

A17.25.7

STATEMENT

1.

11/8/85
During the early part of September 1985 Mrs. V. Mxenge was ^{murdered} murdered. On the following day a meeting took place of a number of people in Chesterville at the home of Dan Mthembu, at Road 12. He is married to Lulu Mthembu. Among those who attended the meeting were Mowser Isaacs, Popini Isaacs (both of whom are brothers of Lulu Mthembu), Duckie Mbongwa, Phemba Mpanza, Phemba Khanyile, Dan Mthembu, Siphwe Mpanza, and other men. The meeting occurred in the evening.

2.

On the same day later that night this group of people came to the home of Thandi Memela, at No. 607, Road 12, Chesterville. Thandi Memela lives with her four children and her nephew.

3.

The group who came to Thandi Memela's house were armed with pistols. They were manhandling a young man of the neighbourhood, Lethu Mathenjwa. He had already been assaulted and his face was swollen from the assault. He was bleeding from the nose. Mowser Isaacs spoke to Thandi Memela. He said that she must stop influencing the young people to interfere with his sister (Lulu Mthembu) and his brother-in-law (Dan Mthembu). Dan Mthembu then threatened to shoot Thandi Memela. He said that she was the instigator of the whole upheaval in Chesterville. He tried to switch off the lights to Thandi Memela's house and she prevented him from doing so. They all began to shout at her and she said that if they wanted a discussion she was willing to hold a discussion with them. Mowser Isaacs then said to Thandi Memela

that she had seen how the young boy looked, Lethu Mathenjwa, and he threatened that Thandi Memela would look the same. Thandi Memela then requested that they leave her premises. Dan Mthembu replied that he would see to it that she was dealt with properly and that she were thrown out of the township. They left a short while later.

4.

Thandi Memele telephoned the S.A.P. at Cato Manor and informed them of the threats she had received and of the fact that Lethu Mathenjwa had been assaulted. They noted the report but did not come to the home of Mrs. Memela, nor did they follow up the complaint in any way.

5.

The next incident involved the assault of a youth, of about 16 years, Sifiso Kunene, who resides in Road 1. He was a member of COSAS. He was returning from the memorial service held for Victoria Mxenge which was held at the University of Natal. When he and others who had been to the memorial service alighted from their bus, which had been followed by a South African Police van, they were attacked by a group of men consisting of Moswer Isaacs, Popini Isaacs, Phemba Mpanza. They chased the boys and they caught Sifiso Kunene. They took him to the home of the Isaacs where they assaulted him. He was very badly assaulted with a hammer, and he received blows to his head from the hammer. The S.A.P. came to the home of the Isaacs and they then took Sifiso Kunene to King Edward VIII Hospital where he was treated.

6.

There has been no prosecution arising from the assault of Sifiso Kunene.

7.

The next incident occurred a few days later. Phemba Mpanza was the driver of Ollina Octavia Nxumalo. He drove her vehicle for her. On one occasion while driving her vehicle he told her that he would not continue to drive her car because he alleged that UDF members were planning to kill him. He then stopped his employment as a driver for Mrs Nxumalo. This occurred after the death of Mrs. Mxenge.

8.

About three weeks after Phemba Mpanza's resignation his cousin, Jabulani Mpanza, called Mrs. Nxumalo's son, Sphelele, to go to Mpanza's home. They told him that his mother, Mrs. Nxumalo, was waiting for him at Mpanza's house. He then went with them. When he reached Mpanza's home Jabulani Mpanza took a shambok and hit him on many occasions all over his body and he then drew a knife and stabbed Sphelele in his left hand in the joint between his thumb and his forefinger. Sphelele Nxumalo is about 13 years old.

9.

Sphelele Nxumalo was injured as a result of this assault. Mrs. Nxumalo reported the incident to the Cato Manor Police Station. There the Indian Policeman who attended on Mrs. Nxumalo informed

her that it would be very dangerous for her to open a case against the Mpanza family and that she should merely report the incident to them. She reported the incident and nothing has happened as a result thereof.

10.

At the time that Sphelele Nxumalo was taken and assaulted by the Mpanza men he was accompanied by Bheki Habede, who lives in Road 16 Chesterville. He too was assaulted by Phemba Mpanza who struck him with a shambok all over his body. He ran away as did Sphelele Nxumalo.

11.

When the two of them ran away Bheki Habede left his sandals at Mpanza's home and he has not recovered these sandals from them.

12.

Soon afterwards a letter was written by Jabulani Mpanza to Lucky Habede, the brother of Bheki Habede, in which it was stated that he (Lucky Habede) must not come to Road 13 (in which Mpanza's house is situated), because if he came there they would get rid of him.

13.

Lucky Habede replied to this letter and he stated in his reply that he saw no reason why he should not come to Road 13.

14.

A few days later Mfukwe Cele who resides in Road 6, of about 18 years, was walking up the steps between Road 1 and Road 13 when he was accosted by Jabulani Mpanza, Phemba Mpanza, Siphwe Mpanza, Vusi Mthombeni, Moses Mdlalose. Phemba Mpanza was in possession of a rifle. He held the rifle and pointed it at Mfukwe Cele. They ordered him to go to the Mpanza's house and he refused. He then ran away and he was not molested.

15.

On the following day, a Thursday, Nhlanhla Hlongwane, of about 17 years old, was walking from Road 14 to Road 13. On his way Phemba Mpanza, Jabulani Mpanza, Vusi Mthombeni, Moses Mdlalose, drew knives and bush knives, ordered him to the home of the Mpanza's. There he was tied up against a tree with string in their yard. They cut him with bush knives, hitting him with bush knives, and they hit him with a shambok. They intended to boil him in boiling water but they did not succeed in doing so. They were stopped from doing so by one of their uncles, Bijaja Mpanza. The Mpanzas then telephoned the police who came to their home and they arrested Nhlanhla Hlongwane. The police were there within a very short while of the request being made for them by the Mpanzas. Nhlanhla Hlongwane was taken away by the S.A.P. He was taken to the Pinetown Police Station. He was released after two days and no charges brought against him.

16.

On the following day, a Friday, Zakhele Mlambo, of 17 years old, and a former member of COSAS, was walking along Road 13 going to the home of a friend in Road 12. While he was walking along the

road he was attacked by members of the Mpanza family weilding pangas, bush knives, and one of them had a rifle. Phemba Mpanza was in possession of the rifle and all the other members of the family had bush knives or shamboks or pangas. All of them participated in assaulting Zakhele Mlambo.

17.

As a result of the assault upon him Zakhele Mlambo suffered the loss of all of his front teeth and he has a large bush knife scar across the top of his nose and forehead from a blow received from the bush knife. They also released their dog, which is vicious, on Zakhele Mlambo. We understand that the dog used is one that was given by an Indian policeman stationed at Mayville, Nat, to them. Zakhele Mlambo managed to break free and he ran to the house next door to that of the Mpanzas and he hid in a room there.

18.

He was pursued by the Mpanza family and he sought to hide in the bedroom. The Mpanzas pursued him into the home of Mrs. Mchunu. When they came to Mrs. Mchunu's house a Mr. Hlatshwayo who is a neighbour to Mrs. Mchunu, stopped the Mpanzas from going into Mrs. Mchunu's house. It appears that Phemba Mpanza's mother, Mrs. Rosetta Mpanza, was the one who was most determined to enter the house of Mrs. Mchunu and drag Zakhele Mlambo out of the house. She was shouting that Zakhele Mlambo must be dragged out of the house so that he could be killed. She said "we must kill the dog".

and she too was shamboked by them.

22.

Then Mr. Hlatshwayo, who had intervened previously to protect Zakhele Mlambo, came to where the Kortjas children were being assaulted and he tried to intervene to stop the Mpanza men. They then listened to him and they stopped assaulting the youths.

23.

Phemba Mpanza then said that they would get hold of the two other brothers of the Kortjas family, Peter and Hugh Thibe. Hugh Thibe had been with Zakhele Mlambo when he had been caught by the gang. Hugh Thibe, like Siphwe Kortjas and Zakhele Mlambo were members of COSAS.

24.

A school boycott started after the death of the Late Mrs. V. Mxenge. As a result of that school boycott the high school in Chesterville was closed. After Zakhele Mlambo was assaulted by the Mpanza gang they started calling themselves the "A Team". The A Team consists of the following persons :

- 24.1 Their leader is Dan Mthembu from Road 12. He is employed as a salesman of the Old Mutual in Umlazi.
- 24.2 Vusi Mowser Isaacs (Dan Mthembu's brother-in-law). He has just completed serving a sentence of 10 years for the armed robbery of S.A. Breweries during the 1970's. He is employed at Edgars in West Street.

- 24.3 Popini Isaacs, the brother of Mowser Isaacs and the brother-in-law of Dan Mthembu, who has also recently completed serving ten years for the murder of the man whom they believed to have been the informer to the police of the robbery of S.A. Breweries. The man murdered by him was Mfana Sibiya. He is employed by an insurance company.
- 24.4 Themba Msobhoyi Khanyile, a teacher at Inanda. He is the son of the Late Khanyile who was a teacher at Chesterville and Lamontville and who was murdered at the funeral of Msizi Dube in Lamontville for being found in possession of a tape recorder at the funeral. Prior to that he had been labelled an informer of the security police. Themba Khanyile resides at Road 13.
- 24.5 Muzi Dapepe Khumalo, a teacher at the Christopher Nxumalo H.P. School in Chesterville. He resides at Road 3 Chesterville.
- 24.6 Duckie Mbongwa a brick layer who resides at Road 8 Chesterville.
- 24.7 Willie Mhlikwe Molefe, who resides in Road 1 Chesterville. Apparently he lives by selling dagga and liquor from a shabeen in Chesterville. It is alleged that the police at Chesterville smoke dagga and drink at his joint. They are his customers.
- 24.8 Msuthu Molefe the younger brother of Willie Molefe, also of Road 1. He is known as a person who harrasses women in Chesterville.
- 24.9 Papa Mpanza the father of Phemba Mpanza, who resides in Road 13. He is a Minister in a Zionist Church.

- 24.10 Masoka Sibisi who resides in Road 8. He is alleged to be a hooligan in the area.
- 24.11 Mfanizo Ndaba, of Road 13, who has had a period of imprisonment for house breaking. He is unemployed.
- 24.12 Colin Mathe of Road 7, who is employed at B B Bread.
- 24.13 Ntuseni Skakane, of Road 5.
- 24.14 Mafolo Nsibi of Road 25.
- 24.15 Ndodo Nxoyiya of Road 8. He is alleged to be a dealer in stolen goods.
- 24.16 Popo Ncwane of Road 26.
- 24.17 Phemba Mpanza of Road 13.
- 24.18 Khehla Mpanza, a nephew of the Mpanza family, who resides at Inanda but has returned to live in the Mpanza house in Road 13. He has previously served various jail sentences for the crimes of house breaking, assault G.B.H., pick pocketing, etc.
- 24.19 Bhitshatsha Mpanza of Road 13.
- 24.20 Nuntu Mtombeni. He is the father of Vusi Mtombeni.
- 24.21 Shile Sibiyi of Road 1, who works for Game in West Street as a shoe repairer.
- 24.22 Langa Zondi from Road 5 who was knocked over by a car on Tuesday 26.11.85 and killed. A police landrover also drove over him. This occurred at Mpanza's house.

- 24.23 Bhunu the son of Stifano, who lives at the home of Theresa Dimba, his mother, at Road 25.
- 24.24 Jamela Hadebe from Road 25. He is a brother-in-law of Khehla Mpanza.
- 24.25 Moses Mdhlalose from Road 13. He has previously been in jail. He purports to be a mechanic.
- 24.26 Ntonto Mpanza, the daughter of Rosetta Mpanza. She works at Checkers, Point Road.
- 24.27 Mrs. Ntombeni, the wife of Nuntu Ntombeni is also employed at the Checkers, Point Road.

25.

The A Team have issued a statement to the newspaper stating that they are protecting the community of Chesterville. This is far from the truth in that they are the principal perpetrators and attackers on the people in Chesterville. They have had the co-operation and collaboration of the S.A.P.

26.

After the formation of the A Team a funeral occurred on Sunday 10th November 1985. It was the funeral of Tabo Mokoena of Umlazi who was killed in the bomb explosion at the Grosvenor High School in Brighton Beach. Many people from all over Natal attended that funeral. The late Mkhweni was buried in Chesterville. After the funeral had occurred the S.A.P. went to the funeral gathering and ordered the people to disperse. The A Team were together with the S.A.P.

27.

There was some delay in the people dispersing and the A Team and the S.A.P. then chased the people from the funeral site.

28.

The A Team stopped an E 20 Hi-ace which was full of people from the funeral, from Clermont, which was due to go back to Clermont. The A Team blocked that vehicle with their car and prevented it from leaving Chesterville. This occurred in Road 12. The S.A.P. were there. The vehicle used by the A Team were Ndodo's grey Cressida. The A Team ordered the people in the Clermont E20 Hi-ace out of their vehicle. Msuthu Molefe a member of the A Team, stabbed the driver of the Clermont vehicle, and dragged him from the vehicle and threw him aside. Msuthu then stabbed a woman who came out of the E 20. He then struck another woman on the top of her head with a bush knife. The S.A.P. witnessed these assaults and did not intervene.

29.

Moses Mdlalose then drove the E 20 of the people of Clermont, without their permission all over Chesterville chasing people from the area. They effectively hi-jacked this vehicle because they took it without the consent of the owner. This occurred in front of the S.A.P. They finished their journey at Mpanza's house in Road 13. At that stage Siphwe Mpanza was driving the vehicle. They then climbed out of the E 20 vehicle and smashed all the windows of that vehicle and they smashed the body with bush knives causing severe damage to the body of the vehicle. Siphwe Mpanza then drove the vehicle to Road 14 and he abandoned

the vehicle there.

30.

The owners of the E20 from Clermont sought to complain of the damage they had suffered at the hands of the A Team and they reported their complaint to the S.A.P. The response of the S.A.P. was that if they continued to complain they would themselves be arrested. The people from Clermont were complaining at the police station of what had happened to their vehicle and that their vehicle had been abandoned in Road 14. Mowser Isaacs then came to the police station and he drew a gun in the police station and he ordered the people who had come in that vehicle to go to their vehicle and to take it out of Chesterville.

31.

On the same day, Sunday 10th November 1985, Siphwe Ngcobo and Tabo Gumede and Vusi and Bongani were walking together from Road 12 on their way to Road 18. While at the juncture of Road 12 and Road 14 a vehicle came from the direction of Road 3. It was a Datsun. The vehicle turned into Road 14 and went passed the four of them. The vehicle stopped at the shops in Road 14. There were two men in the car. They were Mpopo Ncwane and Mduseni Sikhakane from Road 5. While they were walking Mpopo Ncwane chased Tabo Gumede, and he ran away. Ncwane was carrying a long knife which appeared more to be a sword. He caught up to Gumede and he struck Gumede with this sword all over his body hitting him as he ran after him. Gumede fell to the ground and Mpopo Ncwane reached him and started kicking him. While Gumede was being so kicked Muzi Khumalo a member of the A Team came out of his house with a bush knife and he too started kicking Tabo

Gumede as he lay on the road.

32.

Just then Ntuseni Skakane came up to Sipiwe Ngcobo at the juncture of Road 3 and Road 14. Sipiwe Ngcobo asked him what was happening and he, Ntuseni Skakane, told Ngcobo that he should advise his friends to walk only on one side of the road. While this discussion was in progress an SAP landrover drove down into Road 14. Ntuseni Skakane then threw his bush knife into the bush. Sipiwe Ngcobo then stopped the landrover. Sipiwe Ngcobo informed the S.A.P. that Ntuseni Skakane had had a bush knife in his possession at the time that he had approached him. The S.A.P. told Sipiwe Ngcobo to go and fetch the bush knife from the bush where it had been thrown, but Sipiwe Ngcobo refused to do so, suspecting that he may have been set up. The S.A.P. then ordered Ntuseni Skakane to fetch the bush knife himself. He did so. There were three members of the S.A.P., one White, one Indian and one African.

33.

Sipiwe Ngcobo asked the S.A.P. to go and stop Mpopo hitting Gumede. The police took no notice thereafter. Sipiwe Ngcobo then asked the S.A.P. if they would take him and Bongani to their homes because they were frightened that if the S.A.P. left that area they would then immediately be assaulted. The S.A.P. did not heed this request and they left Sipiwe Ngcobo and Bongani in the street in the presence of Ntuseni Skakane, who was still armed with his bush knife. Sipiwe Ngcobo requested the S.A.P. to arrest Ntuseni Skakane because he was in possession of a dangerous weapon in a public place. The S.A.P. refused to do so. The S.A.P. then told Sipiwe Ngcobo and Ntuseni Skakane that they

should each go home and sleep.

34.

The S.A.P. van then left the area.

35.

After the departure of the police van Ntusei Skakane asked Siphwe Ngcobo why he had informed the S.A.P. that he had a bush knife in his possession. Siphwe Ngcobo explained to him that he had to do so because he had no weapon of his own to protect himself and he needed the S.A.P. protection.

36.

Ntusei Skakane then criticised Siphwe Ngcobo for informing the police of the fact that he had a bush knife in his possession. He then began to strike Siphwe Ngcobo with the bush knife. He struck him a blow to the righthand side of his head above his ear of approximately 6 to 8 cm long, he struck a second blow of approximately 8 cm on the right top side of his skull, he struck him on his right wrist taking a major gouge out of his arm. Siphwe Ngcobo tried to escape from the assault but he fell down on the ground as he fled. Ntusei Skakane then came again and struck Siphwe Ngcobo further blows on his head with the bush knife. The S.A.P. then returned to the scene. They took Siphwe Ngcobo and Gumede to the new police station in Chesterville. The S.A.P. did not put the assailants, Ntusei Skakane and Mpopo Ncawane in the police van. Instead they told them to follow in their own vehicle down to the police station.

37.

While Siphwe Ngcobo and Tabani Gumede were at the S.A. Police Station in Chesterville they were informed that an ambulance would come and take them to hospital. While they were waiting there Ntuseni Skakane's vehicle came down to the police station accompanied by Muzi Khumalo and Mpopo Ncwane. They were asked to go into the police station by the members of the S.A.P. After about 10 minutes an ambulance came to the Chesterville S.A. Police Station and Siphwe Ngcobo and Thabani Gumede were taken to King Edward VIII hospital.

38.

As far as can be established no charges have been preferred against Ntuseni Skakane and Mpopo Ncwane and Muzi Khumalo. Muzi Khumalo had participated in the assault of Tabani Gumede by kicking him as he lay on the ground.

39.

Siphwe Ngcobo was treated first at King Edward Hospital on Sunday 10th November 1985. He was transferred to Clairwood Hospital on Monday 11th November 1985 and was discharged as an in patient on Wednesday 11th November 1985.

40.

A full statement was made by Siphwe Ngcobo to Richard Lyster at the Legal Resources Centre on Wednesday 13th November 1985.

41.

Tabani Gumede was discharged on Monday 11th November 1985 from King Edward VIII Hospital.

42.

On Tuesday 19th November 1985 Hugh Thibe was walking alone in Road 1 at about 20h30. A vehicle approached him and pulled over to the side. He was called by name by a person in the vehicle but he refused to go there. He began to run away and shots were fired at him. He fell down as the shots were being fired and the occupants of the vehicle thought that they had hit him. They then got out of the vehicle and walked towards where he was with their guns pointed at him. He was able to see who it was that was advancing on him. He then got up and ran again from where he was. Those who were present were Phemba Mpanza, Jabulani Mpanza, Vusi and a White man, unknown. He was able to get away without injury.

43.

This incident was not reported to the S.A.P.

44.

On Sunday 24th November 1985 Khehla Mpanza came to Hugh Thibe's house, House 679, Road 13 Chesterville. He had a shambok in his hand. It was in the evening. He enquired of Hugh Thibe's grandmother of Hugh Thibe's whereabouts. The occupants of Thibe's house are Thibe's grandmother and her grandchildren, and one daughter and one son. Khehla Mpanza said to Thibe's

grandmother that he (Khehla Mpanza) understood that a meeting had taken place on Friday 22nd November 1985 at Road 7 which Hugh Thebe had attended. The grandmother explained to Khehla Mpanza that Hugh Thibe had not been at home since Thursday 21st November 1985 and that it was impossible that he had attended a meeting on Friday 22nd November 1985.

45.

Thibe's grandmother then asked Khehla Mpanza who had informed him of the fact that her grandson, Hugh Thibe, had attended the meeting. There was no proper response from Khehla Mpanza and Thibe's grandmother requested Mpanza to return with the youth who had said that Hugh Thibe had been present at the meeting so that he could verify his statement.

46.

The home of the Thibes is directly opposite the home of the Mpanzas. On Monday morning 25th November 1985 people from the Mpanza household began to shout and swear at the Thibes. Barbara Thibe and Rakane Thibe, the sister of Barbara, shouted that the Mpanzas would not do anything to their grandmother. The Mpanzas then threatened to show the Thibes what they could do and they said that they would fix them up that evening. This statement was heard by many people from Chesterville, who had gathered at the Thibe's home. Albertina Mpanza, the mother of Khehla Mpanza, actually made the threat of bringing destruction to the Thibe home. Many people heard this threat because they reside close to the Mpanza's home.

47.

Thereafter Barbara Thebe went to C.R. Swart Square and made a report of the threat of damage to her home. She made her report to Stanley Buthelezi a C.I.D. at C.R. Swart Square. He noted down the statement.

48.

At about 19h30 that evening, 25th November 1985, Khehla Mpanza went back to the Thibe's house and he asked for Barbara Thibe. Barbara Thibe's grandmother said that Barbara Thibe was at home. Barbara then came out and he started to hit Barbara Thibe with a shambok on her body and on her head. She suffered bruises and lacerations to her left leg and she suffered open wounds to the rest of her body. She then ran back inside her house after having been assaulted. She locked the doors inside the house.

49.

Jabulani Mpanza then opened the window to the diningroom from the outside and he jumped into the house of the Thibes and he unlocked the front door. Khehla Mpanza then entered the Thebe's house with the intention of grabbing hold of Barbara Thibe. Barbara Thibe then jumped out of the window in her grandmother's bedroom in an effort to escape from the house. As he did so she was grabbed hold of by Ntoto Mpanza, the daughter of Rosetta Mpanza, and a sister to Phemba Mpanza. Then all the members of the Mpanza family assaulted Barbara Thibe with shamboks. She was kicked and beaten and thrown to the floor and assaulted there. They were preparing to stab Barbara Thibe but her grandmother fell on top of her in order to protect her from being stabbed.

50.

Barbara Thibe's uncle, Mabethu Thibe, tried to intervene in order to protect Barbara and her grandmother. As he did so he was struck with a shambok by Khehla Mpanza and he suffered an injury across his forehead and across his nose and on his head as result of this assault. He ran away. Because of the fear that the Mpanza family has instilled in the community nobody came to the assistance of Barbara Thibe and her family.

51.

Thereafter a report was made to the S.A.P. in Chesterville by Mrs. Nala, but the S.A.P. refused to give any assistance whatsoever. Thereafter Barbara Thibe herself came down to the Chesterville S.A.P. and made a report. Nothing was done as a result of that report. Barbara Thibe was bleeding at the time she made her report and she requested that she be given a lift back home by the S.A.P. after making her report. They said that they had no petrol to deliver her back home. Barbara Thibe requested their assistance at her home because a threat had been made to her at her home that the Mpanzas would return to kill them. This was said by Rosetta Mpanza an by Khehela Mpanza.

52.

Barbara Thibe was unable to go to hospital after her assault on that day because of her lack of transport and she went to hospital only on the following day Tuesday 26th November 1985.

53.

On Monday 25th November 1985, after attacking the Thibe family the Mpanzas went to the home of Mrs. Ollina Nxumalo at 610 Road 12 Chesterville. The Nxumalo family were asleep at the time and there was a knock at the door. The person knocking said "we are the police open up the door". Mrs. Nxumalo's daughter, Phindie, opened the front door. She saw the Mpanza family dragging her own son, Sphelele Nxumalo, who had been sleeping in a shack outside of the Nxumalo's house. Phindie Nxumalo saw that the Mpanzas were armed with bush knives and that they were dragging her son. She threw herself at them and the young boy, Sphelele, broke free and jumped into the Nxumalo's house. One of the A Team, Mfanzo Ndaba struck Phendie Nxumalo with the blunt end of the bush knife in the front portion of her face above her lip and against her nose. She suffered a serious injury to her upper jaw. She is 8 months pregnant. Mfanzo Ndaba then pushed Phendie Nxumalo against the wall of the house and she fell to the ground. The Mpanzas continued to assault Phendie Nxumalo.

54.

Inside the house, Arlena Nxumalo the mother of Phendie Nxumalo (and the grandmother of Sphelele Nxumalo) attempted to phone the S.A.P. from the phone inside the house. However the assailants had already cut the telephone wires connecting her house to the main lines. While she was attempting to telephone, the A Team members were breaking the windows of the Nxumalo's house with their bush knives. They then left the Nxumalo's house.

55.

The Mpanzas went from the Nxumalo's house to the home of Tobias Mbhele in Road 3 Chesterville. The Mpanzas there broke the windows in the house.

56.

The Mpanzas then moved up to the home of the Gumedes in Road 3 and again broke the windows and assaulted the people there.

57.

From there the A Team went to the home of Sakhile Gumede in Road 18. They asked for Sakhile Gumede but he was not present at home. They then searched the inside of the house looking for Sakhile Gumede. They found Sakhile Gumede's twin brother who looks very similar to him. Musi Khumalo then struck Sakhile's brother, Siphwe Gumede. Siphwe Gumede then enquired how he could be assaulted when he had been a practical teacher to the same school as Musi Khumalo who teaches at the same school. Mrs. Ollina Khumalo also teaches at the same school. Muzi Khumalo replied that the A Team did not trust anybody in the area around Road 18.

58.

The A Team then proceeded to the home of Siphwe Ngcobo. It is situated at 883 Road 18 Chesterville. They knocked on the door. The family was asleep at the time. Siphwe Ngcobo's mother heard people talking outside and asked who they were. They did not reply but said that she must open the front door. She then woke

Siphiwe Ngcobo. He got up and he looked around the house to see if it was possible for him to escape from it. From each window he saw that there were people armed with bush knives and spears. He was able to identify that they were members of the A Team.

59.

Mrs. Ngcobo then opened the front door and the members of the A Team came into the house. They asked for Charles Ngcobo, the brother of Siphiwe Ngcobo. Mrs. Ngcobo informed them that Charles Ngcobo was not at home. They then conducted a search of the house. Muzi Khumalo was carrying a torch. He saw Siphiwe Ngcobo sleeping in his bed and he struck Siphiwe Ngcobo with the torch in his face. Muzi Khumalo then pointed out that it was Siphiwe Ngcobo present and he mentioned that Siphiwe Ngcobo had appeared in the newspaper. He was referring to a story that had appeared in Ilanga on 14th November 1985, wherein Siphiwe Ngcobo had described the assault he had suffered at the hands of the A Team.

60.

The whole A Team then came into the house, including Mowser Isaacs, Musi Khumalo, Phemba Mpanza, and the Late Langa Zondi, and Sihle Sibiya and Vusi Mthombeni and one other who is not identified.

61.

They then forced Siphiwe Ngcobo out of his room. His mother enquired of them where they were taking him and she was answered "hey you, you just shut up because it is none of your business.

You just go to sleep".

62.

They then took Siphiwe Ngcobo outside and they closed the front door after them. They took him to the Chesterville High School. While there they interrogating him to inform them as to the whereabouts of his brother , Charles.

63.

Vusi Mthombeni had been attacked on 13th November 1985, the same date as that on which Siphiwe Ngcobo had come out of hospital. Vusi Nthombeni sought to interrogate Siphiwe Ngcobo and to suggest to him that he had been one of the attackers upon him. He wanted names of the other assailants. They then asked Siphiwe Ngcobo about Seaman Mthethwa. Siphiwe Ngcobo had no knowledge of him. In fact he lives next door to the Mpanza's home. Seaman Mthethwa had been asked to join in the A Team by the Mpanza family, but he had refused to do so, and as a result he had been forced to leave his home and he went to live with his relatives in Road 18. While Siphiwe Ngcobo was being asked these questions Phemba Mpanza came to him and said that he was going to remove all the stitches from the wounds on Siphiwe Ngcobo's head. He then began to strike Siphiwe with a bush knife. Others struck him with a shambok on various parts of his body including his back and his shoulders. The Late Lange Zondi punched Siphiwe Ngcobo in the face and others hit him on the face, causing serious lacerations, with the base portions of their spears. Jabulani Mpanza sat on Siphiwe Ngcobo's chest and he had a towel in his hands and he covered Siphiwe Ngcobo's face so that he was unable to shout.

64.

While this was in progress Sipiwe Ngcobo heard them discussing among themselves how they were to kill him. Once he heard that he made a serious effort to break free. He was able to break free and he pretended that he had a knife that he was reaching for. As he did so a small gap was created in amongst the A Team members and Sipiwe Ngcobo ran through that gap. One of the A Team tried to strike him as he ran away across his forehead with the bush knife but Sipiwe Ngcobo was able to duck and avoid the bush knife blow. He then ran down Road 18 pursued by the A Team. As he ran Sipiwe Ngcobo shouted that the A Team were trying to kill him. As he started shouting this the A Team stopped their pursuit although Sipiwe Ngcobo was able to hear them say "shoot him, shoot him". Mowser Isaacs had a pistol in his hand. The pistol is one allegedly stolen from a household in Westville.

65.

Sipiwe Ngcobo was able to escape and he eventually went back to his home so that he could report that he was safe and that he had not been killed.

66.

Thereafter the A Team patrolled the Chesterville area, particularly Road 16, Road 18 and Road 17 in a Datsun vehicle. It is a cream white Datsun vehicle which belongs to Papa Mpanza.

67.

Siphiwe Ngcobo returned to hospital on Tuesday 26th November 1985 where he was treated at King Edward Hospital. The stitches from the previous wounds were then removed.

68.

On Tuesday 26th November 1985 at about 11h00 the Mpanza's house was burnt to the ground by many youths in Chesterville. The members of the A Team who were found there tried to run away but those who were caught were stabbed and they were attacked by pangas. Phemba Mpanza tried to run from the house and escape in the van owned by the Mpanzas. As he drove off in his van he struck Lange Zondi, who was knocked to the ground. Lange Zondi was then driven over by an SAP landrover, which did not stop after it had ridden over him. After being knocked for the second time he was dead. Vusi Mthombeni and Moses Mdlalose were both injured in the attack. One of the Mpanza women was burnt but she was rescued by one of the youths who took her out of their house.

69.

Allegedly, the S.A.P. then telephoned the members of the Mpanza family who left their work and came to the site of where their house had been burnt down. They made loud public statements that they knew who was responsible and they would retaliate against them.

70.

That night, 26th November, 1985 at about 23h00 the whole A Team surrounded the house of Thandi Memela. They broke the windows with their bush knives and they were poured petrol all over the house and on the inside of the house. In a very short time the whole house was on fire. The people inside the house were asleep.

71.

Two of the assailants caught alight during their setting alight of the building. The A Team took them away as they were burning.

72.

From the Memela 's house the A Team then moved to the Thibe's house and they did the same thing, breaking the windows with their bush knives, pouring petrol inside the house and setting it alight. It was impossible to stop that fire because the Thebe's house is so close to the Mpanza's house and people were not able to go near by. The fire was only put out because it was raining.

73.

The A Team then went to the home of Ollina Nxumalo. They did the same thing at Mrs. Nxumalo's house. They broke the windows with their bush knives and they then poured petrol in the house and set the house alight. The Nxumalo family tried to fight the fire from the inside. The neighbours of the Nxumalos, the Ntombelas, came to assist the Nxumalos to put out the fire in

their house. When they came to the Nxumalo's house the A Team went to the Ntombela's house and they broke all the windows there. They assaulted one of the Ntombela women, Nokuthula.

74.

Mrs. Ntombela phoned the local police in Chesterville immediately her house was being attacked but they failed to come to her assistance. Much later Mrs. Nala telephoned C.R. Swart Square and reported the acts of arson and she was referred to the Flying Squad. She telephoned the Flying Squad and they came. The local Police only came to the home of Miss Mamele at 01h15 on Wednesday 27th November 1985.

75.

On Tuesday night 26th November 1985 the following persons houses were also attacked by members of the A Team :

- 75.1 Phashe of No. 1183 Road 25 - Telephone 810879. The outside of the house was set alight. They were accused of having held meetings at their home. The only meetings ever held there was of young men who play football together. An outside shack was burnt down.
- 75.2 Banawose of No. 1186 Road 25. They too were accused of having meetings at their home. Windows of their house were broken and the outside walls were burnt. An outside shack was also burnt.
- 75.3 Nxele of No. 1177 Road 25 whose house was interfered with.

76.

During these attacks the A Team were saying that they were going to burn every house in Road 12 except the homes of Dan Mthembu and Mawser Isaacs.

77.

On Wednesday 27th November 1985 in the early hours of the morning the S.A.P. came to the home of Mrs. Nxumalo. This was long after the incident had occurred.

78.

At about 11h00 on Wednesday 27th November 1985 the members of the A Team attacked a youth, Moto Cele, and they stabbed him. He is about 17 years old. Mawser Isaacs scratched him across the back with his knife causing him a wound just near to his heart. Colin Mathe struck the youth with a bush knife across his right cheek bone and he had other stab wounds on his face. He was struck many times and stabbed many times by the members of the A Team. They were dragging him towards the Mpanza's house threatening that they would kill him and make a lesson to everybody by cooking him. The youth was able to break free and he ran away from the members of the A Team. They chased after him on foot, in their vehicles and in a police landrover. Mawser Isaacs was driving a police landrover looking for Moto Cele.

79.

During the night of Wednesday 27th November 1985 there was all sorts of shooting by members of the S.A.P. and the A Team. Nobody in the township slept with all the noise that was being made by the A Team and the police in and around the township.

80.

The police came to the home of Nxumalo on the night of the 27th November 1985, the day after the arson attack upon it. They drank 12 bottles of her cooldrinks, 12 bottles of her beer, they ate her meat and they took some cans of beer. She had R850,00 which was taken from her. This money was kept in a drawer with her bank books. She later found her bank books lying on her bed but the R850,00 was missing as well as her wrist watch. She had accumulated a lot of food and cooldrinks and beer and the R850,00 because her daughter was due to be married and a party had been arranged with the in-laws for the forthcoming Saturday, 30th November 1985. After the police and the members of the A Team had been in her house the quantity of her supplies were considerably reduced, besides the absence of her watch and the sum of R850,00. This was reported to the police but nothing has been done.

81.

Almost all of the houses that have been attacked have been of families that have no husbands or adult men living with them. Prior to the police coming to the home of Nxumalo on the night of 27th November, 1985 a number of incidents occurred. Early in the evening of Wednesday 27th November 1985 members of the South

African Police and the members of the A Team gathered at the home of Khumalo at Road 3 in Chesterville. There was a lot of noise being made at that home. Police vans were parked in the Khumalo yard, and the cars of members of the A Team.

82.

A taxi drove into the township in the main road, Road 3. It was driven by an Indian taxi driver. The A Team stopped the vehicle as it came into the township. The police were present. All the people in the taxi, except the Indian driver, were stabbed by the members of the A Team. The passengers of the vehicle were then taken by the members of the Police to the Police Station in Chesterville. It is not known what happened to them.

83.

Thereafter word was received that the members of the A Team and members of the South African Police were coming to the Nxumalo's house. The members of the Nxumalo family then moved from their house and went to their neighbours, and they saw the Police and the A Team go into the house. Most of those who went into the house were white members of the SAP. They heard the policeman talking to Phemba Mpanza, a prominent member of the A Team.

84.

It was after this group of policemen and members of the A Team left Mrs. Nxumalo's house that she found that they had consumed her goods and that her R850,00 was missing. Her wrist watch too was missing.

85.

After the police and the members of the A Team had been in the home of Mrs. Nxumalo on the night of 27th November 1985 they went to the home of the Ngcemu family.

86.

Ian Mtheku of No. 1113 Road 25, age 17 a matric student at Ntuzuma was shot dead at the Ngcemu home.

87.

The Ngcemu family of No. 454 Road 7 had their house attacked while youths were practising for a choir.

88.

The death of Ian Mtheku occurred as follows. He had gone to the Ngcemu house because he is a member of a choir that is singing at the Durban Expo. They practice at the Ngcemu's house and he had gone to their house for the choir practice. The A Team came to the Ngcemu's house and some of the boys who were there ran away. Ian Mtheku did not run away. He was grabbed by the members of the A Team who pulled him outside the house. Members of the South African Police were present. The police vehicle lights were shone in such a way that the members of the A Team could see what they were doing when they were attacking Ian Mtheku. He was hacked with bush knives and he was shot. He was brutally hacked. Ian Mtheku's body was found on Road 7 (Nala Road). The killing was witnessed by the Ngcemu family who were inside their house

when it occurred. It is possible that the attack on the Ngcemu household occurred at the instance of Colin Mathe who is a member of the A Team. He had previously managed a choir but there had been complaints by the other choir members that he had been keeping all the money for himself and not distributing it among the other members of the choir. The members of the choir then left Colin Mathe's choir and went and joined the choir of Mabe Ngcemu, a teacher who is now the leader of the choir that sings at the Durban Expo. Perhaps, out of anger at the fact that they had left his choir Colin Mathe sought to punish the members of Ngcemu's choir. It may be that this was the motive for the attack on Ngcemu's house. Colin Mathe was present when Ian Mtheku was murdered.

89.

The son of the Ngcemu family is the leader of the choir which is singing at the Durban Expo and it is for that reason that the practicing for the choir takes place at the Ngcemu's home.

90.

After the attack on the Ngcemu's house and when Ian Mtheku had been grabbed from the house and pulled outside and murdered the members of the Ngcemu family telephoned the Chesterville police station to report what was happening. There was no response from the Chesterville S.A.P.

91.

The Ngcemu family then telephoned the Pinetown S.A.P. and it was members of the Pinetown S.A.P. who came to Chesterville and it was

them who found the body in Road 7 (Nala Street). Later that night there was a lot of shooting all over the location.

92.

On the next day Thursday 28th November 1985 a large contingent of member of the S.A.P. moved around the township enquiring whether people had heard a big blast on the night before.

93.

During the course of the night Wednesday 27th November 1985, a young man who lives at the home of Nxumalo in Road 1 was shot at by Dan Mthembu, the leader of the A Team but the shot missed.

94.

On Saturday 30th November 1985 Sipho Mthembu a youth of about 18 years, was chased by Muser Isaacs and Muzi Khumalo who were in a vehicle and Muser had taken a shot at the youth who was with Sipho Mthembu. The boy who had been shot at is named Gcugcwa. The shot had missed them because the vehicle was moving.

95.

On the same day Saturday 30th November 1985, in the evening, members of the A Team, accompanied by members of the S.A.P., went to Banawuse's house and they entered his house. Those who entered the house were Bopini Isaacs, Msuthu Molefe and others of the A Team and they smashed the furniture, glasses and other household possessions of the Banawuse family with bush knives.

While doing so they made enquiries of the Banawuse family as to the whereabouts of their son Charles Banawuse.

96.

The members of the A Team said they were looking for three individuals and if they got those three people then all would be quiet in the township. The people they were seeking were Charles Banawuse, Cliff Pasha and one other. They also said that they wanted to kill three people. They said they had killed a young boy and they were going to kill a young girl and that they would kill an older person and then they would be finished with the killings. This was said to the Banawuse family.

97.

Throughout this period the S.A.P. have been dropping people from their vans on the streets at night and these people then go into the home of the residents in Chesterville and they then threaten the occupants with violence and in some cases cause damage to the properties of the residents. In the early hours of the morning the Police then pick up these people with their vans.

98.

The five houses that have been burnt by the A Team, ie. Thibe, Nxumalo, Memela, Pasha and Banawuse are homes where a young person from that home has left the country. Their departures occurred some time ago after the death of Msizi Dube.

99.

On Sunday 1st December 1985 Msuthu Molefe, a member of the A Team, took hold of Themba Bhengu of Road 18 Chesterville, a youth of about 21 years who was on his way to church. He jabbed a pistol into the back of Themba Bhengu, and while doing so he said to Temba Bhengu that the gun in his hand was his uncle's who is a policeman at Mayville/Cato Manor and who was at his house at the time. He said that he could use the pistol and no one would arrest him for that.

100.

Themba Bhengu was led to a particular house of the members of the A Team, and he was able to escape.

101.

In the evening of Sunday 1st December 1985 at the end of the T.V. for the day, in the night, a large contingent of members of the S.A.P. came to the home of Mrs. Nala at 625 Road 12. They jumped over the gate and they went down to the shacks where Julliette Nala lives with her son, Khehla Cecil Nala. He is 19 years old. They woke him up and they searched the shack in which he lives. There were three knives in his shack and they enquired what these knives were for. His mother explained to the members of the S.A.P. that the knives were there for personal protection because the family was at risk of being attacked by the A Team because of the fact that the family had assisted the Memela family when their house had been burnt down. Julliette Nala had been the person who had witnessed the members of the A Team throwing petrol on the home of the Memelas and it was she who had shouted out loud while they were burning down the Memelas house.

It was as a result of her screams that the members of the A Team left the Memela's house, and went to Thibe's house.

102.

After receiving the explanation as to the presence of the knives the members of the S.A.P. arrested Khekla Nala. He was taken by foot to the Chesterville Police Station.

103.

At the police station a young white policeman asked him if he knew Joe Mpanza. The policeman said that he was one of the young people that was being sought by them. He is a youth who lives in Road 15. Khehla Nala replied that he did not know that Mpanza he only knew the Mpanza who is the leader of the A Team. The members of the S.A.P. then said to him "what will you do if we take you to the A Team?" He replied that he did not care if he was taken there. The police then said that they would take him to the bushes on the outskirts of Chesterville and shoot him there. He replied that he did not care if they took him there. They then asked who his friends were and he said that he had one friend in hospital. Khehla Nala was then told to stand on top of a bench. He did that. The Indian policeman then took the tomahawk knife that had been taken from the Nala's home, which Khehla uses to repair the house, and the policeman put the tomahawk handle in the back of the knees of Khehla Nala and told him to crouch down which he did.

104.

The other white policeman then said "so you are fit, you can stay in this position for the rest of the night". Khehla said he was not fit. He was made to crouch down for about 5 to 10 minutes.

105.

The policeman then started leaving the police station and then Khehla Nala asked for his knives. The Indian policeman returned to him the tomahawk and one of his knives but the policeman retained his other knife. He was then released and permitted to go home.

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