

**TRUTH AND RECONCILIATION COMMISSION**

**SECTION 29 HEARING**

**"IN CAMERA"**

**DATE:** 24-06-1998

**NAME:** MPHEKELELI ALFRED KHUMALO

**HELD AT:** JOHANNESBURG

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**MS SEALY:** The next witness is Mr Mphekeleli Khumalo.

**CHAIRPERSON:** Mr Khumalo, welcome to these proceedings.

There is a facility for you to be able to receive evidence in the language you are best comfortable with and for you. We have got these microphones and earpieces that are there in front of you.

What channel is Zulu, channel 3. Can you hear me?

**MR KHUMALO:** Yes, I can.

**CHAIRPERSON:** Before you testify Mr Khumalo, we will ask Ms Sooka to swear you in. Ms Sooka.

**MS SOOKA:** Can you give us your full name?

**MR KHUMALO:** Alfred Khumalo.

**MS SOOKA:** Is that your full name?

**MR KHUMALO:** That is the name that is reflected on my reference book, on my ID.

**MS SOOKA:** And Mphekeleli?

**MR KHUMALO:** Mphekeleli Alfred Khumalo.

**MPHEKELELI ALFRED KHUMALO:** (sworn states)

MS SOOKA: Thank you, you may be seated.

CHAIRPERSON: Ms Sealy?

MS SEALY: Mr Khumalo, is it correct that you are the younger brother of Mr Mbekiseni Khumalo?

MR KHUMALO: That is correct.

MS SEALY: Mr Khumalo, are you a member of the Inkatha Freedom Party?

MR KHUMALO: That is correct.

MS SEALY: How long have you lived in Tokoza?

MR KHUMALO: I grew up in Tokoza.

MS SEALY: Do you mean from a very young man, you lived in Tokoza, from when you were very small?

MR KHUMALO: I was born there, it was an old location called Maqoqweni.

MS SEALY: Mr Khumalo, I would like to start asking you whether you knew a person by the name of Mr Sam Ntuli?

MR KHUMALO: Yes, I do.

MS SEALY: How did you know Mr Ntuli?

MR KHUMALO: We were neighbours, or he resided within the same location, I know his family as well, particularly his father.

MS SEALY: Did you know that Mr Ntuli was a member of the Civic Association in Tokoza?

MR KHUMALO: I heard so.

MS SEALY: Were you aware of Mr Ntuli's politics?

MR KHUMALO: I was not fully conversant with politics, because at the time there were fights and attacks and people used to be arrested by Police and they used to be called communists.

MS SEALY: Are you saying that Mr Ntuli was one of these people that got arrested by the Police and were called communists?

MR KHUMALO: I heard so.

MS SEALY: I would like now just to ask you whether, we have had evidence before the Commission, before this hearing, by Mr Tulani Mlaba and Mr Themba Zimo, do you know those gentlemen?

MR KHUMALO: I don't know them very well, because they are youngsters, and I am older than them, so I cannot guarantee my knowledge of them.

MS SEALY: Do you know whether Mr Themba Zimo ever drove a taxi for your brother, Mbekiseni?

MR KHUMALO: No. I have never known him to be driving a taxi.

MS SEALY: Just so that we are clear, I am referring to Mr Zimo, whether Mr Zimo drove a taxi for Mr Mbekiseni Khumalo?

MR KHUMALO: No, I do not know anything to that effect. I have never seen him driving my brother's taxi.

MS SEALY: Do you know that your - your brother has given us evidence that he had a driving school in Nqutu, did you know about that?

MR KHUMALO: Yes, I do.

MS SEALY: Do you know whether he ever employed Mr Zimo at the driving school in Nqutu?

MR KHUMALO: No, he worked all by himself, that is my brother.

MS SEALY: I would like to now turn to the events which led to the death of Mr Sam Ntuli. Are you aware of how Mr Sam Ntuli died?

MR KHUMALO: Yes, I heard over the radio.

MS SEALY: We have had evidence before this Commission by Mr Mlaba and Mr Zimo that you, Mbekiseni Khumalo, as well as Mzwakhe Khumalo were part of a group of people that met with Abraham Mzizi and Gertrude Mzizi of the IFP to plan the assassination of Mr Ntuli. Do you remember any kind of meeting like that?

MR KHUMALO: No. I bear no knowledge thereof. As I knew Mr Ntuli, he was a fine person or a good person I could say. The only people who had problems with him, were the white Policemen.

MS SEALY: So you actually find it quite strange that the IFP have been implicated in the killing of Sam Ntuli, would I be right in saying that?

MR KHUMALO: Yes, I find it really strange and I don't remember quite well.

MS SEALY: You have testified earlier that you were a member of the IFP. Did you attend IFP meetings regularly?

MR KHUMALO: No, I never used to go there regularly, because I am employed.

MS SEALY: Do you know who Gertrude and Abraham Mzizi are?

MR KHUMALO: Yes, I do know Mr Mzizi before he stayed with Gertrude, when he was staying with his first wife, who is now late.

MS SEALY: Did you ever attend a meeting which was addressed by Gertrude or Abraham Mzizi discussing anything about Sam Ntuli?

MR KHUMALO: No. As I have already said that I never used to go to meetings.

MS SEALY: Can you think of any reason why Tulani Mlaba and Themba Zimo, people that you yourself say you hardly know, and who are very much younger than you, would implicate you as being present in a meeting where the death of Sam Ntuli was planned?

MR KHUMALO: You really wouldn't know young people. They just say anything they want to say.

MS SEALY: Mr Khumalo, you put it down to the fact that they are young, and they just talk out of turn, that is the reason why they would implicate you?

MR KHUMALO: Yes. You wouldn't shut a person's mouth, he can always say whatever he wants with his mouth, and you can't shut him off.

MS SEALY: I am sure that is quite true. Mr Khumalo, I wonder if I can then perhaps ask you, did you know Frank Happy Mbele?

MR KHUMALO: Yes, I do.

MS SEALY: How did you know Happy Mbele?

MR KHUMALO: When I first met Mbele, we ended up attacking or shooting each other because he came, he was working for Shell and he used to drive a white kombi.

I knew him on that day, and that is the very same day on which we shot at each other, he had an AK47 with him.

MS SEALY: On the day of the shooting of Happy Mbele, did he come and try to attack you and did you return fire, what actually happened, what led to the shooting of Happy Mbele?

MR KHUMALO: What I could say, he was one of the comrades within that area.

MS SEALY: So did he deliberately come and attack you, where were you when this attack on you, or where were you when he tried to shoot you?

MR KHUMALO: I was at my brother's place.

MS SEALY: Would that be 901 Mdikane Street in Tokoza?

MR KHUMALO: That is correct.

MS SEALY: So you are saying that Happy came to 901 Mdikane Street with an AK47, and opened fire and then you returned fire, and in that return of fire, he was hit. Would that be what happened?

MR KHUMALO: I will relate to you as to how this happened. I don't remember whether it was a Saturday or when, he went passed my brother's place driving that kombi, which was full of youngsters who were living within the same area. They took a turn at another street, that is Ngubeni Street.

As we were still inside the house, this other youngster, his name was Pinpin, he stayed at the neighbour's place - and there is a refuse dump or a dump site nearby. As he came back from the dumping site, this youngster told us that he had seen some people, he referred to him by name and told me that they were having a change of clothes and they were actually planning as to how they were going to come to where we were and start attacking.

This youngster saw that they were armed with AK47 rifles and this other person left the car to run to us and report at my brother's place that he had seen some youngsters who were planning and he related to us as to what he heard, and we talked to each other to try and find out what we could do. My brother phoned the Police and told them about this plan of the eminent attack.

We decided to go there, but I don't know the number of the house. I was with Mzwakhe, that is my brother, and we went in there and we got a woman outside the house who was doing some washing, I greeted her and conversed shortly. I told this woman that I have a problem that the youngsters who were driving a white kombi were planning to come and attack us.

They had gone into that yard. As we approached the corner, they ran into the yard, but we proceeded quite slowly and I went to this particular woman. This woman replied and said that she does not know this group of people, and she did not see the group of people who ran into her yard.

I told her that they were inside the house and I could see some of them through the windows. She became very aggressive.

As we were still talking, as I was still talking to this woman, trying to reason with her that she should not harbour criminals in her house, she should actually chase them out so that the Police would be able to arrest them, she just continued doing her



washing. Thereafter we heard some explosion. I don't know whether that is gunfire or what, that is when this woman said she could realise now that these people had gone into the house, because she was outside the house.

I told my brother that he should call the Policemen so that they could come to this house and arrest the criminals who were inside the house. I think they actually heard me because I was not whispering. I was just talking out loudly.

I was with Mzwakhe. I told this woman that I was going to wait outside the house because we wanted the Police to arrest these people. This woman left us standing there and went out of the yard. As we were standing there, I was now scared because I could hear some gunfire and I went towards a certain corner, because it is a four roomed house.

As you turn as I am indicating, towards the door, there is a bedroom and there is window at that bedroom. I hid myself at that corner together with Mzwakhe and I kept on peeping. At times we would peep at the same time, and come across the faces of the people who were inside the house.

We did that for quite some time, but at a later stage, I heard that the Police were coming, they were on their way and these people from inside the house were now trying to come out of the house and this woman was actually helping this other ones

to be able to go out and this other one was pointing a firearm and he actually scared us.

We had to go back until such time that all of them went out of the house. Lastly there was one who was left inside the house.

From there he just came out of the house and he started shooting. We could not run to the gate and he also could not run to the gate, because by then we had actually approached each other.

By the time he was trying to shoot, he shot and I ducked. That split second that I stopped, my hand protruded through that little corner as you take a turn around the house and I was trying to actually scare him. I believed that he was going to come to where we were, that is the corner and I kept on doing as I am doing with my hand.

CHAIRPERSON: Let us get that Mr Khumalo. When you said then you just raised your hand, are you indicating that you shoot as you push your hands around the corner, did you shoot at the time that you were ...

MR KHUMALO: Yes, I did shoot twice or thrice. My whole body was ...

CHAIRPERSON: What sort of firearm did you have, was it a rifle or was it a handgun?

MR KHUMALO: It was a 9 mm.

CHAIRPERSON: So you were shooting bang, bang, bang, that sort of shooting, or is it bang, bang, bang?

MR KHUMALO: Yes, that is correct because my whole body was protected by the wall. My hand kept on protruding because I was in that corner, and I could not actually point or aim so I was just shooting.

I was scared that if my whole body can appear, he would actually shoot me.

CHAIRPERSON: Ms Sealy?

MS SEALY: Mr Khumalo you said before when this little Pinpin came to tell you that he had seen some young men with AK47's, you asked your brother to call the Police. That is before you proceeded to the house where you heard that the people were hiding. Why didn't you wait for the Police to come, why did you think you should go and investigate it, bearing in mind those are young men with AK47's, you have a 9 mm, why did you decide to go there and not wait for the Police?

MR KHUMALO: They were actually not hiding, because they were standing in front of the houses. They were not hiding themselves anywhere, because when we appeared they were having a change of clothing, which means they were not hiding themselves.

With regard to the question that you have asked with regard to Pinpin, that we should call the Police. He, Pinpin came to tell

us that he had seen these youngsters, he even called them by name. I think he said Happy and the rest.

CHAIRPERSON: The question is why didn't you wait for the Police?

MR KHUMALO: We realised that as they were at this place, my brother had actually planned to phone the Police when we went there, but we realised that the situation might get explosive and ...

CHAIRPERSON: No, no, Mr Khumalo. The question is this, why did you take it upon yourself to go and investigate, actually go there and try to corner these people, you know, instead of having made the decision to call the Police, to wait for the Police to come?

MR KHUMALO: That is a very difficult question and we were in a difficult situation. We had already heard that there was an eminent attack and we did not have much time to just sit down and plan or think because we had been attacked before, or quite a number of times.

CHAIRPERSON: Ms Sooka?

MS SOOKA: Sorry Mr Chair. Who is the we that we are talking about?

MR KHUMALO: According to township lingo, we were being attacked by comrades, but I do not know ...

CHAIRPERSON: No, no, no, the question is when you say we were being ...

MR KHUMALO: I did not hear the question well. It was my brother, his kids as well as myself. I even went to his place to try and see as to what was wrong, why was he being attacked. His whole family was being targeted, but I never got the reason as to why he was being attacked.

Even when I asked him as to what the matter was, as he was staying there for quite some time, what was the reason behind the attacks, but what I heard was that they had some quarrels or problems, because he was being chosen to be a Street Committee or a member of the Street Committee to try and solve some disputes within the area.

I asked him as to why he did not become a member of the Street Committee, his reply to me was that if there were family quarrels within a home, he would have to resolve these problems or take a decision as to what should happen to the culprit or to the wrongdoer and he said according to his belief, he could not do that and he was not able to.

That is part of the problem I think.

MS SOOKA: Mr Khumalo, do you remember in relation to this Mr Happy Mbele's death that you gave a statement to the Police, do you remember that?

MR KHUMALO: I don't remember because this is quite an old matter. I was even trying to shed light according to what I can recollect, because it would sound funny if I would say I don't know, or I don't remember anything. I cannot be one hundred percent sure and I cannot assure you that I will relate it as it happened exactly.

MS SOOKA: You see Mr Khumalo, I have a statement from the - the statement that you gave to the Police on that day, and the story that you have told us, is pretty much what you say in your statement here, but the instant happened on the 18th of December 1992, it was a Friday. It seems to me that it was a very, very busy day in Tokoza on that day, because a number of incidents happened on that day.

First of all in the morning, you say that you got a call from your brother, from Mbekiseni to say that Mzwakhe the son that drives the taxi, had been attacked on the corner of Nqaqi and Khumalo and then you rushed there to see if you could find them, and then when you got there, you discovered there was nobody, then rushed to 901 Mdikane Street and it was while you were there that you heard that Mbekiseni was actually at the Police station with Mzwakhe, reporting the case about what happened earlier with the taxi.

And then this is now when the whole incident happens with Happy, but there are also a number of other incidents that happen

on that day. We have the attack, the alleged attack on Mzwakhe's taxi, we then have the shooting which ends in the death of Happy Mbele, we then have an attempted murder of Makasonki Mavuso, an attempted murder on Patrick Sizwe Nkosi, all these incidents happen on the same day and the taxi incident in the morning, but the other incidents in the afternoon.

What I would like to know in regard to - you have explained to us what actually happened with Happy, but at the end of your statement, you explain to the Chairperson that you were ducking behind the wall and then firing off shots every now and then, and possibly one of these shots you even say in your statement, it is possible, that one of these shots hit Happy Mbele, but what you also say in your statement is that if I had shot the deceased, Frank Happy Mbele, he was supposed to die on the spot and on the same day. I don't deny the allegation that I shot him, but you - because Happy didn't die on that day, he apparently was taken to hospital and died the next day.

You are not disputing the fact that you actually shot him, are you?

MR KHUMALO: You have to bear with me on this aspect. Maybe as you have just told me, I think you have asked a very long question, now I don't get you as to what the question is and what the comment is. Could you please just ask me a very short

question, because you have related certain things that I am not familiar with.

Now I don't know where I should answer, which one is the question, which one is the comment?

MR KHUMALO: I asked you a very short question, I was explaining to you that lots of things happened on this particular day which I didn't need any answer on. I was explaining to you all these events happened on the 18th of December. The short question that I asked you was, you are not disagreeing that you shot Happy Mbele, that is the question?

MR KHUMALO: Yes, I did try to explain Chairperson, with due respect with regard to the Happy Mbele matter. Now you are referring to statements.

CHAIRPERSON: The question now is very direct, you are not denying that you may have caused the death of Happy Mbele at the time that you shot in the manner in which you indicated today, but you don't know. Is that the sum total of your evidence?

Let me repeat, your evidence is there was at that house a time when you shot perhaps two or three times in the direction in which you saw this person. You say you do not deny that in the course of your shooting at that person, you may have hit him in such a way that he subsequently died thereafter?

You are not denying it?

MR KHUMALO: No, I don't.



CHAIRPERSON: You are however saying you do not know because according to that statement he did not die there and then, he died elsewhere and at a later time?

MR KHUMALO: Yes, I do know that.

CHAIRPERSON: Ms Sealy?

MS SEALY: Mr Khumalo, you have explained to us what happened in regard to Happy Mbele, I would like to just tell you that there are lots of other people who are witnesses in this case, who say something very different and if you can, I am going to read to you what they say and then you can tell me what do you think of their evidence.

First of all, one of the witnesses is a person by the name of Innocent Makhosi Mavuso who stays in Ngubeni Street and he says that on December the 18th, he was at home between five and six o'clock and he heard several gunshots and it was coming from the back of Ndebele Street, it was coming from the back of his house.

MR KHUMALO: Ndebele?

MS SEALY: Ndebele yes, after a few minutes he saw his friend, Happy Mbele, come from the back of his house, jumping over the fences next door to the Mavuso house.

He was bleeding and running very, very fast. He said he noticed that Happy was bleeding from his lower back and also from his front and his legs. He then said he jumped over the

fence opposite the Mavuso house and went in the direction of Kubeka Street.

Later he then saw Mbekiseni Khumalo and Fannel Tsabalala come and they asked him where did Happy go and they said, this Mavuso said he didn't see. He says that that is his version that in actual fact, he saw Happy being chased down the street, not that he was shot. Are you saying that - let me try to make myself a bit more clearer, is it possible that after you shot Happy or is it possible that Happy got up and tried to run away, did you maybe see that?

MR KHUMALO: Firstly I would like to say that where we were, we left with the Police. Now what this person or Mavuso is trying to say, was that he had the right to come forward and tell the Police whatever he saw at that time or whatever he witnessed.

I don't understand what you have just said, that if a person speaks, a person could say anything that he wants to say till cows come home and it was basically his right to say whatever he wanted to say, but we remained there and we left with the Police at that time.

CHAIRPERSON: In short, you do not know these details that you have been told now?

MR KHUMALO: That is correct, that is what I was trying to explain.

MS SEALY: So Mr Khumalo, if I can get it straight, after the shooting you remained at the scene. Did you see the Police take Happy to the hospital, did you see anything like that?

MR KHUMALO: No, I never saw anything.

MS SEALY: If I could then just move on to - oh sorry Mr Khumalo, you have no idea of the other incidents that happened on the same day, for example the attempted murder of Makhosi, Makasonki Mavuso or the attempted murder of Patrick Sizwe Nkosi that happened on the same day in the very same area?

MR KHUMALO: No, I have no knowledge thereof.

MS SEALY: Okay.

MR KHUMALO: Even the people that you are referring to and the names are not familiar with me, maybe if I could see their faces, I don't know, but I don't know who you are referring to.

MS SEALY: But on that day, on this particular day the only person that you shot at was Happy Mbele, is that correct?

MR KHUMALO: That is correct.

MS SEALY: If we could then, I would just like ...

CHAIRPERSON: Before you proceed to another, Mr Khumalo if I could just ask, how did you come to make a statement to the Police? Did you volunteer to go and make a statement to the Police or did the Police come after you and then you made a statement in connection with this incident?

MR KHUMALO: Whatever happens, you have to report it to the Police. Let me just make an example, even if it is a car accident, you have to report the matter to the Police.

CHAIRPERSON: So you went yourself to the Police to give a statement?

MR KHUMALO: That is correct. As I have said that we waited for the Police to come, I left with the Police and I submitted a statement at that time.

CHAIRPERSON: And you were never charged in connection with this incident?

MR KHUMALO: How could they leave me, because when I look at it, I don't know how these things happened, but I was actually accused and I appeared in court.

I think the court realised that I was not a criminal.

CHAIRPERSON: Were you found, were you discharged, were you acquitted or were the charges withdrawn?

MR KHUMALO: Yes, I was acquitted.

CHAIRPERSON: Okay.

MR KHUMALO: And the matter was finalised.

CHAIRPERSON: Mr Sealy?

MS SEALY: I would - I am still not clear, after the shooting of Happy Mbele, when the Police arrived, they didn't find Happy Mbele on the scene where you shot him, is that correct? He wasn't there any more, afterwards?

MR KHUMALO: No, he wasn't there at the scene of the crime.

I would make a request to the Chairperson, could I please visit the loo? If the Chairperson could just permit me and give me a few minutes to go to the loo?

CHAIRPERSON: We will take a five minute adjournment.

COMMITTEE ADJOURNS

ON RESUMPTION:

MPHEKELELI ALFRED KHUMALO: (still under oath)

MS SEALY: Mr Khumalo, I would just like to then refer to an incident that happened on January the 1st 1993. We have a statement which implicates yourself in a shooting that occurred on the corner of - a shooting that occurred in Tokoza, on the corner of - let me just - on the corner of Nqlapo and Nguni Streets, three people were killed. Do you have any knowledge of that particular shooting? It happened on New Year's day round about midnight?

MR KHUMALO: No. I don't know anything about that. I heard about it, because there were normally Police stationed at my brother's house from the Stability Unit as well as soldiers, who were at the time known as SADF.

These Policemen, the Stability Unit, came and requested that Mzwakhe accompany them to point out a certain boy called Lucky Mampuru if I am not mistaken.

MS SEALY: Sorry Mr Khumalo, that is a completely different thing altogether.

Let me try and be very, very clear. I have a statement in front of me by a gentleman by the name of Alfius Madlala, do you know Alfius?

MR KHUMALO: No.

MS SEALY: Okay.

MR KHUMALO: I don't know which Madlala you are referring to.

MS SEALY: Okay, well this is an Alfius Madlala who stays in Tokoza and he says that he overheard you on the 5th or 6th of January saying that you were such a very, very good shot because you had killed three people on the corner of Nguni and Nqlapo Streets and that you were a much better shot than Nicholas Zweli Chamane because you knew how to shoot people and you were very good with a gun. Do you have any comment on that?

MR KHUMALO: Briefly I don't know anything about that. Was I saying this in a meeting?

MS SEALY: Apparently you said this outside, out in Khumalo Street at the gate of the hostel. There was a group of people around you and I suppose what the witness is saying is that you were bragging. That you were such a marvellous shot and that you killed three people on New Year's day.

MR KHUMALO: Briefly I will say maybe I will be crazy, how can you boast about killing people, how would you go around and tell people about that. I don't remember anything of that sort.

MS SEALY: So to be short, you don't know who Alfius Madlala is and you don't know anything about this particular incident, is that correct?

MR KHUMALO: Yes, I don't know how Madlala is.

MS SEALY: Do you know Nicholas Zweli Chamane?

MR KHUMALO: I know Chamane who was here just before me.

MS SEALY: Yes, that is the gentleman that I am referring to, how do you know him?

MR KHUMALO: Well, I first knew him, he was somebody who used to frequent my brother's house, just to check on them. I am not exactly used to him.

MS SEALY: So if I understand you correctly, you are saying that Zweli Chamane used to come to your brother's house to check on him, to check whether he is safe, would that be correct?

MR KHUMALO: He would just check him, how he was, because my brother was being attacked at the time.

MS SEALY: Why would Mr Chamane come and check, was he somebody special? Why would he specifically be concerned about your brother?

MR KHUMALO: I wouldn't know. Maybe because of the reason that they belonged to one organisation and because of what was happening in my brother's house.

Any normal person would recognise how bad the situation was at my brother's house, so I think that was the reason why he used to come there.

MS SEALY: Was he your brother's bodyguard?

MR KHUMALO: No. I didn't know that he was a bodyguard.

MS SEALY: But he used to come and make sure that nobody was attacking your brother's house?

MR KHUMALO: He was not there to check that there is no attacking, but he was there to support my brother.

MS SEALY: Support him in what way Mr Khumalo?

MR KHUMALO: He was there to enquire after their health, how they were doing, how they had spent the night, things like those.

MS SEALY: So your earlier evidence that he was there to protect them, what did you mean by that?

MR KHUMALO: What do you mean, do you mean protect him from attacks or death?

MS SEALY: I don't know, you I think in your evidence stated that.

MR KHUMALO: I only said he was there to support him, to check on him, just to enquire about his health and how they were doing at their home.



MS SEALY: I am sorry, I want you to clarify that for me. What exactly do you mean that he was there to support them, and don't give me the nonsense about checking up on his health, what do you mean by support?

MR KHUMALO: I don't know what you are saying because if a person has heard about what has happening at your home, as a neighbour he should come and enquire and find out what is really happening.

CHAIRPERSON: Why we are asking these questions, is that Chamane was here and his evidence was like this. He was trained in the use of firearms, he was a member of the SPU's. Part of their function was to protect families and themselves. Your brother's family was one of those that he was charged with the duty of protecting.

When you talked about this support that Chamane was giving to your brother, were you confirming Chamane's own evidence that when he was trained as an SPU, one of his functions was to defend your brother and his family in the event of an attack?

MR KHUMALO: If that was so, that they were training people to protect myself, I think I had not bothered or I had decided that I would also die where my brother dies.

If there were people who were trained to protect my brother, I would not have been there to see to it that I also protect him, so I don't know anything about those people.

CHAIRPERSON: No, I am not asking your knowledge about the details of his training. I am simply saying you have said here Chamane used to go to your brother's place?

MR KHUMALO: That is correct.

CHAIRPERSON: Virtually every morning and you say he was there to lend support to your brother. And you want us to understand that by that you mean he used to come and ask how are you, did you sleep well and all that.

You also contextualised and said, contextualised that and said it was a bad time because there were all these upheavals. What are we then expected to understand by that evidence?

Are you wanting us to understand that Chamane was assisting your brother and protecting him in the same way that Chamane himself has told us here, that it was his duty to do so?

MR KHUMALO: As far as I know, I had never seen him protecting him. I did not know what role he played in that regard. I just saw him coming to my brother's house as I have explained.

I wouldn't say I knew about what he testified about before the Commission.

MS SEALY: Mr Khumalo, if I could, would I be correct in saying that you were arrested for the attempted murder and arson of Mr Tandi Ngubeni as well as the arson, that was at house 919 Kubeka Street, Tokoza as well as on the very same day, for the burning of house 815 in Mdikane Street and the attempted murder of Tandi Mavuso, Tumelo Mavuso and John Maluleka. Were you arrested for those cases?

MR KHUMALO: If maybe you - there is something that links you to a crime - all that is there after implicated, or it is heaped upon you, all this cases were heaped upon me, I was implicated falsely.

MS SEALY: You see, this is what I find so amazing. All the Khumalo's and all the witnesses and all the people that have appeared before us, have been falsely implicated in things.

It seems that there are hundreds of people running around Tokoza, falsely implicating, but in particular, falsely implicating the Khumalo's. What reason would they have for that?

MR KHUMALO: As I look at it, I think the hatred for my brother emanated from his refusal to be elected to the Street Committee. I think this is what triggered the hatred against my brother.

CHAIRPERSON: But is that normal Mr Khumalo? Is that a normal thing that when you are being asked to serve on the Street Committee and you decline, say thank you very much for having

recognised me, thank you for recognising that I could, but I can't.

Why should people be angry with you and go to the extent of reeking violence of that magnitude against you because you don't accept a position that they are nominating you to? Do you think it is a very good enough reason to think that that was the basis for people hating Mr Khumalo?

MR KHUMALO: If you look at it closely, I think because of the political situation in the township, if you are not a member or if you do not agree to what is being discussed, or decided, at that time, then you become an enemy.

The comrades were on one side and my brother did not agree with that.

CHAIRPERSON: Are you saying it is because you were in the IFP and the other people you call comrades, were in the ANC and the people in the ANC felt that ...

MR KHUMALO: That is what I believe when I look at this issue because previously when there was no political divisions, there was no strife between these people.

At that time we weren't concerned about political issues.

DR RANDERA: Mr Khumalo, let me just take you back a little to the Street Committee thing, because that happened in 1989.

Most of the incidents that we are talking about, the killings, the burnings, the attacks, counter attacks, take place in 1992, 1993. But yet, you are saying it is because your brother refused

to serve on a Street Committee and that took place in 1989? Are you saying that nothing happened to your brother for two and a half years and then suddenly people start remembering, oh, Archbishop Khumalo, he didn't serve on our Street Committee, so now we must start attacking him, and we must attack his brother and his son and his nephew and his friends, and everybody else? What are you saying Mr Khumalo?

MR KHUMALO: In politics, as I have tried to explain, in our township if you were an Zulu, you would be regarded as an Inkatha member and as time went on, those people who spoke Xhosa were regarded as an ANC member.

This happened quite recently, but my political knowledge of the IFP/ANC goes a long way back, but the animosity between this two only started recently.

DR RANDERA: Mr Khumalo, I just want to follow on from Ms Sealy's question. You see there are a lot of newspaper articles, you have been charged, your brother has been charged, people have talked about the Khumalo gang. Are you of the opinion that the community were just attacking you and your brother and the family because of the fact that you were Zulu speaking or was there a gang in existence at the time?

MR KHUMALO: Let me make an example. The issue of the gang would appear as such to somebody who doesn't know

anything. My brother, myself and his son, would not make us a gang.

I think this was all cooked up. I think we were just implicated for things that we did not do. What people talk about in the township is not necessarily the truth.

DR RANDERA: So you are saying that everything that you responded to, was defensive, there was nothing that you took on yourself? It is all a conspiracy against the Khumalo's?

MR KHUMALO: As I explained earlier, I stayed a distance from my brother. Actually, we are not criminals and we do not behave in the same way as criminals in the location.

They were only after my brother for the reason that I have initiated before, there is no truth to the claim that we are the Khumalo gang or something of that nature.

The people who were trying to kill my brother, were different people. But my brother, myself and his son are referred to as a gang, I don't know why.

CHAIRPERSON: Was it not because you were seen as the leaders of a group of people and therefore that is why the gang is called the Khumalo gang, the Mlaba's, the Zimo's, the Obet, Obet who, Obet somebody, Obet Radebe and all those other people, Mafulela, you know?

MR KHUMALO: I beg your pardon for interrupting you, as far as I am concerned, I do not have a position in the IFP, Obet

Mafulela as well. The only person who held a position, was my brother, him being an Archbishop.

But we are just ordinary members of the community.

MS SEALY: Mr Khumalo, I am very interested in the fact that you said that you were attacked because you were Zulu speaking.

The section where all these attacks took place, Penduka, is a Zulu speaking section, am I correct? The vast majority of people who live in Penduka are Zulu speaking, whether they support the ANC or the IFP, they are all Zulu speaking?

MR KHUMALO: I was trying to explain that with regard to political issues, you would be regarded as such if you spoke Zulu.

What I am saying is that politics nowadays is such that it happens that way, but previously people lived harmoniously together.

MS SEALY: That is exactly the point that I am trying to make. All the people that we have been referring to, Mr Happy Mbele, the Ngubene's, the Mavuso's, they are all Zulu's at the end of the day, they are all Zulu's, that is the point I am trying to make. You are also a Zulu and now you are trying to tell me that this whole conflict has got something to do with Xhosa's and Zulu's, that is not what the issue is around because most of these people, even the witnesses that have come forward, most of them are Zulu speaking as well, so it wouldn't make sense that they would just pick on you because, you know, due to the fact that they were

Zulu. Do you understand what I am trying to say, that the Section where these attacks took place, almost everybody was Zulu speaking.

MR KHUMALO: Let me put it this way, Mr Mavuso as far as I know him, we worked together. Mavuso I think he had a position, a political position somewhere, therefore because of his high stature within the politics, or within the political context, then he could be spared, but because I am an IFP member, I may be implicated for crimes I had not committed.

The area in which I stayed in, was indeed an area that the majority of the people staying there, were Zulu speaking.

MS SEALY: Mr Khumalo, if I can then just ask you in regard to the attack on Mr, in fact it is Imfundisi Mavuso, Mr Mavuso is Imfundisi, is that correct, if I can just ask you in regard to the attack on Imfundisi Mavuso's home, Imfundisi says that he actually saw you break the window of his house with the butt of your gun. He also says that he saw you shoot his six year old grandchild in the arm? These are the things that he says he saw with his own eyes, and he names you.

He says here he heard a noise and he went to investigate and he realised the noise was from the front bedroom. He clearly saw Mphekeleli Khumalo smashing the window with a rifle butt. Mavuso says all this because - he says he saw all of this, because he stoep light was on. He also then says that he saw various



other people like Kupano and Fannel Tsabalala, but he then says that he picked up his six year old grandson and gave the grandson to his wife and then he saw Mphekeleli standing at the backdoor and that you opened fire, injuring the child on the right arm. That is what Mfundisi Mavuso says he saw you do.

Now, do you - Mfundisi also is a man, he is also an Mfundisi, is there any reason why he would tell lies about you?

MR KHUMALO: I am very disappointed indeed, because as I have always explained we worked with him in the taxi business and we were in the same taxi organisation.

For a man of his stature to say something of this sort, I am very disappointed in that.

MS SEALY: So your evidence is that you had absolutely nothing to do with the arson at the two houses, at the 919 Kubeka Street and the 851 Mdikane Street, would that be correct? You had nothing to do with those cases?

MR KHUMALO: Yes, maybe we are living in troubled times. To destroy somebody's property is a sin and how would I go about destroying other people's homes and injuring children?

Maybe if I were to make a mistake like that, yes, I would if maybe we had some conflict or if there was something, a quarrel going on between the two of us, but under normal circumstances I don't understand how I would do something of that nature.

MS SEALY: Mr Khumalo, you just earlier said that it is a terrible sin to damage somebody's house in Tokoza. But in Penduka Section, was it not the policy of the organisation that you belonged to, that is the IFP, to damage and force people out of their houses, who didn't support the IFP?

Surely that is also a very big sin as far as you are concerned, and yet you remained a member of the IFP?

MR KHUMALO: Let me make an example. As a member of Inkatha, let me just refer to somebody I know very well, Mr Mzizi. I have never heard him giving directives of what should be done, therefore I do not have any evidence whether it was indeed policy to do something of that nature, for you to do well within Inkatha, you should harass people or you should destroy people's homes, I have never heard of such.

MS SEALY: But that wouldn't be difficult for you not to have heard of such, because earlier you gave evidence that you never attended IFP meetings any way. You didn't attend IFP meetings, wasn't that your earlier evidence?

MR KHUMALO: The only IFP leader that I know well, was Mr Mzizi. What could be policy, I do not know. I would have heard maybe from the leader, Mr Mzizi. Maybe he could have told me about it, because I knew him.

MS SEALY: But the fact remains that you never attended meetings, so even if such a decision was made, you wouldn't have

been there to hear it. I mean if Mr Mzizi didn't personally come and tell you about these decisions, you wouldn't have heard about it?

MR KHUMALO: I wouldn't know because of discussions held in different places, in rallies, I would not know and I wouldn't know what had been discussed and I never heard that discussions had been held about attacks on certain people.

MS SEALY: You see the reason why I ask you this question about the forcing of people out of their homes, is because Mr Mlaba and Mr Zimo said that you and your brother, Mbekiseni, after people were forced out of their homes, used to take some of their electrical goods, you know like their TV's and go and take them to the pawn shop in Alberton. What do you think about that?

MR KHUMALO: All my possessions, everything that I have, I have worked for. I don't believe in taking somebody else's goods, that is indeed blue lies.

MS SEALY: Mr Khumalo, could you tell me what work you do please? Sorry, I didn't quite hear that?

MR KHUMALO: I own a taxi.

MS SEALY: You own a taxi?

MR KHUMALO: It was my father's, I work with my father.

MS SEALY: And where - from what year on did you own this taxi?

MR KHUMALO: It has been a long time.

MS SEALY: What is a long time, from which year onwards?

MR KHUMALO: I started driving a taxi before I was licensed. I will take my father's taxi, I think I have worked in this business throughout my life.

MS SEALY: Where was this taxi's route running from?

MR KHUMALO: Because of the political situation, we used the route from the hospital to Alberton. We were in the same organisation with some of the people who ...

MS SEALY: Were you a member of a Taxi Association?

MR KHUMALO: Yes, I became a member when I started operating.

MS SEALY: Which Taxi Association was that?

MR KHUMALO: It has been changed, it is now called GATA, Greater Alberton Taxi Association.

MS SEALY: Is that an IFP Taxi Association?

MR KHUMALO: In the taxi business, we do not differentiate between the ANC and the IFP, we take, we actually transport all commuters.

MS SEALY: So since 1989 you have been driving these taxi's. Do you drive them yourself, by the way?

MR KHUMALO: Yes, I used to drive the taxi.

MS SEALY: And that is how you make your living?

MR KHUMALO: Yes, I think because it is a family business, that is how I make my living.

MS SEALY: How many times were you arrested for different things, like the murder of Happy Mbele, the killing of Lucky, can you tell me how many times did the Police arrest you?

MR KHUMALO: (No interpretation)

CHAIRPERSON: No, you see when you shot and this person died, the one we are talking about, Mbele, do you remember I asked you whether you made a statement and you said you went yourself to the Police, the Police subsequently charged you.

Have you ever been arrested, in other words the Police come, take you to the charge office, lock you up. You apply for bail or you get released, and if that has ever happened, how many times has that happened to you?

If it has not happened to you, how have you been brought to court in order to face the charges in the many cases for which you say you were charged?

MR KHUMALO: It is very amazing what happened to us because with regards to Happy's incident, I am the one who had committed the act. I had voluntarily gone to the Police myself, but I was later arrested.

I would also be arrested for other crimes. At other times I was arrested whilst I was at court. Now I cannot be sure, it has been quite a number of times. I decided not to go to the

township any more, because if I was seen there, I would be arrested.

By this I am referring to for example the taxi rank, if maybe I was in the taxi rank, I will be arrested.

CHAIRPERSON: So where did you stay whilst you preferred not to go to the location, where did you stay?

MR KHUMALO: I was staying, when I could no longer go back to the location, I was staying in town. I could not longer be seen in Tokoza.

CHAIRPERSON: So where did you stay, in Johannesburg ...

MR KHUMALO: I am still staying in town.

CHAIRPERSON: Where, which town?

MR KHUMALO: At Mayberry Park.

MS SEALY: How many times, you say it was a lot of times that you were arrested, was it eight times, twenty times, thirty times?

MR KHUMALO: I wouldn't be able to, but it was more than five times because sometimes I would go to court and I will be arrested on the spot, and I will get bail. Police will come to my home in the evening, and arrest me again for other incidents.

That is how it went.

MS SEALY: Can you tell me what were the charges every time you were arrested? We know that the one time it was for the murder of Happy Mbele. The other times when you were arrested, what were the charges?

MR KHUMALO: It was for the arson, the burning down of those two houses, as well as an attempted murder charge, as well as harassment of somebody. It was alleged that I had actually hit somebody with a chainsaw.

At one time I was alleged to have been seen, trying to pickpocket or maybe - it was one time alleged that I was chasing somebody down the street.

It was also alleged that I was seen pickpocketing some white people, there were a lot of instances, a lot of things that I was implicated for. The Police really harassed me and my life was quite unbearable at the time.

MS SEALY: But you were never actually convicted of any charge, is that true?

Did any of these matters ever go to trial?

MR KHUMALO: Yes, they went to trial. Some were withdrawn because of insufficient evidence.

MS SEALY: And were you - do you consider that you were innocent of all these charges?

MR KHUMALO: I am not a violent person. I am not a criminal.

MS SEALY: Mayberry Court, is that in town or in Jeppe?

MS VAN DER WESTHUIZEN: Sorry, it is Alberton, it is a suburb of Alberton.

MS SEALY: Alberton, I see. And you still stay there?

MR KHUMALO: Yes.

MS SEALY: Thank you.

CHAIRPERSON: Dr Randera?

DR RANDERA: Have you been arrested or charged for anything since 1994?

MR KHUMALO: No. The only crimes that I have been charged with, had to do with my brother.

MS SOOKA: Sorry, just on that, these charges have to do with your brother, what are they about, tell us?

MR KHUMALO: I am speaking about these crimes relating to my brother's attack, such as the alleged arson, as I have explained that the hatred for my brother emanated from this incident I explained.

MS SOOKA: No, no, no, I don't want to know all that, all I am asking you is can you tell me how recent those charges are?

MR KHUMALO: If I am not mistaken, it was in 1992. I am not very sure, but it is somewhere around 1992, 1993.

MS SOOKA: Thank you.

MS SEALY: Mr Khumalo, if I could just before asking you one last issue, if I could just clarify on the issue of taxi's. Is it correct Tokoza has one Taxi Association, that is correct?

MR KHUMALO: Yes, we are one organisation.

MS SEALY: But you have two routes, is that correct? There are people that go via Phola Park and there are people that go via Khumalo, is that correct?



MR KHUMALO: Yes, because of the political situation, but we all belong to one organisation.

MS SEALY: So you used the rank at the - the one that is opposite the hospital, that is the rank that you used, that is where you rank?

MR KHUMALO: Yes, that is so.

MS SEALY: The last issue that I would like to ask you about is, do you know Lucky Mampuru?

MR KHUMALO: I heard of the name, but I do not know him personally.

MS SEALY: According to evidence that we had before us, there was an allegation that, in fact I think it was Mr Sebeko, Solomon Mbuli, do you know him, Solomon Mbuli, or Peter Sebeko?

MR KHUMALO: Solomon Mbuli is my brother's neighbour.

MS SEALY: That is correct. According to him, he says that him and Mzwakhe visited Sabeth Khumalo when she was in hospital and that she told them that Lucky Mampuru was the person that shot her. Do you remember that?

MR KHUMALO: I heard about it when Mzwakhe told us about this. When we went to visit Mrs Khumalo in hospital, she refused to tell us who had actually attacked her.

MS SEALY: So when you went to visit Mrs Khumalo, who were you with? When you visited Sabeth at the hospital, who did you go with, it was yourself and who else?

MR KHUMALO: It was myself, my brother, Mzwakhe. I think it was just the three of us.

I cannot be hundred percent sure, because it happened a long time ago. She was also attacked at her relatives' home.

MS SEALY: So when you were visiting Mrs Khumalo, she never told you who attacked her, she didn't talk?

MR KHUMALO: No, she did not. Because she was sick, she requested so speak to the boy. She requested that we give them a chance to speak alone. When he came back, he told us.

MS SEALY: So if I understand you correctly, she asked you and her husband to leave and she spoke to her son?

MR KHUMALO: Yes, she asked us to stand a bit further away because I think she thought that she might not survive.

We heard - I don't remember whether all her children were present at that time, but her daughter, Ntombi and Nontandazo herself were in that house when she was attacked.

MS SEALY: You see, what I don't understand is, I mean surely Mr Khumalo would be the person she would tell, I mean it would be a bit strange to tell your son and not your husband what happened to you, seeing you know, do you understand what I am saying?

I am not very familiar with how these things work, but I would assume that you would tell your husband before you would tell your child what happened to you?

MR KHUMALO: Mothers are such are very different people. She feels much better talking to her children than her husband, and I wouldn't know exactly how they think sometimes.

MS SEALY: Why was Sabeth staying at her relatives' house, Mr Khumalo?

MR KHUMALO: You would also not have been able to stay at her home, because of the attacks that were going on there. That is the reason she left.

These also fitted in the media. His house looked like a chicken den, because of all the attacks that had been going on there and she decided that because of the fact that she had a small baby, she had to leave.

MS SEALY: You see, Mr Khumalo, we had evidence from Mr Mlaba and Mr Zimo saying that the reason that Sabeth, Mrs Khumalo, left the family home, is that she didn't like what her husband was doing, and what her son was doing.

She wanted to be friendly with the people in the community, but the actions of her husband and her son, was making it difficult for her and that is why she left and so they are saying that she left because she was upset with Mr Khumalo. What do you think about that?

MR KHUMALO: I think only family members are familiar with what goes on within a family. I as an outsider, you would not know what is going on within a family. That is just not the truth.

CHAIRPERSON: But were they not close enough to know those things, was Mlaba not staying there at that time or was he not close enough to be able to know what was going on?

MR KHUMALO: I don't remember that being so.

CHAIRPERSON: Do you know if your brother used to assault his wife? Assault his wife, yes, as it is done in most African communities? Men chastising their wives as of right in terms of that sort of ...

MR KHUMALO: As a man of God, my brother is a person who does not like to cause harm to other people.

I have never heard that there was a quarrel, an argument in the home that we as family members maybe would have to intervene. I have no knowledge of that.

CHAIRPERSON: Are you saying because he was a Bishop, he wouldn't like to for instance use his hand in disciplining his wife?

MR KHUMALO: If I were to be honest, I have never laid a hand on my wife. I believe that if we do not agree on something, we talk and discuss the matter.

But we, I am not a person who is violent or who beats up my wife.

CHAIRPERSON: How long are you going to be with this witness, it is ten past one now.

MS SEALY: Two minutes. Okay, I will ask him one question and finish up.

Mr Khumalo, were you at the house when the Police arrived to ask Mbekiseni or Mzwakhe to show them where Lucky stayed, where Lucky Mampuru stayed?

MR KHUMALO: Yes, I was at the house.

MS SEALY: Did you go with the Police and with Peter to show them where Lucky stayed?

MR KHUMALO: The Police requested Mzwakhe, I don't quite remember correctly, because the Police would come and the Police would actually want you to go with them if they knew, or if they thought you knew where a suspect stayed.

But as I remember correctly, they would normally go with Peter and Mzwakhe. But I cannot be one hundred percent sure because sometimes they will take Peter and sometimes it will be Mzwakhe.

Therefore I cannot say for certain.

MS SEALY: What I am asking you, it wasn't you? You didn't go with them to Lucky Mampuru's house?

MR KHUMALO: No, they have never taken me along.

MS SEALY: Okay, I have no further questions.

MS SOOKA: Did you know Gugu Mzizi?

MR KHUMALO: Yes, I even knew her father. At the time she was still young, yes.

MS SOOKA: Did you know anything about her relationship with Sam Ntuli?

MR KHUMALO: No, I don't know anything about that because we worked with her father. I think I knew Mr Mzizi's children and I knew her in that way.

MS SOOKA: Do you know anything about the fact that we have heard evidence in this Commission that Gugu was Sam's girlfriend?

MR KHUMALO: No, I don't know anything about this.

MS SOOKA: Do you know anything about the fact that after Sam's death, evidence was given to this Commission that Gugu was then living in Mr Mafulelo's house?

MR KHUMALO: Mafulelo stays in the hostel, I don't know where his house is.

CHAIRPERSON: But do you know whether at the hostel or anywhere else, whether he stayed with Gugu Mzizi?

MR KHUMALO: No. I have never heard of that.

CHAIRPERSON: Do you know if there was a relationship between Gugu and Mafulelo?

MR KHUMALO: I wouldn't know because in most instances Mafulelo had a tavern, so I wouldn't know if she indeed was his girlfriend.

CHAIRPERSON: Do you of any relationship that Gugu Mzizi was in, in other words do you know who her partner or boyfriend was?

MR KHUMALO: No, that would be difficult for me to say, I don't know.

MS SOOKA: Do you know how Gugu was killed?

MR KHUMALO: I heard about it. If I am not mistaken, I heard from a man I heard that she was staying in Pretoria, and thereafter she returned and if I am not mistaken, her death was at the height of the political conflict.

There were soldiers around in the area. I think she died under such circumstances. But with regards to who killed her for what reason, I wouldn't know.

CHAIRPERSON: Dr Randera?

DR RANDERA: Sorry Mr Khumalo, you said earlier on you knew Mr Mzizi well as one of the IFP leaders.

MR KHUMALO: There are two Mzizi's. There is one Gugu's father, who is also a taxi driver and another one is Abraham Mzizi.

DR RANDERA: So you are referring to Abraham Mzizi the taxi driver?

MR KHUMALO: No, no, there are two Mzizi's. Abraham Mzizi and the one work in the taxi business.

CHAIRPERSON: Are you saying Abraham Mzizi is the parliamentarian and Gugu's father is not the parliamentarian, he is the taxi driver, taxi owner?

DR RANDERA: Yes, that is what I want. What is his name?

MR KHUMALO: I think he is Samson Mzizi.

CHAIRPERSON: And then there is Abraham Mzizi? What is he, what work does he do? Is he the one who is in Parliament?

MR KHUMALO: Yes, he is the IFP member in Parliament. The other one that we work with, is Gugu's father.

MS SOOKA: Are they related to each other?

MR KHUMALO: I think their only relation is they have the same surname, but they are not blood relatives, but they know each other.

I don't know whether they are blood relatives or not. I only know that they have the same surnames.

CHAIRPERSON: Well, that brings us to the end of this particular segment of this enquiry there being no further questions to be put to Mr Khumalo. Mr Khumalo is excused.

WITNESS EXCUSED.

CHAIRPERSON: We will adjourn the proceedings until two o'clock.

COMMITTEE ADJOURNS