

Special Investigation into the Mandela United Football Club

■ INTRODUCTION

- 1 In 1986, following her return to Soweto after several years of banishment to the magisterial district of Brandfort in the Orange Free State, Ms Winnie Madikizela-Mandela was instrumental in providing refuge and material assistance to disaffected youth from Soweto and other communities.
- 2 During this period she also acted as an operative for the African National Congress (ANC) military wing, Umkhonto weSizwe (MK), and provided assistance to MK cadres infiltrating the country from neighbouring states. In late 1986 she was instrumental in the resolution of an internal conflict within the Orlando West branch of the Soweto Youth Congress (SOYCO), which resulted in the formation of the Mandela United Football Club (MUFC). A number of the youths involved in this conflict moved into the outbuildings of the Mandela home in the Orlando West section of Soweto.
- 3 Allegations against the youths living at and associated with the Mandela home first surfaced during 1987. Tension developed between the youths and other elements in the community and, at the end of July 1988, the Mandela home was burnt down. Community and religious leaders formed the Mandela Crisis Committee, a group which attempted, albeit unsuccessfully, to resolve the conflicts that led to the burning of the Mandela household.
- 4 After July 1988, Ms Madikizela-Mandela and a number of MUFC youths moved into new premises in Diepkloof Extension. The behaviour of these youths, frequently described by community residents as a "reign of terror", continued throughout the next seven months. In a February 1989 statement, the Mass Democratic Movement (MDM) stated:

In recent years, Mrs Mandela's actions have increasingly led her into conflict with the various sections of the oppressed people and with the Mass Democratic Movement as a whole. The recent conflict in the community has centred largely around the conduct of her so-called football club, which has been widely condemned by the community. In particular, we are outraged by the reign of terror that the team have been associated with. Not only is Mrs Mandela associated with the team, in fact, the team is her own creation.

5 Between August 1988 and the end of February 1989, the residents and associates of the Mandela household, including Ms Madikizela-Mandela herself, were implicated directly or indirectly in a range of incidents – including assaults and abduction, and the murder and attempted murder of at least a dozen individuals. The crisis peaked with the abduction of four youths from the Methodist manse in Orlando West and the murder of Stompie Seipei in late December 1988 and early January 1989.

6 An angry and agitated Soweto community attempted to sanction the activities of Ms Madikizela-Mandela and her football club through the offices of the Mandela Crisis Committee and other religious and community leaders. Madikizela-Mandela disparaged their cumulative efforts and did not heed their advice. This intransigence prompted even more drastic action, culminating in unprecedented public criticism of Madikizela-Mandela by the leadership of the MDM and the ANC in February 1989.

7 The ANC released the following press statement on 16 February 1989:

It is with a feeling of terrible sadness that we consider to express our reservations about Winnie Mandela's judgement in relation to the Mandela football Club.

8 This chapter examines a series of allegations against Madikizela-Mandela, the MUFC and other associates of her household, relating to cases reported to and investigated by the Commission. The cases examined occurred after her return from Brandfort to Soweto in 1986 up until her trial for kidnapping and assault in 1991. The Investigation Unit did not focus on all cases, but concentrated on the seven-month period from the end of July 1988 to the end of February 1989.

9 This chapter includes findings made by the Commission regarding Ms Madikizela-Mandela, the MUFC, and other individuals, as well as overall findings regarding the role of community structures, the ANC and the South African Police (SAP).

These findings pertain to specific cases as well as to general themes that arose during the overall inquiry.

- 10 It should be noted that there was considerable disagreement as to what and who constituted the MUFC.
- 11 A more detailed and comprehensive examination of the cases and issues raised in this summary was submitted to the Commission by the Johannesburg Investigation Unit. This report also contains a set of recommendations pertaining to each case brought before the Commission.

■ BACKGROUND TO INVESTIGATION

- 12 The allegations against Ms Madikizela-Mandela and the football club have been extremely controversial. The activities of the club, which culminated in the abduction and assault of youths and the subsequent events of January and February 1989, resulted in the prosecution and conviction of Madikizela-Mandela and three associates, as well as the conviction for murder of Mr Jerry Richardson, the coach of the MUFC. Madikizela-Mandela was found guilty in 1991 of kidnapping and of being an accessory to assault. The latter conviction was subsequently overturned, but a full bench of the Appellate Division upheld the kidnapping conviction in 1993.
- 13 The Commission's enquiry was initiated following submissions received at the Soweto hearing in July 1996 and from Ms Joyce Seipei, mother of Stompie Seipei, in KwaZulu-Natal. Additional information was also received from members of the MUFC as well as from the amnesty applications of Mr Jerry Richardson and former members of the Security Branch.
- 14 The task of the Investigation Unit was to try to piece together a series of seemingly unrelated incidents and allegations, some of which were already well known. It made use of court and police records, victim statements, amnesty applications, media records and other publications. These sources assisted in the identification of all individuals concerned and involved.
- 15 Ms Madikizela-Mandela was *subpoenaed* to appear before the Human Rights Violations Committee in terms of section 29 of the Act. The hearing was to be held *in camera* but, following a request by Madikizela-Mandela's counsel that the enquiry be held in public, the Commission decided to hold an *in camera*

session, followed by a public hearing at which a cross-section of witnesses would be called to testify and at which Madikizela-Mandela would be given an opportunity to respond publicly.

- 16 The *in camera* hearing began on 26 September and continued for a further day on 13 October. The transcripts of these hearings were released for use at the public hearings, which began on 24 November. A total of forty-three witnesses gave evidence before the nine-day hearing – including perpetrators, victims, former members of the MUFC and other associates of the Mandela household, members of MK, Ms Madikizela-Mandela's former co-accused, members of the Mandela Crisis Committee, representatives of the mass democratic movement (MDM), religious and community leaders, members of the SAP Murder and Robbery Unit, former Security Branch members working with STRATCOM and the staff of the Commission's Investigation Unit. The final day was reserved for the evidence of Ms Madikizela-Mandela.
- 17 Arising from the testimony obtained from these hearings, the Commission decided to conduct a further public hearing into the role of the Soweto Security Branch. On 28 and 29 January 1998, twelve former security policemen, including two former divisional commanders of the Soweto Security Branch and former Vlakplaas commander Eugene de Kock, testified before the Commission.
- 18 The broader enquiry also heard *in camera* testimony from members of the National Intelligence Agency (NIA), a former member of the Witwatersrand Attorney-General's office and a former member of the ANC's intelligence department who had been drafted into police investigations in 1995 to assist with the location of former MUFC members.
- 19 The Investigation Unit was constrained by insufficient personnel, time and resources. Initially, it received very little co-operation from the police regarding access to dockets and statements, receiving more information only in early 1998 when its mandate was coming to an end. It was thus not able to follow up all witnesses and leads.
- 20 The public hearing process was constrained by time limitations, allowing only for limited cross-examination, which angered many of the lawyers who appeared. The Commission emphasised, however, that this was not a court of law but a commission of enquiry – attempting to understand events rather than establish guilt or innocence.

■ CASES ADDRESSED BY THE COMMISSION

- 21 The following is a summary of the cases investigated by the Commission. Included, too, is Ms Madikizela-Mandela's response to allegations and questions and the Commission's findings in each matter.

Killing of Morgan Bambisa

- 22 Mr Joseph Lebusa (aka 'Hansie') made a statement to the Commission in which he claimed that he joined the MUFC in 1986 and moved into the back room of the Orlando West home of Ms Madikizela-Mandela. He said he had been trained in the use of explosives by an MK cadre living there. When he was told that Mr Morgan Bambisa, a family member of the Mandelas', had stolen a minibus belonging to Madikizela-Mandela, he joined Madikizela-Mandela and other members of the MUFC in the search for Bambisa. Bambisa was found and locked in the back room of the Mandela home, but was later found dead in the veld. In his statement, Lebusa alleges that MUFC members were responsible for Bambisa's death. This matter was not investigated by the unit. When questioned, Madikizela-Mandela denied knowledge of the incident and of the person making the allegation. She said there was no one by the name of Bambisa in the family.

THE COMMISSION MAKES NO FINDING IN THIS CASE

Killing of Xola Mokhaula and Mlando Ngubeni

- 23 Mr Xola Mokhaula was executed in front of his family on the evening of 24 January 1987. It seems he had confiscated a firearm from MK operative Oupa Alex Seheri, following a drunken shebeen brawl in Soweto. In attempting to retrieve the firearm, Seheri shot Mokhaula and Mr Mlando Ngubeni dead. Police found one of the guns used in the attack in Ms Zindzi Mandela-Hlongwane's bedroom. An Audi used in the incident belonged to Ms Madikizela-Mandela. Oupa Seheri, Mr S'thembisio Buthelezi and Mr Charles Bongani Zwane (aka 'Bobo') were convicted for these murders, for which Seheri applied for amnesty. Mr S'thembisio Buthelezi admitted to the court that he had driven the Audi during the operation and had hidden the recovered Scorpion machine pistol at the Mandela house.
- 24 Ms Madikizela-Mandela has denied any direct knowledge of or involvement in this incident.

THE COMMISSION FOUND NO EVIDENCE THAT MS MADIKIZELA-MANDELA OR MS ZINDZI MANDELA-HLONGWANE HAD ANY DIRECT INVOLVEMENT IN THE INCIDENT THAT LED TO THE DEATHS OF MR XOLA MOKHAULA AND MR MLANDO NGUBENI. THE COMMISSION FOUND, HOWEVER, THAT THE 'OPERATION' TO RECOVER OUPA SEHERI'S FIREARM WAS LAUNCHED FROM THE MANDELA HOME IN ORLANDO WEST; THAT MADIKIZELA-MANDELA'S VEHICLE, AN AUDI, WAS USED FOR THE OPERATION, AND THAT OUPA SEHERI WAS ASSISTED BY MUFC MEMBERS S'THEMBISO BUTHELEZI, CHARLES BONGANI ZWANE (AKA 'BOBO') AND OTHER MEMBERS OF THE MUFC.

Torture and mutilation of Peter Makhanda and Phillip Makhanda

- 25 On 26 May 1987, the Makhanda brothers, Peter and Phillip, were taken by force to the back rooms of the Mandela home, were assaulted and had ANC slogans carved into their bodies and battery acid rubbed into their wounds. Two MUFC members, Mr Absolom Madonsela and Mr Isaac Mokgoro, and an associate and sometime driver of Ms Madikizela-Mandela, Mr John Morgan, were charged in this case, and acquitted owing to contradictory evidence. However, subsequent evidence and testimony from other witnesses confirms that the incident did take place. Former MUFC member Gift Ntombeni confirmed the incident at the hearings. Whilst the Makhanda brothers had implicated her in the incident, Madikizela-Mandela was never questioned by the police. In her testimony she denied any direct knowledge of or involvement in this incident.

THE COMMISSION FINDS THAT THE ASSAULTS AND MUTILATION OF THE BROTHERS, PETER AND PHILLIP MAKHANDA, TOOK PLACE IN THE BACK ROOMS OF THE MANDELA HOUSE IN ORLANDO WEST IN MAY 1987 AND THAT MEMBERS OF THE MUFC PARTICIPATED IN THE ASSAULT AND/OR MUTILATION .

Death of Vincent Sefako and killing of Susan Maripa

- 26 Former MK operative Mr Vincent Sefako died in mysterious circumstances in Tladi Section, Soweto, in October 1987. He is listed in the ANC's submission as an MK cadre who infiltrated the country but was not heard of again. His real name was Veli Tshabalala, his travelling name Vuyisile Sefako, and he was also known as 'Comrade V' or 'Mshoshovi'.
- 27 The facts surrounding Sefako's death remain unclear. The Commission obtained neither the inquest docket into Sefako's death nor the findings and submissions of a 1979 ANC commission of enquiry into his death. The available evidence, however, lends some support to the version given to the Commission by former MK operative Mr Thami Hlatwayo, that renegade MK members killed Sefako. It is not, however, clear whether the ANC enquiry corroborated other aspects of witness allegations regarding Madikizela-Mandela's and Mr Peter Dlamini's alleged

involvement in this incident and the subsequent murder of Ms Susan Maripa on 29 October 1987. ANC records may confirm or deny the proximity of Madikizela-Mandela and these cadres to the alleged incidents.

- 28 Susan Maripa reputedly witnessed Sefako being deliberately knocked down by a car which drove off the road onto the pavement. She ran to call an ambulance and found on her return that the body was gone. Later, Maripa was herself killed. Maripa's inquest finding shows that she was killed by multiple gunshot wounds from an AK-47 and at least one shot from a Makharov pistol. The police have warned Hlatswayo that he is a suspect in this matter. He applied for amnesty, but not in connection with this matter. Access to a full ballistics report will be necessary to determine whether or not a Makharov in the possession of Hlatswayo was used in the attack.
- 29 The evidence of Thami Hlatswayo and one other MK cadre implicated Peter Dlamini in her murder. Hlatswayo testified that Ms Madikizela-Mandela informed him that she had seen the body of 'Comrade V' at the mortuary and that he had a bullet wound on the back of his head. He also informed the Commission that there had been a feud between 'Comrade V' and Madikizela-Mandela over control of the MK unit, and that, she had been unhappy with the fact that 'Comrade V' had spent the night in the Mandela home. Hlatswayo testified further that, four days after this, Peter Dlamini had taken him at gunpoint to the home of Susan Maripa. He said he was given a Makharov and that Peter Dlamini shot Maripa dead. Hlatswayo testified that he believed that Madikizela-Mandela, Dlamini and Mr Percy Peterson were involved in the murder of 'Comrade V'. Hlatswayo reported the matter to the ANC in Lusaka, as did Ms Catherine Mathibe, Maripa's neighbour. Percy Peterson was recalled to Lusaka by the ANC, where he was placed under arrest and interrogated about these incidents. The Motsuenyane Commission report found that the ANC investigation into the death of 'Comrade V' resulted in Peterson being detained without trial and repeatedly tortured by the ANC's security department. The ANC did not make the findings of their own commission of enquiry available to the Commission.
- 30 Ms Madikizela-Mandela has denied knowledge of the incident and of any of the individuals involved, with the exception of Sefako, whom she knew as 'Comrade V'. She categorically denied any involvement in either killing.

THE COMMISSION FINDS THAT 'COMRADE V' WAS KILLED BUT THAT THE IDENTITY OF THE PERSON OR PERSONS WHO KILLED HIM IS NOT CLEAR. THE COMMISSION FINDS THAT MK MEMBERS PERCY PETERSON AND PETER DLAMINI DEFECTED FROM THE UNIT THEY BELONGED

TO AND BEGAN FREQUENTING THE HOME OF MS MADIKIZELA-MANDELA AT ORLANDO WEST. THE COMMISSION FINDS THAT, ON A BALANCE OF PROBABILITIES, PETER DLAMINI AND THAMI HLATSWAYO, BOTH MK CADRES, WERE RESPONSIBLE FOR THE KILLING OF MS SUSAN MARIPE AND THAT SHE WAS PROBABLY KILLED BECAUSE SHE WITNESSED THE INCIDENT IN WHICH A MOVING CAR DELIBERATELY KNOCKED DOWN VINCENT SEFAKO.

Killing of Sicelo Dhlomo

31 Mr Sicelo Dhlomo was abducted and found dead in Soweto on 25 January 1998. The security forces were assumed to be responsible for his death. However, according to an amnesty application, Sicelo Dhlomo was killed by members of an MK unit led by Mr John Itumeleng Dube, allegedly because the MK unit suspected him of being a police informer.

32 Ms Xoliswa Falati alleged that Ms Madikizela-Mandela was involved in this incident. Madikizela-Mandela has denied any knowledge of or involvement in it.

THE COMMISSION FOUND NO EVIDENCE OF MS MADIKIZELA-MANDELA'S INVOLVEMENT AND AWAITS THE AMNESTY HEARING OF JOHN ITUMELENG DUBE.

Assaults on Phumlile Dlamini

33 Ms Phumlile Dlamini, sister of the late Mr Kenneth Thole Dlamini (one of the original members of the MUFC, who was later killed by Mr Sizwe Sithole) told the Commission that she was assaulted by Ms Madikizela-Mandela and members of the MUFC in August and September 1988. Phumlile Dlamini was introduced to MUFC members by her late brother. She also claims that she had a relationship with Mr Johannes 'Shakes' Tau, a driver for Madikizela-Mandela. She alleged that Tau advised her that he had a relationship with Madikizela-Mandela, who confronted him upon learning of his relationship with Dlamini. Phumlile Dlamini told the Commission that she was pregnant when she was taken by Madikizela-Mandela and Tau into the Mandela home on the pretext that they were looking for her brother Thole. She said that she was then assaulted by Madikizela-Mandela. A week later she was allegedly picked up again by Madikizela-Mandela and other MUFC members, as Tau had disappeared, and again assaulted by Madikizela-Mandela. Later, she was repeatedly assaulted by MUFC members for a period of five hours which only stopped when Ms Zindzi Mandela-Hlongwane intervened. Mr Jerry Richardson confirms that he took her home.

34 When Phumlile advised her brother that she intended reporting the matter to the police, he begged her not to do so as he feared the reaction of Madikizela-Mandela and the MUFC. She did report the matter to Ms Dudu Chili.

- 35 Ms Madikizela-Mandela denied knowledge of or involvement in this incident.

THE COMMISSION FINDS THAT MS PHUMLILE DLAMINI WAS A CREDIBLE WITNESS AND THAT HER ALLEGATIONS OF ASSAULT AT THE HANDS OF MS MADIKIZELA-MANDELA AND OTHER MEMBERS OF THE MUFC IS CONSISTENT WITH THE *MODUS OPERANDI* OF OTHER INCIDENTS OF ASSAULT THAT HAD TAKEN PLACE AT THE MANDELA HOUSE. THE COMMISSION FINDS THAT, IN ALL PROBABILITY, DLAMINI WAS TAKEN FROM HER HOME ON MORE THAN ONE OCCASION IN AUGUST 1988, THAT MADIKIZELA-MANDELA HAD KNOWLEDGE OF THIS AND THAT SHE AND MEMBERS OF THE MUFC WERE RESPONSIBLE FOR ASSAULTING MS DLAMINI.

Killing of Thole Dlamini

- 36 Mr Kenneth Thole Dlamini, one of the original members of the MUFC, was shot dead after attending a night vigil on the night of 16 October 1988. He had fallen out with powerful elements within the club after testifying against MUFC member Mr Absolom Madonsela. His testimony had led to the conviction of Madonsela.

- 37 Ms Madikizela-Mandela denies any direct knowledge of or involvement in the killing of Dlamini.

THE COMMISSION FINDS THAT MR THOLE DLAMINI, A FORMER MEMBER OF THE MUFC, WAS IN ALL PROBABILITY SHOT DEAD BY MR CLAYTON SIZWE SITHOLE ON 16 OCTOBER 1988 AS A RESULT OF BEING LABELLED AN INFORMER FOR GIVING EVIDENCE IN COURT AGAINST MR ABSOLOM MADONSELA, THE FORMER SECRETARY OF THE FOOTBALL CLUB. THE COMMISSION ALSO FINDS THAT SITHOLE WAS IN THE COMPANY OF ANOTHER MEMBER OF THE MUFC BY THE NAME OF 'BOTHILE' AT THE TIME OF THE SHOOTINGS. THE COMMISSION FINDS FURTHER THAT, AT THE TIME OF THE MURDER, SITHOLE WAS LIVING AT OR WAS A CLOSE ASSOCIATE OF THE MANDELA HOUSEHOLD AND WAS REGARDED BY MS MADIKIZELA-MANDELA AS A MEMBER OF HER FAMILY. WHILST MADIKIZELA-MANDELA WAS NOT PRESENT IN SOWETO AT THE TIME OF THE INCIDENT, THE COMMISSION RECEIVED EVIDENCE THAT SHE KNEW OF THE INCIDENT AND ATTEMPTED TO COVER IT UP BY ASSISTING POTENTIAL WITNESSES TO GO INTO HIDING. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA FAILED TO DISCLOSE HER KNOWLEDGE OF THIS INCIDENT AND, IN ALL PROBABILITY, ASSISTED SITHOLE TO EVADE THE CRIMINAL JUSTICE SYSTEM.

THE COMMISSION FINDS THAT ABSOLOM MADONSELA (WHO ADMITTED AS MUCH BEFORE MEMBERS OF THE SAPS AND THE COMMISSION'S INVESTIGATION UNIT) ORDERED SIZWE SITHOLE TO EXECUTE DLAMINI FOR TESTIFYING IN COURT AGAINST HIM.

ABSOLOM MADONSELA (AKA 'BIZA') SAID THAT HE HAD AUTHORISED THE KILLING AND INFORMED THE COMMISSION THAT HE HAD APPLIED FOR AMNESTY FOR THIS INCIDENT. HE WAS TOLD THAT THE COMMISSION HAD NO RECORD OF ANY SUCH APPLICATION. THE CIRCUMSTANCES OF HIS MISSING APPLICATION ARE BEING INVESTIGATED BY THE AMNESTY COMMITTEE.

Deaths of Tebogo Maluleke, Sipho Mbenenge and Sergeant Stephanus Pretorius

- 38 Mr Frans Tebogo Maluleke (aka 'Peter') and Mr Sipho Mbenenge were MK cadres who were temporarily accommodated at the house of MUFC 'coach' Mr Jerry Richardson. On 9 November 1988, following a tip-off from Richardson that the MK cadres were staying at his home, police came to the scene. In their attempt to capture the MK members, Security Branch member Sergeant Stephanus Pretorius – Richardson's police handler – was killed in unusual and unexplained circumstances. Both MK members were also killed.
- 39 This incident is also directly related to the subsequent disappearance of Lolo Sono and Sibuniso Tshabalala (see below).

THE COMMISSION FINDS THAT MS MADIKIZELA-MANDELA PLACED MK MEMBERS MALULEKE AND MBENENGE IN THE HOUSE OF MR JERRY RICHARDSON FOR SAFEKEEPING. THE COMMISSION FINDS FURTHER THAT BOTH CADRES WERE KILLED AS A RESULT OF A POLICE OPERATION LAUNCHED ON THE BASIS OF A 'TIP-OFF' FROM JERRY RICHARDSON, WHO ADMITTED TO PROVIDING THE POLICE WITH INFORMATION IN THIS REGARD. RICHARDSON WAS RELEASED FROM CUSTODY FIFTEEN DAYS AFTER THIS INCIDENT.

THE COMMISSION NOTES THAT MADIKIZELA-MANDELA REFUSED TO ANSWER QUESTIONS DURING THE *IN CAMERA* HEARING ON WHETHER SHE HAD ANY SUSPICIONS REGARDING RICHARDSON'S QUICK RELEASE, IN THE LIGHT OF THE SERIOUS CIRCUMSTANCES IN WHICH HE HAD BEEN ARRESTED. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA'S SUBSEQUENT TESTIMONY THAT SHE SIMPLY REGARDED RICHARDSON TO BE A VICTIM IN THIS INCIDENT IS NOT CREDIBLE.

THE COMMISSION FINDS THAT MADIKIZELA-MANDELA WAS NEGLIGENT IN THAT SHE FAILED TO INSTITUTE ENQUIRIES INTO THE DEATHS OF THE TWO CADRES AT THE TIME, AND THAT HER MISPLACED TRUST IN JERRY RICHARDSON WAS THE DIRECT CAUSE OF THEIR DEATH.

THE COMMISSION FURTHER FINDS THAT THE INVESTIGATION CONDUCTED BY THE SECURITY BRANCH INTO THE DEATH OF SERGEANT STEPHANUS PRETORIUS WAS RIDDLED WITH INCONSISTENCIES AND OBVIOUS OMISSIONS AND THAT ATTENTION SHOULD ALSO HAVE BEEN PAID TO THE ALLEGED UNCHARACTERISTIC AND ABERRANT ACTIONS OF PRETORIUS. SUSPICIONS OF THESE IRREGULARITIES ARE COMPOUNDED BY THE TESTIMONY OF CERTAIN SECURITY BRANCH OFFICERS, WHICH APPEARED AT TIMES TO BE LESS THAN CANDID. OF PARTICULAR CONCERN WAS THE TESTIMONY OF MR NORMAN LEMMER, THE INVESTIGATING OFFICER.

Abduction and killing of Lolo Sono and Anthony Sibuniso Tshabalala

- 40 Directly related to the killings of Tebogo Maluleke and Sipho Mbenenge at Richardson's house were the abductions and killings of Lolo Sono and Sibuniso Tshabalala.

- 41 Tebogo Maluleke was a relative of the Sono family. Mr Nicodemus Sono, the father of Lolo Sono, returned from Transkei on 10 November 1988. On his arrival, Lolo informed him that both Sibuniso Tshabalala and he had received notes requesting them to report to the police station. They had visited Ms Madikizela-Mandela on 7 November to ask for advice, and she had torn up the notes and told them not to go to the police station. On the night of 8 November, Sono and Tshabalala stayed in Mfolo section of Soweto with Tshabalala's aunt. On Wednesday 9 November, Madikizela-Mandela arranged for them to go and see Tebogo Maluleke at Mzimhlope. Mr Sono testified that Lolo told him that when he got there, there was a police helicopter flying around Richardson's house. Tebogo was agitated and told them to leave. However, they stayed hidden at a nearby shop, from where they witnessed the whole incident.
- 42 When they went to police station later, they were told that they could not be seen on that day as the police were preparing for the funeral of Sergeant Pretorius who had been killed in the same incident as Tebogo Maluleke. Mr Sono was asked to formally identify Maluleke as he was a family relative. They were told to return on 14 November 1988.
- 43 Mr Sono testified that on Sunday 13 November, Mr Michael Siyakamela, Ms Madikizela-Mandela's temporary driver, came to his house. He was told that someone wanted to see him. When he went out, he saw Lolo sitting in the back of the minibus, with Madikizela-Mandela in the front seat. Lolo's face was swollen and bruised. Sono testified that Madikizela-Mandela informed him that Lolo was a police spy and that the MK cadres at Jerry Richardson's house had been killed because of him. Despite his pleas to Madikizela-Mandela to release his son, Lolo was taken away. Madikizela-Mandela allegedly told him: "I am taking this dog away. The movement will see what to do to him."
- 44 This was the last time that Mr Sono saw his son.
- 45 Ms Madikizela-Mandela has denied any knowledge of or involvement in the abductions, assaults and killing of Lolo Sono or Sibuniso Tshabalala.
- 46 The Commission obtained a statement from Mr Michael Siyakamela which verifies Mr Sono's version in almost all respects.

THE COMMISSION FINDS THAT LOLO SONO WAS ABDUCTED BY MEMBERS OF THE MUFC ON 13 NOVEMBER 1988 AND WAS TAKEN TO THE DIEPKLOOF HOME OF MS MADIKIZELA-MANDELA WHERE HE WAS SEVERELY ASSAULTED. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA

HAD KNOWLEDGE OF THE ASSAULTS. THE COMMISSION FINDS FURTHER THAT MADIKIZELA-MANDELA, IN THE COMPANY OF MR MICHAEL SIYAKAMELA, MR GUYBON KUBEKA, MR RONNIE SEKHUKUNE AND OTHER MEMBERS OF THE MUFC, TOOK LOLO SONO TO THE HOME OF HIS PARENTS IN MEADOWLANDS, WHERE MADIKIZELA-MANDELA REFUSED TO HAND LOLO OVER TO HIS FATHER, DESPITE REQUESTS TO DO SO. THE COMMISSION FINDS FURTHER THAT MADIKIZELA-MANDELA INFORMED MR NICODEMUS SONO THAT HIS SON WOULD BE SENT AWAY SO THE MOVEMENT COULD DEAL WITH HIM. THE COMMISSION FINDS FURTHER THAT LOLO SONO WAS KILLED BY MR JERRY RICHARDSON, A CLOSE CONFIDANT OF MADIKIZELA-MANDELA. RICHARDSON WAS ALSO LOLO SONO'S FRIEND AND NEIGHBOUR AND THE COACH OF THE FOOTBALL CLUB. THE COMMISSION FINDS FURTHER THAT MADIKIZELA-MANDELA CONSISTENTLY DENIED ANY KNOWLEDGE OF THE WHEREABOUTS OF LOLO SONO AND MADE NO EFFORT TO LOCATE HIM.

THE COMMISSION FINDS THAT SIBUNISO TSHABALALA'S FATE WAS LINKED TO THAT OF LOLO SONO.

- 47 Ms Nomsa Tshabalala, Sibuniso's mother, testified that, on the evening of 13 November, members of the MUFC came to the house in search of Sibuniso, who was not at home at the time. When he returned, his family told him what had happened to Lolo Sono. He nevertheless refused to go into hiding. He went out on the morning of 15 November but did not return home.
- 48 The distraught parents of Lolo and Sibuniso visited Captain Potgieter at the Protea police station and informed him that Lolo had been taken by Ms Madikizela-Mandela and that Sibuniso was missing. They were instructed to report the matter to the Meadowlands police. Later that day, Ms Tshabalala was called by Sibuniso, who said only that he was with Lolo.

THE COMMISSION FINDS THAT ANTHONY SIBUNISO TSHABALALA WAS ASSAULTED AT THE MADIKIZELA-MANDELA HOUSE IN DIEPKLOOF AND WAS SUBSEQUENTLY MURDERED BY MR JERRY RICHARDSON SHORTLY AFTER THE LATTER'S RELEASE FROM DETENTION ON 25 NOVEMBER 1988. RICHARDSON WAS LIVING AT THE MADIKIZELA-MANDELA HOUSE AT THE TIME.

THE COMMISSION FINDS FURTHER THAT THE MOTIVE FOR THE ASSAULTS AND MURDER OF BOTH LOLO SONO AND SIBUNISO TSHABALALA WAS THAT THEY WERE ACCUSED OF BEING INFORMERS AND WERE PERCEIVED TO BE RESPONSIBLE FOR THE DEATH OF TEBOGO MALULEKE AND SIPHO MBENENGE AT RICHARDSON'S HOUSE ON 9 NOVEMBER 1988. THE COMMISSION FINDS FURTHER THAT THE ALLEGATIONS REGARDING BOTH SONO AND TSHABALALA WERE UNFOUNDED AND FALSE, AND THAT RICHARDSON HIMSELF WAS A POLICE INFORMER.

THE COMMISSION FINDS THAT MR JERRY RICHARDSON'S VERSION THAT THE YOUTHS WERE HELD AT THE MANDELA HOME FOR A PERIOD OF TWELVE OR MORE DAYS IS CONSISTENT WITH OTHER ABDUCTIONS IN THE SAME PERIOD UNDER REVIEW. RICHARDSON APPLIED FOR AMNESTY FOR MURDERING SONO AND TSHABALALA ON THE BASIS THAT HE RECEIVED ORDERS FROM MS MADIKIZELA-MANDELA TO DO SO. HOWEVER, THE COMMISSION FOUND NO EVIDENCE TO SUPPORT THIS AND FINDS THAT THESE KILLINGS SERVED RICHARDSON'S INTERESTS IN THAT THEY DEFLECTED SUSPICION AWAY FROM HIMSELF REGARDING HIS RESPONSIBILITY FOR THE DEATH OF THE MK CADRES AT HIS HOUSE.

THE COMMISSION FINDS THAT LOLO SONO AND SIBUNISO TSHABALALA WERE LAST SEEN ALIVE AT THE MANDELA HOME. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA WAS INVOLVED IN LOLO SONO'S ABDUCTION AND KNEW THAT HE WAS KEPT ON HER PREMISES. THE COMMISSION FINDS, THEREFORE, THAT MADIKIZELA-MANDELA MUST ACCEPT RESPONSIBILITY FOR THE DISAPPEARANCE OF LOLO SONO AND SIBUNISO TSHABALALA.

THE COMMISSION FINDS THAT MEMBERS OF THE SOWETO POLICE WERE NEGLIGENT IN THEIR DUTY AND THAT, IF THEY HAD TAKEN QUICK AND DECISIVE ACTION REGARDING THE CHARGES LAID BY MR NICODEMUS SONO AND THE LATE MR TSHABALALA, BOTH LOLO SONO AND SIBUNISO TSHABALALA WOULD POSSIBLY STILL HAVE BEEN ALIVE.

- 49 The Commission and the SAPS mounted a joint exhumation in 1997, but were unable to locate any bodies at the site pointed out by Mr Jerry Richardson. The Attorney-General's office was requested to follow this up and examine a different site pointed out by Ms Xoliswa Falati.

Killing of Koekie Zwane

- 50 Ms Koekie Zwane, the girlfriend of an MUFC member known as 'Bothile', died of multiple stab wounds on 18 December 1988. She was allegedly suspected of being an informer and was killed by Mr Jerry Richardson. Richardson applied for amnesty for the murder of Koekie Zwane and alleges that she was killed on Ms Madikizela-Mandela's instructions after being branded as an informer.
- 51 Ms Madikizela-Mandela denies any knowledge of or involvement in this incident.

THE COMMISSION FINDS THAT MS KOEKIE ZWANE'S REAL NAME WAS PRICILLA MOSOEU, AND THAT SHE WAS AN ASSOCIATE OF THE MANDELA HOUSEHOLD. THE COMMISSION FINDS THAT MR JERRY RICHARDSON WAS INVOLVED IN THE KILLING OF ZWANE AND THAT, IN ALL PROBABILITY, MEMBERS OF THE MUFC ASSISTED HIM WITH THE KILLING.

Abductions and assaults of Pelo Mekgwe, Thabiso Mono, Kenny Kgase and Stompie Seipei

- 52 The events that occurred during the period late September 1988 to February 1989 resulted in one of the most serious crises ever experienced by the internal and external liberation movements. On 29 December 1989, four youths – Pelo Mekgwe, Thabiso Mono, Kenneth Kgase and Moeketsi Stompie Seipei – were abducted from the Methodist manse in Soweto and taken to the Mandela home in Diepkloof Extension. The youths were accused of engaging in sexual relations with the Reverend Paul Verryn, the priest who ran the manse, and Seipei was singled out and accused of being a police informer. All four youths were assaulted, Seipei severely.

- 53 In early January, Seipei's decomposing body was found in a river-bed on the outskirts of Soweto. His body and head were riddled with injuries and he had been stabbed in the neck three times.
- 54 For two weeks in early January, senior religious and community leaders negotiated with Ms Madikizela-Mandela to secure the release of the other youths held at the house. Madikizela-Mandela denied that they were being held against their will and stated that she had rescued them from sexual abuse at the manse. When the youths were eventually released and the story spread to the media, Madikizela-Mandela issued several statements and conducted interviews in which she attacked the church for orchestrating a massive cover-up. The war of words continued into February. Following the identification of Stompie Seipei's body, several members of the MUFC, including Mr Jerry Richardson, were arrested and charged with murder.
- 55 Just prior to these arrests, both the MDM and the ANC issued statements strongly criticising Ms Madikizela-Mandela and calling for the immediate disbanding of the football club.
- 56 Evidence to the Commission, by both perpetrators and victims, confirms that members of the MUFC and associates of the Mandela household abducted Pelo Mekgwe, Thabiso Mono, Kenny Kgase and Stompie Seipei from the Methodist manse in Orlando West on the evening of 29 December 1989.
- 57 Ms Madikizela-Mandela denied involvement in the abductions, assault and torture of the four youths and said that she was unaware that they were being held against their will. She alleges that she received false information from Jerry Richardson and Xoliswa Falati in this regard, and that she released the youths following the approach of various community leaders.

THE COMMISSION FINDS THAT THABISO MONO, PELO MEKGWE , KENNETH KGASE AND MOEKETSI STOMPIE SEIPEI WERE ABDUCTED FROM THE METHODIST MANSE IN ORLANDO ON 29 DECEMBER 1988 BY MR JERRY RICHARDSON, MEMBERS OF THE MUFC, MR JOHN MORGAN, MR KATIZA CEBEKHULU AND MS XOLISWA FALATI ON THE INSTRUCTIONS OF MS MADIKIZELA-MANDELA. THE COMMISSION FINDS FURTHER THAT THE ABDUCTED YOUTHS WERE SUBSEQUENTLY TAKEN TO MADIKIZELA-MANDELA'S DIEPKLOOF HOME, WHERE ALL FOUR YOUTHS WERE ASSAULTED IN THE BACK ROOMS OF THE PREMISES BY JERRY RICHARDSON, MEMBERS OF THE MUFC, XOLISWA FALATI AND KATIZA CEBEKHULU.

THE COMMISSION FINDS FURTHER THAT MADIKIZELA-MANDELA WAS PRESENT AT HER HOME AND NOT IN BRANDFORT AS SUBMITTED IN HER TRIAL, AND THAT SHE WAS PRESENT DURING THE ASSAULTS, AND INITIATED AND PARTICIPATED IN THE ASSAULTS.

THE COMMISSION FINDS THAT STOMPIE SEIPEI WAS FALSELY ACCUSED OF BEING A POLICE INFORMER AND WAS CONSEQUENTLY SUBJECTED TO THE MOST SEVERE ASSAULTS AND TORTURE.

THE COMMISSION FINDS THAT THE FOLLOWING PEOPLE WERE AMONGST THOSE INVOLVED IN THE ASSAULTS ON THE FOUR YOUTHS: MS WINNIE MADIKIZELA-MANDELA, MR JERRY RICHARDSON, MS XOLISWA FALATI, MS NOMPUMELELO FALATI, MR KATIZA CEBEKHULU, MS SKHUMBUZO MTHSHALI, MR GIFT MABELANE, MR JABU SITHOLE AND MR BRIAN MABUZA. THE COMMISSION FURTHER FINDS THAT MR GUYBON KHUBEKA WAS INVOLVED IN A SUBSEQUENT ASSAULT ON STOMPIE SEIPEI.

THE COMMISSION FINDS THAT THE ALLEGATIONS MADE BY CEBEKHULU, XOLISWA FALATI AND MADIKIZELA-MANDELA THAT THE REVEREND PAUL VERRYIN HAD SEXUALLY ABUSED YOUTHS RESIDENT AT THE METHODIST MANSE WERE UNFOUNDED AND WITHOUT ANY MERIT. THE COMMISSION FINDS ALSO THAT MADIKIZELA-MANDELA DELIBERATELY AND MALICIOUSLY SLANDERED VERRYIN AND THE CHURCH PUBLICLY IN AN ATTEMPT TO DIVERT ATTENTION AWAY FROM HERSELF AND THE ASSOCIATES OF HER HOUSEHOLD.

THE COMMISSION FINDS THAT XOLISWA FALATI WAS RESPONSIBLE FOR THE DISSEMINATION TO MEMBERS OF THE MANDELA HOUSEHOLD OF UNTESTED ALLEGATIONS ABOUT VERRYIN, AS WELL AS ALLEGATIONS THAT SEIPEI WAS AN INFORMER.

THE COMMISSION FINDS FURTHER THAT MADIKIZELA-MANDELA ACTIVELY RESISTED REPEATED EFFORTS BY THE MANDELA CRISIS COMMITTEE AND OTHER COMMUNITY AND RELIGIOUS LEADERS TO SECURE THE RELEASE OF THE YOUTHS BEING HELD AT HER HOUSE.

Killing of Stompie Seipei

- 58 Ms Madikizela-Mandela has denied any knowledge of or involvement in the killing of Stompie Seipei on 1 January 1989.
- 59 The Commission received three versions of this killing. Jerry Richardson, who was convicted for the murder and applied for amnesty, claimed that he killed Seipei on Madikizela-Mandela's instructions. Katiza Cebekhulu claimed that he witnessed Madikizela-Mandela stabbing Stompie Seipei, a version supported by John Morgan, who testified that he was instructed to dump Seipei's body. The third version was presented in the form of an unsigned, typed section 29 detention statement from Mr Johannes 'Themba' Mabothe, a Vlakplaas *askari* who frequented the Mandela home, which states that he was present at a meeting when Richardson informed Madikizela-Mandela that he had killed Seipei. Although this statement claims that Madikizela-Mandela was shocked at what Richardson had told her, it goes on to allege that she was directly involved in an attempt to spread misinformation that Seipei was alive and had been seen in a refugee camp in Botswana. A further version, suggested by former Security Branch policeman Paul Erasmus, is that Richardson killed Seipei because he (Seipei) had found out that Richardson was an informer.

- 60 The various versions, with the exception of that of Erasmus, all implicate Ms Madikizela-Mandela, either directly or indirectly, in Seipei's murder or its attempted cover-up. The Commission has not been able to establish conclusively the veracity of any of these versions, including Erasmus's. Each version was explored in the Investigation Unit's report to the Commission. A number of other possibilities also exist, including the option that Seipei was killed because his injuries were so severe.

IN THE LIGHT OF THE CORROBORATIVE TESTIMONY THAT PLACES MS MADIKIZELA-MANDELA ON THE SCENE, AND IMPLICATES HER IN THE ASSAULTS, THE COMMISSION FINDS THAT IN ALL PROBABILITY SHE WAS AWARE OF SEIPEI'S CONDITION AND FAILED, AS HEAD OF THE HOUSEHOLD, TO TAKE RESPONSIBILITY BY ARRANGING MEDICAL TREATMENT FOR SEIPEI (AND THE OTHER YOUTHS), COMPOUNDING HER OWN COMPLICITY.

THE COMMISSION FINDS THAT MADIKIZELA-MANDELA'S SUBSEQUENT PUBLIC STATEMENTS ABOUT SEIPEI'S BODY AND HER ALLEGED LINK THROUGH MABOTHA TO THE RUMOURS OF SEIPEI BEING SEEN AT THE DUKWE REFUGEE CAMP IN BOTSWANA WAS AN ATTEMPT TO DEFLECT ATTENTION AWAY FROM HERSELF AND HER HOUSEHOLD BY DISSEMINATING FALSE INFORMATION REGARDING SEIPEI. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA FAILED TO DISCLOSE TO COMMUNITY LEADERS THAT SEIPEI HAD BEEN AT HER HOUSE.

THE COMMISSION FINDS THAT STOMPIE SEIPEI WAS LAST SEEN ALIVE AT THE HOME OF MADIKIZELA-MANDELA AND THAT SHE WAS RESPONSIBLE FOR HIS ABDUCTION FROM THE METHODIST MANSE AND WAS NEGLIGENT IN THAT SHE FAILED TO ACT RESPONSIBLY IN TAKING THE NECESSARY ACTION REQUIRED TO AVERT HIS DEATH.

Attempted killing of Lerotodi Ikaneng

- 61 Mr Lerotodi Ikaneng and Mr Gift Ntombeni, former members of the MUFC, testified that Ms Madikizela-Mandela assaulted them and accused them of being informers approximately six weeks before the attempt on Ikaneng's life on 3 January 1989 by members of the MUFC and associates of the Mandela household.
- 62 Ikaneng made a statement to the police regarding Mr Sizwe Sithole's involvement in the killing of Mr Thole Dlamini, and this made him a target for the MUFC. It is therefore most probable that Ikaneng's life was at risk from the MUFC and, in this particular case, from the MUFC's patrons, Ms Madikizela-Mandela and her daughter, Ms Zindzi Mandela-Hlongwane. Ikaneng alleged that it was Mandela-Hlongwane who accused him of being an informer. It is probable that she was upset that Ikaneng had implicated her boyfriend, Sithole. According to Ikaneng, Mandela-Hlongwane had already accused him and several other MUFC members of being 'sell-outs' when he was still a member of the MUFC.

- 63 Jerry Richardson confirmed that he led the attack on Ikaneng on 3 January, accompanied by other MUFC members and the three abducted youths. Richardson and Gift Ntombeni corroborated Ikaneng's allegation that he was labelled as an informer by Ms Madikizela-Mandela and/or her daughter. Richardson claimed that he had killed Ikaneng and that he was congratulated by Madikizela-Mandela when he told her this.
- 64 There is no apparent motive for Ikaneng to implicate Ms Madikizela-Mandela falsely in the attempts on his life. He had already testified against Richardson, who stabbed him in the throat. There is no evidence to suggest that Ikaneng was working for the police. Both Ikaneng and Ntombeni had insight into how the MUFC operated and knew of Madikizela-Mandela's close relationship with it.
- 65 Ms Madikizela-Mandela denied knowledge of the attack on Lerotodi Ikaneng and the alleged reasons for it.

THE COMMISSION FINDS THAT MR LEROTODI IKANENG, ONE OF THE ORIGINAL MEMBERS OF THE MUFC, WAS RESIDENT AT THE ORLANDO WEST HOME OF MS MADIKIZELA-MANDELA. THE COMMISSION FINDS FURTHER THAT IKANENG LEFT THE MADIKIZELA-MANDELA HOUSEHOLD IN AUGUST 1988, FOLLOWING THE ARSON ATTACK ON THE PROPERTY. THE COMMISSION FINDS FURTHER THAT MEMBERS OF THE MUFC MADE SEVERAL ATTEMPTS ON IKANENG'S LIFE FOLLOWING HIS DEPARTURE FROM THE MANDELA HOUSEHOLD. HE WAS ACCUSED OF BEING A POLICE INFORMER AFTER PROVIDING THE POLICE WITH A STATEMENT NAMING SIZWE SITHOLE AS THE MURDERER OF MR THOLE DLAMINI.

THE COMMISSION FINDS THAT MADIKIZELA-MANDELA WAS INVOLVED IN AND RESPONSIBLE FOR THE ATTEMPTED MURDER OF IKANENG.

Killing of Dr Abubaker Asvat

- 66 Dr Abubaker Asvat was shot dead in his surgery in Rockville, Soweto, in the early evening of 27 January 1989. Mr Thulani Dlamini and Mr Zakhele Mbatha were subsequently charged and convicted for his murder. Media reports, speculation and a confession by Dlamini suggested that Ms Madikizela-Mandela was somehow involved in the murder.
- 67 Confusing and contradictory allegations by the convicted murderers, coupled with unsubstantiated allegations from Mr Katiza Cebekhulu, did not provide the Commission with any clarity regarding the Asvat murder and the alleged involvement of Ms Madikizela-Mandela. Indeed, the entire case remains unsolved as there are numerous statements from Dlamini as far back as 1980, in which he consistently maintained that Madikizela-Mandela offered him money to kill Dr

Asvat. These are riddled with contradictions, which he claimed to have inserted deliberately in each version. Neither Dlamini nor Mbatha, who actually shot Asvat, provided the Commission with credible testimony or coherent reasons for the contradictions in their various versions.

- 68 The allegation that Dr Asvat saw Stompie Seipei before his murder and was a witness to his condition is supported by direct and indirect witness testimony. It is, however, denied by Ms Madikizela-Mandela. Other witnesses who were at the Mandela home also denied that they saw Dr Asvat at the house during this period.
- 69 Quotations attributed to Ms Madikizela-Mandela in the *Sunday Times* two days after the murder, linking Asvat's death to her allegations of Verryn's sexual abuse of the boys, have been rejected by Madikizela-Mandela as fabrication. This denial is part of a broader pattern of denials regarding quotations and stories attributed to her in the media at this time. It is, however, noteworthy that she made no attempt during this period, or subsequently before the hearings, to deny that she had ever said these things.
- 70 The death of Dr Abubaker Asvat, and the subsequent linking of his death with the sexual abuse allegations surrounding the Reverend Paul Verryn, raised serious concerns which the Commission was unable to unravel. The Commission was not, however, able to verify allegations that Ms Madikizela-Mandela was involved in Dr Asvat's murder and is still unsatisfied as to the reasons why media reports linked the two incidents.

THE COMMISSION FINDS THAT THE MURDER AND ROBBERY DETECTIVES INVESTIGATING DR ASVAT'S MURDER WERE HASTY IN THEIR ASSUMPTIONS THAT THIS WAS A STRAIGHTFORWARD CASE OF ROBBERY, AND WERE NEGLIGENT IN THEIR FAILURE TO EXAMINE THE APPARENT CONNECTION BETWEEN DLAMINI AND CEBEKHULU'S STATEMENTS. IT IS DIFFICULT TO UNDERSTAND HOW SUCH AN OMISSION COULD HAVE BEEN MADE, UNLESS ONE ACCEPTS THAT INFORMATION OF THIS NATURE WAS NOT SHARED IN PRIORITY INVESTIGATIONS WITHIN THE SAME POLICE UNIT. IN THIS CONTEXT, THE INVESTIGATION ALSO FAILED TO ACCESS POTENTIALLY VITAL INFORMATION FROM THE SECURITY BRANCH AND ITS RECORDS OF TELEPHONE TRANSCRIPTS AND OTHER INTELLIGENCE INFORMATION.

Killing of Maxwell Madondo and attempted killing of Sibusiso Chili and Lerotodi Ikaneng

- 71 Mr Maxwell Madondo was killed on 13 February 1989. Several members of the Chili family, Mr Lerotodi Ikaneng and two others were charged with murder. Central to their defence was the assertion that Madondo had been killed in self-

defence and that he had been sent from the Mandela house with two others to kill Mr Sibusiso Chili and Ikaneng. In somewhat unusual circumstances, the State accepted a statement from Mr Katiza Cebekhulu in which he claimed to have accompanied Madondo on a 'mission' to kill Chili and Ikaneng on the instructions of Ms Madikizela-Mandela.

- 72 The assertion that the MUFC wanted to kill these two was supported by an alleged hit list found on the Mandela property during a police raid on 19 February. This list contained the names of Chili, Ikaneng and other youths, including Ms Albertina Sisulu's nephews, who had also had problems with the football club. Inexplicably, no subsequent investigations were conducted into this admission. The court found Sibusiso Chili guilty of murder, but accepted the mitigating circumstances that his life was under threat at the time. He was sentenced to six years' imprisonment.
- 73 Testimony from several witnesses, including a statement from a former MUFC member who warned both Ikaneng and the Chili family about the impending attack, supports the allegation that they were targets of the MUFC.
- 74 Several witnesses testified that Ms Madikizela-Mandela came to the scene after Madondo's death. Her former driver, John Morgan, testified that he drove her to the scene.
- 75 Ms Madikizela-Mandela acknowledged that she knew Madondo, but denied any knowledge of this incident, the circumstances surrounding his death or the identity of the killer.

THE COMMISSION FINDS THAT MADONDO WAS KILLED AS A RESULT OF ACTIONS TAKEN BY THE MEMBERS OF THE MUFC AND OTHER ASSOCIATES OF THE MANDELA HOUSEHOLD TO ABDUCT AND/OR KILL SIBUSISO CHILI. THE COMMISSION CANNOT CONFIRM THAT MS MADIKIZELA-MANDELA WAS DIRECTLY INVOLVED IN THE DECISION THAT RESULTED IN THE ACTIONS TAKEN TO APPREHEND CHILI.

THE COMMISSION FINDS, HOWEVER, THAT ON A BALANCE OF PROBABILITIES MS MADIKIZELA-MANDELA DID GO TO THE SCENE OF THE MURDER AS ALLEGED BY THE WITNESSES.

Killing of Finkie Msomi

- 76 On the evening of 22 February 1989, the home of Ms Dudu Chili (mother of Sibusiso Chili) was attacked and burnt down. Her thirteen-year-old niece Finkie Msomi was shot dead in the attack. Mr Katiza Cebekhulu alleged that he was present at a meeting at which Ms Madikizela-Mandela said that Madondo's death had to be avenged and that the Chili family were 'sell-outs'.

- 77 An internally trained MK member and associate of the Mandela household, Mr Charles Zwane, was convicted for the killing. He denied any involvement in the incident and claimed that members of the Soweto Murder and Robbery Unit tortured him into a confession.

THE COMMISSION FINDS THAT FINKIE MSOMI, A MEMBER OF THE CHILI FAMILY, WAS MURDERED BY AN MK COMMANDER AND MEMBERS OF THE MUFC IN A RETALIATORY ATTACK FOR THE KILLING OF MAXWELL MADONDO. THE COMMISSION FINDS FURTHER THAT THE HOUSE OF MS DUDU CHILI, THE MOTHER OF SIBUSISO CHILI, WAS PETROL-BOMBED AND SET ALIGHT BY MEMBERS OF THE MUFC AND THE AFORESAID MK COMMANDER, ALSO IN REVENGE FOR THE KILLING OF MAXWELL MADONDO BY MEMBERS OF THE MUFC AND /OR ASSOCIATES OF THE MANDELA HOUSE.

- 78 Although the club was theoretically disbanded at this stage, a number of youths associated with the club and MK remained close to the Mandela household. Although one cannot discount the possibility that Zwane was tortured by members of the Murder and Robbery Unit, he was not convicted for the killing of Finkie Msomi on the basis of a confession alone. In mitigation, Zwane's advocate accepted that the attack on the Chili house was motivated by revenge and that Zwane was heavily influenced by the dominant personality of Ms Madikizela-Mandela.
- 79 Ms Madikizela-Mandela denied any knowledge of the circumstances surrounding or involvement in the decision to attack the Chili home. All she knew, she said, was what she read in the newspapers. She denied any conflict between herself and Ms Dudu Chili.
- 80 Ms Madikizela-Mandela's apparent ignorance about the circumstances and people involved in the attack on the Chilis' house, as well as the fact that it was related directly to the killing of another person who stayed at her house, is improbable. It is not feasible, in the context of the community condemnation of her club and the close proximity of a number of community leaders as a result of these problems, that she could have been so isolated from the events of mid- to late February. Although it is quite possible that she had little control over the actions of some of the youths associated with her and her household, it is improbable that she was as unaware of the events and circumstances as she claims.

Assault and murder of Themba Mabotha

- 81 Mr Themba Mabotha was allegedly an *askari* who absconded from Vlakplaas in 1988 and subsequently became an associate of the Mandela household. He was allegedly involved in the assaults on the youths abducted from the Methodist manse and also a potential witness in the Seipei murder investigation.

- 82 Following his arrest and assault by members of the Soweto Security Branch and Vlakplaas, Mabotha was detained for a period of almost eight months. According to available detention registers, Mabotha was detained in April and released in October. Security policemen involved in his arrest, however, have testified that he was arrested in February. No explanation has been given for the six- to seven-week period between the time of his arrest and his registration as a detainee.
- 83 According to Captain Jan Potgieter, Mabotha was to have been used as a State witness against Ms Madikizela-Mandela in a pending treason trial for which he (Potgieter) had been conducting investigations for over two years. He testified that the failure of the Witwatersrand Attorney-General to make a decision regarding this prosecution had left him in a dilemma, as he was unable to obtain an extension on Mabotha's detention. He wanted him to be available should a subsequent decision be made to prosecute Madikizela-Mandela, and said that he requested Colonel Eugene de Kock to keep him at Vlakplaas. He claimed that, at the time, he had no idea of the nature of Vlakplaas operations.
- 84 Eugene de Kock testified, however, that he had been contacted by Potgieter and had inferred, from the tenor of their conversation, that Mabotha was to be killed. De Kock reasoned that Mabotha had been involved in shooting two policemen and that "it would happen again and had to be prevented". De Kock explained that he did not receive an order from anyone to kill Mabotha, but that Potgieter's intentions were clear. They had worked together in *Koevoet* in South West Africa and he said that he and Potgieter "understood each other well".
- 85 Both Potgieter and De Kock applied for amnesty for Mabotha's death. Their versions are conflicting and no finding had been made at the time of reporting as the matter was still to be heard.

Death of Sizwe Sithole

- 86 Mr Sizwe Sithole died in police custody at John Vorster Square on 3 February 1990. A Judicial Commission of Inquiry found that Sithole had committed suicide. Evidence before the Commission showed that Sithole had admitted his involvement in several murders (including the murder of Mr Thole Dlamini) and had also implicated Ms Madikizela-Mandela and Ms Mandela-Hlongwane. Details of these allegations were written down during five hours of interrogation on the day of Sithole's death. The notes taken down by Jan Augustyn, the policeman involved in the interrogation, were never made public. The Commission has not been able to gain access to these notes.

- 87 Mr Katiza Cebekhulu alleged that he had been instructed by Ms Madikizela-Mandela to tip off the police regarding illegal weapons in Sithole's possession.
- 88 Ms Madikizela-Mandela has categorically denied Cebekhulu's allegations.

THE COMMISSION FOUND NO EVIDENCE TO SUPPORT CEBEKHULU'S ALLEGATION AGAINST MS MADIKIZELA-MANDELA. WITHOUT THE EVIDENCE PRESENTED TO THE COMMISSION OF INQUIRY, THE COMMISSION WAS UNABLE TO MAKE ANY FINDINGS REGARDING THE ADMISSIONS AND ALLEGATIONS ALLEGEDLY MADE BY SITHOLE.

Abduction of Katiza Cebekhulu

- 89 Mr Katiza Cebekhulu, a co-accused of Ms Madikizela-Mandela at her trial for kidnapping and assault, disappeared shortly before the trial and re-emerged in a Zambian prison, where he was detained without trial for almost three years.
- 90 Ms Madikizela-Mandela has denied any knowledge of or involvement in the abduction of Cebekhulu.
- 91 Katiza Cebekhulu was taken out of the country and placed illegally in a Zambian prison at the request of the ANC with the assistance of the Zambian authorities. Former Zambian President Kenneth Kaunda admitted that the ANC requested his assistance with Cebekhulu. Although he indicated that this was done for his own safety, it is more likely that it was done to protect Ms Madikizela-Mandela from his possible disclosures and avoid the embarrassment that he would cause to the ANC. The ANC had good reason to believe that the authorities would try to use any information disclosed by Cebekhulu, as evidenced by the disclosure of STRATCOM documents revealing the dissemination of disinformation regarding the ANC by the SAP during this period.
- 92 The ANC has never taken responsibility for its actions regarding Cebekhulu. Ms Madikizela-Mandela's assertion that she was not directly involved in at least the initial hand-over of Cebekhulu is contradicted by the testimony of both Morgan and Cebekhulu. Advocate Semanya attempted to discredit Cebekhulu's version on the basis that he said 'Shell House' instead of 'Sauer Street' – a relatively minor detail, considering that there is no other version available as to how he was placed in the ANC's custody. Madikizela-Mandela's contention that she had nothing to gain from Cebekhulu's incarceration is not credible, as her interests would appear to be the very reason that he was taken out of the country.

■ THEMES

The Mandela United Football Club

- 93 The Mandela United Football Club (MUFC) was the source of considerable violence and controversy between 1987 and 1989. Whilst Ms Madikizela-Mandela denied this, both the liberation movement externally and the MDM internally recognised it and stated so clearly in their statements of 16 February 1989. In the face of criticism and concerns raised by senior leaders of the liberation movement both at home and in exile, as well as the outrage of the local community, it is difficult to understand why she failed to recognise the threat that the club was posing and how damaging this was to herself. Her reluctance to disband the club is inexplicable.
- 94 Ms Madikizela-Mandela denied in her testimony that there was a close relationship between her and the youths who lived on or frequented her property. However, the testimony of former MUFC members, and of individuals who tried to dissuade her from this association, indicates that Madikizela-Mandela took a much more active interest than she has admitted. The MDM statement affirms this:

Not only is Mrs Mandela associated with the team, in fact the team is her own creation.

Madikizela-Mandela's relationship with community structures

- 95 The evidence before the Commission clearly shows that Ms Madikizela-Mandela was not accountable to any of the internal community or political structures at the time. Repeated efforts by the Mandela Crisis Committee and other community leaders to bring her into line were either ignored or repudiated. The MDM in their statement went on to say:

We are of the view that Mrs Mandela has abused the trust and confidence which she has enjoyed over the years. She has not been a member of any of the democratic structures of the UDF [or] Cosatu and she has often acted without consulting the democratic movement.

Numerous efforts have been made to reconcile the conflict between Mrs Mandela and the community. The last of these efforts was the formation of the crisis committee of some of our most respected members. On every occasion, Mrs Mandela has chosen to disregard the sentiments of the community.

- 96 It is, however, evident that the internal leadership was stymied and finally reacted in the way they did because Ms Madikizela-Mandela's intransigence had given them no other option.
- 97 In a statement released externally, the ANC said the following:

In the light of reports about its activities in the recent past, our organisation, complementing the initiatives of leading personalities of the Mass Democratic Movement, tried to use its influence to bring about the disbanding of the group. Unfortunately our counsel was not heeded by Comrade Winnie Mandela. The situation has been further complicated by the fact that she did not belong to any structures and therefore did not benefit from the discipline, counselling and collectivity of the Mass Democratic Movement.

Denials and allegations

- 98 Ms Madikizela-Mandela's testimony before the Commission was characterised by a blanket denial of all allegations against her and of the attempts by the community leadership to defuse the situation arising from the abduction debacle. A detailed examination of some of these denials is contained in the investigation report. The picture that she sought to paint of herself was that she was right and that everybody else was wrong. She called her former associates "ludicrous" and "ridiculous" and failed to recognise that these were the same individuals who had tried to support her in the face of criticism from community leaders.
- 99 These denials were complemented by a series of allegations and insinuations about individuals and structures that provided information about her role and involvement in the events of this period. She refused to take responsibility for any wrongdoing. It was only at the end of her testimony, under great pressure from Archbishop Desmond Tutu, presiding over the proceedings, that she reluctantly conceded that "things had gone horribly wrong".

The South African Police

- 100 Evidence before the Commission shows that the Security Police were involved in a concerted disinformation campaign against the ANC and the South African Communist Party, and that Ms Madikizela-Mandela was a prominent target in the Witwatersrand region. Security policemen from Soweto admitted that she had been under constant electronic surveillance by means of telephone taps

and bugs. They also admitted that Mr Jerry Richardson had acted as an informer. It is probable that other informers had also infiltrated the club.

- 101 The testimony of former Soweto security policemen was, however, characterised by a lack of candour in disclosing the nature of their operations regarding Ms Madikizela-Mandela, the MUFC and other associates of the Mandela household.
- 102 Although the Security Branch was aware of the close relationship between the MUFC and MK, none of the officers who testified acknowledged that the football club was of particular importance to them. The officer in charge of investigations regarding Ms Madikizela-Mandela testified that he was totally unaware that one of his colleagues was handling an informer inside the football club. All the Soweto policemen denied involvement in any STRATCOM activities against Madikizela-Mandela, contradicting the testimony of Security Branch officers from Pretoria and the Witwatersrand division who testified that she was a prominent subject for STRATCOM operations.
- 103 The testimony of former Soweto Security Branch members created the impression that they were at best uncoordinated and unprofessional. Having admitted that Ms Madikizela-Mandela was the most high-profile political figure in their jurisdiction, they were virtually unable – with the exception of one or two witnesses – to provide any details regarding their activities concerning her, apart from a few items that were included verbatim in each of their written submissions.
- 104 Like their former Murder and Robbery Unit colleagues, they denied adopting a strategy of lenience in regard to cases involving Madikizela-Mandela and asserted that the responsibility for decisions regarding these investigations rested with the Attorney-General. There was a general admission that one had to be extremely cautious when dealing with the Madikizela-Mandela. The Commission was left with the distinct impression that the Attorney-General was at pains not to prosecute her. Madikizela-Mandela's subsequent prosecution in the kidnapping trial, albeit over twenty-seven months after the abductions, suggests that the authorities had been left no other option in the light of the revelations of Richardson's trial the previous year. Strategic decisions with regard to the investigation and prosecution of Madikizela-Mandela appear to have been influenced strongly by the political circumstances and sensitivities of this period.
- 105 It is also evident that the chaos emanating from the Mandelas' backyard had useful political ramifications for the police, as it created a discord within the q liberation movement that the authorities themselves had never been able to achieve.

106 Findings against the police will be made once the amnesty hearings of police members have been completed.

The ANC

107 Although the Commission took into consideration the prevailing circumstances of the time, the ANC must bear some responsibility for not taking a more determined stance regarding the controversy surrounding Ms Madikizela-Mandela, particularly in the period following the unbanning of the organisation. The apparent complicity of elements within the ANC to obstruct the course of justice by removing witnesses and co-accused in the kidnapping and assault trial is a case in point.

Winnie Madikizela-Mandela's attitude towards the Commission

108 Madikizela-Mandela chose not to submit a statement to the Commission detailing the human rights violations she suffered at the hands of the apartheid government and its security forces. She indicated during her first *in camera* hearing in September 1997 that she had intended to do this, but had changed her mind as a result of the treatment she received at the hands of the Commission. She was particularly upset that she had learnt of her pending *subpoena* through the media, and was disconcerted that she had been *subpoenaed* and not invited to appear before the Commission. She considered this a hostile and unnecessary action. In this regard, the Commission handled the matter badly and must apologise to Ms Madikizela-Mandela. The Commission itself recognises the enormous contribution that she made to the liberation struggle. For over two decades she suffered anguish in her separation from her husband, as well as persecution, banishment, imprisonment, torture and harassment at the hands of the former government.

109 During the public hearings, Madikizela-Mandela made strong inferences that the Commission had colluded with the ANC in arranging for the hearing to coincide with the pending ANC national conference and that this was part of a wider conspiracy to undermine her attempts to become the Deputy-President of the ANC. The Commission denied this allegation emphatically and reaffirms that position. It should also be pointed out that Madikizela-Mandela herself requested a public hearing. The dates for the hearing were settled with her legal representatives.

110 Ms Madikizela-Mandela was a reluctant witness at both the *in camera* and the public hearings. While the Commission was obliged on occasion to present to her allegations that may have appeared far-fetched, it became evident at times that she regarded

this as a personal vendetta being waged against her by the Commission. This might also explain her contemptuous attitude towards certain witnesses and her reprimands to those who asked her questions that she did not like.

THE COMMISSION FINDS THAT MS MADIKIZELA-MANDELA WAS CENTRAL TO THE ESTABLISHMENT AND FORMATION OF THE MUFC. THE COMMISSION FINDS THAT CLUB DEVELOPED INTO A PRIVATE VIGILANTE UNIT OPERATING AROUND MADIKIZELA-MANDELA AND FROM HER HOUSES IN BOTH ORLANDO WEST AND DIEPKLOOF. THE COMMISSION FINDS THAT THE ARSON ATTACK ON THE MANDELA HOME IN ORLANDO WEST IN JULY 1988 WAS A MANIFESTATION OF THE COMMUNITY'S ANGER AGAINST MADIKIZELA- MANDELA AND THE FOOTBALL CLUB. THE COMMISSION FINDS THAT POLITICAL, COMMUNITY AND CHURCH LEADERS REQUESTED MADIKIZELA-MANDELA TO DISBAND THE FOOTBALL CLUB. THESE REQUESTS WERE NOT ACCEDED TO AND THE LEADERS WERE SCORNE BY MADIKIZELA-MANDELA.

THE COMMISSION FINDS THAT THE MUFC WAS INVOLVED IN A NUMBER OF CRIMINAL ACTIVITIES IN THE COMMUNITY, INCLUDING KILLING, TORTURE, ASSAULTS AND ARSON. THE COMMISSION FINDS THAT MS MANDELA WAS AWARE OF THE CRIMINAL ACTIVITY AND THE DISQUIET IT CAUSED IN THE COMMUNITY AND DELIBERATELY CHOSE NOT TO ADDRESS THE PROBLEMS EMANATING FROM THE FOOTBALL CLUB.

THE COMMISSION FINDS THAT THOSE WHO OPPOSED MADIKIZELA-MANDELA AND THE MUFC, OR DISSENTED FROM THEM, WERE BRANDED AS INFORMERS, THEN HUNTED DOWN AND KILLED. THEIR LABELLING AS INFORMERS WAS DEEMED TO JUSTIFY THESE KILLINGS.

THE COMMISSION FINDS THAT MEMBERS OF THE FOOTBALL CLUB OPERATED FROM MADIKIZELA-MANDELA'S HOUSE AND THAT SHE HAD KNOWLEDGE OF THE CLUB MEMBERS' ACTIVITIES AND/OR AUTHORISED AND/OR SANCTIONED THEM.

THE COMMISSION FINDS MS WINNIE MADIKIZELA MANDELA POLITICALLY AND MORALLY ACCOUNTABLE FOR THE GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED BY THE MUFC. THE COMMISSION FINDS THAT MS MADIKIZELA-MANDELA FAILED TO ACCOUNT TO THE COMMUNITY AND POLITICAL STRUCTURES. THE COMMISSION FINDS THAT MADIKIZELA-MANDELA WAS RESPONSIBLE, BY OMISSION, FOR THE COMMISSION OF GROSS VIOLATIONS OF HUMAN RIGHTS.

■ CONCLUSIONS

- 111 There can be no doubt that Ms Madikizela-Mandela was central to the establishment and formation of the MUFC. Club members were involved in at least eighteen killings, for which many of them are still serving prison sentences. Many of the operations which led to the killings were launched from her homes. Witnesses who appeared before the Commission implicated her in having known of these matters, in having actively participated in assaults or in having assisted in cover-ups and obstructing the course of justice. She denied all these allegations. In a number of incidents, people were labelled as informers, which 'legitimated' their execution by MUFC members. In this context, the Commission cannot ignore the paranoia that existed at the time regarding informers. There is no doubt that

being under constant surveillance and living under siege may have made a considerable contribution to what eventually happened.

- 112 What is tragic is that so heroic a figure as Ms Madikizela-Mandela, with her own rich history of contribution to the struggle, became embroiled in a controversy that caused immeasurable damage to her reputation. There can be no doubt that she showed poor judgment in ignoring the advice of the community leaders and members of the MDM. The Commission has been unable to arrive at a satisfactory conclusion as to what went wrong, why Madikizela-Mandela was not accountable to the democratic structures inside the country, what influence the external liberation movement had over her, why she surrounded herself with persons of the calibre of Jerry Richardson and Xoliswa Falati, or why she became so isolated from democratic and community structures.
- 113 The Commission cannot but state that both the MDM and the ANC must accept responsibility for not bringing her into the fold or disciplining her when things were beginning to go wrong. This could perhaps have prevented some of the events that unfolded during that tragic period.
- 114 It is regrettable that Ms Madikizela-Mandela did not use the hearings as a forum to take the Commission and the nation into her confidence in order to shed light on the circumstances that resulted in the chaos and violence that emanated from her household. This would have assisted in the process of separating wild allegation from the morass of claims made against her.
- 115 There can be no doubt that there were forces at work that aimed to sow discord between Ms Madikizela-Mandela and the Soweto community and the liberation movements. The infiltration of the club by one or more police informers and the manipulation of events and circumstances by the security forces exacerbated the ensuing discord. These factors cannot, however, be held solely responsible either for the causes or the consequences of this conflict.
- 116 The Mandela United Football Club phenomenon was replicated in the vigilante actions of other, similar groups across the country during this period. The fundamental difference, however, was that this group enjoyed the patronage, support and protection of Ms Madikizela-Mandela and the prestige of association with the Mandela name. The club was initially admired by many in the local community, but within a few years became feared and loathed as it engaged in a series of acts of terror against its perceived enemies and those that defied its authority. Madikizela-Mandela's proximity to these events is as undeniable as her complicity.