what they wanted but as a man of God I could not involve myself in such matters.

MS SEALY: Mfundisi Khumalo do you have, besides being an mfundisi how do you earn your living?

MR MBEKISENI KHUMALO: I have a taxi business.

MS SEALY: Is that the only business that you have?

MR MBEKISENI KHUMALO: I used to have another business, Nqutu and driving school.

MS SEALY: Is that where Mr Zimo was employed at some point as a driver?

MR MBEKISENI KHUMALO: I do not know Zimo as a driver I did not employ him. I actually was working with Nxelo Skakana who actually took me to Nqutu and told me that there was a need for this driving school. And I used to stay at his house but I do not know Zimo.

MS SEALY: According to testimony by Mr Zimo he claims that you took him to Nqutu where he became part of the driving school. Is that not true?

MR MBEKISENI KHUMALO: Which Zimo are you referring to?

MS SEALY: Mr Themba Zimo.

MR MBEKISENI KHUMALO: I do not know Themba Zimo. I know Nthlethla Zimo who stays in the same street as I do, Mazibuku Street in Thokoza. Maybe you are talking about a younger Themba Zimo whom I will know.

MS SEALY: The Themba Zimo that I am referring to, I am not too sure if you saw him here but he was one of the witnesses that gave evidence on Wednesday. He is currently serving a sentence for the Ngema Tavern shooting. Do you know that Mr Themba Zimo?

MR MBEKISENI KHUMALO: ~~I did see a young man whom I~~  
was told was Themba Zimo, whom I last saw when I was still preparing for my wife's funeral.

MS SEALY: So you have seen him before at your wife's funeral, is that correct?

MR MBEKISENI KHUMALO: Yes, briefly because there were a lot of people on a Friday, the day preceding the funeral I saw him briefly.

MS SEALY: You see Mr Zimo told us that he worked for you at the driving school, Nqutu and then there was a problem at the

driving school, a problem around money and he returned to Johannesburg and that is when he began working as a driver here in Johannesburg. Do you have no knowledge of that?

MR MBEKISENI KHUMALO: This young man never worked for me in the driving school. I was only working with the person I have mentioned because I was just beginning to operate my business. Because I did not have enough money to employ a lot of people I just had this one other person working for me. That is why I left my home here in Thokoza and went to run a driving school myself.

MS SEALY: Mfundisi Khumalo do you know Thulani Malaba?

MR MBEKISENI KHUMALO: No I do not.

MS SEALY: Do you know Peter Sibeko, who is also known as Solomon Mbule?

MR MBEKISENI KHUMALO: Yes he was very close to my children because they grew up together.

MS SEALY: Did he ever act as your body guard at any point?

MR MBEKISENI KHUMALO: No. How can a child protect me.

MS SEALY: Mfundisi Khumalo did you also know Gabani Ramayisa also known as Cupano and a young boy by the name of Pinpin, I think Pinpin Ramayisa? Did you know those two young men?

MR MBEKISENI KHUMALO: Gabani and Pinpin Ramayisa are actually children of my next door neighbour.

MS SEALY: Do you know Fanwell Tshabalala?

MR MBEKISENI KHUMALO: Fanwell is also another next door neighbour. He is one of the children from that household.

MS SEALY: Mfundisi Khumalo all these people that I have mentioned as well as Nicholas Zweli Jamani and Obet Gadebe and Mafulela are rumoured to be members of what people call the Khumalo or what some people in Thokoza call the Khumalo gang. What is your comment on that?

MR MBEKISENI KHUMALO: I do not know anything about this gang. I just recently heard about it.

MS SEALY: Mfundisi why do you think some of the people in Thokoza consider yourself and Mzwaki and Mbekelele as members of a gang? Why do you think they believe that?

MR MBEKISENI KHUMALO: In actual fact I would not know. If a person like Mzwaki my son and Mbekelele being my brother if we are now as relations, if we are now being referred to as a gang.

MS SEALY: Mfundisi Khumalo you mentioned earlier that you have been a member of the IFP for a number of years. Do you hold any position in the IFP?

MR MBEKISENI KHUMALO: No. I do not have a position. I only have a position in my church.

MS SEALY: Did your late wife, Mrs Abet Khumalo, did she hold a position in the IFP?





MR MBEKISENI KHUMALO: No she did not.

MS SEALY: Mfundisi Khumalo what is your relationship with Abram and Gertrude Mzizi?

MR MBEKISENI KHUMALO: Abram Mzizi is a person whom I know very well because he is in my age group. We have known each other for a long time before the political situation arose we were living together since then.

MS SEALY: Mfundisi Khumalo do you know or did you know Mr Sam Ntuli?

MR MBEKISENI KHUMALO: Sam Ntuli is a boy who grew up in front of me. I knew his parents.

MS SEALY: Did you know which organisation Mr Ntuli belonged to?

MR MBEKISENI KHUMALO: I heard that Sam Ntuli belonged to the ANC

MS SEALY: Mfundisi Khumalo this person Themba Zimo whom you said that you do not really recall and that you remember seeing him at your wife's funeral, he has given us a statement where he claims there was a meeting at your house where the assassination of Sam Ntuli was discussed. Do you have any comment on that?

MR MBEKISENI KHUMALO: I do not know anything about the meeting to assassinate San Ntuli.

MS SEALY: Can you give us any reason why Mr Zimo would implicate you in a very serious incident? Would there be any reason why Mr Zimo would implicate you in something that you did not do?

MR MBEKISENI KHUMALO: I do not really know what grudge he holds against me because I do not have a problem with him. I do not know him and as a prisoner it could be that as a person who was severely attacked in the township he could be seeking amnesty at my expense. I am not exactly worried about this because the Bible instructs us to rejoice when they lie about us because He is always with us.

MS SEALY: Mfundisi Khumalo do you own a licence firearm?

MR MBEKISENI KHUMALO: Yes I have two, a 303 and a 9mm barabellum.

~~MS SEALY: Mfundisi Khumalo why do you have these guns?~~

Could you tell us the reason why you have two firearms?

MR MBEKISENI KHUMALO: In actual fact regarding to the bigger one it is a gun that I liked, that I could use if maybe I was at home in the rural areas I could use it to hunt. The other one, the smaller one I wanted to have it because I could own a licence firearm because it is also within God's instruction.

MS SOOKA: Sorry I just want to get clarity on that last bit that I heard? What was the last?

DR RANDERA: Mr Khumalo can I just clarify that? When did you get these two guns? When did you get the licence for these two guns?

MR MBEKISENI KHUMALO: I do not remember. If I had my ID with me I could actually check there because these licences are in the ID. If I am not mistaken though it could be in early 1992. This happened quite a long while ago so I do not remember exactly.

DR RANDERA: So Mr Khumalo let me just understand you clearly. You are saying that the one gun you got because you thought it would be useful to do hunting in KwaZulu Natal and the other one is because your religion allows you to have a gun as I understand you to say that? It has nothing to do with the fact that your house was attacked, that there were problems in the area that you were living in? So it has nothing to do with self defence?

MR MBEKISENI KHUMALO: Can you please repeat the question?

DR RANDERA: Mr Khumalo I am finding it very difficult to reconcile why you have these weapons. You saying that you bought the 9mm which I understood to be the big gun because you thought it would be useful to hunt in KwaZulu Natal.

MS SEALY: Dr Randera I think he said the 303 that is the bigger one.

DR RANDERA: Whichever but the point is. I do not know guns. And the other one was in keeping with your religious beliefs. Now what I am trying to understand at the same time is that we know from the documentation that we have in front of us from the human rights submission that you made yourself that your house was attacked, your family members were under attack. And you telling us that you did not buy these guns for self defence it was for other purposes?

MR MBEKISENI KHUMALO: As I explained with regards to the bigger gun I also explained that I got the smaller one so that I could have a gun, own one because a licenced firearm or a firearm that is legal is right. My religion does not necessarily say that I should have a gun but because it is legal it is also alright.

MS SOOKA: Bishop Khumalo I am concerned. I must say quite frankly I do not know of any ministers of men of God who carry guns and I have been surprised I think by the two statements I hear from you. The one that you are a man of God. That you own not one but two firearms and that thirdly it is an instruction from God. Because I think that is what the translator said. Now can you explain to me how you reconcile this vision of yourself as a man of God with the necessary, the implication of carrying a firearm?

MR MBEKISENI KHUMALO: The gun because it is legal, you know when and how to use it. It is different from something that

is illegal. The reason that I have the gun is that I wanted to have it and have it in a legal manner.

MS SOOKA: Yes I have heard that but I am asking you another question. I have said that I do not know that men of God usually carry guns. And you have claimed that you are the Archbishop of a particular church. Now how do you reconcile the having of guns with essentially the position of being a priest?

MR MBEKISENI KHUMALO: As I have mentioned before as a priest I bought the gun because my life is I did not buy it for any purpose rather that I was going to carry out with the gun. Just that I liked it.

DR RANDERA: Archbishop lets just, I am sure there is going to be further questions but is it not true that there are cases against you for attempted murder against several individuals that are pending and did you not use these guns against those people?

MR MBEKISENI KHUMALO: The guns that I had, the gun that I use for protection was a small gun that I use at home. I do not know anything about using them elsewhere.

MS SOOKA: Bishop I am going to try one more time. To your knowledge and maybe this is a peculiarity relating to your church, do you know of any other priests who carry guns?

MR MBEKISENI KHUMALO: Although I will not mention their names but a lot of them do carry guns in this difficult period they do carry guns.

MS SOOKA: Now why did you carry a gun?

MR MBEKISENI KHUMALO: I explained that I had it because I felt that I should have one.

MS SOOKA: Yes but for what reason?

MR MBEKISENI KHUMALO: It is legal for everyone to have a gun isn't it?

MS SOOKA: Yes but people normally have to state the reasons for why they want a gun. Now I am asking you what reason did you have for having these two guns?

MR MBEKISENI KHUMALO: A gun helps you if you are attacked, in that situation you will be assisted by having a gun.

MS SOOKA: Thank you. Mr Ndlosi?

MR NDLOSI: Mr Khumalo I just want to get your opinion on why a gun was actually formulated or why there is a gun. A gun is there for protection. I would like us to understand each other.

Was a gun invented to kill?

MR MBEKISENI KHUMALO: Yes. Or if you do not die you survive, it is because of the grace of God.

MR NDLOSI: We then agree that the gun was invented to kill?

MR MBEKISENI KHUMALO: Yes.

MR NDLOSI: There is something I do not understand. As a priest how do you associate yourself with something that kills?

MR MBEKISENI KHUMALO: I do not see how as a priest I should not have a gun because I am also one of the people living on this earth.

MR NDLOSI: How does it come about that you actually like something that kills as an Archbishop?

MR MBEKISENI KHUMALO: Please repeat yourself?

MR NDLOSI: How is it that you like something that kills as a person in a position an Archbishop? Because I think you explained that you liked the gun that is why you had it. You liked the firearm that is why you decided to have a firearm and anything that is under the law, that is permitted for a person to carry, it is in the line of God's instructions. And therefore how come you liked something that is killing people as an Archbishop?

MR MBEKISENI KHUMALO: The fact that I am an Archbishop ~~does not prevent me from having a gun~~ Because as I say it is legal. It is for protection for something that may happen to you because of the way of our world today.

MS SOOKA: I think Archbishop for us there seems to be a contradiction and I think that is what we are trying to explore. Usually men of God are about peace and in fact the only times in the world when priests carry guns are usually when they go off to crusades which they then claim is for God. What we are trying to explore and we know that it is legal and we know that any person has the right to protect themselves but what we cannot



understand and what we are having difficulty with is that you are an Archbishop of a church of Zion and you have had not just one gun but two guns. And I think that is what we are having a little difficulty in understanding. And we trying to get you to explain to us how you deal with that contradiction that men of religion are normally about peace and yet a gun represents and is a symbol of violence. But you have chose to carry two of them. And I think we know that legally you can have a gun and that you are entitled to protect yourself but it is the contradiction that we are exploring.

MR MBEKISENI KHUMALO: Just because you are a man of God does not mean that you should be exposed to everything that should attack and kill you and you do nothing about it. And I have also explained that in this world we encounter many problems as people of God.

MS SOOKA: Thank you. Doctor Randera?

DR RANDERA: So Archbishop I am coming back to what I said earlier on. Really you had guns for self protection from what I am hearing you say now? And secondly just for our own understanding you said earlier on that you had many followers in your church. Would you preach to your followers to also carry guns for protection as you call it?

MR MBEKISENI KHUMALO: Things at these times are such that a person cannot be persuaded away from things that he likes. I did not preach unto my congregation to own guns.

MS SOOKA: But from what you saying is you did not preach for them not to carry guns. Is that correct?

MR MBEKISENI KHUMALO: I am saying I did not preach unto them that they should carry guns. I am the person who happened to like the gun not necessarily with an intention of using it for attacking people.

MS SOOKA: But one could therefore assume that if your followers saw you with guns and knew that you thought it was acceptable that they would then have no problem with carrying guns. Would that be true?

MR MBEKISENI KHUMALO: Let me say that this thing of ~~followers and the gun or such that I was an Archbishop and I also~~ had a business and therefore I had to have something that I could use to protect myself seeing that I had this business.

MS SOOKA: No, no I understand that and I accept that you would have to protect yourself but I think we are dealing with the fact that here you are a very powerful man in your community. A man who is the Archbishop of a church, you have many followers, you carry a gun and you have another gun as well and the question I think that we are putting to you is that, you say you cannot persuade people not to do the things they want to do and

so you never considered it part of your job to preach about people not carrying guns. But then one must assume that people who are in your community who follow you in this church would find that it is acceptable to carry guns because of your own example.

MR MBEKISENI KHUMALO: I want you to understand me very well. I did not say that I preach to people about carrying guns. I said I do not preach to people about guns but instead I just out of my own bought myself a gun. These people (...intervention)

MS SOOKA: Yes but, sorry to cut across you. I do not think you are listening to me very carefully. We have heard you but the question that we are putting to you is as follows: you are this leader in the church, you carry a gun. The question is that would not your followers in the church find it an acceptable practice for

~~them to carry guns because the example that is being set for them~~  
by you is one of carrying a gun?

MR MBEKISENI KHUMALO: Let me state and make it clear I do not carry my gun to church. They are kept in my safe. Nobody saw me going to church with a gun.

MS SOOKA: But whether you put the gun in your safe the fact of the matter is that you own a gun so it is acceptable for your followers to own guns as well, that is the question then?

MR MBEKISENI KHUMALO: Let me say if my follower has a responsibility that requires him to own a gun therefore I cannot stop him.

MS SOOKA: Thank you. Do you think it is an appropriate time to adjourn? I am sorry the translators need a break actually. Could we ask that we resume here at ten to two please?

COMMITTEE ADJOURNS

ON RESUMPTION:

MS SEALY: Mfundisi Khumalo do you know Thulani Malaba?

MR MBEKISENI KHUMALO: I did not know him. I do not know him even now.

MS SEALY: According to Mr Thulani Malaba and Mr Themba Zimo during the course, towards the end of 1992 beginning of 1993 they claim that you asked them to kill your wife, Mrs Sebeth

Khumalo: What is your comment on that?

MR MBEKISENI KHUMALO: Killing my wife?

MS SEALY: Yes that is what they told us when they testified yesterday and on Wednesday.

MR MBEKISENI KHUMALO: That is new to me. I do not understand why did they have to kill my children's mother.

MS SEALY: Mfundisi Khumalo do you know who is the person that killed your wife?

MR MBEKISENI KHUMALO: I heard my children telling me that when their mother was shot in hospital which people exactly did that.

MS SEALY: Did your children tell you exactly which person your wife identified?

MR MBEKISENI KHUMALO: They said their mother said it was Lucky Mampuru who was in the company of other siblings from the Tshabalala family; Ndisi and Gaba.

MS SEALY: What do you think, if it is true that Lucky Mampuru and Ndisi and other people from the Tshabalala family were involved in the killing of your wife what do you think the reason was for that?

MR MBEKISENI KHUMALO: I think it is because they were attacking me at my home. And they did not satisfy themselves, ~~they did not accomplish their objective of killing me and they had~~ to kill my wife.

MS SEALY: Mfundisi Khumalo can you remember when was the first time that you came under attack at your home at Ndekani Street?

MR MBEKISENI KHUMALO: I cannot remember very well because that was some time ago but I think it was at the beginning of 1992 when I was attacked by comrades who were calling themselves ANC comrades, who were calling themselves "Bad Boys". Their leader being a boy called Ngabe.

MS SEALY: Mfundisi Khumalo you have told us earlier that your problems started in the community round about 1992 but we have a statement, a human rights violation statement from a Mrs Nkosi who claims that her son, Dixon Nkosi was abducted on the 5th of September 1991. And that according to his sister Nomosonto he was taken in a van and beaten and later shot. And according to her the group of people that attacked her brother were people that belonged to the Reverend Khumalo. Do you have any comment on that? Do you know Dixon Nkosi?

MR MBEKISENI KHUMALO: I do not know Dixon Nkosi. What I can say is that all these rumours that led to my being before this Commission today were a follow-up to the attacks launched at my house.

MS SEALY: Mfundisi earlier you said that you believed that the attacks began in 1992. This incident happened in September 1991

Do you have any comment on that?

MR MBEKISENI KHUMALO: No I was attacked for the first time by the Bad Boys in 1992. And when the entire community started attacking me that was then towards the end of 1992.

MS SEALY: Mfundisi Khumalo we also have according to another HRV statement that we received from Mr Wilson Ngakweni who stays as 821 Ndekani Street, do you know him?

MR MBEKISENI KHUMALO: No I do not know him.

MS SEALY: According to Mr Ngakweni he claims that he witnessed a shooting of Mrs Wilakazi Nthleleni on September the 28th 1991 and apparently the crowd told her that she had been shot by yourself. Do you have any comment on that?

MR MBEKISENI KHUMALO: These must have been people who hated me because they were spreading rumours about me to make sure that their stories are palatable. I have explained before this Commission that this was a follow-up on my attack in 1992. From 1990 when ama Zulu and ama Xhosa were fighting right up to 1991 I had no problem with any one in the township. I only started experiencing problems in 1992. The people who are spreading these rumours are just in a campaign to try and blemish my name.

MS SEALY: You see my problem is Mfundisi Khumalo is that according to one of Wilakazi Nthleleni's relatives, a lady by the name of Alice Skala she apparently went to the Thokoza police station and reported the shooting of her niece and there she was told that Mr Mbekiseni Khumalo had already reported the incident and it had been referred to Katlehong police station. Are you saying that, that is not true?

MR MBEKISENI KHUMALO: Would you please repeat the name? Maybe I may have made a mistake myself. Are you referring to a person from the Nkosi family?

MS SEALY: I am referring to a person by the name of Wilakazi Nthlalani and she was allegedly shot on September the 28th 1991 in Thokoza.

MR MBEKISENI KHUMALO: I deny knowledge of that. That is a blue lie. I have explained that I got involved in this whole thing because I was attacked in 1992. I do not know anything about the attack in 1991.

MS SEALY: Mfundisi Khumalo do you know Lucky Maseko?

MR MBEKISENI KHUMALO: I knew Lucky Maseko after he got injured. I can therefore say that I know him. He was one of the people who were attacking me from the group called Bad Boys.

MS SEALY: Did you shoot Lucky Maseko?

MR MBEKISENI KHUMALO: Yes I did shoot him when he

~~came to my home when they came to attack me at my home. I had~~  
a tuck shop at my home. They came to attack and stole some money during the attack. I was at home, they got into the tuck shop and they took the money and looted other things in the tuck shop and on getting out of the house I came across a bullet but I escaped. And I only got out of the house because there was gun fire and my children were screaming then I had to start shooting.

MS SEALY: So Mfundisi Khumalo if I understand you correctly you are saying you shot Lucky Maseko at the same time that your spaza was being robbed? Do I understand you correctly? It was at



the very same time, no time elapsed between your spaza being robbed and Lucky being shot. Is that correct?

MR MBEKISENI KHUMALO: As I have explained that my tuck shop is in my home premises. I conduct this business in my garage. They had come to my home. There is no any other time during which I shot him. That was the only time during which I shot him when I shot in retaliation and by that time they had already walked out of my home premises shooting at me. And there was not any other way I could protect myself or defend myself other than shooting at them in return. That is how he got shot.

MS SEALY: Mfundisi Khumalo we have a statement from a man by the name of Willis Ngubezi who is also known as Sifili and he says that a certain Percy, now I am assuming that is Percy

~~Chebangu came to Lucky's house and said that Mr Khumalo~~  
wanted to see him and when he arrived at 901 Ndekani Street, they asked for Mr Khumalo. And then a short while later you came outside and you grabbed Lucky by the arm and you went towards a gate and then you told him to stand across, go to the other side of the road and then you shot him.

MR MBEKISENI KHUMALO: That is a blatant lie. As I have explained before the Commission that they came to my home with an aim of shooting. I have already explained that they came from the Bad Boys group. I did not call any one to my home. I could

not have done that because he is not my friend. I would have had no reason to call him to my place.

MS SEALY: Mfundisi Khumalo why would Mr Willis Ngubezi specifically say that Lucky Maseko's mother requested him to bring Lucky to your house to discuss a certain matter if that was not the truth?

MR MBEKISENI KHUMALO: I would not have discussed anything with Lucky's mother. She did not come to me. I had reported this to the police so that they should be the ones who help me with these comrades who were attacking me. What reason would she have for coming to my home therefore?

MS SEALY: Mfundisi Khumalo I do not think you understood what I said. I said that Lucky Maseko's mother had requested Mr Ngubezi to take Lucky to your house because they had received a message from Percy that you wanted to see him. Not that Lucky's mother came to see you.

MR MBEKISENI KHUMALO: I am sorry. I would like to apologize. I did not send Percy to go and call any one from Lucky's family, even Lucky himself. I did not do that. What happened was that the people who were attacking me were such that their story was known by the police and everybody. How could he then come to my place when he was an enemy attacking my place?

MS SEALY: Mfundisi Khumalo if I can just understand you correctly here. Lucky Maseko was shot whilst either running away or in the process of stealing or attacking your spaza shop. Is that correct?

MR MBEKISENI KHUMALO: They got into the premises as I stated. I walked out of the house when I heard gun shots and the children screaming and people who had come to buy at the tuck shop were screaming. There was shooting and on coming out of the house they had already walked out of the premises. I came to the front garden and they started shooting towards me. It was not only Lucky in the company of the people who were shooting. There were more than six people who were shooting at me.

MS SEALY: Mfundisi Khumalo how many times was your spaza shop, was there an attempt to rob or attack your spaza shop?

MR MBEKISENI KHUMALO: I would say as we are talking about this spaza shop that is in my premises, I was attacked actually several times.

MS SEALY: Mfundisi Khumalo when you say several times do you mean more than two times, more than three times? Can you be a little bit more specific?

MR MBEKISENI KHUMALO: When I say these boys, the comrades that is started early in 1992 to attack me. I still remember that my child almost spent the whole year not attending

school because they wanted him. So that at the beginning of 1992 right up to December this was going on.

MS SEALY: Mfundisi Khumalo do you ever remember having, being arrested for allegedly shooting at SADF members in 1992?

MR MBEKISENI KHUMALO: Yes I do remember that.

MS SEALY: According to the SADF members who were on patrol that day they claim that they were actually searching a house behind your house for weapons when they stopped and sat on the pavement outside your house, 901 Ndekani Street and then that they were fired on. When they informed you they were actually members of the SADF you then shouted back to them that no, no they were Tsotsis. They again shouted to you: "No we are the SADF." And that is when you put your firearm above your head and surrendered. Can you explain how did you mistake members of the SADF who were in full uniform for Tsotsis?

MR MBEKISENI KHUMALO: The story is not as you put it. These soldiers indeed went to a shebeen in Khumalo Street and their caspir was parked on the other street. They actually wanted firearms. They were also searching for firearms in another street. And these boys who usually attacked my place were now in my yard lying low there. These boys started shooting at the soldiers and they fled my place at night during which time I was sleeping.

MS SEALY: So how did it come about that you came out of your house with your firearm and according to the SADF began shooting at them?

MR MBEKISENI KHUMALO: I did not shoot at the soldiers. They were on my back street when they heard gun fire in my premises, guns fire that was being fired by the boys that attacked me. So that these soldiers drove towards Ngubeni Street towards the street in which I lived. And when these boys started shooting I was in the house. They were shooting from the door, shattering windows. My children woke up, I told them not to because we were being attacked they should lie flat. And when the soldiers came I came out of the house during which time the boys were fleeing, I went to the soldiers with my gun in my hand and when they asked why I had a gun I said: "These are the boys who are shooting. They are fleeing. I am being attacked." The soldiers walked into the house and they found cartridges of my gun right inside the house. And they also found some cartridges in the front garden, at the gate as well. But fortunately I was inside the house because I was seeing fire crossing the door from outside. That is when the soldiers took me, arrested me with my other son, Mzwaki because he is the one who is also outside with me at the time. That is how we got arrested.

MS SEALY: Why would the soldiers arrest you if, surely the soldiers would have seen the very same people that you claim

were in your yard attacking your house. Why would the soldiers then decide to arrest you as opposed to them?

MR MBEKISENI KHUMALO: It also surprised me as to why they were arresting me after having explained to them that I was being attacked. They said I will give the explanation in court.

MS SEALY: Mfundisi Khumalo what happened when you went to court?

MR MBEKISENI KHUMALO: In court on explaining this they realised, the Court realised that the version of the story from the soldiers is incorrect. The soldiers themselves did not come themselves to deliver testimony but they did not. They were supposed to come, they did not come.

MS SEALY: You see Mr Khumalo in the docket there are statements from at least 10 of the soldiers. All of whom claim that yourself and Mzwaki are the people that fired on them. Can you explain why 10 to 12 soldiers would make a false statement against you?

MR MBEKISENI KHUMALO: They are saying that because they too have this criminality most of the time. I came out of the house after seeing them and I also said to them that we are happy because we are being rescued as a result of their arrival. I therefore do not know why they stick to the same version against me. Because I was prepared to die with my son.

MS SEALY: Mfundisi Khumalo do you know Vusi Tshabalala?

MR MBEKISENI KHUMALO: No I do not.

MS SEALY: According to Mr Zimo and Mr Malaba who have given testimony before us, yourself, your son and Mpikilelo Khumalo were involved in the shooting of Vusi Tshabalala. Do you have any knowledge of that?

MR MBEKISENI KHUMALO: I do not know what to say really. I do not know what to say to the Commission because as I have explained earlier on that the attack on my house started and continued such that I was no longer able to leave my house. I was under police guard. And I got involved in this whole mess as a result of my being attacked. I no nothing about the Tshabalala incident.

MS SEALY: Did Mr Zimo, Themba Zimo ever work for you as a taxi driver?

MR MBEKISENI KHUMALO: My children are the ones who drove my taxis not Themba Zimo. I had two taxis. One was driven by Joseph, that is Mzwaki's elder brother and the other one was used by Mzwaki. He too was attacked during his rounds and people died in this taxi. I no know knowledge of having Themba Zimo as one of my employees.

MS SEALY: Mfundisi Khumalo do you know Tabo Sibaya? Do you know who he was?

MR MBEKISENI KHUMALO: The Sibayas that I know are Mugabe, he also has a brother. I think it is his younger brother

they came to my home to attack around two in the afternoon. They found me sitting outside at the front garden. They were driving a blue Golf, a Golf that was blue and white. There were several of them and on getting out of the vehicle they started shooting at me and that is when I drew my own gun. I thought of running into the house but I had no chance. I drew my own firearm and shot back and there was this fierce exchange of fire. I do not know really how I survived. And they went back into the Golf and at the same time this Sibaya boy had been shot. He then walked down Gubeka Street and I phoned the police telling them that I was attacked yet again. I think that must be the person you are referring to. That is a brother to one of the comrades in the Bad Boys crew. I called the police and he walked down the street, got into some premises of a certain household and fell and that is where he died I think.

MS SEALY: Mfundisi Khumalo are you saying, I just want to add that the person I am talking about is Mugabe's younger brother. Are you saying that after this fierce exchange of gun fire he walked down Gubeka Street? Did I hear you correctly?

MR MBEKISENI KHUMALO: No I did not walk. Shortly after they had left the boy went down Gubeka Street, I did not follow him. I went into the house, phoned the police and told them that this group of boys had just come to attack me. I gave the police the, I also told the police that I did not have the car registration



number. But I told the police that there is one boy who walked down Gubeka Street. That is when the police came, went to the house where he fell and took some photo shots. The police also took a statement after I have explained to them.

MS SEALY: Mfundisi Khumalo in that statement that you gave the police, in that statement you claim that people arrived at your house, at the Spaza, there was a shooting as you said and that Tabo Sibaya did not manage to get into the car that drove away and that according to the policeman you gave a statement to, you chased Tabo Sibaya down Gubeka Street firing. He did not get shot outside your house but he, as he was running away you were chasing and shooting him. Is that not true?

MR MBEKISENI KHUMALO: As I have explained I did not follow him. After the exchange of gun fire I often for example ~~phone the police. I would not go out but I would instead use the~~ phone to call the police. I did not even follow him at all. The police came to my place from the place where he had fell.

MS SEALY: Mfundisi Khumalo is it this particular incident where they attempted to abduct your daughter Grace? Are we talking about the same incident? Is this when they tried to take Grace away from the Spaza shop?

MR MBEKISENI KHUMALO: This is not the incident. That incident is another one. These are two separate incidents. They also came trying to abduct my daughter at around eight in the

evening. And this Lucky Sibaya, this Sibaya incident happened in the afternoon around two 'o clock.

MS SEALY: Did these incidents occur on the same day?

MR MBEKISENI KHUMALO: No they did not occur in one day.

The one incident in which they came in a white Golf was a different day. And it was another day when they came trying to abduct my daughter.

MS SEALY: Now according to one of the policeman who were on the scene, Constable Jaylos Nkosi who was accompanied by a municipal policeman by the name of Buthelezi, they claim that they found Mugabe's brother who had been shot by Khumalo. And that he had a bullet wound to the head on the right side and on the left side a bullet wound to the chest. Now according to Buthelezi he accompanied Constable Nkosi to your house to ask you about what had happened. You confirmed that you had shot the deceased twice or thrice after seeing the deceased in a motor vehicle that had fired shots at your house. You then said when, this is what the policeman is saying: "When Khumalo returned fire with his licenced firearm the deceased failed to get into the vehicle he then chased the deceased until house number 933 Gubeka Street where he got the deceased in between the shack and the back yard and shot him twice or thrice. And the deceased died thereafter." As you can see according to Constable Nkosi and municipal Constable Buthelezi they say when they spoke to

you on the day of this incident you told them that you chased Tabo Sibaya down the street and that when you caught him between the shack and the fence of the yard you shot him twice or thrice. Can you explain why these policemen would have a statement to this effect as to claiming that you said this at this time?

MR MBEKISENI KHUMALO: I would like to tell the Commission that these boys were attacking me. I maintained the version that I am telling here even in court. Police can write their own statements as they wish. What I did was that I walked into the house, phoned the police and indicated to them that I was being attacked again. The statement that you are referring to, perhaps I should say when they attacked me at my home they shot such that I too fired several shots, maybe five or more than six times. ~~And I had nowhere to run to. I also shot towards their~~ direction exchanging fire but fortunately I did not get shot. I did not follow him where he ran to. I did not do that. I just walked into the house and phoned the police. The police came to my home and when they came I came out of the house and spoke to them where they took the statement. I do not know what they wrote.

MR NDLOSI: Mr Khumalo could it be that the statement that is alleged to have been made by you here in the docket I am going

to read it to you. Could it be that for example you are saying in the statement:

"Three of the people who attacked me managed to get into the vehicle but one of them failed and these three fled in the car. And this one ran away. I followed him and I shot him twice or three times."

This is a statement that is alleged to have been made by you. Do you concur or refute this statement?

MR MBEKISENI KHUMALO: I refute that statement. As I am here before the Commission I am saying I did not shoot twice or three times. I shot perhaps six or seven times. I did not use only two or three shots. I have indicated that there was a cross exchange of fire here. These boys were so many in the vehicle, they were crammed in the vehicle. There were not three of them.

~~The police therefore give an impression that they wrote their own~~  
version of the statement here and not what I gave unto them.

MR NDLOSI: Did they read the statement to you before signing it?

MR MBEKISENI KHUMALO: They did not read it back to me.

MR NDLOSI: They just said you should sign it even if you did not read it?

MR MBEKISENI KHUMALO: If I signed it that simply means I signed it yes. As a person who was writing a statement I had no

problem with them having to read it back to me. I did not see it necessary because they knew what was happening.

MR NDLOSI: Did you swear or should I say did you sign it under oath? Am I lying to say the stamp at the back means that you signed it under oath?

MR MBEKISENI KHUMALO: I have indicated that this may have been written after my statement which I gave to the police. It is not as I indicated to the police.

MS SOOKA: Mr Ndlosi is that a statement which has been taken down by a policeman? And then sworn to and attested to by him? By Mr Khumalo before him?

MR NDLOSI: That is correct chairperson.

MS SOOKA: Let the record reflect that the statement is one taken down by a member of the South African Police and that it bears the signature of Mr Khumalo which has been sworn and attested to. Proceed.

MS VAN DER WESTHUIZEN: Mr Chairman with all due respect maybe it should be shown to him.

MS SOOKA: I assume that your client accepted that it was his signature on there.

MS VAN DER WESTHUIZEN: He did not see the statement, he can obviously not.

MS SOOKA: Mr Ndlosi could you show that to Mr Khumalo please?

MS VAN DER WESTHUIZEN: It seems that the witness indicates there is no signature of his on this statement.

MS SOOKA: Mr Ndlosi may I have that document please?

There is no signature on it.

MR NDLOSI: Isn't this the signature here?

MS SOOKA: No this is the signature of the person who took the statement but that is his declaration. The document that we have referred to previously in evidence is one which appears to be a statement taken of Mr Solomon Khumalo and sworn to and attested to by a Alfred Manalala. But he does not have the signature of Mr Khumalo and I would like to have the original of this document please handed in and shown to Mr Khumalo at some stage? Proceed.

MS SEALY: Mfundisi Khumalo you said when this incident happened that a number of shots were fired at your house. During this incident was there any damage to your house?

MR MBEKISENI KHUMALO: It was severely damaged up to this day I do not have a place to reside with my family. My taxi was also burnt down. I lost everything. All my possessions were looted.

MS SEALY: Mfundisi Khumalo but that is not what happened on that day is it? I am talking about the incident where Tabo Sibaya died. On that particular day when there was a shooting was there any damage done to your house?

MR MBEKISENI KHUMALO: There was damage to my house on that day. There were holes on the wall. I was standing against the wall. Windows were broken and some things inside the house such as room dividers were also damaged.

MS SEALY: When Constable Buthelezi and Constable Nkosi came to your house to take the statement did you point out this damage to them?

MR MBEKISENI KHUMALO: They did see the damage for themselves. I find it surprising when you refer to Nkosi, he was the police who had actually come to my house unknown to me. I have been with the police for a long time. Nkosi was not among the people who came to my home. He worked in the Katlehong police station. The person who actually came to my house was not Nkosi. I have forgotten his name. He was the only person who ~~came not Nkosi as you are referring to~~

MS SOOKA: May I ask a question for clarification. I am not sure if the interpretation was correct but you talked about being with the policeman for a long time. Now what exactly did you mean by that?

MR MBEKISENI KHUMALO: I am trying to explain that I understand that you are referring to Nkosi who came to take a statement from my house. Nkosi is my uncle he did not take the statement. Another policeman, a CID came to my home to take the statement.

MS SOOKA: No my Khumalo, sometime in your evidence just now when you were dealing with that statement you said you knew the policeman and had been with them for some time. Now what did you mean by that?

MR MBEKISENI KHUMALO: I mean that I know Nkosi. I am therefore surprised how his name is mentioned in this statement because he did not take the statement and more over he was high up. I have just forgotten the name of the person who came to my house to take the statement.

MS SOOKA: Ms Sealy?

MS SEALY: Yes. According to a statement in docket CR213/10/92 which relates to the killing of Tabo Sibaya a Jaylus Nkosi with force number 01494201 of the SAP Katlehong states under oath in english that he is a detective sergeant in the South African Police and that on the 29th of October 1992 at quarter past one he reported, he received a report from Municipal Constable Buthelezi, and I quote: "I accompanied him into house number 933 Kubeke Street Thokoza where in the back yard in between the shack and the fence was a body of a black male and identified the body of black male as that of Mugabe's brother who was shot by black male, Mbekiseni Khumalo. Then examined the body of the deceased and," etc, etc. At the same time Municipal Constable Buthelezi accompanied me to house number 901 Ndekani Street where Constable Buthelezi asked black male



Mbekiseni about the death of the deceased in this case. And Khumalo then stated that he was the one who shot the deceased twice or thrice after seeing the deceased in a green motor vehicle that fired shots at his house. When black male Khumalo had returned fire to his assailants with his 9mm firearm the deceased failed to get into the car and chased him until number 933 Gubeka Street where he got the deceased in between the shack and the back yard and shot him twice or thrice. Black male's house was examined for bullet holes but I did not find any hole or bullet or anything damaged by a bullet. Constable Buthelezi then took black male Khumalo's 9mm pistol as an exhibit. From Khumalo's house to where the deceased was murdered is plus, minus five hundred metres and nothing dangerous was found on the deceased's possession." That is the statement that we have from

~~Detective Sergeant Nkosi and it is quite clear from this statement that he did come to your house. Are you denying that happened?~~

MR MBEKISENI KHUMALO: I deny it with regards to Nkosi, he did not take the statement. I repeat, that I should explain this. I called the police why would I call them if I was going to chase after this boy. I called the police so that there would be evidence that I had been attacked. Sergeant Nkosi may have signed that statement but Sergeant Nkosi did not take that statement. If that person could appear now I could identify him. It was not Nkosi. Nkosi did take statements from me about another case for which a

CR number was supposed to be given to me but he did not take the statement with regards to Mugabe's brother's incident.

MS SOOKA: Mr Khumalo I think there are a number of things which are being placed in issue. It became quite clear when Ms Sealy read from the statement that there is a reference to the body of I think Tabo Sibaya in that statement. But I think the more distressing fact is that the statement talks about shots being fired from a green vehicle and really does not make reference to your version which relates to an attack on your spaza shop. And I wonder if we can clear that up please? There is a third factor relating to the police saying that whilst they inspected the house they found no bullet holes. Perhaps the statement should in fact be shown to your attorney so she can just take instructions from you in that regard.

MS VAN DER WESTHUIZEN: I must also say that I am completely unsure what the honourable Committee wants from my client. What actually what is an issue here. So I do not know if he understands what is requested if you can repeat?

MS SOOKA: There seems to be discrepancies in the evidence Ms van der Westhuizen. Your client I think is alleging that he acted in self defence after a shock that he has on his premises after these youngsters tried to loot his shop and in the process a youth got killed. Now from the little I heard from that statement those facts are in dispute because the police in fact refer not to the

youngsters being on his premises but to getting a statement from him which talks about him being fired upon by people who are in a green vehicle. Your client also then says that he opened fire and killed Sibaya shooting him twice or thrice and that these people had fired into his household. And the police statement does not make reference to any bullet holes in his house after some inspection. So I am just concerned that there are discrepancies in the evidence and I am wondering if your client needs to read this statement from the police before giving further evidence.

MS VAN DER WESTHUIZEN: He can certainly do so. I do not know how far.

MS SOOKA: I think.

MR MBEKISENI KHUMALO: Can I say something please?

MS SOOKA: Yes sure.

MR MBEKISENI KHUMALO: If you read the statement you keep referring to the fact that I shot him thrice. I have already told you that I did not shoot him three times. The statement also makes reference to the tuck shop. I am not referring to a tuck shop. What I said is that I was sitting outside in the front and they got off the car and started shooting at me. The tuck shop incident and this one are different. I shot or I fired six, seven shots because there was an exchange of fire. I do not understand because I have already stated my version. It seems as if the

Commission is not satisfied with what I have already explained here.

MS SOOKA: Thank you Ms Sealy?

MS SEALY: All the dockets where Mr Khumalo has been named as a possible suspect have been given over to Ms van der Westhuizen. But I wonder if she would like to have a look at this Detective Sergeant Nkosi's statement. I have got it here. I think that would be easier.

MS SOOKA: Well Mr Khumalo does not seem to think it is necessary. He says that he has given his evidence.

MS VAN DER WESTHUIZEN: I agree with you. He seems to maintain his evidence and therefore it is not necessary.

MS SOOKA: Proceed.

MS SEALY: Mfundisi Khumalo do you know some one by the name of Percy Shabangu?

MR MBEKISENI KHUMALO: Yes he is my brother-in-law.

MS SEALY: Mfundisi Khumalo is this Percy Shabangu is he dead?

MR MBEKISENI KHUMALO: Yes he is deceased. He was my brother-in-law.

MS SEALY: Mfundisi Khumalo do you know where he was shot or the circumstances of his death?

MR MBEKISENI KHUMALO: I heard that Percy was dead and he had been shot dead at a tavern in Khaki Street.

MS SEALY: Mfundisi Khumalo we have two human rights violation statements regarding the incident where Mr Shabangu was shot because he was not the only person that was shot during that incident. A lady by the name of Ethel Nkwagleni. As well as we also have a second statement from a Mr Bafana Mtombela who lives at 1205 in Khaki Street. And he claims that the tavern was attacked by members of the Khumalo Gang. Do you have any comment on that?

MR MBEKISENI KHUMALO: When you refer to human rights violation statements it could be that those in facts were my enemies who made that statement. Percy Shabangu was allegedly in a tavern drinking and he was shot because he was my relative. I heard that he had been shot inside the tavern. I do not drink and I do not frequent taverns. And I could not go shoot a tavern. His family should have reported to the police that Percy had been shot.

MS SEALY: Do you think Percy Shabangu was shot because of his association or relationship with yourself?

MR MBEKISENI KHUMALO: What I heard when I heard from my relatives they said that he had been shot because he was my relative. Therefore all my relatives were in danger in the township and some of them had to flee. Some one else in my family was also shot dead in a tavern in Katlehong because she was my relative.

MS SEALY: Mfundisi Khumalo are you aware of the number of allegations against Percy Shabangu? There are allegations that Percy Shabangu was involved in the shooting of Vusi Tshabalala. There is also an allegation that he was involved in the murder and abduction of three youths in Katlehong. Are you aware of those allegations against Percy Shabangu?

MR MBEKISENI KHUMALO: What concerned me or what I took notice of was at my home because I did not receive any information from outside. I was only concerned with what happened at my house. What Percy was doing with his time I was not aware of. I cannot actually give comment because I do not know anything about that. What I want to state here is the truth.

MS SEALY: Was Percy Shabangu close to your son, Mzwaki?

MR MBEKISENI KHUMALO: As I have mentioned before,

~~Percy was Mzwaki's uncle. He is actually a brother to Mzwaki's~~  
mother. Therefore there was no way that Percy could not be associated with my son. Because they all grew up together.

MS SEALY: Mr Khumalo do you know Frank or did you know Frank Happy Mbele?

MR MBEKISENI KHUMALO: Yes I know him.

MS SEALY: Could you tell us what happened to Happy Mbele?

MR MBEKISENI KHUMALO: As a boy who was a comrade, an ANC comrade we lived close together. My house is across the street from Happy's home. He grew up in front of me.

MS SEALY: Were you involved in any way with Happy's death?

MR MBEKISENI KHUMALO: It could be that I was involved but the person who was involved there was Mbekelele, my brother.

MS SEALY: Do you recall the day that Happy was killed, December the 18th 1992? Do you remember that day?

MR MBEKISENI KHUMALO: Even though I do not remember if it was on the 18th but it was in December. Happy Mbele had an AK47. He had come to attack my home. A certain boy actually informed us of this. Happy actually told Vusi Sebeko to attack us because we were actually sitting outside the house. This boy told us and warned us that some boy was coming to attack us. That was when we walked along Gubeka Street and on seeing us Happy ran into Oom Charley's home in Gubeka Street, I think it was in Gubeka Street. That was when I said my brother actually should remain behind and make sure that Happy does not leave that home. And I went home to phone the police so that they could arrest him whilst he had this AK47. Whilst I was away I heard gun shots. It was apparently Happy who had actually got out of the house and he started shooting or exchanging fire with my brother. He was then shot in that way and he fled. That is what I know. He died in that manner. When the police arrived Happy had already been taken to hospital and he died later.

MS SEALY: Mr Khumalo according to Innocent Makosi Mavusu who is a witness in this particular incident. He says that on December the 18th between five and six 'o clock he was at home and he lives in Ndebele Street. He was at home and he heard gun shots and that the gun fire seemed to come from behind the house. After a few minutes he saw Happy Mbele jumping over fences next to his house. He said he was bleeding and he was running very fast. Mavusu then lost sight of Happy. Shortly there after he saw you, that is Mbekiseni Khumalo and Fanwell Tshabalala. You were armed with a rife and you came from the direction of Mdekani Street into Ndebele Street. You then asked Mavusu: "Have you seen that mfaan?" Mavusu said: "Who is that Mfaan?" And then you accused Mavusu of also being one of them and you fired a shot at him with your rifle. He then took cover behind the wall and ran into the house. Later he saw Fanwell Tshabalala pick up the cartridges from your rifle and put them in his pocket. Do you remember seeing Makosi Mavusus on that day?

MR MBEKISENI KHUMALO: I do not know that Makosi Mavusus in the first place but there is a Mavusu home close to my house. That person Makosi Mavusu we were arrested for this incident and these cases were forwarded to the Attorney General and we were found to be innocent. At that time it took the entire year to actually get hold of witnesses. He did not come forward. I



think this is just a plot that is why he has said this. I would also like to say this to the Commission that when they say that somebody picked up cartridges from the floor the gun that I actually had was a 303, a big gun. I did not fire that gun. If you use this weapon the cartridge does not actually fall. You have to remove the cartridge from the gun. Therefore this is all a pack of lies. I did not fire my gun. I went back home to phone the police. I did not speak to any one on that evening. They are just hateful.

MS SEALY: Mfundisi Khumalo would you consider yourself a good shot with your firearm? Do you think that you are very accurate when shooting with your gun?

MR MBEKISENI KHUMALO: I would not know if you say that I am accurate because such a person would require training. I on the other hand only pray and I usually do this at home. I would not say that I know how to shoot.

MS SOOKA: But nevertheless you used your gun?

MR MBEKISENI KHUMALO: Yes I used it in self defence.

MS SOOKA: Thank you. Proceed.

MS SEALY: Mfundisi Khumalo what I find strange is that people are attacking your home with AK47's, they are in large numbers, this is happening on a regular basis. They are dying in large numbers but you who is constantly attacked do not get shot, do not get injured in any kind of way. How do you explain that?

MR MBEKISENI KHUMALO: I like this sort of question because even if myself as I am here today I am not sure whether I am alive or maybe it is just my shadow speaking. I am myself shocked at how I survived. But as a man of God who believes in God I believe that He saved me from this. Such that when they realised that they could not shoot or kill me they killed my wife. I think it was by the grace of God that I survived. He actually protected me because He could see that I was innocent. And in most instances I was being attacked at my home. When I shot at these people it was that I was prepared to die because I did not understand what I had done to these people. Except that I had refused to donate monies, to collect money, to raise money to buy their booze. Therefore it was decided that I should be killed. I was also advised by the police to flee and I told them that I ~~would rather die because I was innocent. That is why I was~~ prepared to die. I am just a man of God. I did not understand what I had done or what my crime was.

MR NDLOSI: Mr Khumalo you mentioned that you heard that Percy had been shot at a tavern. Who gave you this information?

MR MBEKISENI KHUMALO: As a relative of mine, Percy's family informed me that he had died at the tavern. Apparently they had heard from Percy's brother who had been with him at the tavern. I think he had actually reported this information to the family and thereafter it was relayed to me.

MR NDLOSI: I will take you back a bit. With regards to Lucky who attacked your home. The statement I have in front of me explains. It says you were at the spaza when an unknown black man arrived and demanded money from you. You went straight to him. He went outside your premises. As he did so he drew out a gun and you tried to protect yourself and you drew your own gun. Is that so?

MR MBEKISENI KHUMALO: As I have said before these are not the statements that were made by me at my home. These are statements that have been concocted. I have said some of them went to the shop. I was in the house. I came out when I heard screams and as I came out they pointed their guns at me. I also had a gun and I shot. There was that exchange of fire. I am grateful that you return to this Lucky incident. After having shot or fired there Lucky fell at the corner of Gubeka and Ndekani Streets. That is when I went back inside the house and phoned the police and when they arrived they found that 9mm gun on him.

MR NDLOSI: When he fell did you not go to him, remove that gun and give it to Detective Sombela Ontombela is that not so?

MR MBEKISENI KHUMALO: I would not remember correctly because this happened a long time ago. I would not remember whether I went to him or maybe the police found the gun on him.

MR NDLOSI: Can you just come forward and verify whether this signature is yours? We agree that this statement is attested to by you?

MR MBEKISENI KHUMALO: It is indeed my signature.

MR NDLOSI: Were you required to take the oath after they made a statement?

MR MBEKISENI KHUMALO: No I did not take the oath. They just took the statements from my home. I did not go to the police station. They would come to my home after I had called them and they would take the statements there.

MR NDLOSI: The statement also explains that they took us from Katlehong on the 19th of August 1992.

MR MBEKISENI KHUMALO: Do you mean the 8th month in 1992?

~~MR NDLOSI: Yes. They say they took the statement in~~  
Katlehong.

MR MBEKISENI KHUMALO: As I have said before because this happened on several occasions I may forget some things. What I do remember is that it would happen that they would come to my house already having dockets in their hands where they would actually take a statement from me at my home.

MS SEALY: Mfundisi Khumalo do you know about an attack on the Mdlala Supermarket?

MR MBEKISENI KHUMALO: No.

MS SEALY: According to Themba Zimo you personally instructed him to go to the Mdlala Supermarket in Medondo Street. Do you recall that or do you have any knowledge of that?

MR MBEKISENI KHUMALO: No.

MS SEALY: According to Mr Zimo an attack took place on the Mdlala Supermarket, several people were shot. Then subsequent to that you returned to the supermarket and started to sympathise with the people that had been shot, claiming that the attack had come from Pola Park. Do you recall any of that?

MR MBEKISENI KHUMALO: When did this happen really? In which year?

MS SEALY: Towards the end of 1992, the beginning of 1993.

MR MBEKISENI KHUMALO: I did not, I do not know anything about that. Themba Zimo is in prison as you indicated, these are ~~lies that he has been concocting about me. It is his attempt to~~ seek amnesty at my expense. Mdlala is a person to whom I am very close. We are in good terms. How therefore could I say that they should go and attack his shop? For what reason could I instruct people to go and attack his shop?

MS SEALY: Mr Khumalo if I can then turn to the events of January the 15th 1993. On January the 15th 1993 several houses were burnt down in Gubeka Street and Ndekani Street. Do you have any knowledge? I understand that you were arrested for the

attack on the Mavusu household. Do you have any knowledge of the attacks on these two households?

MR MBEKISENI KHUMALO: I was not arrested for attacking the Mavusu household. One of my sons was actually said to have attacked the Mavusu household. I did not attack Mavusu household. At the time houses were being guarded in Thokoza as a result of the violence. At that time that is when there were soldiers at my home during the time of the stability unit. That is when I requested them because there was a house burning in Gubeka Street, Paul Ncobeni's house was burning. I requested that they should call in the fire extinguishing services. We did not leave the household. For what reason could I go down and burn down people's houses?

MS SEALY: Mfundisi Khumalo if you did not, if you were not involved in the arson attack on the Mavusu household can you explain why one of the cartridges found on the scene came out of your licence firearm? Can you explain that?

MR MBEKISENI KHUMALO: Thank you Commissioner. If that cartridge was associated with my licence firearm maybe I would have also equally found that in court but I am not invisible. I am therefore, I could therefore be in another area and do the shooting whilst I was with the police this side. I can say these people were my neighbours. Mavusu is a priest as I am too am a priest. That is utter nonsense. I am the one who requested the

police who were guarding my household. I am the one who requested them at night. I told them that houses were burning. They too were just standing idle and watching. I said they should call in the fire services to extinguish the fire.

MS SOOKA: Thank you. Doctor Randera.

DR RANDERA: Archbishop I just want to come back to this burning of these houses and you say there was a lot of violence in the area, but in terms of the documents in front of me this all seems to happen very soon after the shooting of your wife. Are you saying that there is no connection at all between what was happening in streets around you really, we are not talking about distant areas from you. We are talking about immediate areas around where you were living. Now is this violence that you talking about, is this part of the sort of general violence that was taking place in Thokoza at the time? Or is it related in some way

to the death of your wife? Because I find it very difficult if you are saying it is just violence because it seems to happen so soon. You have the killing of Lucky, you have the burning of the Mavusu's house, you have the attack on the Ngemma Tavern. It is all happening so soon after. Is that all coincidental? Is that what you are telling us?

MR MBEKISENI KHUMALO: The violence in Thokoza was known to everyone. It came from all directions. As I am explaining here I indicated that I was under guard in my

household. I am the one who personally requested them to extinguish the fires. Often times my neighbours had fled their homes so that the people who were attacking did not necessarily instruct them to.

DR RANDERA: Archbishop sorry let me stop you again. Please listen to my question. I am asking that here is a situation where your wife gets killed. Please correct the dates but it says here the 13th of January. Now in the next few days after the killing of your wife a number of events take place. In that area very close to where you are living. What I am asking you is that 1. do you think this was the relationship to your wife, was it coincidental or was it related? If it is related then do you think it was sparked off. No I am not asking you whether you were responsible for it. I am asking you whether it was sparked off by the death of your wife and therefore other people may have taken responsibility and decided to either burn houses, shoot people, kill people in taverns. And I am trying to ask you, is that the relationship we must understand here?

MR MBEKISENI KHUMALO: Thank you very much. This question is such that really it is very difficult whether it was related to the death of my wife. Whether it was just a general violence going on in Thokoza really I cannot say. Because there was violence to a very, very great proportion. It is therefore very difficult for me to say.



MS SOOKA: Ms Sealy.

MS SEALY: Mr Khumalo are you telling us that you were not arrested for the or charged for the attempted murder and arson of the Mavusu household?

MR MBEKISENI KHUMALO: Even though I do not remember yes we were arrested. We were arrested by the very same police who were guarding our house. I did not know how they came to arrest us. And I would not know whether I was included in this case. But if I remember very well I think I was not implicated in the burning down of houses.

MS SOOKA: Mr Khumalo can you tell me how it came to be that your house was under guard? Because I heard you mention that several times and I am curious as to when that actually arose and whether it was through your own request to the police.

MR MBEKISENI KHUMALO: My house was guarded because it had become known to everybody that there was a bishop who was being attacked in Thokoza, the police knew this. And I too used to inform the police about my being attacked. And this became something that was known to everybody. All sorts of police in different ranks came to my household and I would ask them what they wanted and they would say they had heard about this and they have come to establish what was happening.

MS SOOKA: And when exactly did that start, the year and the month?

MR MBEKISENI KHUMALO: I would say it started in 1992. Even though I cannot remember the month but it was around September, October and maybe December. That is when the attacks on my household started, attacks by the Bad Boys.

MS SOOKA: Can you tell me how many police there were who guarded your house?

MR MBEKISENI KHUMALO: The police who guarded my houses were such that I could not mention them. They were so many. There was the members of the stability unit and soldiers and they guarded my house in turns, working in shifts. And they would not leave me alone in my home. Because these people would attack sometimes in the presence of the police and they would then exchange fire.

MS SOOKA: I also heard you say in your evidence that in terms of this Mavusu matter you were arrested by the same policemen who were guarding your house. How did that come to happen?

MR MBEKISENI KHUMALO: I am still surprised myself. Because I do not understand when a person is being attacked a police taking statements about that matter would turn around and arrest the very same person who was reporting the attacks. The police van would come and arrest that person as he was reporting to the police. I got worried as to why I was arrested because I am the one who was being arrested and it transpired that it was no longer necessary for me to go back to Thokoza. That is why even

now I am not in Thokoza. I have not gone back to my house. Many people have resumed occupation of their houses except myself. Because my house was for example renovated under the RDP programme.

MS SEALY: Mr Khumalo we have now established that you were actually arrested for the arson at the Mavusu house. Did you ever loan your licence firearm to anybody else?

MR MBEKISENI KHUMALO: My, I remember that I gave this firearm to my son. I went to the police station to get a letter indicating that I was handing this gun over to my son who was driving a taxi. But as a result of being strongly attacked during his rounds the gun was in my safe. There was no longer necessary for to go along carrying a gun.

MS SEALY: So you gave your firearm to Mzwaki, is that correct?

MR MBEKISENI KHUMALO: I am saying I gave my son the gun during which time he was driving a taxi. That was the time when houses were burning down and I had police guarding my house. And my guns were in my safe.

MS SEALY: But if one of your, your son Mzwaki Khumalo was also arrested for the attempted murder and arson attack on the Mavusu home. Is it not possible that your son had your firearm on that day and is responsible for the cartridge that was found at the Mavusu household?

MR MBEKISENI KHUMALO: As I have explained Commissioner that I would please request that you listen. I understand that you are reading that which is written down. I request also that you look at this carefully. Often times lies are said about me covering the fact that I was under attack. The police themselves were bribed, they are bribed even today. Everybody knows that. This is not acceptable. We were arrested for no apparent reason. As I have said we were at home under guard. We could not go to the shop. We would request the police to go out and buy things for us. And therefore I do not understand as to how could my son go out and burn people's houses down when he was under guard at my home. And I have the keys to my safe. Those are lies I just do not accept that.

MS SEALY: So Mr Khumalo if I understand you correctly everybody is lying. The police, the ballistics experts in Pretoria, the witnesses who alleged that they personally saw you on the scene and everybody else that implicates the Khumalo's in various attacks and killings, all of them are lying except yourself. Is that what you are saying?

MR MBEKISENI KHUMALO: I want you to understand me well here. I am not saying everybody is telling a lie. I am saying the thing was happening such that these things are lies. I was under guard. Myself and the whole family guarded by the police and the soldiers. And maybe it might as well be that these are

orchestrated lies. That is why I am saying that for example myself as Mzwaki's father am telling the truth about exactly what happened. I want this Truth Commission to get the truth from me.

MS SOOKA: Mr Khumalo I think the thing that we find a little difficult is that here you are, you are being protected by the police and the instability unit. They normally do not do such things for just anybody and particularly at that time during the conflict. You would be seen as some one to whom they would be sympathetic to. And then we find that you are in fact arrested by these very same people. Now cartridges from your gun are found on the scene of a particular incident. The ballistic tests in Pretoria confirm that these cartridges emanate from your guns. And I think we finding it a little difficult to deal with when you say that everybody is in this conspiracy against you. Because we are really trying very hard to understand what actually did happen during that period. It is not that we want to put your credibility into question but I think we are trying to understand how it is that in all of this conflict you claim then that everybody else is not telling the truth. And I think we are wondering a little bit about how some of these things have come past. So I think if you can approach your answers from that perspective then we would be able perhaps to get a clearer picture.

MR MBEKISENI KHUMALO: Thank you. I am saying here that I am trying to explain as to how my household was guarded. And

not other people's households. I also asked the police the same question as to why they had come to guard me and protect me. And they said to me: "We heard that you are being attacked and the law says we should come and guard you, protect you so that we should not find you dead." And when I was in court I also heard the magistrate saying that I should not go back to that house. I have now been removed from the people who were trying to kill me so that my being away from that place would quell the violence. These are actually the people who wanted my soul. I did not know the reason thereof and I thought I was lucky for being guarded. Especially that I am a person who prays I really thought that God loves me because I am still alive. I did not die. The magistrate also asked me as to why so many people were attacking me. If these people are attacking me why is it that they are not able to shoot me. For example the attack during which I was sitting at the front garden, I did not die. I went through a lucky escape. It transpired that this was going to continue for a very long time and it was therefore better for me to leave my house and indeed I was removed from the house. And I really appreciated the love that God showed me.

MS SOOKA: Thank you.

MS SEALY: Mr Khumalo after you got the information that your wife had been killed by Lucky Mapuru among others, did the

police come to your house and request you to show them where Lucky Mapuru stayed?

MR MBEKISENI KHUMALO: Yes. Yes Commissioner they did, the police did come. These called the "Ondersoek Span" in afrikaans they investigative officers they came as an attempt to establish who killed my wife. And I then gave them Peter Sebeko who would take them to identify the place where this boy stayed.

MS SEALY: Mr Khumalo I would like to now turn to events of the night vigil and the events surrounding your wife's funeral. According to Mr Zimo and Mr Malaba when your, following your wife's death you instructed them, you gave them a list of targets of people that you felt had been gossiping about you in the township and these people included Setoto, Ndaba's son-in-law. And I understand that Ndaba's son-in-law is Mkabela Sibeko who is the current deputy director general of the Gauteng Safety and Security Department as well as other women in Ndekani Street who had been asking questions about or alleging that you had some kind of involvement in your wife's death. Do you have any knowledge or do you remember ever on the eve of your wife's funeral having a meeting with Themba Zimo, Thulani Malaba and Nicholas Jamani as well as Thembi Nkosi Buthelezi? Do you remember having a meeting with these gentlemen?

MR MBEKISENI KHUMALO: We did not have a night vigil. There were police and soldiers in my homestead. No we did not

have a night vigil. As I have explained that I know one Zimo who resides in the same street as I am now, Masebuko Street or perhaps his father. And this young Zimo boy whom you said worked at my driving school really is not known to me. I do not even know Thulani Malaba. I cannot identify these people.

MS SEALY: You see Mr Khumalo this is where I have a bit of a difficulty. According to both Mr Zimo and Mr Malaba you are the person that gave them instructions to attack the Ngemma Tavern because you believe that the comrades that had killed your wife drank, used to drink at that tavern. And that was the reasons for the attack. Can you please tell us or first of all can you please tell us whether you gave that order to attack the Ngemma Tavern?

MR MBEKISENI KHUMALO: As I have already stated that I was always at home. I am not associated with taverns because I do not drink liquor. And in so far as my attack is concerned I wondered as to who was attacking me. I want to believe I was being attacked by the ANC. And these boys Malaba and Thulani as well as Zimo I would request this house to consider a possibility that they were blemishing my name so as to gain freedom. I am not saying that as such. I am saying I completely do not know these people. I would also not say that they should go and kill people during which time this matter was under investigation. God's law says: "Thou shalt not kill." Except under different self protection but the Lord does not say one should go



out and kill. The death of my wife as a case was under police investigation. They are telling a lie. I do not know these boys.

MR NDLOSI: You explained earlier on that you are a member of the IFP, did you perhaps attend IFP meetings?

MR MBEKISENI KHUMALO: Let me tell you something about the IFP meetings most of the time they hold their meetings on Sundays knowing that everybody is at home and not at work. And during that time I am in church. I only missed my church services when I was arrested. But I also used to conduct these church services in prison and I was in church always. I do not attend meetings at all.

MR NDLOSI: Were you able perhaps to receive feedbacks on decisions taken at the meetings?

MR MBEKISENI KHUMALO: They know perhaps, perhaps they knew that because I am a man of God they have no reason to come to me with a feedback. But when I was caught after a person had died at a particular family I would be called to assist.

MR NDLOSI: Were you only told when a person has died to come and assist?

MR MBEKISENI KHUMALO: As I am explaining, let me give you an example. I do not want to say I know about the ndunas simply because I do not attend all these meetings or these meetings. I pray. I would only be informed about a person who has died and I would come to lay a prayer before the burial.

MR NDLOSI: Did your leaders in the IFP know that you were being attacked in the township?

MR MBEKISENI KHUMALO: I would say they did know, they too were in the township. These attacks were something that was not only known to Thokoza residents but the whole world through.

MR NDLOSI: Did these leaders perhaps send people to your home who would assist you against these attacks?

MR MBEKISENI KHUMALO: I did not see anyone coming to my household. They did not send anyone to come and assist me. It was now well known that I was under police guard.

MR NDLOSI: Did they perhaps not come to you to sympathise with you?

MR MBEKISENI KHUMALO: On the day of the funeral yes they came to sympathise with me and pledge their condolences.

MS SEALY: Mr Khumalo do you know Vusi David Xhosa?

MR MBEKISENI KHUMALO: Maybe I know him. The one that I know resides in Gubeka Street near my home. I do not know his physical address but I know the place. And he is one of the boys who attacked my household. He also attacked my son Mzwaki. Maybe that is the person you are referring to.

MS SEALY: Did this Vusi David Xhosa ever appear in court during one of your bail applications to testify against you?

MR MBEKISENI KHUMALO: No, he was not opposing my bail application. He came to court to oppose the application of my son in court.

MS SEALY: So if I understand you correctly he came to give evidence in the bail application for your son, Mzwaki. Are you aware that Mr Xhosa is now dead?

MR MBEKISENI KHUMALO: I did hear that he had died.

MS SEALY: Are you aware of the circumstances of his death?

MR MBEKISENI KHUMALO: I would not say because there was fierce violence in the township. Some were hacked and some were stabbed and others shot. I just heard that he had died and there was no need to establish as to how he died.

MS SEALY: According to his family and friends he was shot dead in Sweet Xhosa Street by your brother Mbekelele Khumalo.

~~Are you aware of this or have you heard any rumours to this effect?~~

MR MBEKISENI KHUMALO: Mr brother Mbekelele was held in custody with me. As I have indicated these are all lies that have been concocted. These did not actually take place. I do want however to give the Commission a complete picture. I was in prison with my brother at the time. When the chairman of our taxi association was killed by the comrades it was alleged that Mbekelele had done this. It was later found out that at that time

Mbekelele had actually been giving evidence in court. And this attempt to implicate him in that case then was aborted.

MS SEALY: With all due respect Mr Khumalo that does not relate to the case of Vusi David Xhosa because both of you were not in jail at that time. You were arrested in January for the arson attacks on the Mavusu and Ngobeni homes and subsequent to that you were released on your own recognisance. So I am not actually, Mr Vusi David Xhosa was killed on the 21st of May 1993. Unless you are telling me that Mbekelele Khumalo was in jail at that time it does not really relate to what you have just said.

MR MBEKISENI KHUMALO: What I personally remember is that I was released on the 7th month, I think it was towards August when I was released. But there was a time when my brother was released because he stayed in town. He would be released and later arrested because we were being prosecuted for several crimes.

MS SEALY: Mr Khumalo according to Mr Malaba he claims at one point he accompanied you to a pawn shop in Alberton where TV's that had been taken from houses which had been burnt or where people had been forced out of their houses in Penduka were taken to Alberton to be sold. Are you aware of this?

MR MBEKISENI KHUMALO: No when did this happen? What month was it as he puts it? As I have indicated to you I spent about 6 or 7 months in prison.

MS SEALY: Unfortunately Mr Khumalo I do not have the date but it was some time in 1993. I take your point that you were in jail for 6 or 7 months.

MR NDLOSI: Let me just take you back. Who informed you about the death of Mr Xhosa?

MR MBEKISENI KHUMALO: It is something that I heard after I was released from prison. As I have indicated that I was released in August or July.

MR NDLOSI: Did you not hear of this when you were still in prison?

MR MBEKISENI KHUMALO: No I do not remember because I do not know who could have told me when I was in jail. In most instances I did not really communicate with the people in prison except when I was conducting church services.

MR NDLOSI: So who told you about this when you were released?

MR MBEKISENI KHUMALO: I just heard it from people who were just talking in the street.

MR NDLOSI: Don't you know their names?

MR MBEKISENI KHUMALO: When people are just talking amongst themselves or even if they are not talking to you directly you just pick that information up just like that.

MS SEALY: Mr Khumalo I just have one final question in regards to Mr Malaba again. He claims that he was arrested in I think in the beginning of, ja in the beginning of 1993 shortly after the attack on the Ngemma Tavern. But then subsequent to that he managed to escape from custody and he claims that he then came to see you and that he continued working for you until he was arrested in December 1993. Do you have any comment on that?

MR MBEKISENI KHUMALO: I will request you to look at this as nothing but lies. If a person were to escape from prison and just leave and come to live in an area near to that same prison that is unlikely and why would he come to me because I am not his friend? The only people who came to me was people that I worshipped with. There was nothing that associated me with him. He is a young man who drinks. I am not friends with children and necessarily particularly with those who drink. There was nothing that associated me with him.

MS SEALY: Mr Khumalo I think that is the problem that we have. That according to you everything that Mr Zimo and Mr Malaba and every other witness in the various cases that we have detailed here today, every single one of them seems to have some kind of plot or they are lying, they trying to get you into trouble.

Can you give us any particular reason or why do you think they would do this?

MR MBEKISENI KHUMALO: I had explained already that your enemy actually exploits an unfortunate situation. If you insist that these boys are in prison they are actually trying to attain freedom. I think they are not alone in this plot. They must be collaborating with other individuals. I think they are trying to get freedom or to be released. I once heard that they were shooting at a certain Khumalo household although it was not my home.

MR NDLOSI: Mfundisi if I understand you correctly the people who you had conflict with were the Bad Boys is that so?

MR MBEKISENI KHUMALO: I said the people who attacked me were the comrades, ANC comrades. They called themselves Bad Boys. Eventually I ended up being attacked by the entire township.

MR NDLOSI: I just want to get from you how you perceived this. Why were you attacked by everybody in the township? Why would they conduct this reign of terror against you as a person in a position of authority?

MR MBEKISENI KHUMALO: When you are being attacked by the people as I have explained before I was once nominated to be a member of the street committee. Thereafter I was attacked by the Bad Boys. Subsequent to that I was attacked by people in the township or in townships who were members of the ANC.

MR NDLOSI: There is also talk that some boys in the township used to wear Allstar takkies. It is rumoured that you did not like boys who wore this type of takkie.

MR MBEKISENI KHUMALO: That is a blatant lie. As a township resident who also had children, children who are perhaps your age. People such as Mzwaki, I used to buy clothes that were like or similar to those that were worn by other children in the location. Therefore I would have no reason for me not to like those takkies. There are a lot of rumours going around in the township. For example I was rumoured not to like short dresses. Sometimes they will say that Khumalo was against people who wore wigs. When this came to my attention I will be surprised. And think that these people must be indeed insane. What I am trying to explain here is that my children wore these Allstar takkies. I would buy what my children actually wanted to wear.

MR NDLOSI: Thank you Mr Khumalo.

MS SOOKA: Can I ask you a question which I think was not really canvassed. Somewhere in your evidence I think you made reference to the fact that your daughter had been abducted by the, is it the Bad Boys or the Mugabe Gang? Could you tell us a little bit about that please?

MR MBEKISENI KHUMALO: They arrived at my home in the evening around eight. They were travelling in a BMW (...indistinct) vehicle. My daughter was selling in the tuck shop. I



heard screaming, she was also screaming. I rushed outside. When I came out I was shot at. I saw people running along Buthelezi. The BMW was in front of the gate and there were people near the car. I did not know why they were abducting my daughter in front of my eyes they were going to abduct her, rape her. I then rushed out carrying my gun. I fired a shot in the air. I saw them with her, they were actually holding her by the hand. The guy who was holding her released her and she ran into a certain house. I followed her into that house. I then returned with her to my home. I did lay a charge about that.

MS SOOKA: Thank you. Commissioner Randera?

DR RANDERA: Archbishop do you know a gentleman by the name of Nicholas Zweli Jamani?

MR MBEKISENI KHUMALO: I am certain that I saw Nicholas Jamani yesterday and realised that he is this one boy who used to come to my house. I recognised him from yesterday. He was a member of the organisation.

DR RANDERA: Sorry what organisation and what did he come to your house for?

MR MBEKISENI KHUMALO: I did not used to talk to him in most instances but he will be talking to my children. And thereafter he will leave. I cannot say that I used to talk to him because he used to talk to my children and he was a member of the IFP.

DR RANDERA: Oh he was a member right. Archbishop let me just put this to you as it is worrying me a little. In all the questioning that we have had, that you have faced this afternoon about Mr Malaba and Mr Zimo all your answers have been that you do not recognise these people, you do not know about them. But yet you know when I ask you about Mr Jamani you suddenly say you recognised him yesterday as somebody who came to your house. And yet he was also one of the people as you know who is serving a sentence now for what is known as the Ngemma massacre. Is that strange? Am I just making something out of it or is it?

MR MBEKISENI KHUMALO: Jamani is one of the youth in my organisation. It may be that I know him for that reason. Because as I have said he used to come to my house and talk to my children. I knew that he was a member of the IFP. With regards to Thulani and Zimo, if perhaps they were members of the organisation and if they had visited my home I maybe would have known them because I knew Zweli in that way. On another occasion Zweli also came with the youth brigade of Inkata to pay their condolences on the day preceding the funeral of my wife.

DR RANDERA: Archbishop just for the record. Did you ever own a grey Mercedes Benz?

MR MBEKISENI KHUMALO: No I did not own that car but it was my brother who had a grey Mercedes.

DR RANDERA: Thank you. Archbishop this morning when I asked Obet Gadebe about his understanding about this conflict that took place in the East Rand he said that really up until 1990 things, people would work together and in some way the fact that you yourself were elected to a street committee in 1989 bears testimony for me to that. But after 1990 and he particularly highlighted the release of our president now, Mr Mandela when the division started to become more acute. Would you agree with that?

MR MBEKISENI KHUMALO: I do not agree with that because firstly the people who nominated me to the committee were members of the ANC. I think at that time they did not understand which organisation I belonged to. As I have indicated that I do not even attend meetings of the IFP. They must have thought that I was one of their members. I knew Gadebe, in fact sometimes I would go to the office in Taboza to pay rent where rent was paid. I would go there to fetch my wife and that is when we started to know him. I did not even know which organisation he belonged to. Because I was not really concerned about those things.

DR RANDERA: No I understand i just mentioned the name. I did not want you to comment about Mr Gadebe. But Archbishop what I am saying is that in 1992 you would not have been elected by ANC members to a street committee but in 1989 you were. Am I right or wrong? Because things had become more polarised

between whether you want to be an Inkata member or whether you were a Zulu speaking member and others. Is that right or wrong?

MR MBEKISENI KHUMALO: Let me respond to the question in this manner. As a person of my age there may be some things that I may not understand well. I was not nominated in 1992 but in 1989. At that time when they requested me to be a member of the street committee it was under the old order. Members of the street committee were also susceptible to being arrested at that time. In 1990, 1991 and 1992 it was actually that time that I started to be attacked by comrades.

DR RANDERA: Archbishop let me move on a little. It is said that 56 000 people have died in this period that we are looking at between 1960 and 1994. And out of those 56 000, 28000 almost died in the period 1990 to 1994. The majority in KwaZulu Natal and in the East Rand. Now clearly and I am trying to move away from the specifics of the questions that people asked you already. Clearly something, and I hope that you will agree with me, something major went wrong in that period between 1990 and 1994. And you know I think because we worked in the East Rand and we covered that area we have a great deal of information about that period. What we are trying to understand is here you were, a man of religion and therefore I would hope a man of peace, and instead of you and your church perhaps being a focus

of wanting to bring peace in that area you almost became - and you know we have heard many cases today, became almost central to the violence that erupted in that area. So my question really is to try and understand, from you is two-fold. One is to try and understand why you think that happened? As a man of the Church because although you say you a member of the IFP many a time this afternoon already you have told, you tried to sort of distance yourself from the IFP because you never attended meetings. You were not part of any structure as such besides being a member. So what is it that made you and your family a target in that community?

And secondly as a man of the Church, as a man of God did you ever in this period use your position as a leader of the Church to try and bring about peace in this community that was torn apart before 1994 and since 1994 have you tried to do that?

MR MBEKISENI KHUMALO: Thank you Sir. As a person who was attacked in the township and as a person who has religious convictions I do love peace because it is a gift from God. He instructs us to forgive those who sin against us. I would talk peace if perhaps I had a church service or maybe if I held a church service in the IFP areas. Because back then there were boundaries between the ANC and IFP. I would talk peace in most instances where I held funeral services. I would or I could maybe perhaps try to tour the township to preach peace if perhaps I had

a police escort. Because it was something that was important. But the one thing that I concentrate on, up to this day is that those people who have labelled me as part of the Khumalo Gang and those who have threatened to kill me I am still praying about this. That God should descend upon them and use them because it seems like they have lost control. I ask that God descend upon every home in Thokoza. I pray for this when I am alone that God should help people to recognise themselves and recognise each other as creatures made in the image of God. So that there will be peace.

DR RANDERA: Thank you Archbishop. I just want to state for the record and for your own benefit that in this very room a leader of the IFP stated that we tried to exclude you from speaking at the human rights violation hearing that took place in the East Rand and I remember seeing you there myself. Now let me say that your statement I have in front of you from that period. But it was not to try and exclude you because we included many other people from, who were members of the IFP. But your statement came in after we had decided who should be appearing at a public hearing. So it was not meant to exclude you. So I hope you will go away with that understanding. Thank you very much.

MS SOOKA: Thank you Archbishop. Thank you Ms van der Westhuizen. Your client is excused from the proceedings today. I understand that Mr Mbekelele Khumalo is here as well. And I am

wondering if we can call him in and formally postpone that proceedings to the 18th of June because you have another client who is appearing on that day.

MS VAN DER WESTHUIZEN: I am actually not aware there is a person appearing on the 18th of June and I do not have my diary on me. So that could create a problem. I actually, as I am sitting here I know that I only have three days in the whole of June where I am available. So I do not know who is appearing on the 18th. Mr

MR NDLOSI: Mr Zweli Nicholas Jamani has been served a subpoena.

MS SOOKA: Mr Jamani was served with a subpoena.

MS VAN DER WESTHUIZEN: It was certainly not arranged with me.

~~MS SOOKA: Ja but that is the, he was given a 14 day period~~  
within which to appear. Do you want to phone your office and check your diary so that we can sort out the other Mr Khumalo?

MS VAN DER WESTHUIZEN: I can certainly do so.

MS SOOKA: Thank you. Mr Khumalo you are excused from the proceedings today.

MR MBEKISENI KHUMALO: There is something that I would like to say before I leave if that is allowed.

MS SOOKA: Yes.

MR MBEKISENI KHUMALO: As the Commissioner has explained that they received my application, was that was the Commissioner was saying?

DR RANDERA: Yes.

MR MBEKISENI KHUMALO: I was also surprised about why I was not called and this in fact saddened me. But if the Commission had decided that I should not appear publicly I should thank God because if I were to appear in public as a target that may put me in danger. But I would also like to say that as a person who was victimised I lost my mother and my wife. I would like to know if maybe there is something that the Commission can do about this maybe in a form of reparation.

DR RANDERA: Mr Khumalo as I said to you we are looking through all the statements at the present time. And you certainly will be hearing in the next few months as to whether we have decided that you are a victim because we have to make a finding. And of course once that decision is made you will be receiving a letter and with that letter if you are a victim then you will be receiving a form for reparations. Does that help you?

MR MBEKISENI KHUMALO: Yes.

DR RANDERA: But you can also, you have a number when you first made your statement you should have received a letter that gives a number because I cannot give you a decision right now. I do not know. But you can phone the office on Monday and find



out whether we have made a decision in your particular case already.

MR MBEKISENI KHUMALO: Thank you Commissioner is my case for today handed over or am I through for the day?

MS SOOKA: Yes Mr Khumalo you may be excused today. Thank you.

MR MBEKISENI KHUMALO: Thank you.

WITNESS EXCUSED.

MS VAN DER WESTHUIZEN: I have just established from my office the only two days is the 24th and the 25th of June. On the 18th I have two matters. One is a matter where I am appearing in Kokstad Court which has been arranged long ago and I also have a Supreme Court trial starting on that day.

MS SOOKA: Do you want to just check the 24th and 25th. One of the two would be suitable but in addition to that you need to just check that we do not have a Commission meeting.

DR RANDERA: We just need to check that out.

MS SOOKA: Yes. Sally will you check that (...indistinct)?

DR RANDERA: I will just find out (...indistinct)

MS SOOKA: Okay. Mr Khumalo are you able to hear me clearly?

MR MBEKELELE KHUMALO: Yes.

MS SOOKA: Could you state your full names for the record please? Yes you may be seated it is fine.

MR MBEKELELE KHUMALO: I do not know really. My official name is Arthur Khumalo, it appears on my ID.

MS SOOKA: Are you also known as Mbekelele Khumalo?

MR MBEKELELE KHUMALO: Yes that is correct.

MS SOOKA: Mr Khumalo we have advised you before that you were to appear at these hearings on Wednesday. Unfortunately we have run out of time and so we are not able to take your evidence today. We have however arranged with your attorney, Ms van der Westhuizen that your matter will be postponed to the 24th of June at nine 'o clock in the morning. I am advising you and warning you here to be here at nine on the morning of the 24th of June.

MR MBEKELELE KHUMALO: Should I respond?

MS SOOKA: Yes.

MR MBEKELELE KHUMALO: Thank you very much. But what ~~saddens me, it upsets me that I did not receive a letter that I~~ should appear here. I only came out of my own will.

MS SOOKA: Mr Khumalo my understanding from what actually happened was that the last time that you were to appear you were in fact informed of the fact that the hearings had been postponed by agreement with your attorney to Wednesday this week. So I am surprised everybody else turned up with the exception of you and Mr Mzwaki Khumalo. That everybody had been informed in the same way of the change of date which was to accommodate your attorney. Now we are not serving a fresh notice on you because

we are informing you personally now that the hearing date is shifted to the 24th of June. Are you clear about that?

MR MBEKELELE KHUMALO: The 24th not the 18th?

MS SOOKA: The 24th.

MR MBEKELELE KHUMALO: Thank you, no problem.

MS SOOKA: Thank you. Are you in touch with Mr Mzwaki Khumalo?

MR MBEKELELE KHUMALO: I will try because his father is also here.

MS SOOKA: Thank you. Thank you Ms van der Westhuizen.

COMMITTEE ADJOURNS